

Washington State Register

NOVEMBER 3, 1993

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filed not later than October 20, 1993

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 November 1993 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

Raymond W. Haman
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Code Reviser

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Editor

Joyce Matzen
Subscription Clerk

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 OF 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].

1993 - 1994
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Hearing Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² 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>
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
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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
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94-02	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 8
94-03	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 2	Feb 22
94-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
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94-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
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¹All 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.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

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;

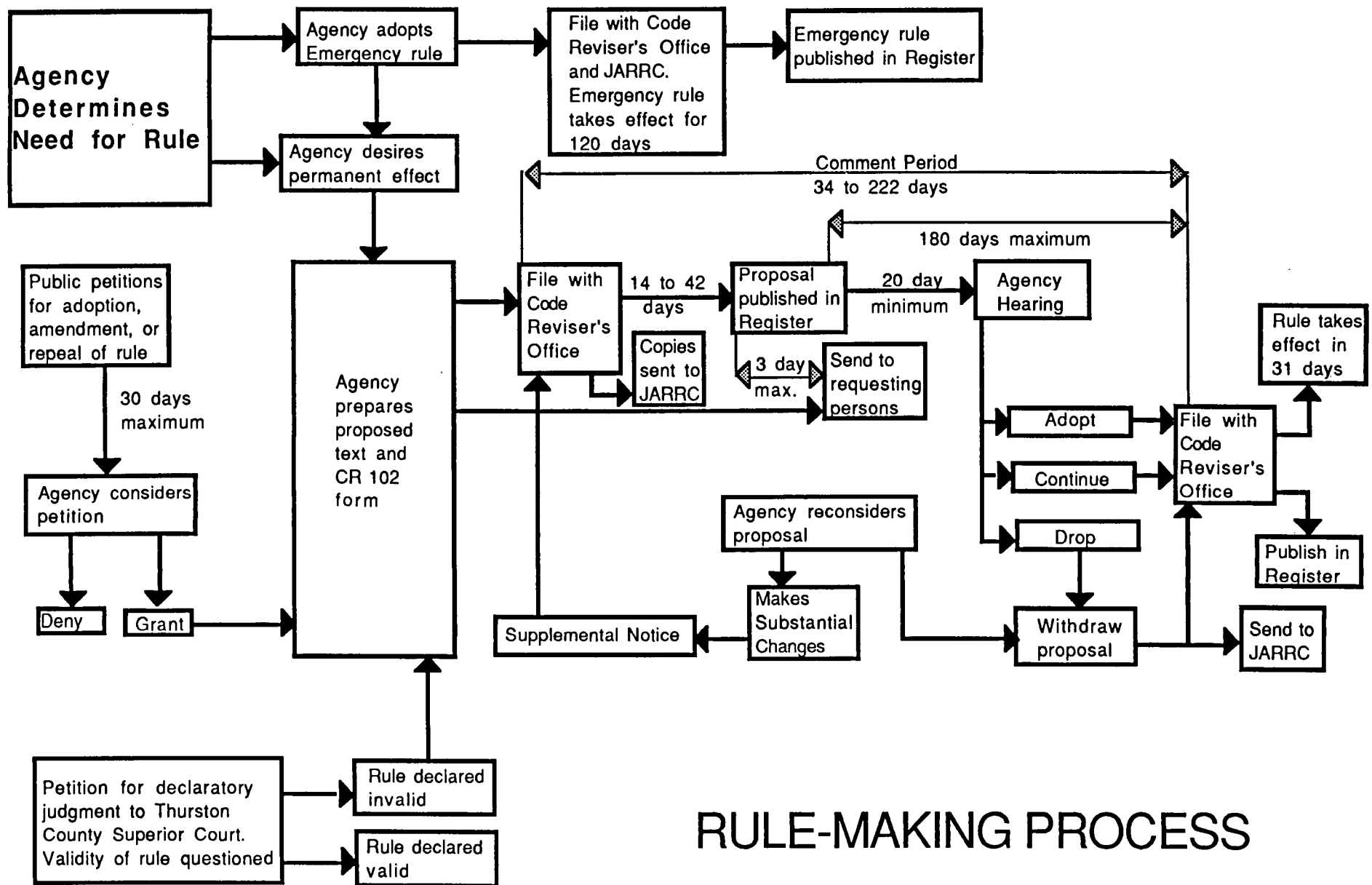
There is no economic impact on business;

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 93-21-009
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 [Filed October 8, 1993, 1:50 p.m.]

The Washington State Department of Transportation is withdrawing WAC 468-38-100 from Notice No. WSR 93-17-067 filed with the code reviser on August 17, 1993.

As a result of concerns raised, more time is needed to review this revision. We may refile at a later date.

WSR 93-21-019
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed October 11, 1993, 4:27 p.m.]

Please be advised the Washington State Liquor Control Board has decided to withdraw proposed language modifying WAC 314-16-050, 314-16-150, and 314-12-142 as filed on August 17, 1993, as WSR 93-17-068, 93-17-069, and 93-17-070.

The board will revise the existing language, incorporate suggestions obtained in earlier hearings and resubmit the amendatory section to the WAC at a later date.

Jack Rabourn
 Acting Chairman

WSR 93-21-023
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed October 13, 1993, 9:49 a.m.]

Original Notice.

Title of Rule: New section, Refunds—Payment under protest requirements.

Purpose: This rule clarifies the procedures relative to obtaining court ordered refunds of property tax paid under protest.

Statutory Authority for Adoption: RCW 84.08.070.

Statute Being Implemented: RCW 84.68.020.

Summary: This rule sets out the proper procedure to obtain a court ordered refund of property tax.

Name of Agency Personnel Responsible for Drafting: James Winterstein, 711 Capitol Way, #303, Olympia, (206) 586-4283; Implementation: Les Jaster, 711 Capitol Way, #303, Olympia, (206) 586-7150; and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains the procedures for obtaining refunds of property tax after payment under protest. It includes both statutory and case law requirements. The clarification of the process and the notice provision should result in a better understanding of the payment under protest requirements for all concerned.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses.

A small business economic impact statement is not required for the following reason(s): Negligible impact. The requirement that the taxpayer make a separate written statement protesting the tax liability would have a negligible economic impact on any small business; and the separate written protest process is the result of court decisions, and the department is not empowered to change the court's interpretation of the statute which is the basis for this rule.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on November 23, 1993 at 9:30 a.m.

Submit Written Comments to: Jim Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47467, FAX (206) 664-0972, Olympia, WA 98504-7467, by November 23, 1993.

Date of Intended Adoption: November 30, 1993.

October 13, 1993

William N. Rice
 Assistant Director

NEW SECTION

WAC 458-18-215 Refunds—Payment under protest requirements. (1) **Introduction.** This rule explains and implements the procedures to be followed to comply with RCW 84.68.020. This statute imposes the requirement that property taxes be paid under protest in order to preserve the taxpayer's right to bring an action in court for a refund. The intent of the rule is to clarify the rights and responsibilities of taxpayers with respect to paying taxes under protest. This rule does not explain nor apply to the provisions of chapter 84.69 RCW, which describe alternative procedures for obtaining property tax refunds in factual circumstances that do not require the tax to be paid under protest.

(2) **What constitutes a valid protest.** In order to preserve a right to bring an action in court for refund of any property tax paid, a taxpayer must at the time of payment of the tax, submit to the county treasurer a written protest setting forth all of the grounds upon which the tax, or any portion of the tax, is claimed to be unlawful or excessive. When the taxpayer pays the tax in two installments, the right to bring an action in court for refund of any property tax paid is preserved if a written protest, as provided in this section, accompanies each installment payment or if a written protest, as provided in this section, accompanies the first installment payment and indicates that the protest is a continuing protest with respect to the taxes payable for the entire year. No protest accompanying a tax payment shall be deemed to include protest of taxes due in succeeding years. A statement on a check or money order that the tax is being paid under protest is not sufficient to preserve the right to seek a refund in court. Any tax paid without a written protest, as provided in this section, is considered to be voluntarily paid and nonrefundable.

(3) **Sufficiency of protest.** The written protest is intended to provide the taxing authorities with notice that the taxpayer is disputing the right to collect the tax and also to

provide notice to the taxing authorities of the grounds upon which the taxpayer bases the protest. Any written protest which clearly states that the taxpayer disputes liability for the tax or a part thereof, and states all the reasons for the dispute constitutes a sufficient notice and a sufficient written protest for the purposes of this section. When the taxpayer submits a written protest as provided in this section, the taxpayer is thereafter prohibited from raising other or additional grounds as the basis for the dispute.

(4) **Notice to taxpayers of protest requirement.** A prominent notice of the written protest requirement shall be included as part of, or enclosed with, property tax statements. One sample notice is as follows: To preserve your right to seek a court ordered refund, you must submit a separate written statement to the county treasurer at the time you pay the tax stating: You are paying the tax or a portion of the tax under protest; and all of the reasons why you believe the tax paid is unlawful or excessive. An alternative sample notice is as follows: To preserve your right to seek a court ordered refund, you must comply with requirements of the law (RCW 84.68.020 and WAC 458-18-215). Copies are available from the county treasurer.

(5) **Effective date.** This rule is effective for 1994 tax statements and taxes due in 1994, and thereafter. This rule is not intended to impose additional administrative costs upon counties to the extent 1994 tax statements may have already been printed, as of the effective date of this rule, without containing the notice required in subsection (4) of this section.

**WSR 93-21-037
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed October 15, 1993, 2:05 p.m.]

Original Notice.

Title of Rule: Public use of state park areas, adds definition of paragliding in WAC 352-32-010 and inserts new language concerning paragliders in WAC 352-32-130.

Purpose: Amends WAC 352-32-010 Definitions and 352-32-130 Aircraft, to exempt paragliders from the prohibition on aircraft activities in state parks under certain conditions.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: RCW 42.51.040 [43.51.040].

Summary: Defines paragliders and establishes conditions under which this activity may be conducted in state parks.

Name of Agency Personnel Responsible for Drafting: Rex Derr, 7150 Cleanwater Lane, Olympia, WA 98504, 753-2066; Implementation and Enforcement: Park Managers, Statewide, 753-5755.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Authorizes the director to designate paragliding

sites in parks after considering prescribed criteria evaluated during a required public process. It also establishes conditions under which individuals and groups of paragliders may use designated sites.

Proposal Changes the Following Existing Rules: Paragliding was previously prohibited in state parks. This proposal will permit paragliding under specified conditions at designated sites.

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

Hearing Location: City of Vancouver, City Council Chambers, 210 East 13th, Vancouver, WA 98668, on December 10, 1993, at 9:00 a.m.

Submit Written Comments to: Washington State Parks, Operations Division, P.O. Box 42664, Olympia, WA 98504-2664, by November 26, 1993.

Date of Intended Adoption: December 10, 1993.

October 15, 1993
Sharon Howdeshell
Office Manager

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

~~((1) "Commission" shall mean the Washington state parks and recreation commission.~~

~~(2) "Director" shall mean the director of the Washington state parks and recreation commission.~~

~~(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.~~

~~(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.~~

~~(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.~~

~~(6) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.~~

~~(7) "Utility campsite" shall mean a standard campsite with the addition of electricity and one or all of the following utility hookups: Domestic water or sewer.~~

~~(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.~~

~~(9) "Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.~~

~~(10) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.~~

~~(11) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for~~

the use of organized groups. Facilities and extent of development vary from park to park.

(12) "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

(13) "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

(14) "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

(15) "Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

(16) "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

(17) "Residence" shall mean the long term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(a) Camping at a given park for more than twenty days within a thirty day time period May 1 through September 30; or thirty days within a sixty day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through

September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(b) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

(18) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

(19) "Upland" shall mean all lands lying above mean high water.

(20) "Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

(21) "Marine trail camping areas" are specially designated group camp areas identified with signs, that are near marine water ways, and that have varying facilities and extent of development.

(22) "Boat launch" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-born or trailer-born watercraft into or out of the water.

(23) "Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

(24) "Popular destination park" shall mean any state park designated by the director as a popular destination park because, during the year preceding designation, the park had an average overnight occupancy rate of sixty percent or more during the period of May 21 through September 14.

(25) "Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.)) "Boat launch" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-born or trailer-born watercraft into or out of the water.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

"Commission" shall mean the Washington state parks and recreation commission.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

"Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Marine trail camping areas" are specially designated group camp areas identified with signs, that are near marine water ways, and that have varying facilities and extent of development.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hanggliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, during the year preceding designation, the park had an average overnight occupancy rate of sixty percent or more during the period of May 21 through September 14.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where

the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and one or all of the following utility hookups: Domestic water or sewer.

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

AMENDATORY SECTION (Amending Order 102, filed 11/24/87)

WAC 352-32-130 Aircraft. (1) No aircraft shall land on or take off from any body of water or land area in a state park area not specifically designated for landing aircraft. This provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, or firefighting activities. It also does not apply in cases where the director specifically authorizes such landings or take offs, in writing, associated with the operational, or administrative needs of the agency or state.

(2) Individuals who have complied with the registration process provided or who have obtained a special recreation event permit pursuant to WAC 352-32-047 may launch and land paragliders in state park areas specifically designated by the director as available for paragliding. Prior to any such designation, the director or designee shall advertise and conduct a public meeting in the region where the park is located. The director shall consider the degree of conflict paragliding may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park designated for paragliding shall be conspicuously posted as such by the director.

(3) Individuals paragliding in state parks must:

(a) Comply with the registration process provided for such purposes;

(b) Observe all applicable laws and regulations;

(c) Never destroy or disturb park facilities, natural features, or historical or archeological resources;

(d) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities;

(e) Conduct themselves in compliance with the following basic safety regulations:

(i) Comply with specific site operational rules that are posted;

(ii) Fly in a manner consistent with the pilot rating held;

(iii) Preplanned landings should be made in areas no smaller than forty feet wide by one hundred feet long;

(iv) Precede takeoffs with a static harness check;

(v) Make preflight checks of weather, equipment and site conditions;

(vi) Observe all published traffic and right of way flight guidelines, including yielding right of way to all aircraft;

(vii) Wear protective clothing, headgear, floatation gear, reserve parachute, supplemental oxygen and communication equipment as appropriate for conditions;

(viii) Limit flights to single place operations;

(ix) Fly in a manner that does not create a hazard for other persons or property;

(x) Fly only during daylight hours, or hours otherwise specified by posting at the site;

(xi) Do not fly over congested areas of parks or open air assembly of persons;

(xii) Fly only in designated areas of parks;

(xiii) Fly only with visual reference to the ground surface.

(f) Not consume alcohol during flight and related activities.

WSR 93-21-040
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed October 15, 1993, 4:11 p.m.]

Original Notice.

Title of Rule: WAC 388-87-300 Payment—Co-payment.

Purpose: Establishes payment rules to correspond with WAC 388-81-065. Clarifies how payment for co-pay is processed by providers.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarifies how payment for co-pay is processed by providers.

Reasons Supporting Proposal: Establishes payment rules to correspond with WAC 388-81-065.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Anderson, Medical Assistance Administration, 753-0529.

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 November 23, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by November 9, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by November 16, 1993.

Date of Intended Adoption: November 24, 1993.

October 15, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

NEW SECTION

WAC 388-87-300 Payment—Co-payment (1) Effective September 1, 1993, the department shall require a co-payment for selected services of the following providers:

- (a) Physicians;
- (b) Advanced registered nurse practitioners;
- (c) Health departments;
- (d) Podiatrists;
- (e) Dentists;
- (f) Dental hygienists;

- (g) Optometrists;
- (h) Opticians; and
- (i) Pharmacists.

(2) The provider shall be responsible for collecting the co-payment amount.

(3) Medical assistance administration shall deduct the co-payment amount from the provider reimbursement on the selected services as described under WAC 388-81-065.

(4) A provider may not deny services to a client unable to pay the co-payment amount, unless the client has a consistent history of not meeting co-payment responsibility. The provider's files must document such claim.

(5) A provider may not refuse to serve a medical assistance administration client subject to the co-payment requirement while continuing to serve a client who is not subject to co-payment requirements.

(6) A pharmacist shall not be subject to the reimbursement limitations in subsection (3) of this section when a client states the client is unable to pay the co-payment amount and the pharmacist documents such claim.

**WSR 93-21-041
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed October 15, 1993, 4:13 p.m.]

Original Notice.

Title of Rule: WAC 388-81-043 Administrative appeal—Rate—Contractor/provider, 388-81-175 Audit dispute resolution, and 388-81-200 Appeal of adverse department action-contractor/provider.

Purpose: To establish new rules on dispute conferences for medical assistance administration adverse action. Establishes rules on audit policy and on MAA contractor/provider adverse action appeal. Removes adverse action other than for rates from WAC 388-81-043.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Establishes new rule on audit policy and on MAA contractor/provider adverse action appeal. Moves adverse action other than rates from WAC 388-81-043 on rate dispute.

Reasons Supporting Proposal: To establish new rules on dispute conferences.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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 November 23, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by November 9, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by November 16, 1993.

Date of Intended Adoption: November 24, 1993.

October 15, 1993

Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

AMENDATORY SECTION (Amending Order 3021, filed 5/31/90, effective 7/1/90)

~~WAC 388-81-043 ((Dispute conference)) Administrative appeal—Rate—Contractor/provider.~~ (1) Right to an administrative appeal. Any enrolled contractor/provider of medical services, except nursing ((homes)) facilities governed by WAC 388-96-904, shall have a right to an administrative appeal ((when the department:

~~(a) Finds a contractor/provider liable for receipt of excess payments under RCW 74.09.220 or otherwise served with notice that repayment of excess benefits is due under the statute;~~

~~(b) Changes the contractor/provider reimbursement rate and) anytime the contractor/provider disagrees with the ((change; and~~

~~(c) Initiates contract action, such as termination, with which the contractor/provider disagrees)) reimbursement rate.~~

(2) First level of appeal. A contractor/provider wishing to contest an action described in subsection (1) of this section files an appeal with the ((appropriate program or audit manager)) medical assistance administration (MAA).

~~(a) ((Audit disputes. When the department finds a hospital contractor/provider liable for receipt of excess payments, the contractor/provider shall appeal such findings to the office of nursing home audit, administrative services. All other medical service contractors/providers shall appeal to the office of operations review, administrative services.~~

~~(i) Unless otherwise specified, the audited contractor/provider shall submit such an appeal within forty five days after receipt of the draft audit report. If the audited contractor/provider does not submit the appeal timely, the department shall not consider the appeal and the contractor/provider forfeits any right to a dispute conference.~~

~~(ii) The audited contractor/provider's appeal shall include a statement specifying which portions of the audit findings are disputed, with supporting justification. Administrative services may request additional documentation to complete their review.~~

~~(iii) Administrative services shall issue a decision or request additional information within ninety days of receipt of the appeal. When additional information is necessary, administrative services shall issue a decision within sixty days of receipt of complete information. Publication of the final audit report and identification of a sum certain due the department shall constitute the department's final audit position.~~

~~(iv) Administrative services may grant discretionary extensions of time to the audited contractor/provider. The~~

~~audited contractor/provider shall request an extension within the forty five day period referenced under subsection (2)(a)(i) of this section.~~

~~(b) Rate disputes.— A contractor/provider may appeal its rates by submitting a written notice of appeal to the rate analysis section, division of medical assistance (DMA).~~

~~(+)) Unless ((the)) a written rate notification specifies otherwise, the department shall make retroactive rate adjustments only when a contractor/provider ((shall)) files a rate appeal. The rate appeal requesting retroactive rate adjustment((s)) shall be made within sixty calendar days after being notified of an action or determination the contractor/provider wishes to challenge. The notification date of an action or determination ((is)) shall be the date of the written rate notification letter. The department shall not consider for retroactive adjustments, a contractor/provider rate adjustment appeal((r)) filed after the sixty-day period described in this subsection ((shall not be considered for retroactive adjustments)).~~

~~((+)) (b) The appeal shall include a statement of the specific issue being appealed, supporting documentation, and a request for recalculation of the rate. ((DMA)) MAA may request additional documentation to complete the review. ((DMA)) MAA may conduct an audit of the documentation provided in order to complete the review.~~

~~((+)) (c) When ((any)) a portion of a rate is appealed, ((DMA)) MAA may review all components of the reimbursement rate.~~

~~((+)) (d) MAA shall issue a decision or request additional information within sixty calendar days of the receipt of the rate appeal request. When additional information is necessary, the contractor/provider shall have forty-five calendar days to submit the information. ((DMA)) MAA shall issue a decision within thirty calendar days of receipt of complete information.~~

~~((+)) (e) Unless the written rate notification specifies otherwise, increases in rates resulting from an appeal((r)) shall be effective retroactively to the effective date of the rate change. The appeal shall be filed within sixty calendar days after the written rate notification letter that the contractor/provider is challenging((r shall be effective retroactively to the effective date of the rate change as specified in the notification letter)). Increases in rates, resulting from a rate appeal filed after the sixty-day period described ((+)) under subsection (2)((b)(+))a) of this section, shall be effective the date the appeal is filed with ((DMA)) MAA. Appeals resulting in rate decreases shall be effective on the date specified in the appeal decision notification. The effective date shall not be before the date of the appeal decision notification. Rate changes subject to the provisions of fraudulent practices as described under RCW 74.09.210 are exempt from these provisions.~~

~~((+)) (f) MAA may grant extensions of time at ((their)) MAA's discretion if requested within the sixty-day period referenced under subsection (2)((b)(+))a) of this section.~~

~~((e) Contract disputes.— The contractor/provider may appeal contract action involving termination or nonrenewal, to the medical director, DMA.~~

~~(i) Unless otherwise specified, the contractor/provider shall submit such an appeal within thirty days of the department's notification of contract action. If the contrac-~~

~~tor/provider does not appeal timely, the department shall not consider the appeal and the contractor/provider forfeits the right to a dispute conference.~~

~~(ii) The appeal shall include a statement of the actions appealed and supporting justification.~~

~~(iii) DMA shall issue a decision or request additional information within sixty days of receipt of the appeal. When additional information is necessary, the contractor/provider shall have forty five days to submit the information. DMA shall issue a decision within thirty days of receipt of complete information.~~

~~(iv) DMA may grant extensions of time at their discretion if requested within the thirty day period referenced under subsection (2)(e)(i) of this section.)~~

~~(3) Second level of appeal. ((H)) When the contractor/provider disagrees with an adverse ((audit,)) rate((, or contract)) review decision, the contractor/provider may file a request for a dispute conference with the ((director, DMA)) MAA. ((A)) "Dispute conference ((is defined as))" for this section means an informal administrative hearing for the purpose of resolving contractor/provider disagreements with any of the department actions, described under subsection (1)((a, b, and e)) of this section, not resolved at the first level of appeal. The dispute conference is not governed by the Administrative Procedures Act chapter 34.05 RCW.~~

~~(a) A contractor/provider shall file a request for a dispute conference within thirty calendar days following receipt of the adverse review decision. The department shall not consider dispute conference requests submitted after the thirty day((s)) period of the first level decision date.~~

~~(b) ((DMA)) MAA shall conduct the dispute conference within ninety calendar days of the receipt of request.~~

~~(c) ((The director, DMA, or the director's designee shall chair the conference when issues regarding medical policy, program policy, or program regulation are in dispute. A contracts officer, office of vendor services, shall chair the conference if contract compliance issues are disputed. The director, DMA, shall determine who chairs the dispute conference.~~

~~(d)) The conference chairperson shall issue the final decision within thirty calendar days of the conference.~~

~~((e) The director, DMA,) (d) MAA may grant extensions of time for extenuating circumstances.~~

~~((+)) (e) The effective date of dispute conference decisions regarding rate changes shall be the same as specified under subsection (2)((b)(+))e) of this section.~~

~~((g)) (f) The dispute conference shall be the final level of administrative appeal within the department and precede judicial action.~~

~~(4) ((DMA)) MAA shall construe failure on the part of the contractor/provider to attempt to resolve disputed ((issues)) rates as provided in this section as an abandonment of the dispute.~~

NEW SECTION

WAC 388-81-175 Audit dispute resolution. Medical care providers may appeal audit findings as described under chapter 388-41 WAC.

NEW SECTION

WAC 388-81-200 Appeal of adverse department action-contractor/provider. (1) A medical care contractor/provider may appeal medical assistance administration (MAA) contract action involving termination, nonrenewal, or other adverse MAA action concerning the contract by filing a request for a dispute conference with the MAA. Adverse action involving medical audit disputes shall be covered under chapter 388-41 WAC and rates under WAC 388-81-043.

(2) "Dispute conference," for this section, means an informal administrative procedure, not governed by the Administrative Procedures Act, chapter 34.05 RCW. A dispute conference shall be the only and final administrative appeal level within the department and shall precede judicial action.

(3) Unless otherwise specified, the contractor/provider shall provide a written request for a dispute conference within thirty calendar days of the receipt of the department's notice.

(4) Contractor/provider request for a dispute conference shall include a statement of the actions appealed and supporting justification.

(5) The department shall not consider a contractor/provider request for a dispute conference filed after thirty calendar days of the receipt of adverse action notice. The contractor/provider shall forfeit the right to a dispute conference.

(6) MAA shall conduct the dispute conference within ninety calendar days of the receipt of dispute request.

(7) MAA may request additional information within thirty calendar days of receipt of the request for a dispute conference. When additional information is requested, the contractor/provider shall have thirty calendar days to submit the information. MAA shall schedule the conference within thirty calendar days of the receipt of the complete information.

(8) The dispute conference chairperson shall issue the final decision within thirty calendar days of the hearing.

(9) MAA may grant extensions of time for extenuating circumstances.

**WSR 93-21-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed October 15, 1993, 4:14 p.m.]

Original Notice.

Title of Rule: WAC 388-41-001 Authority, 388-41-003 Purpose, 388-41-010 Definitions, and 388-41-020 Audit dispute conference.

Purpose: Responsibility for each type of dispute will be better clarified and the process simplified. Medical audit dispute process will be moved from medical assistance administration to the Office of Vendor Services, Administrative Services Division.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.290.

Statute Being Implemented: RCW 74.08.090 and 74.09.290.

Summary: This new chapter will move the medical audit dispute process from medical assistance administration (MAA) to Office of Vendor Services, Administrative Services Division, and will simplify and better clarify the process by having a separate WAC.

Reasons Supporting Proposal: Breaks out the dispute processes for medical audit from rate changes and provider terminations as they now exist under chapter 388-81 WAC to simplify the process for medical providers.

Name of Agency Personnel Responsible for Drafting Implementation and Enforcement: Mel Hill, Nursing Home Hospital Audit, Administrative Services Division, 586-8281

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 November 23, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by November 9, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by November 16, 1993.

Date of Intended Adoption: November 24, 1993.

October 15, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

**Chapter 388-41 WAC
MEDICAL AUDIT DISPUTE RESOLUTION**

NEW SECTION

WAC 388-41-001 Authority. These rules are promulgated under RCW 74.09.290, department audit and investigations, and RCW 74.08.090, rules and regulations.

NEW SECTION

WAC 388-41-003 Purpose. The purpose of this chapter is to establish within the department, an audit dispute resolution process for medical providers.

NEW SECTION

WAC 388-41-010 Definitions. (1) "Department" means the state department of social and health services.

(2) "Medical provider" means an institution, agency or individual who has a signed agreement with the department to furnish medical care and goods and/or services to recipients and who is eligible to receive payment from the department.

(3) "Sum certain" means a fixed amount of money due the department which will not change.

NEW SECTION

WAC 388-41-020 Audit dispute conference. (1) A medical provider may dispute draft audit report findings to the office of nursing home/hospital audit (ONHHA) within forty-five days of receipt of the draft report. The medical provider's request shall include a statement specifying which portions of the draft audit are disputed. Unsubstantiated verbal information or instructions allegedly given by medical assistance administration (MAA) personnel to a provider will not be considered or disputed.

(2) When requested, the ONHHA shall hold a post audit conference and issue a written decision prior to issuance of the final audit report.

(3) Except for nursing homes governed by WAC 388-96-904, when an audit dispute continues to exist between the department and a contracted provider of medical services following a post-audit conference, the medical provider may submit a request for a second level dispute conference to the department office of vendor services (OVS), contracts section.

(4) OVS-conducted dispute conference shall be informal and shall not be governed by the hearing procedure in the Administrative Procedures Act (chapter 34.05 RCW). The OVS-conducted resolution process shall:

(a) Constitute the final administrative remedy available under the contract; and

(b) Precede any action in a judicial or quasi-judicial tribunal.

(5) A medical provider's request for a second level final audit dispute conference shall:

(a) Be in writing;

(b) Be limited to disputed issues identified under subsection (1) of this section;

(c) State the provider's name, address, and core provider agreement number; and

(d) Be mailed to Office of Vendor Services, P.O. Box 45811, Olympia, Washington 98504, within thirty calendar days from the date the final audit report was received by the provider.

(6) Unless otherwise specified the department shall not consider a request for a final audit dispute conference which does not meet the time period specified in subsection (5)(d) of this section.

(7) Following receipt of a request for a dispute conference, OVS shall, within ninety days:

(a) Determine when the dispute conference will be held; and

(b) Notify participants of the date and time of the conference.

(8) The department may grant the following extensions:

(a) ONHHA may grant extensions of time at their discretion if requested within the forty-five day period referenced under subsection (1) of this section;

(b) OVS may grant extensions of time at their discretion if requested within the thirty calendar days referenced under subsection (5)(d) of this section.

(9) ONHHA publication of a final audit report and identification of a sum certain due the department shall constitute the department's final audit position.

WSR 93-21-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 15, 1993, 4:15 p.m.]

Original Notice.

Title of Rule: WAC 388-320-350 Declaratory orders—Forms, content, and filing, 388-320-400 Petition for rule making—Form, content, and filing, and 388-320-450 Interpretive and policy statements roster and index.

Purpose: Updates the name and location of the office responsible for receiving a declaratory order or petition for rule making. Clarifies where the public may inspect and read copies of interpretive and policy statements issued by the department.

Statutory Authority for Adoption: RCW 34.05.220, 42.17.340, chapters 17.250 and 17.260 RCW.

Statute Being Implemented: RCW 34.05.220, 42.17.340, chapters 17.250 and 17.260 RCW.

Summary: The petition for rule making provides clear instructions on where the original and two legible copies of the petition shall be filed. Same for declaratory order.

Reasons Supporting Proposal: Clarifies that Office of Vendor Services is responsible for receiving a petition for rule making or a declaratory order. Clarifies where the public may receive or inspect copies of interpretive and policy statements issued by the department.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sharon Staley, Office of Vendor Services, Administrative Services Division, 586-6423.

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 November 23, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by November 9, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by November 16, 1993.

Date of Intended Adoption: November 24, 1993.

October 15, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-320-350 Declaratory orders—Forms, content, and filing. A petition for a declaratory order shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the state department of social and health services." On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the foregoing caption shall appear the word "petition."

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

(3) The original and two legible copies shall be filed with the Office of (~~Issuances~~) Vendor Services, MS (~~OB-33H~~) 45811, Second Floor (~~West~~) East, Office Building 2, (~~Twelfth~~) 14th and (~~Franklin~~) Jefferson, Olympia, WA 98504. Petitions shall be on white paper, 8 1/2" x 11" in size.

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 2999, filed 2/5/90, effective 3/1/90)

WAC 388-320-400 Petition for rule making—Form, content, and filing. A petition for adoption, amendment, or repeal of a rule shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the state department of social and health services." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for rule making." Opposite the foregoing caption shall appear the word "petition."

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

(3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the Office of (~~Issuances~~) Vendor Services, MS (~~OB-33H~~) 45811, (~~Third~~) Second Floor (~~West~~) East, Office Building 2, (~~Twelfth~~) 14th and (~~Franklin~~) Jefferson, Olympia, WA 98504. Petitions shall be on white paper, 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending Order 3300, filed 11/27/91, effective 12/28/91)

WAC 388-320-450 Interpretive and policy statements roster and index. (1) Legal authority for this rule is RCW 34.05.220 and 42.17.260 (4)(d) and (e).

(2) The department's index of interpretive and policy statements is administered by the office of (~~issuances~~) vendor services. Statements in existence July 1, 1990 were made part of the index and new statements are added to the index upon issuance. The index is revised approximately every two years.

(3) The index is available for public inspection at the Office of (~~Issuances~~) Vendor Services located in Office Building No. 2, Olympia WA.

(4) A person wishing to inspect or receive copies of interpretive and policy statements issued by the department shall submit a written request to: Office of (~~Issuances~~) Vendor Services, PO Box (~~45805~~) 45811, Olympia WA 98504-~~(5805)~~ 5811.

WSR 93-21-045
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed October 18, 1993, 8:12 a.m.]

Original Notice.

Title of Rule: Amending WAC 480-110-051(6) relating to interest on water company customer deposits. The proposed amendment is shown below as Appendix A, Docket No. UW-930955.

Purpose: To align water company customer deposit interest requirements with that of other utility industries and the current financial market. This will have the effect of lowering the required interest on deposits.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040.

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

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

This proposal has no adverse economic effect on companies subject to regulation.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on December 8, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by November 17, 1993.

Date of Intended Adoption: December 8, 1993.

October 15, 1993

Paul Curl
Secretary

AMENDATORY SECTION (Amending Order R-85, filed 6/30/76)

WAC 480-110-051 Deposits. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit—Nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's

service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other water company; or where two or more delinquency notices have been served upon the applicant by any other water company during the 12 months previous to the application for service.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly, three-twelfths of estimated annual billings for utilities billing bimonthly, and four-twelfths of estimated annual billings for utilities billing trimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at the rate (~~established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each~~) calculated as a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits shall earn that calculated interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of ((termination of service)) refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges at periods corresponding to the utility's regular billing period or budget billings for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a

prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

WSR 93-21-048
PROPOSED RULES
YAKIMA COUNTY
CLEAN AIR AUTHORITY
[Filed October 18, 1993, 2:45 p.m.]

Original Notice.

Title of Rule: Amendments to Restated Regulation I of YCCAA to include a new article (Article XIII) on fees, as well as new wording in sections that refer to fees (4.01(H), 4.02(I), 5.01(E), 5.09 (E)(4), and 6.09).

Purpose: To explicitly state amounts of fees and fee schedules associated with source registration, notices of construction, asbestos removal notification, outdoor burning permits, and air operating permits. Currently, the Restated Regulation I only states that fees are required for these activities but does not give actual fee amounts.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: Chapter 70.94 RCW.

Summary: Amendments include a new article (Article XIII) on fees, as well as new wording in sections that refer to fees (4.01(H), 4.02(I), 5.01(E), 5.09 (E)(4), and 6.09). The new article explicitly states amounts of fees and fee schedules for registration, notices of construction, asbestos removal notification, outdoor burning permits, and air operating permits. Currently, the Restated Regulation I only states that fees are required for these activities but does not give actual fee amounts.

Reasons Supporting Proposal: Clarification of fees and fee schedules.

Name of Agency Personnel Responsible for Drafting: Bob Godwin, Yakima County Clean Air Authority, 6 South 2nd Street, Room 1016, Yakima, WA 98901, (509) 575-4116 ext. 11; Implementation and Enforcement: Tom T. Silva, Yakima County Clean Air Authority.

Name of Proponent: Yakima County Clean Air Authority (YCCAA), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: A short explanation and purpose can be found in Summary above. The anticipated effect is that sources of air pollution in Yakima County that are required to register, file a Notice of Construction, notify the YCCAA of asbestos removal, obtain an outdoor burning permit, or obtain an air operating permit will be able to determine the amount of fees or the fee schedule they will be subject to.

Proposal Changes the Following Existing Rules: The wording in Sections 4.01(H), 4.02(I), 5.01(E), 5.09 (E)(4) and 6.09 of the Restated Regulation I will be changed. These sections currently refer to fee amounts indirectly by stating that amounts are as approved by the board of the YCCAA. The new wording for each of these sections will be changed so that the reader will be directed to the appropriate section in the new article (Article XIII) in which actual fee amounts and fee schedules will be stated.

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

Hearing Location: Yakima County Courthouse, 128 North 2nd Street, Room 420, Yakima, WA, on December 8, 1993, at 2:30 p.m.

Submit Written Comments to: Tom Silva, Director APCO, Yakima County Clean Air Authority, County Courthouse, Yakima, WA 98901, by December 7, 1993.

Date of Intended Adoption: December 8, 1993.

October 15, 1993

Tom T. Silva, Director
Air Pollution Control Officer

Reviser's note: The material contained in this filing will appear in the 93-22 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-21-054
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed October 18, 1993, 4:50 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-168 Hospitals and medical care facilities.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia WA, on November 29, 1993, at 9:30 a.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend this WAC rule to incorporate the changes required by chapter 25, Laws of 1993 sp. sess. Nonprofit hospitals and certain publicly operated hospitals became subject to a B&C tax on July 1, 1993.

A copy of the rule draft is available upon request.
Contact Roseanna Hodson, (206) 586-4281.

October 18, 1993
Les Jaster
Rules Coordinator

WSR 93-21-059
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

(By the Code Reviser's Office)
[Filed October 19, 1993, 8:05 a.m.]

WAC 388-235-9500, 388-235-9520, 388-235-9530, 388-235-9540, 388-235-9550, 388-235-9560, 388-235-9570, 388-235-9580 and 388-235-9600, proposed by the Department of Social and Health Services in WSR 93-08-074, appearing in issue 93-08 of the State Register, which was distributed on April 21, 1993, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 93-21-060
WITHDRAWAL OF PROPOSED RULES
BUILDING CODE COUNCIL
(By the Code Reviser's Office)
[Filed October 19, 1993, 8:06 a.m.]

WAC 51-11-0200, 51-11-0700 and 51-11-1000, proposed by the Building Code Council in WSR 93-08-077, appearing in issue 93-08 of the State Register, which was distributed on April 21, 1993, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 93-21-061
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(By the Code Reviser's Office)
[Filed October 19, 1993, 8:07 a.m.]

WAC 246-851-540, 246-851-550 and 246-851-560, proposed by the Department of Health in WSR 93-08-079, appearing in issue 93-08 of the State Register, which was distributed on April 21, 1993, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 93-21-062
PROPOSED RULES
DEPARTMENT OF HEALTH
(Community Environmental Health)
[Filed October 19, 1993, 8:35 a.m.]

Original Notice.

Title of Rule: On-site sewage system regulations, chapter 246-272 WAC, formerly chapter 248-96 WAC.

Purpose: Establish minimum requirements for permits, design, installation, maintenance and operation for on-site sewage systems approved by local health, and the Washington State Department of Health.

Statutory Authority for Adoption: RCW 43.20.050.

Statute Being Implemented: RCW 43.70.080.

Summary: The regulations recognize technical advances by the on-site sewage treatment industry, clarify interpretation for uniform application throughout the state. The format identifies responsible role players and lists expectations for each to provide an efficient, coordinated statewide management approach to improve on-site system performance.

Reasons Supporting Proposal: These regulations reduce public health risk caused by on-site system failure by addressing all known factors that influence treatment performance.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Long, Environmental Health Programs, (206) 586-8133; and Enforcement: Mark Soltman, Environmental Health Programs, (206) 586-5797.

Name of Proponent: Washington State Department of Health, Office of Community Environmental Health Programs, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: All comments have been incorporated in draft document.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These regulations interpret legislative directives authorizing the Washington State Board of Health to insure that on-site systems are properly designed, installed and operated to minimize risk to public health. The purpose of this rule is to protect public health by proper management of wastewater through on-site wastewater treatment and disposal systems. The rule clearly defines a statewide on-site wastewater management program that insures proper design, installation, operation and monitoring. It will reduce the number of potential system failures, provide methods to correct failed systems, and provide uniform interpretation for regulators and the public.

Proposal Changes the Following Existing Rules: The proposed rules modify existing regulations to provide clarity that will achieve uniform interpretation of intent. Specific design, installation, operation and permit requirements coordinate implementation efforts to reduce potential failure, and address failing systems. The format identifies all parties and assigns responsibility for action. The regulations also detail protocols for experimental and alternative technology evaluation for appropriate application.

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

All items that would have caused economic impact under chapter 19.85 RCW have been mitigated.

Hearing Location: W. R. Giedt Public Health Laboratory, 1610 N.E. 150th, Seattle, WA 98155-7224, on December 8, 1993, at 1:30 p.m.

Submit Written Comments to: Ann Foster, Department of Health, P.O. Box 47902, Olympia, WA 98504-7902, by November 15, 1993.

Date of Intended Adoption: December 8, 1993.

October 14, 1993

Sylvia Beck

Executive Director

Board of Health

Chapter 246-272 WAC ON-SITE SEWAGE SYSTEMS

NEW SECTION

WAC 246-272-00101 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from on-site sewage systems; and

(b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

(a) Achieve long-term sewage treatment and effluent disposal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) This chapter is adopted by the state board of health in accordance with the authority granted in RCW 43.20.050 to establish minimum requirements for the department of health, and local boards of health whether or not they choose to adopt local regulations.

NEW SECTION

WAC 246-272-00501 Administration. The local health officers and the department shall administer this chapter under the authority and requirements of chapters 70.05, 70.08, 70.46, and 43.70 RCW. Under RCW 70.05.060(7), fees may be charged for this administration.

NEW SECTION

WAC 246-272-01001 Definitions. "Additive" means a commercial product added to an on-site sewage system intended to affect performance or aesthetics of an on-site sewage system.

"Alternative system" means an on-site sewage system other than a conventional gravity system or conventional pressure distribution system. Properly operated and maintained alternative systems provide equivalent or enhanced treatment performance as compared to conventional gravity systems.

"Approved" means a written statement of acceptability, in terms of the requirements in this chapter, issued by the local health officer or the department.

"Approved list" means "List of Approved Systems and Products," developed annually and maintained by the department and containing the following:

List of proprietary devices approved by the department;

List of specific systems meeting treatment standard 1 and treatment standard 2;

List of experimental systems approved by the department;

List of septic tanks, pump chambers, and holding tanks approved by the department.

"Area of special concern" means an area of definite boundaries delineated through public process, where a local health officer, or the department in consultation with the health officer, determines additional requirements for on-site sewage systems may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any on-site sewage system, except an experimental system, meeting any of the following criteria:

Systems in full compliance with new construction requirements under this chapter; or

Systems approved, installed, and operating in accordance with requirements of previous editions of this chapter; or

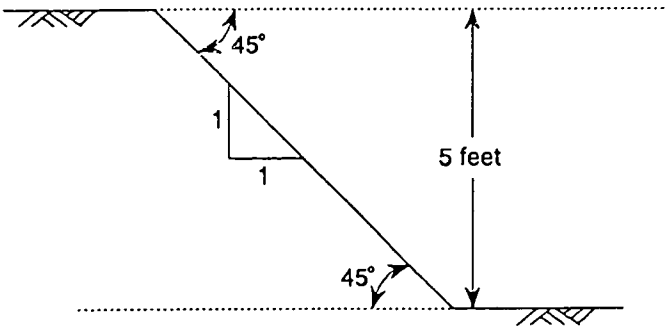
Systems or repairs permitted through departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

"Conventional gravity system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.

"Conventional pressure distribution system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with pressure distribution of the effluent. Design, operation and maintenance, and performance monitoring are described by "Guidelines for Pressure Distribution Systems" by the Washington state department of health.

"Covenant" means a recorded agreement stating certain activities and/or practices are required or prohibited.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:



"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology.

"Development" means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any activity resulting in the production of sewage.

"Department" means the Washington state department of health.

"Disposal component" means a subsurface absorption system (SSAS) or other soil absorption system receiving septic tank or other pretreatment device effluent and transmitting it into original, undisturbed soil.

"Effluent" means liquid discharged from a septic tank or other on-site sewage system component.

"Engineer" means a person who is licensed and in good standing under chapter 18.43 RCW.

"Expansion" means a change in a residence, facility, site, or use that:

Causes an on-site sewage system to exceed its existing treatment or disposal capability, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

Reduces the treatment or disposal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Experimental system" means any alternative system:
Without design guidelines developed by the department;
or

A proprietary device or method which has not yet been evaluated and approved by the department.

"Failure" means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

Sewage on the surface of the ground;

Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;

Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;

Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;

Inadequately treated effluent contaminating ground water or surface water; or

Noncompliance with standards stipulated on the permit.

"Ground water" means a subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

Water seeping into or standing in an open excavation from the soil surrounding the excavation.

Spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of ground water caused by intermittent periods of saturation and drying, and may be indicative of poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means an on-site sewage system which incorporates a holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Industrial wastewater" means the water or liquid carried waste from an industrial process. 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 feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Installer" means a qualified person approved by a local health officer to install or repair on-site sewage systems or components.

"Large on-site sewage system (LOSS)" means any on-site sewage system with design flows, at any common point, greater than three thousand five hundred gallons per day.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"May" means discretionary, permissive, or allowed.

"Nonconforming repair" means an on-site sewage system with a repaired disposal component that does not comply with required vertical or horizontal separation between the disposal component and water or well where potential contamination could risk public health and has not been granted concurrence by the department to recognize that additional means have been employed to minimize health risk.

"On-site sewage system (OSS)" means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

Convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where it originates, upon adjacent or nearby property; and

Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas.

"Ordinary high-water mark" means the mark on lakes, streams, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

The ordinary high-water mark adjoining saltwater is the elevation at mean higher high tide; and

The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities.

"Planned unit development" means a development characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a trench or bed, as described in the *"Guidelines for Pressure Distribution Systems"* by the department. Also see "conventional pressure distribution."

"Proprietary device or method" means a device or method classified as an alternative system, or a component thereof, held under a patent, trademark or copyright.

"Public sewer system" means a sewerage system:

Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport wastewater or septage from on-site sewage systems.

"Repair" means restoration, by reconstruction or relocation, or replacement of a failed on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system and dedicated for replacement of the OSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.

"Septic tank" means a watertight pretreatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. For the purposes of these regulations, "sewage" is generally synonymous with domestic wastewater. Also see "residential sewage."

"Shall" means mandatory.

"Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage.

"Soil type" means a numerical classification of fine earth particles and coarse fragments as described in WAC 246-272-11001 (2)(e).

"Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, now or as hereafter amended, including both long and short subdivisions, planned unit developments, and mobile home parks.

"SSAS" or "subsurface soil absorption system" means a system of trenches three feet or less in width, or beds between three and ten feet in width, containing distribution pipe within a layer of clean gravel designed and installed in original, undisturbed soil for the purpose of receiving effluent and transmitting it into the soil.

"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, and tidal waters.

"Treatment standard 1" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD₅), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 200 fecal coliform per 100 milliliters.

"Treatment standard 2" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD₅), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 800 fecal coliform per 100 milliliters.

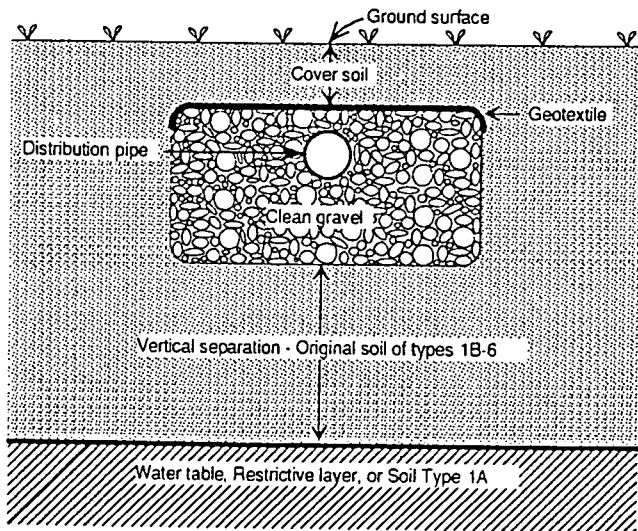
"Unit volume of sewage" means:

A single family residence;

A mobile home site in a mobile home park; or

Four hundred fifty gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1B-6 between the bottom of a disposal component and the highest seasonal water table, a restrictive layer, or soil type 1A, as illustrated below by the profile drawing of a subsurface soil absorption system:



"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Wave barrier" means a bulkhead of adequate height and construction protecting the immediate area of on-site sewage system components from wave action.

NEW SECTION

WAC 246-272-02001 Local regulation. (1) Local boards of health may adopt and enforce local rules and regulations governing on-site sewage systems when the local regulations are:

- (a) Consistent with, and as stringent as, this chapter; and
 - (b) Approved by the department prior to the effective date of local regulations.
- (2) A local board of health may apply for departmental approval of local regulations at any time by initiating the following procedure:
- (a) The local board shall submit the proposed local regulations to the department.
 - (b) Within ninety days of receipt, the department shall:
 - (i) Approve the regulation; or
 - (ii) Signify automatic tacit agreement with the local regulations and permitting local implementation by failing to act; or
 - (iii) Deny approval of the regulations. If the department determines local regulations are not consistent with this chapter, the department shall provide specific reasons for denial.
 - (3) Upon receipt of departmental approval or after ninety days without notification, whichever comes first, the local board may implement adopted regulations. The local board shall provide a copy of the adopted local regulations to the department.
 - (4) If the department denies the local regulations, the local board of health may initiate an appeal process by:
 - (a) Resubmitting revised regulations for departmental consideration; or
 - (b) Submitting a written request for a review within one hundred twenty days from the date the local board of health receives the written reasons for the denial.

(5) Written requests for review shall be submitted to an arbitration panel comprised of three members acceptable to both the department and local board of health whose decision shall be binding on the department and the local board. The arbitration panel shall include one departmental employee, one employee from a local health department other than that which requested the review, and one member of the technical review committee described in WAC 246-272-23501.

(6) Nothing in this chapter shall prohibit the adoption and enforcement of more stringent regulations by local health departments where such regulations are needed to protect the public health.

NEW SECTION

WAC 246-272-03001 Applicability. (1) The local health officer and the department:

- (a) Shall apply this chapter to OSS treating wastewater and disposing of effluent from residential sewage sources;
 - (b) May apply this chapter to OSS for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent disposal equal to that required of residential sewage.
- (2) Preliminary plats specifying general methods of sewage treatment, disposal, system designs and locations approved prior to the effective date of these regulations:
- (a) Shall be acted upon in accordance with regulations in force at the time of preliminary plat approval; and
 - (b) Shall have a maximum validity period of five years from the date of approval or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date.
- (3) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:
- (a) Shall be acted upon in accordance with regulations in force at the time of issuance;
 - (b) Shall have a maximum validity period of five years from the date of issuance or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date; and
 - (c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.
- (4) The Washington state department of ecology has authority and approval over:
- (a) Domestic or industrial wastewater under chapter 173-240 WAC; and
 - (b) Sewage systems using mechanical treatment, or lagoons, with ultimate design flows above three thousand five hundred gallons per day.
- (5) The Washington state department of health has authority and approval over:
- (a) Systems with design flows through any common point between three thousand five hundred to fourteen thousand five hundred gallons per day; and
 - (b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to the department of health under conditions of memorandum of agreement with the department of ecology.

(6) The local health officer has authority and approval over:

(a) Systems with design flows through any common point up to three thousand five hundred gallons per day;

(b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to a local health jurisdiction from the department by contract.

(7) Where this chapter conflicts with chapter 90.48 RCW, Water Pollution Control, the requirements under those statutes apply.

NEW SECTION

WAC 246-272-04001 Alternative systems and proprietary devices. (1) The department:

(a) May approve guidelines for alternative systems if they are based upon:

(i) Sufficient theory and/or applied research to warrant guideline development; and

(ii) Sufficient accumulation of performance data to prove treatment standards are met; and

(iii) Review and recommendations by the technical review committee established under WAC 246-272-23501.

(b) May maintain lists of approved methods, proprietary devices, guidelines, and alternative systems.

(c) May charge fees to cover the cost of administering an alternative system program.

(2) The local health officer or department shall only permit installation of alternative systems for which there are alternative system guidelines, or a proprietary device if it appears on the list of approved systems or devices maintained by the department under subsection (1)(a) and (b) of this section.

(3) The local health officer:

(a) May require performance monitoring or sampling of any alternative system.

(b) May charge fees to cover the costs for monitoring system performance.

(c) Shall submit copies of evaluation reports to the department when alternative system performance is evaluated.

(d) Shall notify the department of alternative system approvals and failures.

(4) Persons desiring product inclusion on the approved list, or intending to alter an approved device or method, shall submit to the department:

(a) Documentation, data, plans, or other information requested, in an acceptable format for technical evaluation to certify that the product meets all the criteria in the appropriate guidelines; and

(b) Required fees.

(5) Persons desiring continued retention on the list of approved systems and products shall submit to the department:

(a) An acceptable annual report which includes any changes in the product and certifies that the device meets appropriate guidelines; and

(b) Required fees.

NEW SECTION

WAC 246-272-05001 Experimental systems. (1) Persons proposing a system for inclusion on the departmental approved list of experimental systems shall submit to the department for review and approval, a written proposal which includes:

(a) Description of existing theory and/or applied research supporting the application;

(b) Proposed testing protocol;

(c) Proposed operation, maintenance, and monitoring detail and schedules;

(d) Maximum number of installations;

(e) Proposed locations and uses, if multiple locations are proposed;

(f) Proposed reporting detail and frequency;

(g) Proposed schedule for the experimental program;

(h) Name(s) of the person(s) financially responsible for the experimental program, including:

(i) Routine operation and maintenance;

(ii) Monitoring; and

(iii) Repair and/or replacement of the system.

(i) Verification that the proposal is consistent with the intent of this chapter, requirements of this section, and the departmental application process.

(2) The local health officer:

(a) May permit a limited number of specific experimental systems if:

(i) The specific system is included on the department's approved list of experimental systems under subsection (5)(b) of this section;

(ii) The site will accommodate the installation of a conforming system in the event of failure of the experimental system;

(iii) Local agreements to provide for monitoring, sampling, testing, reporting, maintenance, repairs, and the replacement of the system in accordance with the protocol approved by the department under subsection (1) of this section are completed and signed.

(b) May charge fees to cover the cost of evaluating or monitoring the experimental system.

(3) After the experimental system proposal is approved, the person noted as responsible for an experimental system program on the departmental approved list shall:

(a) Follow the experimental system protocol, procedures, and other related written agreements approved by the department and the local health officer;

(b) Monitor the experimental system and submit records as required to meet department's approval or the local health officer's permit; and

(c) Annually renew each state experimental system permit.

(4) A person desiring to install an experimental system shall:

(a) Obtain a permit from the local health officer;

(b) Submit a written promise to the health officer agreeing to abandon the experimental system and install a conforming system if:

(i) The system fails;

(ii) The performance of the experimental system is unsatisfactory; or

(iii) The applicant fails to adequately monitor the experimental system and submit records as required in the department's approval or the local health officer's permit;

(iv) The system components do not function as indicated by submitted documents;

(v) Performance does not meet the anticipated objectives of the experiment; or

(vi) The state experimental system permit is not renewed annually.

(c) Provide financial guarantees, acceptable to the health officer, and a copy of the recorded covenant required under (b) of this subsection to the local health officer; and

(d) Obtain through the local health officer an annually renewable state experimental system permit.

(5) The department:

(a) Shall obtain recommendations from the technical review committee prior to issuing approval of a proposal;

(b) Shall maintain a list of experimental systems that have been approved by the department, which also indicates each system's current status, application, use, and restrictions;

(c) Shall monitor the performance of the experimental system, including evaluation of any failures;

(d) Shall annually renew the state experimental system permit when:

(i) The requirements under subsections (3)(a) and (b) of this section are satisfied; and

(ii) The performance of the system is satisfactory; and

(e) Shall no longer apply the requirements of this section when the requirements of WAC 246-272-04001 are satisfied.

(6) The department and the local health officer shall not permit an experimental LOSS.

NEW SECTION

WAC 246-272-07001 Connection to public sewer system. (1) The local health officer, upon the failure of an existing on-site sewage system may:

(a) Require hook-up to a public sewer system if an adequate public sewer exists within two hundred feet of the residence or other facility; or

(b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under WAC 246-272-18501 and connect the residence or other facility to a public sewer system when:

(a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and

(b) The sewer utility allows the sewer connection.

(3) The owner of a residence or other facility served by a nonconforming repair as defined in WAC 246-272-01001 of this chapter shall abandon the OSS according to the requirements specified in WAC 246-272-18501, and connect the residence or other facility to a public sewer system when:

(a) An adequate public sewer becomes available within two hundred feet of the residence or other facility as

measured along the usual or most economically feasible route of access; and

(b) The sewer utility allows the sewer connection.

(4) Local boards of health may require a new development to connect to a public sewer system to protect public health.

NEW SECTION

WAC 246-272-08001 Large on-site sewage systems (LOSS). (1) Persons proposing a new LOSS for which the department has jurisdiction by WAC or memorandum of agreement with the department of ecology shall meet the requirements specified in "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon written request to the department).

(2) Persons shall submit the documents and fees specified under (a) through (f) of this subsection and obtain approval from the department before installing a LOSS to serve any facility:

(a) A preliminary report, stamped and signed by an engineer, including:

(i) A discussion of the proposed project, including the schedule of construction;

(ii) A discussion of compliance with other state and local zoning, platting, health, and building regulations as they relate to sewage treatment and disposal;

(iii) An analysis of the site's capacity to treat and dispose of the proposed quantity and quality of sewage;

(iv) An analysis of the factors identified in WAC 246-272-20501 (2)(d)(ii)(A); and

(v) A soil and site evaluation as specified in WAC 246-272-11001 signed by the evaluator;

(vi) A management plan describing the:

(A) Management entity consisting of one of the following:

(I) For residential subdivisions where the lots are individually owned, a public entity serves as the primary management entity, or as the third party trust for a private management entity; or

(II) For other uses, including single ownership, a public entity or a private entity via an appropriate contract or agreement provides management;

(B) Duties of the management entity, including specific tasks and frequency of operation and maintenance;

(C) Controls to ensure the continuity and permanency of proper operation and maintenance;

(D) Methods and frequency of monitoring, recordkeeping, and reporting to the department;

(E) Rights and responsibilities of management; and

(F) Rights and responsibilities of persons purchasing connections to the LOSS.

(b) Complete plans and specifications of the LOSS:

(i) Showing a conventional pressure distribution system with three feet of vertical separation;

(ii) Meeting all other design criteria within "*Design Standards for Large On-site Sewage Systems*," 1993, department of health (available upon written request to the department); and

(iii) Stamped and signed by an engineer;

(c) A schedule of inspections to confirm the installation conforms to the plans and specifications;

(d) A draft operation and maintenance manual, describing the LOSS and outlining routine maintenance procedures for proper operation of the system;

(e) Required fees; and

(f) Other information as required by the department.

(3) Persons desiring to repair, modify or expand a facility served, or to be served by a LOSS shall submit all documents and fees specified under subsection (2)(a) through (f) of this section, unless the department waives submission of some elements as unnecessary, and obtain approval from the department.

(4) The department:

(a) Shall not change the terms of a project's construction approval during a two-year validity period. However additional terms to protect public health may be included before granting one-year approval permit extensions;

(b) Shall conduct a presite inspection; and

(c) May allow the applicant to renew approval under the initial terms for successive one-year periods if:

(i) The LOSS is incomplete two years after the department's approval;

(ii) The applicant requests renewal in writing; and

(iii) The applicant submits required fees.

(5) A qualified installer shall install the LOSS.

(6) The applicant or applicant's agent:

(a) Shall comply with all conditions set forth in the department's construction approval;

(b) May request extensions to the construction approval permit; and

(c) Shall comply with any additional conditions upon construction approval extensions set forth by the department, and pay required fees for renewing the approval.

(7) Before a new LOSS is used:

(a) An engineer shall stamp, sign, and submit a LOSS construction report to the department within sixty days following the completion of construction of the LOSS including:

(i) A completed form stating the LOSS was constructed in accordance with the department's approved plans and specifications; and

(ii) An "as built" or "record" drawing;

(b) The department shall conduct a final inspection; and

(c) The owner shall:

(i) Submit an operation and maintenance manual developed by an engineer for the installed LOSS to the department for review and approval; and

(ii) Obtain a LOSS operating permit from the department by:

(A) Completing and submitting forms to the department; and

(B) Paying required fees.

(8) The owner of a LOSS that has been approved by the department or local health officer or constructed after July 1, 1984, shall:

(a) Obtain a LOSS operating permit from the department; and

(b) Annually renew it.

(9) The owner shall annually renew the LOSS operating permit by:

(a) Continued retention of an approved management entity to operate and maintain the LOSS;

(b) Submitting a report to the department demonstrating the LOSS is operated, maintained, and monitored in accordance with this chapter and the approved operation and maintenance manual; and

(c) Submitting required fees.

(10) The department:

(a) Shall issue a LOSS operating permit to owners of LOSS meeting the requirements of subsections (1) through (7) of this section;

(b) Shall annually renew the LOSS operating permit when the owner has complied with the requirements under subsection (9) of this section;

(c) May revoke the LOSS operating permit when the:

(i) Approved management entity ceases to operate and maintain the LOSS;

(ii) Owner does not meet other conditions of the LOSS operating permit; or

(iii) LOSS fails;

(d) Shall monitor the performance of LOSS; and

(e) Shall apply the requirements under WAC 246-272-16501 to failing LOSS.

(11) The department may request the assistance of the local health officer to review the site or the design or to inspect the construction of a LOSS.

(12) A local health officer and the department may enter into a contract under which:

(a) The local health officer will assume the department's responsibilities in subsections (2), (4), (6), (7)(a), (b) and (c)(i) of this section to regulate LOSS; and

(b) The local health officer may charge fees to a LOSS applicant or owner for services provided if the authorization for such fees is set forth in local regulations adopted under this chapter.

NEW SECTION

WAC 246-272-09001 Permits for OSS under three thousand five hundred gallons per day. (1) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall develop and submit the following to the local health officer and obtain approval:

(a) General information including:

(i) Name and address of the property owner and the applicant at the head of each page of submission;

(ii) Parcel number and address, if available, of the site;

(iii) Source of drinking water supply;

(iv) Identification if the property is within the boundaries of a recognized sewer utility;

(v) Size of the parcel;

(vi) Type of permit for which application is being made, for example, new installation, repair, expansion, alteration, or operational;

(vii) Source of sewage, for example, residential, restaurant, or other type of business;

(viii) Location of utilities;

(ix) Name of the site evaluator;

(x) Name of the designer;

(xi) Date of application; and

(xii) Signature of applicant.

(b) The soil and site evaluation as specified under WAC 246-272-11001(2).

(c) A complete, detailed, and dimensional site plan including:

- (i) Designated areas for the proposed initial system and the reserve area;
- (ii) The location of all soil logs and other soil tests for the OSS;
- (iii) General topography and/or slope of the site;
- (iv) Site drainage characteristics;
- (v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and

(vi) An arrow indicating north.

(d) A detailed system design meeting the requirements under WAC 246-272-11501 including:

- (i) A dimensional drawing showing the location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;
- (ii) Vertical cross-section drawings showing:

(A) The depth of the disposal component, the vertical separation, and depth of soil cover; and

(B) Other OSS components constructed at the site.

(iii) Calculations and assumptions supporting the proposed design, including:

(A) Soil type;

(B) Hydraulic loading rate in the disposal component; and

(C) System's maximum daily flow capacity.

(e) Such additional information as deemed necessary by the local health officer.

(2) The local health officer may develop the required information specified in subsection (1) of this section if authorization for such actions is included in local regulations.

(3) The local health officer shall:

(a) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in local regulations;

(b) Identify the permit as a new installation, repair, expansion, modification, or operational permit;

(c) Specify the expiration date on the permit;

(d) Include a reminder on the permit application of the applicant's right of appeal; and

(e) State the period of validity and the date and conditions of renewal when requiring operational permits to be obtained and retained;

(4) The local health officer may revoke or deny a permit for due cause. Examples include, but are not limited to:

(a) Development or continued use of an OSS that threatens the public health;

(b) Misrepresentation or concealment of material fact in information submitted to the local health officer; or

(c) Failure to meet conditions of the permit or the regulations.

(5) Before the local health officer issues a permit for the installation of an OSS to serve more than one development, the applicant shall show:

(a) An approved public entity owning or managing the OSS in perpetuity; or

(b) An arrangement with a management entity acceptable to the local health officer, recorded in covenant, lasting

until the on-site system is no longer needed, and containing, but not limited to:

(i) A legal easement allowing access for construction, operation and maintenance, and repair of the OSS; and

(ii) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

(6) The local health officer shall not delegate the authority to issue permits.

(7) The local health officer may stipulate additional requirements for a particular permit if necessary for public health protection.

NEW SECTION

WAC 246-272-09501 Location. (1) Persons shall design and install OSS to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

**TABLE I
MINIMUM HORIZONTAL SEPARATIONS**

Items requiring setback	From edge of disposal component and reserve area	From septic tank, holding tank, pump chamber, and distribution box	From building sewer, collection, and non-perforated distribution line ¹
Non-public well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring ²	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source ^{3,4}	100 ft.	50 ft.	50 ft.
Pressurized water supply line ¹	10 ft.	10 ft.	10 ft.
Properly decommissioned well ¹	10 ft.	N/A	N/A
Surface water ⁵ Saltwater Fresh water	50 ft. 100 ft.	50 ft. 50 ft.	10 ft. 10 ft.
Building foundation	10 ft. ⁶	5 ft. ⁶	2 ft.
Property or easement line ⁶	5 ft.	5 ft.	N/A
Interior / curtain drains/ drainage ditches Down-gradient ⁷ Up-gradient ⁷	30 ft. 10 ft.	5 ft. N/A	N/A N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed, soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A

1 "Building sewer" as defined by the most current edition of the Uniform Plumbing Code.

"Nonperforated distribution" includes pressure sewer transport lines.

2 If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required sanitary control area.

3 Measured from the ordinary high-water mark.

4 The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section 2.4 of the department of ecology's "Criteria For Sewage Works Design," revised October 1985, or equivalent.

5 Before any component can be placed within one hundred feet of a well, the designer shall submit a "decommissioned water well report" provided by a licensed well driller, which verifies that appropriate decommissioning procedures noted in chapter 173-160 WAC were followed. Once the well is properly decommissioned, it no longer provides a potential conduit to ground

water, but septic tanks, pump chambers, containment vessels, or distribution boxes should not be placed directly over the site.

- 6 The local health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, or building foundation is up-gradient.
- 7 The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) Where any condition indicates a greater potential for contamination or pollution, the local health officer or the department may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) The horizontal separation between an OSS disposal component and an individual water well, spring, or surface water can be reduced to a minimum of seventy-five feet, by the local health officer, and be described as a "conforming" system upon signed approval by the health officer if the applicant demonstrates:

(a) Adequate protective site specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and or aquatards separating potable water from the OSS treatment zone, excessive depth to ground water, down-gradient contaminant source, or outside the zone of influence; or

(b) Design and proper operation of an OSS system assuring enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in WAC 246-272-11501 (2)(f) Table IV; or

(c) Evidence of protective conditions involving both (a) and (b) of this subsection.

(4) Persons shall design and/or install disposal components only where:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of swimming pools, power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the OSS.

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

NEW SECTION

WAC 246-272-11001 Soil and site evaluation. (1) The local health officer or department shall permit only qualified designers and soil scientists to perform soil and site evaluations.

(2) The person evaluating the soil and site shall:

(a) Record:

(i) A sufficient number of soil logs to evaluate conditions within:

- (A) The initial disposal component; and
- (B) The reserve area.
 - (ii) The ground water conditions, the date of the observation, and the probable maximum height;
 - (iii) The topography of the site;
 - (iv) The drainage characteristics of the site;
 - (v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;
 - (vi) The existence of designated flood plains; and
 - (vii) The location of existing encumbrances affecting system placement, such as:
 - (A) Wells and suction lines;
 - (B) Water sources and supply lines;
 - (C) Surface water;
 - (D) Abandoned wells;
 - (E) Outcrops of bedrock and restrictive layers;
 - (F) Buildings;
 - (G) Property lines and lines of easement;
 - (H) Interceptors such as footing drains, curtain drains and drainage ditches;
 - (I) Cuts, banks, and fills;
 - (J) Driveways and parking areas;
 - (K) Existing OSS; and
 - (L) Underground utilities.

(b) Use the soil and site evaluation procedures and terminology in accordance with chapter 3 and Appendix A of the *"Design Manual: On-site Wastewater Treatment and Disposal Systems,"* United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict, with this chapter (available upon written request to the department);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table II, Soil Textural Classification:

**TABLE II
SOIL TEXTURAL CLASSIFICATION**

Soil Type	Soil Textural Classifications
1A	Very gravelly ¹ coarse sands or coarser. All extremely gravelly ² soils.
1B	Very gravelly medium sand, very gravelly fine sand, very gravelly very fine sand, very gravelly loamy sands.
2A	Coarse sands (also includes ASTM C-33 sand).
2B	Medium sands.
3	Fine sands, loamy coarse sands, loamy medium sands.
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.
5	Silt loams, that are porous and have well developed structure.
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.
Unsuitable for treatment or disposal	Sandy clay, clay, silty clay, and strongly cemented or firm soils.

¹ Very Gravelly = >35% and <60% gravel and coarse fragments, by volume.

² Extremely Gravelly = >60% gravel and coarse fragments, by volume.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated bottom of the disposal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered; and

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to reduce potential for physical injury by:

(i) Placing excavated soil no closer than two feet of the excavation;

(ii) Providing a ladder, earth ramp or steps for safe egress to a depth of four feet, then scoop out a portion from the floor to gain the additional two foot depth necessary to

observe the six feet of soil face, however the scooped portion is not to be entered;

(iii) Provide a physical warning barrier around the excavation's perimeter; and

(iv) Fill the excavation upon completion of the soil log.

(4) The local health officer:

(a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for OSS serving a single family residence if adequate soils information has previously been developed.

NEW SECTION

WAC 246-272-11501 Design. (1) The local health officer shall require that on-site sewage systems be designed only by qualified designers or engineers, except:

(a) Where at the discretion of the local health officer a resident owner of the single family residence is allowed to design a system for that residence; or

(b) The local health officer performs the soil and site evaluation and develops the design.

(2) The local health officer and the department shall require the following design criteria:

(a) All the sewage from the building served is directed to the OSS;

(b) Drainage from the surface, footing drains, roof drains, and other nonsewage drains is prevented from entering the OSS and the area where the OSS is located;

(c) The OSS is designed to treat and dispose of the following flows:

(i) For single family residences, one hundred twenty gallons per bedroom per day, with a minimum of two hundred forty gallons per day, unless technical justification is provided to support calculations using a lower design flow;

(ii) For other facilities, the design flows noted in "Design Manual: On-site Wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to the department.) If the type of facility is not listed in the EPA design manual, design flows from one of the following documents are used:

(A) "Design Standards for Large On-site Sewage Systems," 1993, Washington state department of health (available upon request to the department); or

(B) "Criteria for Sewage Works Design," revised October 1985, Washington state department of ecology (available upon written request to the department of ecology).

(d) Septic tanks:

(i) Are included on the approved list under subsection (5)(d) of this section;

(ii) Have the following minimum liquid capacities:

(A) For a single family residence use Table III, Required Minimum Liquid Volumes of Septic Tanks:

**TABLE III
REQUIRED MINIMUM LIQUID VOLUMES OF SEPTIC TANKS**

Number of bedrooms	Required minimum liquid tank volume in gallons
≤ 3	900
4	1000
Each additional bedroom	250

(B) For facilities handling residential sewage, other than one single family residence, one and one-half times the daily design flow with a minimum of one thousand gallons;

(iii) Have clean-out and inspection accesses within twelve inches of finished grade; and

(iv) Are designed with protection against floatation and ground water intrusion in high ground water areas;

(e) Pump chambers:

(i) Are included on the approved list under subsection (5)(d) of this section;

(ii) Have clean-out and inspection accesses at or above finished grade; and

(iii) Are designed with protection against floatation, ground water intrusion, and surface water inflow in high ground water areas;

(f) Methods for effluent distribution shall correlate to soil types 1A through soil type 6 as described by Table IV of this section, except where local regulations approved by the department under WAC 246-272-02001 are more stringent:

**TABLE IV
METHODS OF EFFLUENT DISTRIBUTION FOR SOIL TYPES AND DEPTHS**

SOIL TYPE	VERTICAL SEPARATION			
	< 1 foot	≥ 1 foot to < 2 feet	≥ 2 feet to < 3 feet	≥ 3 feet
1A	Not allowed	Pressure Distribution (see note) ^{1, 2}	Pressure Distribution (see note) ¹	Pressure Distribution (see note) ¹
2A	Not allowed	Pressure Distribution (see note) ^{1, 2}	Pressure Distribution	Pressure Distribution
1B - 6	Not allowed	Pressure Distribution (see note) ^{1, 2}	Pressure Distribution	Gravity Distribution

¹ System meeting Treatment Standard 2 required.

² Mound systems installed where the original, undisturbed, unsaturated soil depth is between twelve and eighteen inches, require pretreatment by an intermittent sand filter.

(g) SSAS beds are only designed in soil types 2A, 2B, or 3, with a width not exceeding ten feet;

(h) Designs for conventional gravity systems in type 1A soil are not permitted due to the inadequate treatment performance capability of coarse grained soils. However, an exception may be permitted by the local health officer if the site meets all of the following criteria:

(i) System serves a single family residence;

(ii) The lot size is greater than two and one-half acres;

(iii) Annual precipitation in the region is less than twenty-five inches per year as described by "Washington Climate" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington state libraries);

(iv) The system is located outside all areas of special concern defined by WAC 246-272-21501(1);

(v) The system is located outside the twelve county Puget Sound water quality authority region; and

(vi) The geologic conditions beneath the disposal component must satisfy the minimum unsaturated depth requirements to ground water identified by interpreting a readable, representative well log. The method for determination is described by "Design Guideline for Conventional Systems In Type 1 Soils," (available upon written request to the department).

(i) Individual SSAS laterals greater than one hundred feet in length are to use pressure distribution;

(j) OSS having daily design flows between one thousand and three thousand five hundred gallons of sewage per day:

(i) Are located only in soil types 1 - 5;

(ii) Are located on slopes of less than thirty percent, or seventeen degrees; and

(iii) Have pressure distribution;

(k) Conventional gravity systems and conventional pressure distribution system have:

(i) The calculation of absorption area based upon the design flows in (c) of this subsection and loading rates equal to or less than those in Table V, Maximum hydraulic loading rate for residential sewage, and applied only to the bottom of the trench of the excavation.

**TABLE V
MAXIMUM HYDRAULIC LOADING RATE
FOR RESIDENTIAL SEWAGE¹**

SOIL TYPE	SOIL TEXTURAL CLASSIFICATION DESCRIPTION	LOADING RATE gal./sq. ft./day
1A	Very gravelly ² coarse sands or coarser, extremely gravelly ² soils.	Varies according to system selected to meet Treatment Standard 2 ⁴
1B	Very gravelly medium sands, very gravelly fine sands, very gravelly very fine sands, very gravelly loamy sands.	Varies according to soil type of the non-gravel portion
2A	Coarse sands (includes the ASTM C-33 sand).	1.2
2B	Medium sands.	1.0
3	Fine sands, loamy coarse sands, loamy medium sands.	0.8
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.	0.6
5	Silt loams that are porous and have well developed structure.	0.45
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2

¹ Compacted soils, cemented soils, and/or poor soil structure may require a reduction of the loading rate or make the soil unsuitable for conventional OSS systems.

² Very Gravelly = >35% and <60% gravel and coarse fragments, by volume.

³ Extremely Gravelly = >60% gravel and coarse fragments, by volume.

- 4 Due to the highly permeable nature of type 1A soil, only alternative systems which meet or exceed Treatment Standard 2 can be installed. However, a conventional gravity system may be used if it meets all criteria listed under (h) of this subsection. The loading rate for these systems is provided in the appropriate guideline.
- 5 The maximum loading rate listed for the soil described as the non-gravel portion is to be used for calculating the absorption surface area required. The value is to be determined from this table.

(ii) The bottom of a SSAS shall not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;

- (iii) The sidewall below the invert of the distribution pipe is located in original, undisturbed soil;
- (iv) Clean gravel, covered with a geotextile; and
- (v) A cover of between six and twenty-four inches of mineral soil containing no greater than ten percent organic content over the gravel to preclude accumulation of water over the drainfield.

(l) For other features, conventional gravity systems shall conform with the *"Design Manual: On-site Wastewater Treatment and Disposal Systems,"* United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to the department) except where modified by, or in conflict with this section or local regulations.

(3) When proposing the use of OSS for nonresidential sewage, the designer shall provide to the local health officer:

(a) Information to show the sewage is not industrial wastewater;

(b) Information to establish the sewage's strength and identify chemicals found in the sewage that are not found in residential sewage; and

(c) A design providing treatment equal to that required of residential sewage.

(4) The local health officer or department:

(a) Shall approve only OSS designs meeting the requirements of this chapter;

(b) Shall only permit the use of septic tanks, pump chambers, and holding tanks on the approved list under subsection (5)(d) of this section;

(c) Shall not approve designs for:

(i) Cesspools;

(ii) Seepage pits, except as allowed for repairs under WAC 246-272-16501(3); or

(iii) Conventional gravity systems or conventional pressure distribution systems in soil type 1A, except when an applicant meets all criteria established by subsection (2)(h) of this section.

(d) May approve a design for the reserve area different than the design approved for the initial OSS, if both designs meet the requirements of this chapter for new construction; and

(e) May allow the hydraulic loading rate calculated for the infiltration surface area in a disposal component to include six inches of the SSAS sidewall height for determining design flow where total recharge by annual precipitation and irrigation is less than twelve inches per year.

(5) The department shall:

(a) Develop and maintain design and construction standards for septic tanks, pump chambers, and holding tanks.

(b) Review septic tanks, pump chambers, and holding tanks, approving those satisfying the design and construction standards developed by the department.

(c) Require an annual report from the manufacturers or distributors of all products on the approved list under (d) of this subsection which assures that the product still meets the standards defined in this section, before relisting the product.

(d) Maintain a list of approved septic tanks, pump chambers, holding tanks that meet design and construction standards.

(e) Make periodic checks of products approved under this subsection.

(6) Persons desiring to manufacture or distribute septic tanks, pump chambers, holding tanks for use in an OSS shall:

(a) Certify the product meets standards for subsection (5)(a) of this section and submit the required documentation to the department for approval when:

(i) The manufacturer or distributor needs initial departmental review and listing to allow permitting by the local health officer or department;

(ii) The department amends the applicable criteria or standards; or

(iii) The manufacturer or distributor alters the product;

(b) Submit an annual report acceptable to the department to retain departmental approval; and

(c) Pay required fees to the department.

NEW SECTION

WAC 246-272-12501 Holding tank sewage systems.

(1) Persons shall not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.

(2) The local health officer may approve installation of holding tank sewage systems only:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as, recreational vehicle parks and trailer dump stations.

(b) For interim uses limited to handling of emergency situations.

(c) For repairs as permitted under WAC 246-272-16501(1)(c)(i).

(3) A person proposing to use a holding tank sewage system shall:

(a) Follow established design criteria established by the department;

(b) Submit a management program to the local health officer assuring ongoing operation and maintenance before the local health officer issues the installation permit; and

(c) Use a holding tank on the current approved list under WAC 246-272-11501(5)(d).

NEW SECTION

WAC 246-272-13501 Installation. (1) The local health officer and the department shall require approved installers to construct OSS, except as noted under subsection (2) of this section.

(2) The local health officer may allow the resident owner of a single family residence to install the OSS for that single family residence when: The OSS is either located on the same lot as the residence or situated on adjoining property controlled by the owner and legally listed as an encumbrance.

(3) The installer described by either subsection (1) or (2) of this section shall:

- (a) Follow the approved design;
- (b) Have the approved design in possession during installation;
- (c) Only install septic tanks, pump chambers, and holding tanks approved by the department;
- (d) Be on the site at all times during the excavation and construction of the OSS;
- (e) Install the OSS to be watertight, except for the disposal component;
- (f) Cover the installation only after the local health officer has given approval to cover; and
- (g) Back fill and grade the site to prevent surface water from accumulating over any component of the OSS.

NEW SECTION

WAC 246-272-14501 Inspection. (1) The local health officer shall:

- (a) Visit the OSS site during the site evaluation, construction, or final construction inspection;
- (b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if:

- (i) The designer is qualified; and
- (ii) The designer is not also named as installer of the system; and
- (iii) A qualified installer installed the OSS.

(c) Keep the "as-built" or "record" drawings on file.
 (2) The person responsible for the final construction inspection shall:

- (a) Assure the OSS meets the approved design; and
- (b) Direct the person responsible for final cover of the system to place a permanent marker at finished grade where needed to identify the location of the septic tank's first manhole.

(3) The designer or installer, as directed by the local health officer, upon completion of the OSS shall develop and submit a complete and detailed, "as-built" or "record drawing" to both the health officer and the OSS owner that include:

- (a) For new OSS, measurements to existing site features enabling the first tank manhole to be easily located, and a dimensioned reserve area; and
- (b) For repaired or altered OSS, the new, repaired, or altered components with their relationship to the existing system.

NEW SECTION

WAC 246-272-15501 Operation and maintenance. (1) The OSS owner is responsible for properly operating and maintaining the OSS, and shall:

- (a) Determine the level of solids and scum in the septic tank once every three years;

(b) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

- (c) Protect the OSS area and the reserve area from:
 - (i) Cover by structures or impervious material;
 - (ii) Surface drainage;
 - (iii) Soil compaction, for example by vehicular traffic or livestock; and
 - (iv) Damage by soil removal and grade alteration;
- (d) Keep the flow of sewage to the OSS at or below the approved design both in quantity and waste strength;
- (e) Operate and maintain alternative systems as directed by the local health officer; and
- (f) Direct drains, such as footing or roof drains, away from the area where the OSS is located.

(2) The local health officer shall:
 (a) Provide operation and maintenance information to the OSS owner upon approval of any installation, repair, or alteration of an OSS; and

- (b) Develop and implement plans to:
 - (i) Monitor all OSS performance within areas of special concern;
 - (ii) Disseminate relevant operation and maintenance information to OSS owners through effective means routinely and upon request; and
 - (iii) Assist in distributing educational materials to OSS owners.

(3) Persons shall not:
 (a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;

- (b) Use a sewage system additive unless it is specifically approved by the department; or
- (c) Use an OSS to dispose of waste components atypical of residential wastewater.

(4) The local health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed.

(5) The local health officer may require the owner of the OSS to:

(a) Use one or more of the following management methods or another method consistent with the following management methods for proper operation and maintenance:

- (i) Obtain and comply with the conditions of a renewable or operational permit;
- (ii) Employ a public entity eligible under Washington state statutes to, directly or indirectly, manage the OSS; or
- (iii) Employ a private management entity, guaranteed by a public entity eligible under Washington state statutes or sufficient financial resources, to manage the OSS;

(b) Evaluate any effects the OSS may have on ground water or surface water; and/or

(c) Dedicate easements for inspections, maintenance and potential future expansion of the OSS.

(6) Persons may obtain a handbook with material outlining management methods to achieve proper operation maintenance, and monitoring of OSS from the department one year after the effective date of this chapter.

(7) The local health officer may require installation of observation ports in each individual lateral or bed which extend from the bottom of the gravel to the finished grade for monitoring OSS performance.

NEW SECTION

WAC 246-272-16501 Repair of failures. (1) When an OSS failure occurs, the OSS owner shall:

- (a) Repair or replace the OSS with a conforming system or a nonconforming repair either on the:
 - (i) Property served; or
 - (ii) Nearby or adjacent property if easements are obtained; or
 - (b) Connect the residence or facility to a:
 - (i) Publicly owned LOSS; or
 - (ii) Privately owned LOSS where it is deemed economically feasible; or
 - (iii) Public sewer; or
 - (c) Perform one of the following when requirements in (a) or (b) of this subsection are not feasible:
 - (i) Use a holding tank; or
 - (ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:
 - (A) An OSS is not feasible; and
 - (B) The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water; or
 - (iii) Abandon the property.
 - (2) Prior to replacing or repairing the effluent disposal component, the OSS owner shall develop and submit information required under WAC 246-272-09001(1).
 - (3) The local health officer shall permit a nonconforming repair only when:
 - (a) Installation of a conforming system is not possible; and
 - (b) Connection to either an approved LOSS or a public sewer is not feasible.
 - (4) The person responsible for the design shall locate and design nonconforming repairs to:
 - (a) Meet the requirements of Table VI if the effluent treatment and disposal component to be repaired or replaced is closer to any surface water, well, or spring that is not used as a public water source as prescribed by the minimum separation required in Table 1 of WAC 246-272-09501(1).

TABLE VI

REQUIREMENTS FOR REPAIR OR REPLACEMENT OF DISPOSAL COMPONENTS NOT MEETING VERTICAL AND HORIZONTAL SEPARATIONS ^{1,2}

Vertical Separation in feet	Horizontal Separation in Feet ¹		
	< 25	25-50	> 50-100
<1	Treatment Standard 1	Treatment Standard 1	Treatment Standard 2 ²
1-2	Treatment Standard 1	Treatment Standard 2	Pressure Distribution
>2	Treatment Standard 2 ²	Pressure Distribution	Pressure Distribution

¹ The treatment standards refer to effluent quality before discharge to unsaturated, subsurface soil.
² The local health officer may permit ASTM C-33 sand to be used as fill to prevent direct discharge of treated effluent to ground water, surface water, or upon the surface of the ground.

³ The horizontal separation indicated is the distance between the disposal component and the surface water, well, or spring. If the disposal component is up-gradient of a surface water, well, or spring to be used as a potable water source, the next higher standard level of treatment shall apply unless treatment standard 1 is already being met.

⁴ Mound systems are not allowed to meet treatment standard 2.
 (b) Protect drinking water sources;
 (c) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;
 (d) Meet the horizontal separations under WAC 246-272-09501(1) to public drinking water sources;
 (e) Meet other requirements of this chapter to the maximum extent permitted by the site;
 (f) Maximize the:
 (i) Vertical separation;
 (ii) Distance from a well, spring, or suction line; and
 (iii) Distance to surface water.

(5) The local health officer shall identify nonconforming repair permits and describe on the permit the manner and extent of OSS nonconformance.

(6) An OSS owner receiving a nonconforming repair permit from the local health officer shall:

- (a) Record a copy of the permit, accompanying easements, restrictive covenants, and declaration of covenants with the county auditor;
- (b) Immediately report any failure to the local health officer;
- (c) Monitor the performance of the OSS according to the "Interim Guidelines for the Application of Treatment Standards 1 & 2, using Alternative On-site Sewage Treatment/Disposal Systems" amended August 4, 1992, (available upon written request to the department of health) and report the results to the local health officer at a minimum frequency of:
 - (i) Quarterly when treatment standard 1 is required; and
 - (ii) Annually when treatment standard 2 is required;
 - (d) Comply with all local and state requirements stipulated on the permit.

NEW SECTION

WAC 246-272-17501 Expansions. The local health officer or department shall require a conforming system and a reserve area for an expansion of a residence or other facility.

NEW SECTION

WAC 246-272-18501 Abandonment. Persons permanently removing a septic tank, seepage pit, cesspool, or other sewage container from service shall:

- (1) Have the septage removed by an approved pumper;
- (2) Remove or destroy the lid; and
- (3) Fill the void with soil.

NEW SECTION

WAC 246-272-19501 Septage management. (1) An individual shall be approved by the local health officer as a qualified pumper before removing septage from an OSS.

- (2) Persons removing septage from an OSS shall:

- (a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;
- (b) Record and report septage removal to the local health officer;
- (c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

NEW SECTION

WAC 246-272-20501 Developments, subdivisions, and minimum land area requirements. (1) A person proposing the development shall obtain approval from the local health officer prior to any development where the use of OSS is proposed.

(2) The local health officer shall require the following prior to approving any development:

- (a) Site evaluations as required under WAC 246-272-11001, excluding subsections (3)(a)(i) and (4)(d);
- (b) Where a subdivision with individual wells is proposed:
 - (i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or
 - (ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;
- (c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;
- (d) Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:
 - (i) **METHOD I.** Table VII, Single Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single family residence. For developments other than single family residences, the minimum land areas shown are required for each unit volume of sewage.

TABLE VII
MINIMUM LAND AREA REQUIREMENT
SINGLE FAMILY RESIDENCE OR UNIT VOLUME OF SEWAGE

Type of Water Supply	Soil Type (defined by section 11001 of this chapter)					
	1A, 1B	2A, 2B	3	4	5	6
Public	0.5 acre ¹					
	2.5 acre ²	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
Individual, on each lot	1 acre ¹	1 acre	1 acre	1 acre	2 acres	2 acres
	2.5 acres ²					

¹ Due to the highly permeable nature of type 1 soil, only alternative systems which meet or exceed Treatment Standard 2 can be installed.

² A conventional gravity system in type 1 soil is only allowed if it is in compliance with all conditions listed under WAC 246-272-11501 (2)(h). One of these limiting conditions is a 2.5 acre minimum lot size.

(ii) **METHOD II.** A minimum land area proposal using Method II is acceptable only when the applicant:

- (A) Justifies the proposal through a written analysis of the:
 - (I) Soil type and depth;
 - (II) Area drainage, and/or lot drainage;
 - (III) Public health impact on ground and surface water quality;
 - (IV) Setbacks from property lines, water supplies, etc.;
 - (V) Source of domestic water;
 - (VI) Topography, geology, and ground cover;
 - (VII) Climatic conditions;
 - (VIII) Availability of public sewers;
 - (IX) Activity or land use, present, and anticipated;
 - (X) Growth patterns;
 - (XI) Reserve areas for additional subsurface treatment and disposal;
 - (XII) Anticipated sewage volume;
 - (XIII) Compliance with current planning and zoning requirements;
 - (XIV) Possible use of alternative systems or designs;
 - (XV) Existing encumbrances, such as listed in WAC 246-272-09001 (1)(c)(v) and 246-272-11001 (2)(a)(vii); and
 - (XVI) Any other information required by the local health officer.
- (B) Shows development with public water supplies having:
 - (I) At least twelve thousand five hundred square feet lot sizes per single family residence;
 - (II) No more than 3.5 unit volumes of sewage per day per acre for developments other than single family residences; and
 - (C) Shows development with individual water supplies having at least one acre per unit volume of sewage; and
 - (D) Shows land area under surface water is not included in the minimum land area calculation; and
 - (e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submitted to the health officer of information consisting of field data plans, and reports supporting a conclusion the land area provided is sufficient to:
 - (i) Install conforming OSS;
 - (ii) Assure preservation of reserve areas for proposed and existing OSS;
 - (iii) Properly treat and dispose of the sewage; and
 - (iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.
- (3) The local health officer shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:
 - (a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or
 - (b) A planned unit development with:
 - (i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the density meeting the minimum land area requirements of subsection (2)(d) of this section;
 - (ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;
 - (iii) Management requirements under WAC 246-272-08001 when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(4) The local health officer may:

(a) Allow inclusion of the area to the centerline of a road or street right-of-way in a Method II determination under subsection (2)(d)(ii) of this section to be included in the minimum land area calculation if:

(i) The dedicated road or street right-of-ways are along the perimeter of the development;

(ii) The road or street right-of-ways are dedicated as part of the proposed development; and

(iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection;

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and

(e) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

(ii) The lot is outside an area of special concern where minimum land area has been listed as a design parameter necessary for public health protection; and

(iii) The proposed system meets all requirements of these regulations other than minimum land area.

NEW SECTION

WAC 246-272-21501 Areas of special concern. (1)

The local health officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:

(a) Shellfish protection districts or shellfish growing areas;

(b) Sole Source Aquifers designated by the U.S. Environmental Protection Agency;

(c) Areas with a critical recharging effect on aquifers used for potable water as designated under RCW 36.70A.170 (Washington Growth Management Act);

(d) Designated public water supply well head protection zones;

(e) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(f) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, water quality standards for ground waters of the state of Washington;

(g) Wetland areas under production of crops for human consumption;

(h) Frequently flooded areas delineated by the Federal Emergency Management Agency; and

(i) Areas identified and delineated by the local board of health in consultation with the department to address public health threat from on-site systems.

(2) The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern, including:

(a) Additional location, design, and/or performance standards for OSS;

(b) Larger land areas for new development;

(c) Prohibition of development;

(d) Additional operation, maintenance, and monitoring of OSS performance;

(e) Requirements to upgrade existing OSS;

(f) Requirements to abandon existing OSS; and

(g) Monitoring of ground water or surface water quality.

(3) Within areas of special concern, to reduce risk of system failures, a person approved or designated by the local health officer shall:

(a) Inspect every OSS at least once every three years;

(b) Submit the following written information to both the local health officer and the property owner within thirty days following the inspection:

(i) Location of the tank;

(ii) Structural condition of the tank, including baffles;

(iii) Depth of solids in tank;

(iv) Problems detected with any part of the system;

(v) Maintenance needed;

(vi) Maintenance provided at time of inspection; and

(vii) Other information as required by the local health officer.

(c) Immediately report failures to the local health officer.

NEW SECTION

WAC 246-272-22501 Certification of designers, installers, pumpers, inspectors, and maintenance personnel. Guidelines defining qualifications for designers, installers, pumpers, inspectors and maintenance personnel shall be established by the department. The guidelines shall include, but not be limited to education, experience, testing, and certification.

NEW SECTION

WAC 246-272-23501 Technical review committee.

The department shall:

(1) Maintain a committee consisting of a maximum of nine individuals with technical or scientific knowledge applicable to OSS whose purpose is to provide technical advice to the department; and

(2) Select members for the technical review committee from:

(a) Local health departments;

(b) Engineering firms;

(c) The department of ecology;

(d) Land sales, development and building industries;

(e) Public sewer utilities;

(f) On-site sewage system design and installation firms;

(g) Environmental organizations;

(h) University/college academic communities;

- (i) On-site sewage system or related product manufacturers; and
 - (j) Other interested organizations or groups.
- (3) Convene meetings as needed.

NEW SECTION

WAC 246-272-24001 State advisory committee. The department shall:

- (1) Maintain an on-site sewage advisory committee to:
 - (a) Make recommendations concerning departmental policy and regulations;
 - (b) Review program services; and
 - (c) Provide input to the department regarding the on-site sewage program;
- (2) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and
- (3) Convene meetings as needed.

NEW SECTION

WAC 246-272-25001 Waiver of state regulations.

(1) If concurrence is granted by the department, the local health officer may grant a waiver from specific requirements in this chapter for OSS under three thousand five hundred gallons per day only after the following procedure has been completed:

- (a) The applicant submits a waiver application to the local health officer, including justification describing how the requested waiver is consistent with purpose and objectives to meet the public health intent of this chapter;
- (b) When the local health officer determines that the waiver is consistent with the standards in and the intent of this chapter, the applicant forwards the completed waiver form, pertinent and supportive material, with required departmental fee to the department;
- (c) Upon review, the department returns the waiver application to the local health officer and a copy to the applicant, indicating that the department either concurs with the waiver as requested, or conditionally concurs with the request, or states reasons for denying the request.

(2) The department may grant a waiver from specific requirements in this chapter for a LOSS if a person submits a completed departmental waiver application and required fee to the department, including justification showing the requested waiver is consistent with the LOSS standards in this chapter, and is consistent with the purpose and objectives of this chapter to assure public health protection.

(3) If an applicant desires to modify and resubmit a previously denied waiver request, the process described above in subsection (1) of this section for OSS under three thousand five hundred gallons per day, or subsection (2) of this section for a LOSS shall be followed again.

NEW SECTION

WAC 246-272-26001 Enforcement. (1) The department or the local health officer:

- (a) Shall enforce the rules of chapter 246-272 WAC; or
- (b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law, including but not limited to any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of chapter 246-272 WAC;

(c) Denial, suspension, modification, or revocation of permits, approvals, or certification; and

(d) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272 WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by rule or statute are obtained.

(4) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272 WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification; and/or

(ii) Referral to the office of the county prosecutor or attorney general; and/or

(iii) Other appropriate remedies;

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order;

(h) Comply with chapters 43.70 and 34.05 RCW if issued by the department.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272 WAC, or any other statutory provision or rule regulating the operation of an OSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272-27001, a person is defined to include:

- (a) Applicant;
- (b) Re-applicant;
- (c) Permit holder; or
- (d) Any individual associated with (a), (b), or (c) of this subsection including, but not limited to:
 - (i) Board members;
 - (ii) Officers;
 - (iii) Managers;
 - (iv) Partners;
 - (v) Association members;
 - (vi) Agents; and in addition
 - (vii) Third persons acting with the knowledge of such persons.

- WAC 246-272-100 Minimum land area requirement.
- WAC 246-272-110 Determination of site characteristics.
- WAC 246-272-120 Subdivision and individual site review.
- WAC 246-272-130 Larger tract requirements.
- WAC 246-272-140 Location.
- WAC 246-272-150 Design.
- WAC 246-272-160 Repair of failures along marine shorelines.
- WAC 246-272-170 Marine expansions.
- WAC 246-272-180 Designer program.
- WAC 246-272-190 Inspection.
- WAC 246-272-200 Appeals.
- WAC 246-272-210 Waiver of state regulations.
- WAC 246-272-220 Disposal of septic tank waste.
- WAC 246-272-230 Installer requirements.
- WAC 246-272-240 State advisory committee.

NEW SECTION

WAC 246-272-27001 Notice of decision—Adjudicative proceeding. (1) All local boards of health shall:

- (a) Maintain an administrative appeals process to consider procedural and technical conflicts arising from the administration of local regulations; and
 - (b) Establish rules for conducting hearings requested to contest a local health officer's actions.
- (2) The department shall provide notice of a denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.
- (3) A person contesting a departmental decision regarding a permit, certificate, approval, or fine may file a written application for an adjudicative proceeding consistent with chapter 246-10 WAC.
- (4) Department actions are governed under the Administrative Procedure Act, chapter 34.05 RCW, RCW 43.70.115, this chapter, and chapter 246-10 WAC.

NEW SECTION

WAC 246-272-28001 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-272-001 Authority.
- WAC 246-272-002 Purpose and objectives.
- WAC 246-272-005 Administration.
- WAC 246-272-010 Definitions.
- WAC 246-272-020 Local regulation.
- WAC 246-272-030 Applicability.
- WAC 246-272-040 Alternative systems.
- WAC 246-272-050 Experimental systems.
- WAC 246-272-060 No surface discharge.
- WAC 246-272-070 Connection to public sewer system.
- WAC 246-272-080 Larger on-site sewage systems.
- WAC 246-272-090 Permit.

**WSR 93-21-063
PROPOSED RULES
DEPARTMENT OF LICENSING**
[Filed October 19, 1993, 1:18 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-128A-020 Organization, 308-128A-030 Meeting notice, 308-128A-040 Definitions, 308-128C-040 Change of office location, 308-128C-050 Deceptive names prohibited, 308-128D-010 Designated escrow officer responsibilities, 308-128D-030 Accuracy and accessibility records, 308-128D-040 Agreements and closings, 308-128D-070 Suit or complaint notification, 308-128E-011 Administration of funds held in trust, and 308-128F-020 Errors and omissions policy.

Purpose: These changes are necessary to reflect organizational changes in the Department of Licensing, and to reflect changes in both the escrow and banking industry so that our rules reflect current standard practice in the industries.

Statutory Authority for Adoption: RCW 18.44.320.

Statute Being Implemented: RCW 18.44.010, [18.44].020, [18.44].050, [18.44].067, [18.44].070, and [18.44].260.

Summary: Changes to reflect the escrow program as being a separate entity from the real estate program; an added definition of unclaimed funds; a change relating to the issuance of a certificate under a deceptive name; and changes relating to escrow office and branch office procedures.

Reasons Supporting Proposal: These changes are necessary to reflect changes in departmental organization and industry practice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Mitchell, 2424 Bristol Court, Olympia, 98504, 586-6102.

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 changes to WAC 308-128A-020 and 308-128A-030 simply reflect a change in program organization. WAC 308-128A-040 provides a definition of unclaimed funds, and WAC 308-128C-040 designates that branch offices must have their address on file prior to engaging in business. WAC 308-128C-050 clarifies that the director has discretion in prohibiting deceptive names. The remainder of the changes update rules so that they reflect current industry practice and allow designated escrow officers to conduct their business in conformity with bank practices.

Proposal Changes the Following Existing Rules: Allows designated escrow officers to sign a statement of responsibility and correctness for trust accounts in addition to the designated escrow officer; reduces the amount of time records must be stored in site, and allows for magnetic storage and requires escrow agents to provide a copy of a final closing statement to each real estate broker involved in a transaction. WAC 308-128D-070 limits the type of civil judgments which a licensee needs to inform the department of.

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

Hearing Location: Homecourt All-Suite Hotel, 6329 South 212th Street, Kent, WA 98032, on December 13, 1993, at 9:00 a.m.

Submit Written Comments to: Bob Mitchell, Escrow Program, P.O. Box 9015, Olympia, WA 98507-9015, by December 9, 1993, 5:00 p.m.

Date of Intended Adoption: January 17, 1994.

October 19, 1993
Martin E. Wyckoff
Assistant Attorney General

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

WAC 308-128A-020 Organization. The ~~((real estate/))~~escrow program ~~((management of the business and professions administration))~~ of the department of licensing administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director of the department of licensing and five board members, appointed by the governor, approve examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. Information regarding escrow licenses, the escrow commission or the ~~((real estate/))~~ escrow program ~~((management))~~ may be obtained by writing to the Program Manager, ~~((Real Estate/))~~Escrow Program ~~((Management))~~, Department of Licensing, P.O. Box 9015 ~~((9012))~~, Olympia, Washington 98507 ~~((98504))~~.

~~((The office of the real estate/escrow program management is located at 1300 Quincee Street, Olympia, Washington.))~~

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

WAC 1308-128A-030 Meeting notice. Individuals desiring to be informed as to date, time, place and agenda of the escrow commission meetings must make a written

request to the ~~((p))~~Program ~~((m))~~Manager, Escrow Program Department of Licensing, P.O. Box 9015 Olympia, WA 98507 ~~((of real estate/escrow program management))~~.

Reviser's note: The above section, filed by the agency as an amendment of WAC 1308-128A-030, appears to be an amendment of WAC 308-128A-030, there being no WAC 1308-128A-030 in existence. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

WAC 308-128A-040 Definitions. (1) The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

(2) "Closing" means the transfer of title of real or personal property or execution of a real estate contract whichever event occurs first.

(3) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.

(4) "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

(5) "Securities" means any stock, treasury bill, bond debenture or collateral-trust certificate tendered in lieu of an errors and omissions policy. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

(6) "Unclaimed Funds" are those funds for which the rightful owner is unknown, or the location of payee is unknown, or staledated checks which have not been cashed

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

WAC 308-128C-040 Change of office location. The escrow agent shall notify the department of any change of location or mailing address of the agent's office or branch office prior to engaging in business at the new location or address. Notification shall be made by filing a change of address application with the department, accompanied by all licenses issued to the former address or location, and all applicable fees.

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

WAC 308-128C-050 Deceptive names prohibited. A the discretion of the director or the director's designated representative, ((A))an escrow agent may not be issued a certificate nor advertise in any manner using names or trade styles which are similar to currently issued certificates or imply that the agent is a nonprofit organization, research organization, public bureau or public group, are otherwise deceptive, or which uses or makes reference to the existence of financial responsibility. A bona fide franchisee may be issued a certificate using the name of the franchisor with the firm name of the franchisee.

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 PM 763, filed 9/9/88)

WAC 308-128D-010 Designated escrow officer responsibilities. The designated escrow officer shall be responsible for the custody, safety, and correctness of entries of all required escrow records. The escrow officer retains this responsibility even though another person or persons may be assigned by the escrow officer the duties of preparation, custody, recording or disbursing.

The branch escrow officer shall bear responsibilities for the custody, safety and correctness of entries of all transactions at the branch office.

Prior to issuing a new certificate reflecting a change of the designated escrow officer or branch designated escrow officer of a registered escrow agent, ~~((the agent must submit))~~ evidence must be submitted that the responsibility for preexisting escrows is transferred to the incoming designated escrow officer, or incoming branch designated escrow officer. Such evidence ~~((may take either of the following forms:))~~ shall be

~~((1))~~ ~~((A))~~ a statement signed by both the outgoing designated escrow officer and the incoming designated escrow officer listing all outstanding trust liabilities and certifying that funds in hand in the trust account maintained by the agent are adequate to meet all such trust liabilities. At the discretion of the designated escrow officer the outgoing and incoming branch designated escrow officers may sign the statement.

~~((2) An audit, performed at the request of, and at the expense of, the escrow agent by the audit staff of the department. The incoming designated escrow officer shall not be deemed responsible for any discrepancy identified during such audit.)~~

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 PM 763, filed 9/9/88)

WAC 308-128D-030 Accuracy and accessibility of records. (1) All records shall be accurate, posted and kept up to date. All records shall be kept at an address where the escrow agent is licensed to maintain an escrow office. Such records shall be retained and available for inspection by the department for a minimum of six years: *Provided, however,* That records of transactions closed or completed for ~~((two))~~ one year(s) or more may be stored at a remote location. If the records are stored at a remote location, the records shall be available upon demand of the department and maintained in a manner to be readily retrievable.

(2) Upon closing, transaction records may be stored on magnetic media, such as optical disk or microfilm, provided

the retrieval process does not permit modification of the documents. Retrieval process is defined as the on site ability to view and print the document in its original form. The escrow agent must have in their records a statement signed by the supplier of the system that the program does not permit the user to modify a document after it has been stored on the media.

AMENDATORY SECTION (Amending Order PM 790, filed 11/14/88)

WAC 308-128D-040 Agreements and closings. The escrow agent shall be responsible for the effecting and closing of escrow agreements between the principal parties. The agent shall as a minimum:

(1) Prepare or accept an instrument of escrow instructions among each principal and the agent based upon a written agreement signed by the principals. The escrow instructions shall not be modified except by written agreement signed by the principals and accepted by the agent. The agent shall disclose in writing to the parties to the transaction when a profit, or the potential for a profit on fees and services provided may be realized by the escrow agent. Justifiable costs for fees and services related to the transaction may include, but not be limited to courier fees, credit reports, postage, fax services, and copying of documents. A copy of the disclosure shall be maintained in the transaction file.

(2) Require an addendum to the purchase agreement for any and all material changes in the terms of the transaction, including but not limited to, changes in the financing of the transaction.

(3) Provide the services and perform all acts pursuant to the escrow instructions.

(4) Provide a complete detailed closing statement as it applies to each principal at the time the transaction is closed. The agent shall retain a copy of all closing statements, even though funds are not handled by the agent, in the transaction file. The closing statements shall show:

- (a) The date of closing.
- (b) The total purchase price.
- (c) An itemization of all adjustments, monies or things of value received or paid.
- (d) To whom each item is debited and/or credited.
- (e) Date each adjustment was made.
- (f) Names of payees, makers and assignees of all notes paid, made or assumed.
- (g) Pay the net proceeds of sale directly to the seller unless otherwise provided in writing by the seller or a court of competent jurisdiction.

(h) Obtain original signatures of the principals on either the preliminary or final closing statement and maintain a copy of the signed closing statement in the transaction file.

(5) The escrow agent shall provide a copy of the final closing statement to each real estate broker involved with the transaction.

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

WAC 308-128D-070 Suit or complaint notification. Every escrow agent and escrow officer shall, within twenty days after service or knowledge thereof, notify the depart-

ment of (~~any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the agent, escrow officer, or employee thereof is named as a defendant; and in which the subject matter involves any escrow or business activity of the defendants therein named.~~) the following:

(1) Any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

(2) Entry of a civil court order, verdict, or judgment, against the licensee in any court of competent jurisdiction in which the subject matter therein involves any escrow or business related activity by the licensee. Notification is required regardless of any pending appeal.

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 PM 825, filed 3/1/89 [3/21/89])

WAC 308-128E-011 Administration of funds held in trust. The designated escrow officer or branch designated escrow officer on behalf of the escrow agent shall be responsible for all funds received from any principal or any party to an escrow transaction or escrow collection account and shall hold the funds in trust for the purposes of the transaction or agreement and shall not utilize such funds for the benefit of the agent or any person not entitled to such benefit. The escrow agent shall establish a trust bank account(s) in a recognized Washington state depository. The escrow agent is responsible for depositing, holding, disbursing, and accounting for funds in trust as provided herein.

(1) The trust bank account(s) shall be designated as a trust account in the name of the escrow agent as certified. Trust bank accounts shall be noninterest bearing demand deposit accounts except as follows:

(a) Interest-bearing trust bank accounts or dividend earning investment accounts containing funds pertaining to an individual escrow transaction or escrow collection account may be established by the agent if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an owner, vendor, lessor, etc., involving escrow collections may be established by the agent when directed by written agreement or directive signed by the principals: *Provided*, That all interest or earnings shall accrue to the principals as directed in the agreement.

(2) The agent shall establish and maintain a system of records and procedures as provided in this section. Any alternative records or procedures proposed for use by the escrow agent shall be approved in advance by the department.

(3) The agent is responsible for the disbursement of all funds received and held in trust, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the agent's behalf. The designated escrow officer must have signatory authority on all trust bank accounts. At the discretion of the designated escrow

officer, branch designated escrow officers may be delegated signature authority for trust bank accounts at their branch.

(4) All funds received for any reason pertaining to an escrow transaction or collection account shall be deposited in the escrow agents trust bank account(s) not later than the first banking day following receipt thereof except funds owned exclusively by the agent.

(5) All funds received shall be identified by the day received and by the amount, source, and purpose on either a cash receipts journal or duplicate receipt which shall be retained as a permanent record.

(6) All deposits to the trust bank account(s) shall be documented by a duplicate bank deposit slip, validated by bank imprint or attached deposit receipt which shall bear the signature of the authorized representative of the agent indicating that the funds were actually deposited into the proper trust bank account. Receipt of funds by wire transfer are to be posted in the same manner as other receipts and there shall be a traceable identifying name or number supplied by the financial institution or transferring entity. The agent must also make arrangements for a follow-up "hard copy" receipt for the deposit.

(7) An individual client's ledger sheet shall be established and maintained for each escrow transaction for which funds are received in trust and to which all receipts and disbursements shall be posted.

(a) Credit entries must show the date of deposit or wire transfer, amount, and name of remitter.

(b) Debit entries must show the date of check, check number, amount of check, and name of payee.

(8) The reconciled trust bank account(s) must equal at all times the outstanding trust liability to clients. The outstanding trust liability to clients must equal the trial balance of all escrows with undisbursed balances.

(9) The agent shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account receipts and disbursement records. The reconciliation will be signed by the designated escrow officer or branch designated escrow officer. Such reconciliations are to be retained as permanent records.

(10) All disbursement of trust funds shall be made by check, drawn on the trust bank account, and identified on the check as pertaining to a specific escrow transaction or collection account except as provided in (a) through (e) of this subsection. The number of each check, amount, date payee, and the specific client's ledger sheet debited must be shown in the cash register or cash disbursement journal and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipt until the deposit has been verified.

(b) The escrow agent must make arrangements with the financial institution in which the trust bank account is located to provide a follow-up "hard copy" debit memo when funds are disbursed via wire transfer.

(c) The escrow agent shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(d) Transfers between closing escrows may be made by ledger entries alone provided a transfer form is used contain

ing the date of the transfer, the amount of the funds being transferred, the identity of the escrow accounts being debited and credited, and the signature of the person authorized to sign checks on the escrow bank account. Intra-bank debit memo transfer forms may be used only where the escrow accounts involved in the transfer are closed through the same bank account. The authorization for the transfer must be placed in each escrow file involved.

(e) Transfers between collection escrows of a recurring nature must be authorized by standing instructions on file from the appropriate parties.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12)(a) ~~((A separate check shall be drawn on the trust bank account payable to the escrow agent as certified, for each escrow fee earned as set forth in the escrow instructions or settlement statement upon the closing of the escrow transaction. Each check for escrow fees shall be identified to the transaction to which it applies.))~~ A separate check shall be drawn on the trust bank account payable to the escrow agent for escrow and service fees for which the escrow agent is authorized payment therefor as provided in the escrow instructions. All such fees relating to the transaction may be withdrawn by a single check provided such check is supported by an itemization of the charges on the closing or settlement statement. Each check shall bear the escrow or transaction number.

(b) Collection account fees may be withdrawn by a single check provided such check is supported by a schedule of fees identified to each individual account. Such fees shall be withdrawn at least once monthly or as provided in the collection contract agreement if the fees are payable for a greater term than monthly.

(13) No deposits to the trust bank accounts shall be made of funds that do not pertain to an escrow transaction or not received in connection with an escrow collection account, or that belong to the agent, including fees to "open" the bank account or to keep the account from being closed.

(14) No disbursement from the trust bank account shall be made:

(a) For items not pertaining to a specific escrow transaction or escrow collection account;

(b) In advance of the closing of an escrow transaction, or before the happening of a condition set forth in the escrow instructions, to any person or for any reason without a written release from all principals of the escrow transaction or collection account, except that if the earnest money agreement terminates according to its own terms prior to closing, disbursement of earnest money funds shall be made as provided by the earnest money agreement without a written release unless the funds are handled as provided in WAC 308-128D-060;

(c) Pertaining to a specific escrow transaction or collection account in excess of the actual amount held in the trust bank account in connection with such account;

(d) In payment of a fee owed to any employee of an agent or in payment of any business expense of the agent. Payment of fees to employees of an agent or of any business expense of the agent shall be paid from the regular business bank account of the agent;

(e) For bank charges of any nature. Arrangements must be made with the bank to have any such charges applicable

to the trust bank accounts charged to the regular business bank account, or to provide a separate statement of bank charges so that they may be paid from the agents regular business bank account;

(f) For preauthorization of payments by the financial institution for recurring expenses such as mortgage payments on behalf of the owner if the account contains tenant security deposits or funds belonging to more than one client;

(g) Of funds received as a damage or security deposit involving a lease or rental contract, to the property owner or to any person(s) without the written authority of the lessee. Such funds are to be held until the end of the tenancy when they are to be disbursed to the person(s) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

(h) If the financial institutions automated system does not have the ability to charge fees to another account, or does not provide a separate statement for the service fees as required by paragraph (14)(e) of this sub-section, and the account is debited for service fees, the escrow agent shall deposit within one banking day after receipt of notice funds from the general business or other non-trust account to cover the service fee charged.

(15) The provisions of this section are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files;

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record;

(c) The escrow agent will maintain a printed, dated source document file to support any changes to existing accounting records;

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier (printer). The program may assign suffixes or subaccount codes before or after the check number for identification purposes;

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer;

(f) All checks written must be included within the computer accounting system.

(16) Unclaimed funds are governed by the Uniform Unclaimed Property Act of 1983, Chapter 63.29 RCW. If the agent has funds classified as unclaimed, the designated escrow officer or branch designated escrow officer shall contact the Department of Revenue for disposition instructions. The agent shall maintain a record of the correspondence relating to unclaimed funds for a period of five years.

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

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

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

WAC 308-128F-020 Errors and omissions policy. Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy providing coverage in the minimum aggregate amount of \$50,000 or, alternatively, cash deposit or securities in the principal amount of \$50,000. Securities used ~~((it))~~ as an alternative to an errors and omissions policy shall be physically effectively delivered to the director. ~~((department of licensing,))~~ For the purpose of fulfilling the requirements of chapter 18.44 RCW and these rules ~~((:)),~~ the escrow agent shall execute an irrevocable assignment and any supporting documentation as required by the director. Securities which are stocks or other interest in the registered escrow agency are not acceptable securities for the purposes of fulfilling the requirements of chapter 18.44 RCW and these rules.

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.

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 93-21-065
PROPOSED RULES
EDMONDS COMMUNITY COLLEGE**
[Filed October 19, 1993, 2:07 p.m.]

Original Notice.

Title of Rule: Student discipline.

Purpose: To provide a process for dealing with student disciplinary actions.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: This rule defines students' rights and responsibilities and reasonable standards of behavior and provides for substantive and procedural due process in disciplinary actions.

Reasons Supporting Proposal: This rule is being amended to update and clarify the current rule by adding additional requirements and behavior standards and clarifying the notice and hearing processes.

Name of Agency Personnel Responsible for Drafting: Barbara Patterson, NCA, 640-1535; Implementation and Enforcement: George Smith, LYN 142, 640-1668.

Name of Proponent: Edmonds Community College, public.

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

Proposal Changes the Following Existing Rules: Adds procedure for civil rights violations. Changes the prehearing and hearing processes.

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

Hearing Location: Triton Union Building, Room 200, on December 1, 1993, at 1:30 p.m.

Submit Written Comments to: Barbara Patterson, by December 1, 1993.

Date of Intended Adoption: December 16, 1993.

Barbara Patterson

AMENDATORY SECTION (Amending Resolution No. 82-4-1, filed 4/28/82)

WAC 132Y-125-004 Disciplinary procedures. Enrollment in Edmonds Community College carries with it the obligation that the student will be a responsible citizen of the college. At the same time the college has the responsibility of informing students of their rights and responsibilities, defining reasonable standards of behavior, and assuring substantive and procedural due process.

The following ~~((section establishes a procedure for))~~ procedures apply to the administration of disciplinary action for nonacademic violations.

~~((Most disciplinary proceedings will be conducted informally between the student and the dean for student services or the dean's designee. In some cases, at the discretion of the dean or the student, formal procedures may be invoked.))~~

(1) **Responsibility.** The dean ~~((for))~~ of student services is the executive officer of the college with regard to student affairs, including discipline, and shall initiate all disciplinary procedures. ~~((The dean is responsible for assembling facts on cases referred to her/his office, making provisions for suitable hearings, convening the college discipline committee when it is requested, notifying students and others concerned, keeping confidential files and reports on cases, following up each discipline case until it is closed, and destroying out-of-date files on discipline cases))~~ except those which result from civil rights violations. Discipline as a result of civil rights violations shall be initiated by the vice-president of human resources, the executive officer of the college with responsibility for civil rights compliance. Hereafter, wherever this policy refers to the dean of student services, the vice-president of human resources should be substituted if the charge is a civil rights violation.

(2) **Guidelines for student conduct.** The following are guidelines for acceptable student conduct. A student enrolling in the college assumes a responsibility for conduct compatible with the college's function as an educational institution. Although Edmonds Community College is dedicated to an open, free society, there are some actions incompatible with the mission of an institution of higher education.

Grounds for disciplinary action shall include, but not be limited to, the following:

(a) Dishonesty, including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the college.

(b) Forgery, alteration, or misuse of college documents, records, or identification.

(c) Obstruction or disruption of teaching, institutional or instructional research, administration of the college, disciplinary procedures, or other college activities, including but not limited to, meetings of the board of trustees, community service functions, or other authorized activities on college premises.

(d) Physical and/or verbal abuse of any person on college-owned or controlled property or at college-sponsored or supervised functions or conduct which threatens or

endangers the health or safety of any such person; assault and battery; harassment.

(e) Theft of or damage to property of the college or of a member of the college community or of a visitor to the campus.

(f) Unauthorized entry or occupancy of college facilities or blocking access to or egress from such areas.

(g) Unauthorized use of college supplies or equipment.

(h) Violation of college policies or ~~((of campus))~~ regulations, including, but not limited to, ~~((campus))~~ regulations concerning student organizations, the use of college facilities, or the time, place and manner of public expression.

(i) Illegal use, possession, or distribution of drugs on campus or at any college-sponsored event, or appearance on campus or at any college-sponsored event while under the influence of illegally used drugs as described in the college's alcohol and drug policy.

(j) Use, possession or distribution of alcoholic beverages on college property or appearance on campus or at any college-sponsored event while under the influence of alcohol. Use or possession of alcoholic beverages at any college event shall be by approved permit and restricted to persons of legal age as described in the college's alcohol and drug policy.

(k) Disorderly conduct; lewd, indecent, or obscene conduct or expression; breach of the peace; or aiding, abetting, or procuring another to breach the peace on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Failure to comply with directions of college officials acting in the performance of their duties.

(m) Illegal possession or use of firearms, possession of explosives, dangerous chemicals, substances or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the college or college-owned or controlled property or at college-sponsored or supervised functions ~~((without written authorization))~~.

~~((of))~~ (n) Hazing, whether it is physical or verbal, which interferes with the personal liberty of a fellow student, faculty member, or employee of the college.

(o) Acts or behaviors which discriminate against staff, students or the public on the basis of race, ethnic origin, sex, age, sexual orientation, or disability as described in the college's human rights policies.

(p) Trespass or unauthorized presence through entering or remaining unlawfully, as defined by state law, including computer trespass or using college premises, facilities or property without authority.

(3) ~~((Disciplinary measures available to enforce standards of student conduct.~~

~~(a) **Reprimand.** A reprimand serves to place on record that a student's conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified in writing by the dean for student services that this serves as a warning that continued conduct of the type described in the reprimand may result in formal action against the student. S/he is further informed that records of reprimands are confidential property of Edmonds Community College and are destroyed two years after the last entry has been made concerning any disciplinary action against an individual student, and that such records are not~~

~~considered part of a student's permanent records at the college.~~

~~(b)) **Initiation of disciplinary action.** Anyone may report, orally or in writing, violations to the dean of student services, or designee, who may initiate disciplinary procedures.~~

~~(a) **Notice.** The student shall be informed of the provisions of the code of student rights and responsibilities. Any student charged with a violation shall receive written notice delivered to the student personally or by registered or certified mail to the student's last known address no later than fifteen business days after a reported violation. (This notice will not be ineffective if presented later due to the student's absence.) This notice shall contain:~~

~~(i) The time, date, place, and nature of the alleged misconduct;~~

~~(ii) Specific provisions of any policies or regulations allegedly violated;~~

~~(iii) The time and date the student is required to meet with the dean of student services, or designee;~~

~~(iv) That anything the student says at the meeting with the dean, or designee, may be used against the student;~~

~~(v) Inform the student that failure to appear may subject the student to any sanction authorized by this code.~~

~~(b) **Meeting with the dean of student services, or designee.**~~

~~(i) After considering the initial evidence and interviewing the student or students involved, the dean of student services, or designee, may take any of the following actions: Impose the sanction of written reprimand; exonerate a student or students; refer the case to a hearing before the president; or dismiss the case (after whatever counseling or advice may be appropriate).~~

~~(ii) **Dean's decision notice:** The student shall receive written notice of the dean's decision, as well as a summary of the evidence and notice of the right to appeal within ten days to the president.~~

~~(iii) Action taken by or at the recommendation of the dean of student services, or designee, within the provisions of this section is final unless the student appeals.~~

~~(iv) All recommendations involving suspension, dismissal, or expulsion other than summary suspension will be referred to the college president, or designee.~~

~~(4) **Hearing with the president.**~~

~~(a) The student shall be given written notice of the time, date, and location of the hearing and the specific charges against the student. The student shall be accorded reasonable access to the case file, which will be retained by the dean of student services, or designee.~~

~~(b) The student may be represented by counsel of the student's own choosing provided that the student shall bear the cost and shall give three days' notice thereof to the dean of student services, or designee.~~

~~(c) The college may be represented by the dean of student services, or designee, including an assistant attorney general.~~

~~(d) A decision shall be made prior to the hearing whether or not the hearing will be tape recorded or transcribed. If a recording or transcription is made, a copy thereof shall be on file at the office of the dean of student services. If a recording or transcription is not made, the~~

decision of the president or designee shall include a summary of the testimony.

(e) The president, or designee, shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(f) Hearings will be closed to the public, except for the dean and/or designee, immediate members of the student's family, witnesses, and the student's representative. An open hearing may be held, at the discretion of the president, if requested by the student. The president may choose whether or not to let witnesses remain for any part of the hearing which does not include their testimony.

(g) The dean of student services, or designee, shall make the first presentation. In the event witnesses are called, they may be questioned by the student or student's representative.

(h) Upon completion of the presentation by the dean of student services, or designee, the student may make his/her presentation and may present any witness desired. Either side may offer rebuttal.

(i) The president and the student, or his/her representative, may question any witness.

(j) The president may, upon agreement by both parties, receive sworn written statements in lieu of oral testimony at the hearing. The president has the right to control the number and conduct of witnesses.

(k) After the completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the president may ask any questions.

(l) The hearing will then be closed.

(m) The burden of proof shall be on the dean, or designee, who must establish the guilt of the student by a preponderance of the evidence.

(n) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings conducted pursuant to this code. The president shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(o) When a recommendation decision has been reached, the president may reconvene and announce his/her recommendation or let the parties know approximately when they will receive the written decision.

(p) The president's decision shall be final.

(5) Sanctions.

(a) Summary suspension. ~~((+))~~ The dean ~~((for))~~ of student services or designee may summarily suspend any student from the college for not more than ten academic calendar days pending investigation, action or prosecution of charges of an alleged violation or violations of the guidelines for student conduct, if the dean ~~((for))~~ of student services has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the protection of college property requires such suspension.

~~((+))~~ During the period of summary suspension, suspended students shall not enter the campus of the college other than to meet with the dean ~~((for))~~ of student services or to attend the disciplinary hearing. However, the dean may grant the student special permission to enter for the

express purpose of ~~((meeting with faculty, staff, or students in))~~ preparation for the hearing.

~~((+))~~ If the dean ~~((for))~~ of student services, or designee, finds it necessary to exercise the authority to summarily suspend a student s/he shall:

~~((A))~~ (i) Give an oral or written notice of the alleged misconduct and violation(s) of any provision of the guideline for student conduct;

~~((B))~~ (ii) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

~~((C))~~ (iii) Give an oral or written explanation of the ~~((corrective action or punishment))~~ summary suspension (up to a maximum of ten academic calendar days suspension) which may be imposed ~~((to))~~ on the student;

~~((D))~~ Notify the student that s/he may either accept the disciplinary action or, within forty eight hours or two work days following receipt of this notification, file at the office of the dean for student services, a written request for a hearing by the committee on student conduct. If the request is not filed within the prescribed time, it will be deemed as waived.

~~((E))~~ Notify the student that should the student request a hearing, s/he may bring an advocate to speak in his or her behalf.

~~((iv))~~ If oral notice is given, it shall be followed by written notice within forty eight hours.

~~((v))~~ The processing of hearing actions shall be accomplished according to the provisions set forth in this code, Article F, *Disciplinary and hearing procedures*, beginning with Section 5.

~~((e))~~ **Disciplinary probation.** The dean for student services, after close evaluation of the individual case, may restrict the college related activities of students or groups of students as s/he deems necessary and feasible by placing them on disciplinary probation. Disciplinary probation may be imposed for a period of not to exceed one year. Repetition during the probationary period of conduct resulting in disciplinary probation may be cause for suspension or other disciplinary action.

~~((d))~~ **Disciplinary suspension.** Disciplinary suspension serves as a penalty against the student as a result of his conduct which fails to meet standards expected at the college. A suspended student is not to occupy any portion of the campus for a period to be specified in writing and is denied all college privileges including class attendance. Disciplinary suspension requires the approval of the president.

~~((e))~~ **Expulsion.** An expelled student is denied all further college privileges. Students may be expelled only with the approval of the president.

~~((4))~~ **Emergency procedure.** Nothing herein shall prevent faculty members or administrators from taking reasonable summary action as may be necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process. The faculty member or administrator should immediately bring the matter to the attention of the dean for student services for appropriate disciplinary action.

~~((5))~~ **The committee on student conduct.**

(a) A standing committee shall be established annually by the dean for student services to conduct hearings when requested by a student regarding disciplinary actions.

(b) The chairperson shall be elected by the committee.

(c) The committee shall include:

(i) Two students designated by the president of the associated students;

(ii) One administrator of the college designated by the college president, not to be the dean for student services;

(iii) Two persons representing the faculty, designated by the faculty association president.

(d) A quorum shall consist of four members.

(e) All committee members shall have voting rights with simple majority rule.

(6) Disciplinary and hearing procedures.

(a) Allegations of misconduct shall be filed in the dean for student services' office in writing. Upon investigation, the dean for student services shall initiate appropriate action.

(b) Students alleged to have conducted themselves inappropriately shall be provided with written notice to meet with the dean for student services or designee for a preliminary conference regarding the basis for possible disciplinary action. The notice must be given at least twenty-four hours or one work day prior to the scheduled appointment, and shall contain a statement of the allegations.

(c) If after the preliminary conference and investigation, the dean for student services determines that the student's conduct has not been in violation of college standards, the dean will dismiss proceedings and exonerate the student.

(d) If after the student's preliminary conference, the recommendation of the dean for student services is for disciplinary action, the student shall receive the following in writing:

(i) Notification of the findings and conclusions of the investigation by the dean for student services.

(ii) Notification of the disciplinary action which is to be recommended.

(iii) Notification that the student may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean for student services, a written request for a hearing by the committee on student conduct. If the request is not filed within the prescribed time, it will be deemed as waived.

(iv) Notification that should a student request a hearing s/he may bring an advocate to speak on his or her behalf.

(e) If the student does not request a hearing, the dean for student services shall carry out the disciplinary action.

(f) If the student decides to request a hearing, s/he shall file at the office of the dean for student services a written notice of this intent as specified above. Within forty-eight hours or two work days of requesting the hearing the student shall file at the office of the dean a specific written response to each of the charges.

(g) A meeting of the committee on student conduct shall be convened not earlier than twenty-four hours or one work day nor later than forty-eight hours or two work days after submission of the student's response to the charges for formal hearing and to make a recommendation in the case to the president.

(i) Hearing procedure.

(A) The chairperson shall select a person to keep a record of the proceedings.

(B) The chairperson shall designate a person to collect and preserve all exhibits in evidence.

(C) The committee on student conduct shall present a recommendation after the conclusion of the hearing.

(D) The dean for student services or designee shall make the first presentation. In the event witnesses are called, they may be questioned by the student or student's representative and the committee.

(E) Upon completion of the presentation by the dean for student services, the student may make his/her presentation and may present any witness desired. Again, the committee or the dean may question any witness.

(F) After the completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask any questions.

(G) The hearing will then be closed and the committee will retire to executive session for deliberation.

(H) When a recommendation has been reached, the committee will reconvene and announce its recommendation. The meeting will then be adjourned.

(ii) Evidence.

(A) The committee may, upon agreement by both parties, receive sworn written statements in lieu of sworn oral testimony at the hearing.

(B) The committee has the right to control:

(B.1) Relevance

(B.2) Materiality

(B.3) Competency

(B.4) Number and conduct of witnesses

(iii) Recommendations of the committee.

(A) In making a recommendation, the committee shall consider the following issues:

(A.1) Does the alleged act constitute a violation of acceptable standards of student conduct?

(A.2) Did the student involved commit the acts with which s/he was charged?

(A.3) Were there any mitigating circumstances?

(A.4) What sanctions have been imposed in previous cases of a similar nature?

(B) Recommendations shall include:

(B.1) Findings of fact

(B.2) Conclusions

(B.3) A recommendation on whether to uphold the decision and recommended action of the dean for student services or to institute other disciplinary action or to exonerate the student of charges.

(C) The record of the hearing, the findings, and the recommendations of the committee on student conduct shall be reviewed by the president.

(D) The president shall announce the decision within forty-eight hours or two work days after receipt of said record, findings and recommendations.

(E) The president's decision shall be final.)) (iv) Emergency procedure. Nothing herein shall prevent faculty members or administrators from taking reasonable summary action as may be necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or

where the student's conduct materially and substantially disrupts the educational process. The faculty member or administrator should immediately bring the matter to the attention of the dean of student services for appropriate disciplinary action.

(b) Sanctions for final determination. The following definitions of disciplinary terms have been established and shall be the sanctions imposed upon violators of the code of student rights and responsibilities:

(i) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(ii) Reprimand. Formal action censuring a student for violation of the college rules or regulations or for failure to meet the college's standards of conduct. Reprimands shall be made in writing to the student, with copies filed in the office of the dean of student services. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(iii) Restitution. Any individual student may be required to make a restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection (5) of this section provided that a student may be reinstated upon payment.

(iv) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or the failure to meet the college standards of conduct. Disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation may be for a specified period which may extend to graduation or other termination of the student's enrollment in the college.

(v) Suspension dismissal. Temporary, indefinite, or permanent dismissal from the college of a student for violation of college rules and regulations. The notification suspending/dismissing a student will indicate, in writing, the term of the suspension, if applicable, and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the dean of student services and in the student's official educational record. Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy. Students who are suspended or dismissed from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

WSR 93-21-068
PROPOSED RULES
DEPARTMENT OF LICENSING
 (Real Estate Appraiser Unit)
 [Filed October 19, 1993, 4:40 p.m.]

Original Notice.

Title of Rule: See section below.

Purpose: These amendments are necessary as a result of legislative changes made during the 1993 session, and changes in appraisal qualification board guidelines.

Statutory Authority for Adoption: RCW 18.140.030(1).

Statute Being Implemented: Chapter 18.140 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, P.O. Box 9012, 753-1062.

Name of Proponent: Department of Licensing, Real Estate Appraiser Unit, governmental.

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

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

Proposal Changes the Following Existing Rules: See section below.

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

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building 2, Room 1, Olympia, WA 98504, on Monday, November 29, 1993, at 9:00 a.m.

Submit Written Comments to: Cleotis Borner, 2424 Bristol Court, P.O. Box 9012, Olympia, WA 98507-9012, by November 24, 1993.

Date of Intended Adoption: November 29, 1993.

October 19, 1993

Steven J. Thiele

Assistant Attorney General

AMENDATORY SECTION (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

WAC 308-125-040 Examination prerequisite state-certified residential classification. The state-certified residential real estate appraiser classification applies to appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value less than two hundred fifty thousand dollars.

(1) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred (~~(five))~~ twenty classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred (~~(five))~~ twenty classroom hours of course work.

(2) An original certification as a state-certified residential real estate appraiser shall not be issued to any person

who does not possess two years of experience as a full time real estate appraiser in Washington or in another state having comparable certification requirements within five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however a minimum of two years (twenty-four months) is required.

(3) The content for courses required prerequisite to taking the examination for certification as a state-certified residential real estate appraiser must include coverage of all the topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal statistical concepts.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
 - (i) Gross rent multiplier analysis.
 - (ii) Estimation of income and expenses.
 - (iii) Operating expense ratios.
 - (iv) Direct capitalization.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.
- (p) Narrative report writing.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

WSR 93-21-071
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 20, 1993, 9:48 a.m.]

Original Notice.

Title of Rule: Chapter 296-24 WAC, General safety and health standards; and chapter 296-306 WAC, Safety standards for agriculture.

Purpose: Chapter 296-24 WAC, General safety and health standards, state-initiated proposed amendments to the general safety and health standards to remove specific exemptions of the agricultural industry to these standards to ensure agriculture workers are provided protection equal to that provided for workers in general industry. Chapter 296-306 WAC, Safety standards for agriculture will continue to augment the general standards, specifically addressing hazards which are unique to agriculture. In the event of a conflict between the two standards, chapter 296-306 WAC, shall apply; and chapter 296-306 WAC, Safety standards for agriculture, state-initiated proposed amendments to chapter 296-306 WAC reconciling the chapter requirements with those of chapter 296-24 WAC to remove redundant and less

stringent requirements from chapter 296-306 WAC. This will eliminate the unnecessary bulk from the vertical standard, reduce confusion, and provide protection for agriculture workers that is equal to the protection provided to general industry workers. In addition, proposed amendments to several sections in this chapter are to correct references, correct specific references to gender, correct typographical errors and add references to the general standards. The department is proposing to repeal 19 sections that are either redundant or less effective than requirements in chapter 296-24 WAC.

Details of specific proposed amendments: WAC 296-306-003, proposed amendment deletes note that defines "part" in this chapter. These amendments propose to eliminate "parts" in the chapter; WAC 296-306-010, proposed amendment to subsection (2) incorporates the requirements of chapter 296-24 WAC by reference. Proposed amendment to the note in subsection (3) adds fruit and vegetable packing as examples of activities covered, for expanded clarification; WAC 296-306-012, proposed amendment notifies users that there are additional applicable definitions in chapter 296-24 WAC, and corrects references to specific genders; WAC 296-306-015, proposed amendments are housekeeping changes to correct references to gender and an address correction; WAC 296-306-020, proposed amendment eliminates less effective language and adds a reference to chapter 296-24 WAC. Additional proposed amendments correct references to specific genders; WAC 296-306-025 Management's responsibilities, this section is proposed to be repealed. Requirements are less effective than chapter 296-24 WAC; WAC 296-306-030, proposed amendments eliminate redundant requirements and adds a reference to chapter 296-24 WAC; WAC 296-306-045 First-aid training and certification, this section is proposed to be repealed. Requirements are less effective than chapter 296-24 WAC; WAC 296-306-050 First-aid kit, this section is proposed to be repealed. Requirements are less effective than chapter 296-24 WAC; WAC 296-306-055 Safe place standards, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-057, proposed amendment is a housekeeping change to correct references to gender; WAC 296-306-060, proposed amendments are made to identify separate personal protective equipment requirements for pesticide/herbicide handling and general personal protective equipment requirements. Language, less effective than the general standard are deleted and a reference is added to chapter 296-24 WAC. A reference, relating to respiratory protection requirements in chapter 296-62 WAC is also added; WAC 296-306-061 Materials handling and storage, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-065 Materials handling and storage, this section is proposed to be repealed. Requirements are less effective and redundant to chapter 296-24 WAC; WAC 296-306-070 Reserved, this section is proposed to be repealed. The section contains no compliance requirements and is not necessary; WAC 296-306-075 Bench grinders, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-080 Guarding of hand-held portable power tools, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-084 Portable abrasive

wheels, this section is proposed to be repealed. The section contains no compliance requirements and is not necessary; WAC 296-306-085 Fire protection and ignition sources, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-090 Storage and handling of anhydrous ammonia, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-095 Elevated walkways and platforms, this section is proposed to be repealed. Requirements are less effective than chapter 296-24 WAC; WAC 296-306-100 Handrails, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-110, proposed amendment is a housekeeping change to correct references to gender; WAC 296-306-115, proposed amendment is a housekeeping change to correct an illustration; WAC 296-306-120, proposed amendment adds specific references to the general standards. This section is retitled to specify agricultural aerial manlift equipment; WAC 296-306-125 Gas welding and cutting, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-130 Welding, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-135 Arc welding and cutting, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-140 Welding areas protected, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-145 Electrical, this section is proposed to be repealed. Requirements are redundant to chapter 296-24 WAC; WAC 296-306-160, proposed amendment adds specific references to the general standards and corrects a reference to a specific gender; WAC 296-306-165, proposed amendment is a housekeeping change to correct references to gender; WAC 296-306-175, proposed housekeeping amendments to correct references; WAC 296-306-200, proposed amendments relating to rollover protective structures (ROPS). A recent study found that from 1985 through 1991, 40 agriculture employees were involved in tractor rollover accidents, with 11 fatalities. Seven of the fatalities involved tractors not equipped with rollover protective structures and manufactured before October 25, 1976. Amendments to this section propose that all agriculture tractors manufactured after October 25, 1976, and tractors manufactured on or before October 26, 1976, sold with ROPS or designed to accommodate the addition of ROPS shall meet the requirements of the section. Low profile tractors will continue to be exempt from the requirements for ROPS; WAC 296-306-25007, proposed amendments are housekeeping changes to correct typographical errors; WAC 296-306-260, proposed amendment is a housekeeping change to correct subsection numbering; WAC 296-306-265, proposed amendment is a housekeeping change to correct the reference from "part" to "chapter"; WAC 296-306-300 Field sanitation—Scope, proposed amendment adds specific references to the requirements of chapter 296-24 WAC, part B-1; and WAC 296-306-400, proposed amendment adds a note to subsection (1) referencing the United States Environmental Protection Agency requirements for posting after April 1, 1994. The note is added to provide stakeholders with federally mandated information.

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.

Reasons Supporting Proposal: To provide a safe and healthful workplace and provide equal protection for all agriculture employees in Washington state.

Name of Agency Personnel Responsible for Drafting: Ray V. Wax, 7273 Linderson Way, Tumwater, WA, (206) 956-5526; Implementation and Enforcement: Suzanne L. Mager, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

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: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

Small Business Economic Impact Statement

Rule Summary and Purpose: In order to provide equitable occupational safety standards for the agriculture industry and to comply with the initiatives of the Regulatory Fairness Act, chapter 19.85 RCW, the department is proposing amendments to the rules in chapter 296-306 WAC, Safety standards for agriculture and chapter 296-24 WAC, General safety and health standards.

Amending chapter 296-306 WAC. WAC 296-306-010(2) Purpose and scope, the proposed new language would remove the agriculture industry's exemption from the general safety and health standards, and propose that chapter 296-306 WAC augment chapter 296-24 WAC; and WAC 296-306-200 Rollover protective structures (ROPS) used in agricultural operations, the proposed amendment would require that all tractors manufactured prior to October 25, 1976, with the capability of adding ROPS, be retrofitted with rollover protective structures.

Sections Proposed for Amendment: WAC 296-306-003, 296-306-012, 296-306-015, 296-306-020, 296-306-030, 296-306-057, 296-306-060, 296-306-110, 296-306-115, 296-306-120, 296-306-160, 296-306-165, 296-306-175, 296-306-200, 296-306-25007, 296-306-260, 296-306-300, and 296-306-400.

Sections Proposed for Repeal: WAC 296-306-025, 296-306-045, 296-306-050, 296-306-055, 296-306-061, 296-306-065, 296-306-070, 296-306-075, 296-306-080, 296-306-084, 296-306-085, 296-306-090, 296-306-095, 296-306-100, 296-306-125, 296-306-130, 296-306-135, 296-306-140, and 296-306-145.

Amending chapter 296-24 WAC, WAC 296-24-11001, 296-24-12001, 296-24-14011, 296-24-33003, 296-24-58503 and 296-24-73501, these proposed amendments remove specific agricultural exemptions from this chapter.

Regulatory Fairness Act: The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than 20 percent of all industries, or 10 percent of any one industry as determined by the standard industry classification (SIC) codes, shall be reviewed to determine if there exists a proportionately higher economic burden of compliance on

small businesses. Small businesses are defined as businesses having fifty or less employees.

Estimated Costs of Compliance: The general safety and health standard requires first-aid certification of an adequate number of employees to ensure that a certified person is accessible at all times. The estimated cost of certification varies from \$20.00 to \$30.00 per employee, thus, the cost of compliance/employee (full time equivalent) would vary dependent upon the number of employees requiring certification. The general safety and health standard requires that specified equipment and transportation vehicles have a first-aid kit. The estimated cost of compliance per employee would be dependent upon the number of first-aid kits required. For example, if an operation has five vehicles, 25 employees, and the estimated cost of a first-aid kit is \$30.00 to \$40.00, the range of the cost of compliance/employee (full time equivalent) would be from \$0.00 to \$8.00. The general safety and health standard requires that employees working around or under overhead structures and who are exposed to hazards of falling objects wear hard hats. The estimated cost of a hard hat is between \$32.00 and \$35.00, thus, if an operation had 25 employees the cost of compliance to the business owner would range from \$0.00 to \$875.00 dependent upon the number of hard hats required. The proposed amendment to require ROPS on all pre-1976 tractors, capable of being retrofitted, would have a variable cost of compliance ranging from \$0.00 to \$760.00 (a \$0.00 cost would be incurred if ROPS has already been installed, and \$760.00 is the estimated average cost of retrofitting a tractor with ROPS) per tractor involved in the agricultural operation.

Indeterminate Costs may be Associated with the Following: The establishment of safety and health committees including the documentation of the safety and health plans. Although, existing and proposed language does allow employers with 10 or less employees to simply have foreman-crew meetings. The development of a preliminary "after accident" investigation process. The enhancement of training programs relative to occupational safety and health. The enhancement or modification of operational facilities and structures (e.g., guard rails, railing, fixed ladders). Guards or troughs for conveyor chains, and emergency "stop" switches for all conveyors will be required if a hazard is present. The development of training for the servicing of multi-piece and single-piece rim wheels, as well as for the proper equipment and facilities for servicing these type of wheels.

Mitigation Efforts: In order to minimize the cost of compliance to the agricultural industry, the department is proposing to repeal significant amounts of redundant and inconsistent language from chapter 296-306 WAC. Chapter 296-24 WAC is also amended to further clarify that chapter 296-306 WAC augments the general safety and health standard; the department has also made modifications to chapter 296-306 WAC in order to be consistent with federal and other state agencies; and the department has allowed for extensive prenotice commentary period.

Conclusion: The department has evaluated the economic impact of the proposed rule changes in accordance with the Regulatory Fairness Act and with recommendations from regulatory fairness task force members. Although the department recognizes a possible economic impact of

compliance placed on the agricultural industry, the department is obliged to develop an equitable standard of safety for the agricultural industry consistent with other industries.

Hearing Location: Columbia Basin College, 2600 North 20th Avenue, Pasco, WA 99301, on November 30, 1993, at 9:30 a.m.; Cedars Inn, 1 Apple Way, Okanogan, WA 98840, on November 30, 1993, at 9:30 a.m.; Wenatchee Convention Center, 201 North Wenatchee, Wenatchee, WA 98801, on December 1, 1993, at 9:30 a.m.; Red Lion, 1507 North First Street, Yakima, WA 98901, on December 1, 1993, at 9:30 a.m. and 6:30 p.m.; Cotton Tree Inn, 2401 Riverside, Mt. Vernon, WA 98273, on December 3, 1993, at 9:30 a.m.; and at the Department of Labor and Industries Building, First Floor Auditorium, 7273 Linderson Way, Tumwater, WA 98504-4620, on December 3, 1993, at 9:30 a.m.

Submit Written Comments to: Suzanne L. Mager, Interim Assistant Director, Division of Industrial Safety and Health, P.O. Box 44620, Olympia, WA 98507-4620, by December 17, 1993.

In addition to written comments, the department will accept comments submitted to the voicemail number, (206) 956-5525 and telefaximile [telefacsimile] machine number, (206) 956-5529.

Comments submitted by fax must be 10 pages or less.

Date of Intended Adoption: February 9, 1993 [1994].

October 20, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-24-11001 Scope, application, and purpose.

(1) Scope.

(a) This standard covers the servicing and maintenance of machines and equipment in which the unexpected energization or start up of the machine or equipment or release of stored energy could cause injury to employees. This standard establishes minimum performance requirements for the control of such hazardous energy.

(b) This standard does not cover the following:

(i) Construction(~~(, agriculture,)~~) and maritime employment;

(ii) Installations under the exclusive control of electric utilities for the purpose of power generation, transmission, and distribution, including related equipment for communications or metering; and

(iii) Exposure to electrical hazards from work on, near, or with conductors or equipment in electric utilization installations, which is covered by Part L of chapter 296-24 WAC; and

(iv) Oil and gas well drilling and servicing.

(2) Application.

(a) This standard applies to the control of energy during servicing and/or maintenance of machines and equipment.

(b) Normal production operations are not covered by this standard (see Part C of chapter 296-24 WAC). Servicing and/or maintenance which takes place during normal production operations is covered by this standard only if:

(i) An employee is required to remove or bypass a guard or other safety device; or

(ii) An employee is required to place any part of his or her body into an area on a machine or piece of equipment where work is actually performed upon the material being processed (point of operation) or where an associated danger zone exists during a machine operating cycle.

Note: Exception to subdivision (b) of this subsection. Minor tool changes and adjustments, and other minor servicing activities, which take place during normal production operations, are not covered by this standard if they are routine, repetitive, and integral to the use of the equipment for production, provided that the work is performed using alternative measures which provide effective protection (see Part C of chapter 296-24 WAC).

(c) This standard does not apply to the following:

(i) Work on cord and plug connected electric equipment for which exposure to the hazards of unexpected energization or start up of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the servicing or maintenance.

(ii) Hot tap operations involving transmission and distribution systems for substances such as gas, steam, water, or petroleum products when they are performed on pressurized pipelines, provided that the employer demonstrates that:

- (A) Continuity of service is essential;
- (B) Shutdown of the system is impractical; and
- (C) Documented procedures are followed, and special equipment is used which will provide proven effective protection for employees.

(3) Purpose.

(a) This section requires employers to establish a written program and utilize procedures for affixing appropriate lockout devices or tagout devices to energy isolating devices, and to otherwise disable machines or equipment to prevent unexpected energization, start-up, or release of stored energy in order to prevent injury to employees.

(b) When other Title 296 vertical standards require the use of lockout or tagout, they shall be used and supplemented by the procedural and training requirements of this part.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-12001 Scope. This scope includes all sections of WAC 296-24-120 in the numbering and applies to all permanent places of employment except where domestic, or mining(~~(-or agricultural)~~) work only is performed. Measures for the control of toxic materials are considered to be outside the scope of this section.

AMENDATORY SECTION (Amending Order 87-01, filed 3/12/87)

WAC 296-24-14011 Accident prevention tags. (1) Scope and purpose.

(a) This section applies to all accident prevention tags used to identify hazardous conditions and provide a message to employees with respect to hazardous conditions as set forth in subsection (3) of this section, or to meet the specific requirements of other WAC requirements.

(b) Tags are a temporary means of warning all concerned of a hazardous condition, defective equipment,

radiation hazards, etc. The tags are not to be considered as a complete warning method, but should be used until a positive means can be employed to eliminate the hazard; for example, a "do not start" tag on power equipment shall be used for a few moments or a very short time until the switch in the system can be locked out; a "defective equipment" tag shall be placed on a damaged ladder and immediate arrangements made for the ladder to be taken out of service and sent to the repair shop.

(c) This section does not apply to construction (~~(or agriculture)~~).

(2) Definitions.

(a) "Biological hazard" or "**Biohazard**" means those infectious agents presenting a risk of death, injury or illness to employees.

(b) "Major message" means that portion of a tag's inscription that is more specific than the signal word and that indicates the specific hazardous condition or the instruction to be communicated to the employee. Examples include "High Voltage," "Close Clearance," "Do Not Start," or "Do Not Use" or a corresponding pictograph used with a written text or alone.

(c) "Pictograph" means a pictorial representation used to identify a hazardous condition or to convey a safety instruction.

(d) "Signal word" means that portion of a tag's inscription that contains the word or words that are intended to capture the employee's immediate attention.

(e) "Tag" means a device usually made of card, paper, pasteboard, plastic or other material used to identify a hazardous condition.

(3) Use.

(a) Tags shall be used as a means to prevent accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent.

(b) Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed. Tags need not be used where signs, guarding or other positive means of protection are being used.

(c) Do not start tags shall be placed in a conspicuous location or shall be placed in such a manner that they effectively block the starting mechanism which would cause hazardous conditions should the equipment be energized. See Fig. J-11.

(4) General tag criteria.

(a) All required tags shall meet the following criteria:

(i) Tags shall contain a signal word and a major message.

(ii) The signal word shall be either "Danger," "Caution," or "Biological Hazard," "biohazard," or the biological hazard symbol.

(iii) The major message shall indicate the specific hazardous condition or the instruction to be communicated to the employee.

(b) The signal word shall be readable at a minimum distance of five feet (1.52 m) or such greater distance as warranted by the hazard.

(c) The tag's major message shall be presented in either pictographs, written text or both.

PROPOSED

(d) The signal word and the major message shall be understandable to all employees who may be exposed to the identified hazard.

(e) All employees shall be informed as to the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(f) Tags shall be affixed as close as safely possible to their respective hazards by a positive means such as string, wire, or adhesive that prevents their loss or unintentional removal.

(g) The tag and attachment method or device used shall be constructed of such material that they will not be likely to deteriorate in the environment in which the tag is used during the time period of intended use.

(5) Danger tags.

(a) Danger tags shall be used in major hazard situations where an immediate hazard presents a threat of death or serious injury to employees. Danger tags shall be used only in these situations. See Fig. J-11.

(b) All employees should be instructed that danger tags indicate immediate danger and that special precautions are necessary.

(6) Caution tags.

(a) Caution tags shall be used in minor hazard situations where a nonimmediate or potential hazard or unsafe practice presents a lesser threat of employee injury. Caution tags shall be used only in these situations. See Fig. J-12.

(b) All employees should be instructed that caution tags indicate a possible hazard against which proper precautions should be taken.

(7) Warning tags. Warning tags may be used to represent a hazard level between "Caution" and "Danger," instead of the required "Caution" tag, provided that they have a signal word of "Warning," an appropriate major message, and otherwise meet the general tag criteria of subsection (4) of this section.

(8) Out of order tags. Out of order tags should be used only for the specific purpose of indicating that a piece of equipment, machinery, etc., is out of order and to attempt to use it might present a hazard. (See Fig. J-13.)

(9) Radiation tags.

(a) The standard background for radiation tags shall be yellow; the panel shall be reddish purple. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1, Fundamental Specification of Safety Colors for CIE Standard Source "C" American National Standard Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1-1971.

(b) The method of dimension, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated in Figure J-14. The symbol shall be prominently displayed and of a size consistent with the size of the equipment or area in which it is to be used.

(10) Biological hazard tags.

(a) Biological hazard tags shall be used to identify the actual or potential presence of a biological hazard and to identify equipment, containers, rooms, experimental animals, or combinations thereof, that contain or are contaminated with hazardous biological agents.

(b) The symbol design for biological hazard tags shall conform to the design shown in Fig. J-15.

(11) Other tags. Other tags may be used in addition to those required by this section or in other situations where this section does not require tags, provided that they do not detract from the impact or visibility of the signal word and major message of any required tag.

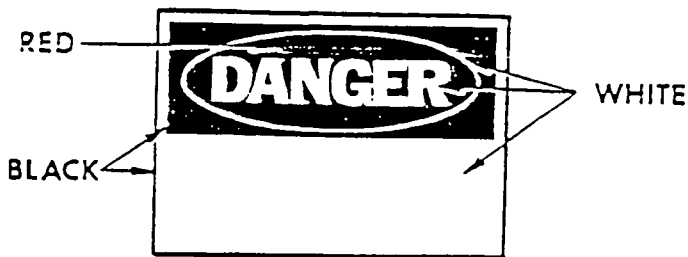


Fig. J-1

Danger Sign

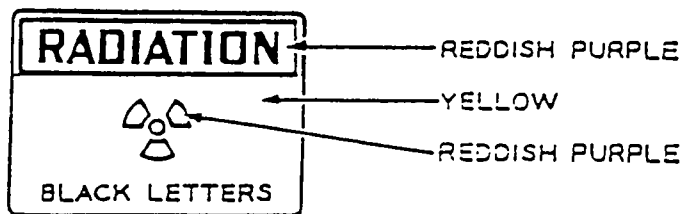


Fig. J-2

Radiation Warning Sign

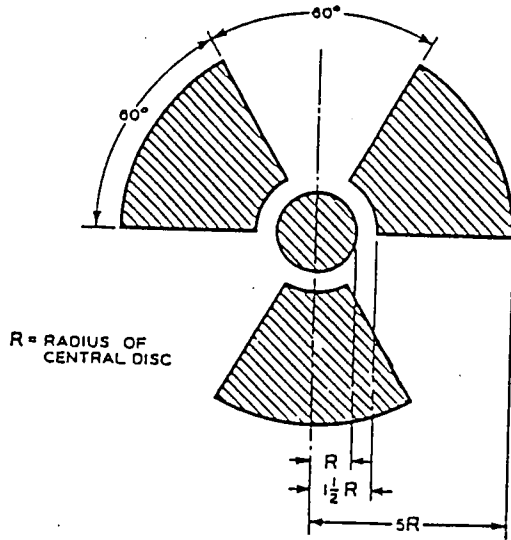


Fig. J-3
Standard Radiation Symbol



Fig. J-4
Caution Sign



Fig. J-5
Safety Instruction Signs

(Note: The words "think" and "be careful," given here, are only illustrations. Other wordings may be used.)

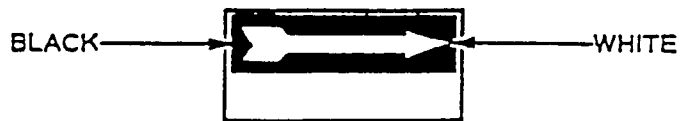


Fig. J-6
Directional Signs

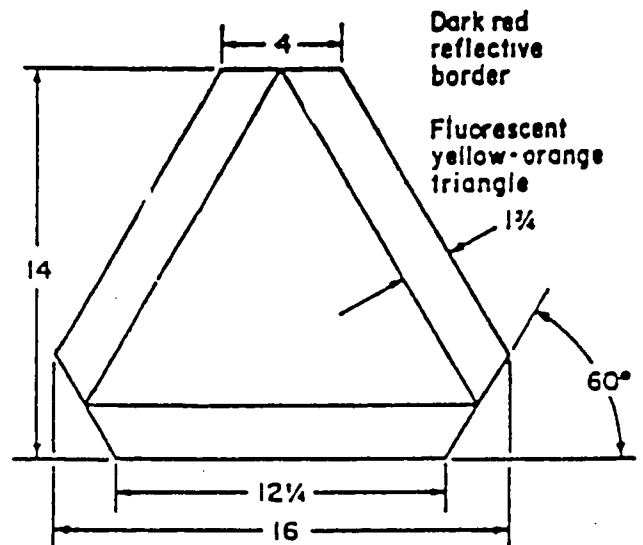


Fig. J-7
Slow-Moving Vehicle Emblem

Note: All dimensions are in inches.

POISON:



ELECTRICITY:

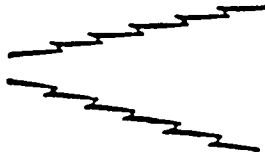
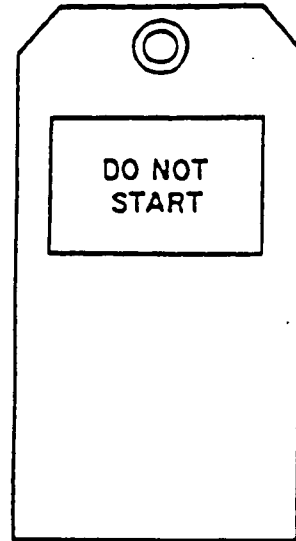


Fig. J-8

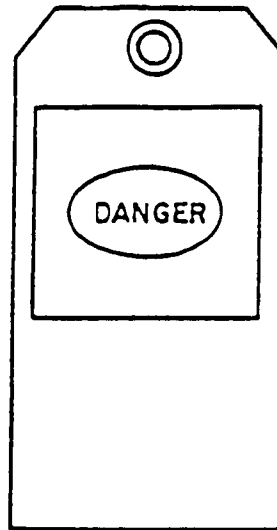
Symbols Used on Signs



White tag
white letters on
red square

Fig. J-10

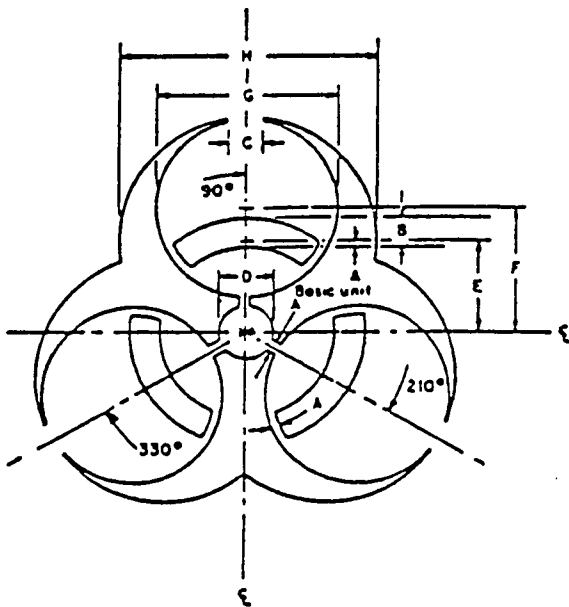
Do Not Start Tag



White tag
white letters on
red oval with a
black square

Fig. J-11

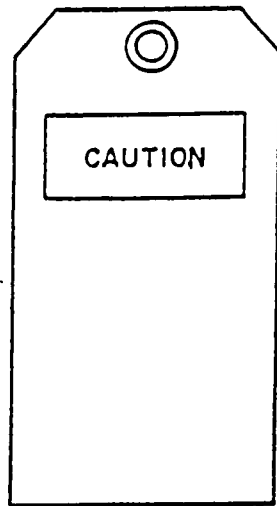
Danger Tag



Dimension	A	B	C	D	E	F	G	H
Units	1	3 1/2	4	6	11	15	21	30

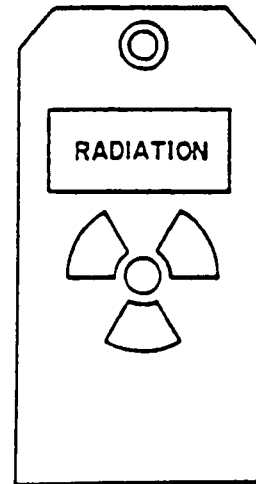
Fig. J-9

Symbol for Biological Hazard



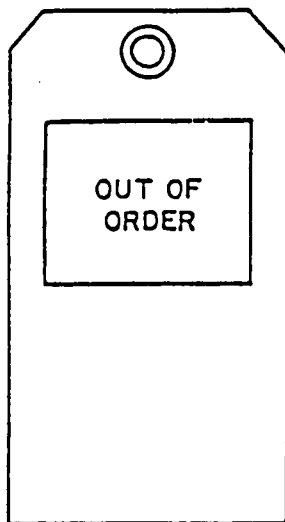
Yellow tag
yellow letters on a
black background

Fig. J-12
Caution Tag



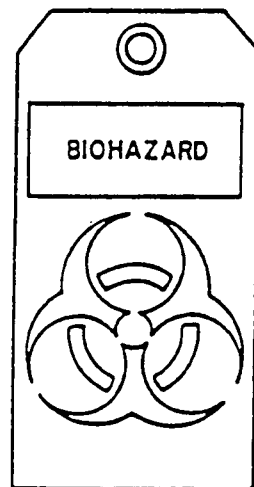
Yellow tag
yellow letters in
reddish-purple panel
(Added wording in black
on yellow background)

Fig. J-14
Radiation Tag



White tag
white letters on
black background

Fig. J-13
Out of Order Tag



White tag
black letters on
fluorescent-orange
background and
symbol

Fig. J-15
Biological Hazard Tag

TABLE J-1

STANDARD PROPORTIONS FOR DANGER SIGNS

Sign size, inches	Black rectangular panel, inches	Red oval, inches	Word danger, height	Maximum space available for sign wording, inches
Height	Height	Height	inches	inches
Width	Width	Width	inches	
HORIZONTAL PATTERN				
7x10	3 1/4 x 9 3/8	2 7/8 x 8 1/2	1 7/16	2 3/4 x 9 3/8
10x14	4 5/8 x 13 3/8	4 1/8 x 11 7/8	2 1/16	4 1/4 x 13 3/8
14x20	6 1/2 x 19 3/8	5 3/4 x 17	2 7/8	6 1/4 x 19 3/8
20x28	9 1/4 x 27 3/8	8 1/4 x 23 7/8	4 1/8	9 1/2 x 27 3/8
UPRIGHT PATTERN				
10x 7	2 3/8 x 6 3/8	2 1/8 x 5 7/8	1 1/16	6 3/8 x 6 3/8
14x10	3 1/4 x 9 3/8	2 7/8 x 8 1/2	1 7/16	9 1/2 x 9 3/8
20x14	4 5/8 x 13 3/8	4 1/8 x 11 7/8	2 1/16	14 x 13 3/8
28x20	6 1/2 x 19 3/8	5 3/4 x 17	2 7/8	20 1/4 x 19 3/8

TABLE J-2

STANDARD PROPORTIONS FOR CAUTION SIGNS

Sign size, inches	Black rectangular panel, inches	Word "Caution" height of letter, inches	Maximum space available for sign wording below panel inches
height	height	width	height width
width	width	inches	
HORIZONTAL PATTERN			
7 x 10	2 1/4 x 9 3/8	1 5/8	3 1/4 x 9 3/8
10 x 14	3 1/4 x 13 3/8	2 1/4	5 1/2 x 13 3/8
14 x 20	3 3/4 x 19 3/8	2 3/4	9 x 19 3/8
20 x 28	4 1/4 x 27 3/8	3 1/4	14 1/2 x 27 3/8
UPRIGHT PATTERN			
10 x 7	1 5/8 x 6 3/8	1 1/8	7 x 6 3/8
14 x 10	2 1/4 x 9 3/8	1 5/8	10 1/2 x 9 3/8
20 x 14	3 1/4 x 13 3/8	2 1/4	15 1/2 x 13 3/8
28 x 20	3 3/4 x 19 3/8	2 3/4	24 x 19 3/8

TABLE J-3

STANDARD PROPORTIONS FOR SAFETY INSTRUCTION SIGNS

[TABLE J-3: PART 1—"Think" Safety Sign]

Sign size, inches	Maximum		
	Green rectangular panel, inches	Word "Think" height of letters, inches	Space available for sign wording below panel, inches
height	height	height	height
width	width	inches	width
7x10	2 3/4 x 9 3/8	1 5/8	3 1/2 x 9 3/8
10x14	3 1/4 x 13 3/8	2 1/4	5 1/2 x 13 3/8
14x20	3 3/4 x 19 3/8	2 3/4	9 x 19 3/8
20x28	4 1/4 x 27 3/8	3 1/4	14 1/2 x 27 3/8

[TABLE J-3:PART 2—"Be Careful" Safety Sign]

Sign size, inches	Maximum			
	Green panel, inches	Word "Be" height of letters, inches	Word "Careful" height of letters, inches	Space available for sign wording below panel, inches
height	height	height	height	height
width	width	inches	inches	width
7x10	3 3/8 x 9 3/8	1 1/4	1 3/16	2 1/2 x 9 3/8
10x14	4 1/4 x 13 3/8	1 3/4	2 3/16	4 x 13 3/8
14x20	6 1/4 x 19 3/8	2 1/2	3 1/8	6 x 19 3/8
20x28	9 1/2 x 27 3/8	3 1/2	4 3/8	9 1/4 x 27 3/8

TABLE J-4

STANDARD PROPORTIONS FOR DIRECTIONAL SIGNS

Sign size, inches	Black rectangular panel, inches	White arrow, inches			Maximum space for sign wording below panel height
		Overall length	Arrow head height	Arrow shaft height	
height	height	width	width	width	height
6 1/2x14	3 1/4 x 13 3/8	12 5/8	2 3/4 x 3	1 1/8	2 3/8 x 3 1/4
9x20	4 1/2 x 19 3/8	18 5/8	3 3/4 x 4 1/8	1 5/8	3 1/4 x 4 1/2
12x28	6 x 27 3/8	26 5/8	5 1/8 x 5 5/8	2 1/8	4 3/8 x 27 3/8
15x36	7 1/2 x 35 3/8	34 5/8	6 3/8 x 6 7/8	2 5/8	5 1/2 x 7 1/2

Appendix A—Recommended color coding.

While the standard does not specifically mandate colors to be used on accident prevention tags, the following color scheme is recommended by OSHA for meeting the requirements of this section:

"DANGER"—Red, or predominantly red, with lettering or symbols in a contrasting color.

"CAUTION"—Yellow, or predominantly yellow, with lettering or symbols in a contrasting color.

"WARNING"—Orange, or predominantly orange, with lettering or symbols in a contrasting color.

"BIOLOGICAL HAZARD"—Fluorescent orange or orange-red, or predominantly so, with lettering or symbols in a contrasting color.

Appendix B—References for further information.

The following references provide information which can be helpful in understanding the requirements contained in various sections of the standard:

1. *Bresnahan, Thomas F., and Bryk, Joseph. "The Hazard Association Values of Accident Prevention Signs", Journal of American Society of Safety Engineers: January 1975.*

2. *Dreyfuss, H., Symbol Sourcebook, McGraw Hill: New York, NY, 1972.*

3. Glass, R. A. and others, *Some Criteria for Colors and Signs in Workplaces*, National Bureau of Standards, Washington D.C., 1983.

4. *Graphic Symbols for Public Areas and Occupational Environments*, Treasury Board of Canada, Ottawa, Canada, July 1980.

5. Howett, G. L., *Size of Letters Required for Visibility as a Function of Viewing Distance and Observer Acuity*, National Bureau of Standards, Washington D.C., July 1983.

6. Lerner, N. D., and Collins, B. L., *The Assessment of Safety Symbol Understandability by Different Testing Methods*, National Bureau of Standards, Washington D.C., 1980.

7. Lerner, N. D. and Collins, B. L., *Workplace Safety Symbols*, National Bureau of Standards, Washington D.C., 1980.

8. Modley, R. and Meyers, W. R., *Handbook of Pictorial Symbols*, Dover Publication, New York, NY, 1976.

9. *Product Safety Signs and Labels*, FMC Corporation, Santa Clara, CA, 1978.

10. *Safety Color Coding for Marking Physical Hazards, Z53.1*, American National Standards Institute, New York, NY, 1979.

11. *Signs and Symbols for the Occupational Environment*, Can. 3-Z-321-77, Canadian Standards Association, Ottawa, September 1977.

12. *Symbols for Industrial Safety*, National Bureau of Standards, Washington D.C., April 1982.

13. *Symbol Signs*, U.S. Department of Transportation, Washington D.C., November 1974.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-33003 Scope. This section applies to the handling, storage, and use of flammable and combustible liquids with a flash point below 200°F. This section does not apply to:

- (1) Bulk transportation of flammable and combustible liquids;
- (2) Storage, handling, and use of fuel oil tanks and containers connected with oil burning equipment;
- (3) ~~((Storage of flammable and combustible liquids on farms;~~
- (4)) Liquids without flashpoints that may be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons;
- ~~((5))~~ (4) Mists, sprays, or foams, except flammable aerosols covered in WAC 296-24-33009; or
- ~~((6))~~ (5) Installations made in accordance with requirements of the following standards:
 - (a) National Fire Protection Association Standard for Drycleaning Plants, NFPA No. 32-1970;
 - (b) National Fire Protection Association Standard for the Manufacture of Organic Coatings, NFPA No. 35-1970;
 - (c) National Fire Protection Association Standard for Solvent Extraction Plants, NFPA No. 36-1967; or
 - (d) National Fire Protection Association Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA No. 37-1970.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-58503 Scope, application and definitions applicable. (1) Scope. This section contains requirements for fire brigades, and all portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems installed to meet the fire protection requirements of this chapter.

(2) Application. This section applies to all employments except for maritime, and construction ~~((and agriculture))~~.

(3) Definitions applicable to this section.

(a) "After-flame," means the time a test specimen continues to flame after the flame source has been removed.

(b) "Aqueous film forming foam (AFFF)," means a fluorinated surfactant with a foam stabilizer which is diluted with water to act as a temporary barrier to exclude air from mixing with the fuel vapor by developing an aqueous film on the fuel surface of some hydrocarbons which is capable of suppressing the generation of fuel vapors.

(c) "Approved," means acceptable to the director under the following criteria:

(i) If it is accepted, or certified, or listed, or labeled or otherwise determined to be safe by a nationally recognized testing laboratory; or

(ii) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency and found in compliance with the provisions of the applicable National Fire Protection Association Fire Code; or

(iii) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director; and

(iv) For the purposes of (c) of this subsection:

(A) Equipment is listed if it is of a kind mentioned in a list which is published by a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and which states that such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(B) Equipment is labeled if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(C) Equipment is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes;

(D) Equipment is certified if it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and if it bears a label, tag, or other record of certification; and

(E) Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(d) "Automatic fire detection device," means a device designed to automatically detect the presence of fire by heat, flame, light, smoke or other products of combustion.

(e) "Buddy-breathing device," means an accessory to self-contained breathing apparatus which permits a second person to share the same air supply as that of the wearer of the apparatus.

(f) "Carbon dioxide," means a colorless, odorless, electrically nonconductive inert gas (chemical formula CO_2) that is a medium for extinguishing fires by reducing the concentration of oxygen or fuel vapor in the air to the point where combustion is impossible.

(g) "Class A fire," means a fire involving ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials.

(h) "Class B fire," means a fire involving flammable or combustible liquids, flammable gases, greases and similar materials, and some rubber and plastic materials.

(i) "Class C fire," means a fire involving energized electrical equipment where safety to the employee requires the use of electrically nonconductive extinguishing media.

(j) "Class D fire," means a fire involving combustible metals such as magnesium, titanium, zirconium, sodium, lithium and potassium.

(k) "Dry chemical," means an extinguishing agent composed of very small particles of chemicals such as, but not limited to, sodium bicarbonate, potassium bicarbonate, urea-based potassium bicarbonate, potassium chloride, or monoammonium phosphate supplemented by special treatment to provide resistance to packing and moisture absorption (caking) as well as to provide proper flow capabilities. Dry chemical does not include dry powders.

(l) "Dry powder," means a compound used to extinguish or control Class D fires.

(m) "Education," means the process of imparting knowledge or skill through systematic instruction. It does not require formal classroom instruction.

(n) "Enclosed structure," means a structure with a roof or ceiling and at least two walls which may present fire hazards to employees, such as accumulations of smoke, toxic gases and heat similar to those found in buildings.

(o) "Extinguisher classification," means the letter classification given an extinguisher to designate the class or classes of fire on which an extinguisher will be effective.

(p) "Extinguisher rating," means the numerical rating given to an extinguisher which indicates the extinguishing potential of the unit based on standardized tests developed by Underwriters' Laboratories, Inc.

(q) "Fire brigade," (private fire department, industrial fire department) means an organized group of employees who are knowledgeable, trained, and skilled in at least basic fire fighting operations.

(r) "Fixed extinguishing system," means a permanently installed system that either extinguishes or controls a fire at the location of the system.

(s) "Flame resistance," is the property of materials, or combinations of component materials, to retard ignition and restrict the spread of flame.

(t) "Foam," means a stable aggregation of small bubbles which flow freely over a burning liquid surface and form a

coherent blanket which seals combustible vapors and thereby extinguishes the fire.

(u) "Gaseous agent," is a fire extinguishing agent which is in the gaseous state at normal room temperature and pressure. It has low viscosity, can expand or contract with changes in pressure and temperature, and has the ability to diffuse readily and to distribute itself uniformly throughout an enclosure.

(v) "Halon 1211," means a colorless, faintly sweet smelling, electrically nonconductive liquefied gas (chemical formula CBrClF_2) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromochlorodifluoromethane.

(w) "Halon 1301," means a colorless, odorless, electrically nonconductive gas (chemical formula CBrF_3) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromotrifluoromethane.

(x) "Helmet," is a head protective device consisting of a rigid shell, energy absorption system and chin strap intended to be worn to provide protection for the head or portions thereof, against impact, flying or falling objects, electric shock, penetration, heat and flame.

(y) "Incipient stage fire," means a fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II stand-pipe or small hose systems without the need for protective clothing or breathing apparatus.

(z) "Inspection," means a visual check of fire protection systems and equipment to ensure that they are in place, charged, and ready for use in the event of a fire.

(aa) "Interior structural fire fighting," means the physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.

(bb) "Lining," means a material permanently attached to the inside of the outer shell of a garment for the purpose of thermal protection and padding.

(cc) "Local application system," means a fixed fire suppression system which has a supply of extinguishing agent, with nozzles arranged to automatically discharge extinguishing agent directly on the burning material to extinguish or control a fire.

(dd) "Maintenance," means the performance of services on fire protection equipment and systems to assure that they will perform as expected in the event of a fire. Maintenance differs from inspection in that maintenance requires the checking of internal fitting, devices and agent supplies.

(ee) "Multipurpose dry chemical," means a dry chemical which is approved for use on Class A, Class B and Class C fires.

(ff) "Outer shell," is the exterior layer of material on the fire coat and protective trousers which forms the outermost barrier between the fire fighter and the environment. It is attached to the vapor barrier and liner and is usually constructed with a storm flap, suitable closures, and pockets.

(gg) "Positive-pressure breathing apparatus," means self-contained breathing apparatus in which the pressure in the breathing zone is positive in relation to the immediate environment during inhalation and exhalation.

(hh) "Predischage employee alarm," means an alarm which will sound at a set time prior to actual discharge of an

extinguishing system so that employees may evacuate the discharge area prior to system discharge.

(ii) "Quick disconnect valve," means a device which starts the flow of air by inserting of the hose (which leads from the facepiece) into the regulator of self-contained breathing apparatus, and stops the flow of air by disconnection of the hose from the regulator.

(jj) "Sprinkler alarm," means an approved device installed so that any waterflow from a sprinkler system equal to or greater than that from single automatic sprinkler will result in an audible alarm signal on the premises.

(kk) "Sprinkler system," means a system of piping designed in accordance with fire protection engineering standards and installed to control or extinguish fires. The system includes an adequate and reliable water supply, and a network of specially sized piping and sprinklers which are interconnected. The system also includes a control valve and a device for actuating an alarm when the system is in operation.

(ll) "Standpipe systems:"

(i) "Class I standpipe system," means a two and one-half-inch (6.3 cm) hose connection for use by fire departments and those trained in handling heavy fire streams.

(ii) "Class II standpipe system," means a one and one-half-inch (3.8 cm) hose system which provides a means for the control or extinguishment of incipient stage fires.

(iii) "Class III standpipe system," means a combined system of hose which is for the use of employees trained in the use of hose operations and which is capable of furnishing effective water discharge during the more advanced stages of fire (beyond the incipient stage) in the interior of workplaces. Hose outlets are available for both one and one-half-inch (3.8 cm) and two and one-half-inch (6.3 cm) hose.

(iv) "Small hose system," means a system of hose ranging in diameter from five-eighths-inch (1.6 cm) up to one and one-half-inch (3.8 cm) which is for the use of employees and which provides a means for the control and extinguishment of incipient stage fires.

(mm) "Total flooding system," means a fixed suppression system which is arranged to automatically discharge a predetermined concentration of agent into an enclosed space for the purpose of fire extinguishment or control.

(nn) "Training," means the process of making proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used in the performance of assigned duties.

(oo) "Vapor barrier," means that material used to prevent or substantially inhibit the transfer of water, corrosive liquids and steam or other hot vapors from the outside of a garment to the wearer's body.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-73501 General requirements. This section applies to all permanent places of employment, except where domestic() or mining() or agricultural work only is performed. Construction work is not to be deemed as a permanent place of employment. Measures for the control of toxic materials are considered to be outside the scope of this section.

~~(PART A - GENERAL AND EDUCATIONAL REQUIREMENTS)~~

AMENDATORY SECTION (Amending Order 86-46, filed 4/22/87)

WAC 296-306-003 Subsections, subdivisions, items, subitems, and segments. (1) That portion of section numeration appearing after the chapter designation appears in either a three digit or a five digit format (e.g., WAC 296-306-330 and 296-306-33002). The final two digits of the section number are implied decimal extensions of the first three digits and represent a further division of the three digit enumeration.

(2) Sections of this chapter may be divided into subsections (1), (2), (3), etc., which may in turn be divided into subdivisions (a), (b), (c), etc., which may be further divided into items (i), (ii), (iii), etc., which may be further divided into subitems (A), (B), (C), etc., which may be further divided into segments (I), (II), (III), etc., all according to the following hierarchy, e.g.,

Sections	296-306-330 and 296-306-33002
Subsections	(1) (2)
Subdivisions	(a) (b)
Items	(i) (ii)
Subitems	(A) (B)
Segments	(I) (II)

~~((Note: "Part" as used in this standard means a major division of this chapter relating to a specific topic or topics and containing various related sections.))~~

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-010 Purpose and scope. (1) The standards in this chapter apply to all agricultural operations with one or more employees, when such employees are covered by the Washington Industrial Safety and Health Act (WISHA). Agriculture operations are defined as all operations necessary to farming and ranching, including maintenance of equipment and machinery, and planting, cultivating, growing or raising, keeping for sale, harvesting, or transporting on the farm or to the first place of processing any tree, plant, fruit, vegetable, animal, fowl, fish, or insects or products thereof. Agricultural operations include all employers in one or more of the following Standard Industrial Classification (SIC) Codes:

0111	Wheat
0115	Corn
0119	Cash Grains NEC, Barley, Peas, Lentils, Oats, etc.
0133	Sugar Cane and Sugar Beets
0134	Irish Potatoes - All Potatoes except Yams

- 0139 Field Crops - Hay, Hops, Mint, etc.
- 0161 Vegetables and Melons, All Inclusive
- 0171 All Berry Crops
- 0172 Grapes
- 0173 Tree Nuts
- 0175 Deciduous Tree Fruits
- 0179 Tree Fruits or Tree Nuts Not Elsewhere Classified
- 0181 Ornamental Floriculture and Nursery Products
- 0182 Food Crops Grown Under Cover
- 0191 General Farms, Primarily Crops
- 0211 Beef Cattle Feedlots
- 0212 Beef Cattle Except Feedlots - Cattle Ranches
- 0213 Hogs
- 0214 Sheep and Goats
- 0219 General Livestock Except Dairy and Poultry
- 0241 Dairy Farms
- 0251 Broiler, Fryer, and Roaster Chickens
- 0252 Chicken Eggs
- 0253 Turkeys and Turkey Eggs
- 0254 Poultry Hatcheries
- 0259 Poultry and Eggs Not Elsewhere Classified
- 0271 Fur Bearing Animals and Rabbits
- 0272 Horses
- 0273 Animal Aquaculture
- 0279 Animal Specialties Not Elsewhere Classified
- 0291 General Farms, Primarily Livestock and Animal Specialties
- 0711 Soil Preparation Services
- 0721 Crop Planting, Cultivating, and Protecting
- 0722 Crop Harvesting, Primarily by Machine
- 0751 Livestock Services, Except Veterinary
- 0761 Farm Labor Contractors
- 0811 Timber Tracts, Christmas Tree Growing, Tree Farms
- 0831 Forest Nurseries
- 0851 Forestry Services - Reforestation

information to all employees relative to hazardous chemicals or substances to which they are exposed or may become exposed in the course of their employment, shall apply to chapter 296-306 WAC.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-012 Definitions applicable to all sections of this chapter.

Note: ~~((Meaning of words.))~~ Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section. Other applicable definitions to this chapter are addressed in chapter 296-24 WAC.

(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 296-24-006 shall apply.

(2) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(3) "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.

(4) "Department" means the department of labor and industries.

(5) "Director" means the director of the department of labor and industries, or designated representative.

(6) "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.

(7) "Handling pesticides" means:

- (a) Mixing, loading, transferring, or applying pesticides.
- (b) Disposing of pesticides or pesticide containers.
- (c) Handling opened containers of pesticides.
- (d) Acting as a flagger.
- (e) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(f) Assisting with the application of pesticides.

(g) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(h) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions

~~((In the event that the provisions of this chapter conflict with the provisions contained in any other chapter of Title 296 WAC, this chapter shall prevail. Sections of other chapters 296-24 WAC apply only when specifically referenced in this chapter.))~~ This standard shall augment the Washington state general safety and health standards, chapter 296-24 WAC, and the general occupational health standards, chapter 296-62 WAC, and any other standards which are applicable to all industries governed by chapter 80, Laws of 1973, Washington Industrial Safety and Health Act. In the event of any conflict between any portion of this chapter and any portion of any of the general application standards, the provisions of this chapter (chapter 296-306 WAC), shall apply.

(3) When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply.

Note: ~~((Such))~~ Assignments may involve, but are not limited to activities, such as fruit and vegetable packing, logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

(4) The requirement that the employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide

or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

(8) "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

(9) "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.

(10) "Shall" or "must" means mandatory.

(11) "Should" or "may" means recommended.

(12) "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 safety.

(13) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(14) "Working day," for the purpose of appeals and accident reporting, 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.

(15) "Workmen," "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/her 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/her personal labor for an employer whether by manual labor or otherwise.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-015 Variance procedures. (1) In the event some requirements of this agricultural safety standard become impractical under certain conditions, the director of the department of labor and industries may permit a variation from the requirements if the employer provides *equal protection* by other means and complies with the other requirements of chapter 296-350 WAC, variances.

(2) The written application must certify that the employer has properly notified his/her employees of his/her application for a variance. Proper notice to employees shall mean that a copy of the written application has been posted in a place or places reasonably accessible to all employees. In addition, a copy of the application shall be mailed to the authorized representative of such employees, if any. The notice shall advise employees and their representatives of their right to request the director to conduct a hearing on the variance application. All the above notices to employees must be made prior to the date the employer makes written application to the director.

Note: An employer who wishes to apply for a permanent or temporary variance shall make a request in writing to the (~~Engineering~~) Standards Section, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box (~~207~~) 44620, Olympia, Washington, (~~98504~~) 98507-4620. The engineering section will respond by furnishing application forms along with the instructions necessary to meet the intent of the law. A copy of chapter 296-350 WAC, variances will be included if specifically requested.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-020 Serious injury reporting. (~~(1)~~) The employer or someone in his/her behalf shall notify the nearest office of the department of labor and industries within 24 hours of the date of an accident (~~which~~) that causes a fatal or possibly fatal injury, an accident (~~which~~) that involves acute exposure(s) to any pesticides or herbicides or an accident (~~which~~) that causes injury requiring hospitalization of any employees. See WAC 296-24-020 for additional reporting requirements.

~~((2) When any investigator from the department's division of safety and health arrives, the farm employer shall assign to assist in the investigation any persons the investigator deems necessary.~~

~~(3) When a fatality occurs, equipment involved in the accident shall not be moved until after a representative from the division of industrial safety and health has completed an investigation unless the equipment must be moved to prevent additional accidents, or to remove the victim.)~~

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-030 Employee's responsibility. (~~(1)~~) ~~Employees shall cooperate with the employer and other employees in efforts to eliminate accidents.~~

~~(2) Employees shall be informed of and observe all safe practices.~~

~~(3) Employees shall notify the employer of unsafe conditions of equipment or work places.~~

~~(4) Employees shall use all required safety devices and protective equipment.~~

~~(5) Employees shall not willfully damage personal protective equipment.~~

~~(6) Each employee shall promptly report any job-related injury or illness to his or her immediate supervisor, regardless of the degree of severity.~~

~~(7) Employees shall not engage in any activity unrelated to work that may cause injury to other employees during the course of performing work assignments.~~

~~(8))~~ Employees shall attend any required training and/or orientation programs designed to increase their competency in occupational safety and health. See WAC 296-24-025 for additional requirements.

~~((9) Employees shall not report to work under the influence of alcohol or controlled substances. Alcohol or controlled substances shall not be brought on the work site.)~~

~~((PART B — FIRST AID REQUIREMENTS))~~~~((PART C — HAND TOOLS))~~AMENDATORY SECTION (Amending Order 86-46, filed 4/22/87)

WAC 296-306-057 Hand tools. (1) Hoes with handles less than four feet in length or any hand tool used for weeding or thinning crops, when used in a stooped position, are prohibited.

(2) Hand tools shall be kept in good condition.

(3) Hand tools shall be safely stored when not in use.

(4) Hand tools which are unsafe or defective shall not be used.

Note: When there is no other practical or adequate alternative, the director of the department of labor and industries, or his/her authorized representative may permit a variance pursuant to procedures prescribed by chapter 80, Laws of 1973, RCW 49.17.080 and 49.17.090 and chapter 296-350 WAC.

~~((PART D — PERSONAL PROTECTIVE EQUIPMENT))~~AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)**WAC 296-306-060 Personal protective equipment.**

~~(1) ((Employers shall make certain that employees are protected from injury or impairment of any bodily function that might occur through absorption, inhalation or physical contact of any substance, vapor, radiation or mechanical irritant. Adequate protective equipment for eyes, face, head and extremities, protective clothing, respiratory devices, shields and barriers shall be provided at no cost to the employees and used wherever appropriate. Such equipment shall be maintained in sanitary and reliable condition.~~

~~(2) If employees provide their own protective equipment, the employer shall require that such equipment be adequate, and properly maintained and sanitary.~~

~~(3) Eye protectors shall be required wherever workers are exposed to flying objects, welding or cutting glare, injurious liquids, injurious radiation or any combination of these. Eye protectors shall meet the criteria of the American National Standard for Occupational and Educational Eye and Face Protection.~~

~~(a) The employer shall provide and require employees to wear eye protection and gloves whenever opening or pouring out pesticide containers, mixing, loading, or transferring pesticides or pesticide solutions, or washing or cleaning pesticide containers or tanks containing pesticides or applying pesticides with hand held equipment, or adjusting, cleaning, or repairing pesticide application equipment containing pesticides.~~

~~(b) Eye protection and gloves as required above shall be initially provided at no cost to the employee, including replacement due to normal wear and tear thereafter.~~

~~(c) Unless otherwise stated by the pesticide label, eye protection shall be either goggles, splash face shields, safety glasses with front, brow, and temple protection, or a full-face respirator.~~

~~(d) Unless otherwise stated by the pesticide label, gloves shall be made of chemical resistant material as defined in~~

~~this section, such as neoprene, nitrile rubber, or PVC. Leather, cotton, or other absorbent type gloves shall not be worn.~~

~~(e) When gloves must be used as required in this section, employees shall be provided with clean gloves at the beginning of the work shift and at any time during the shift if the gloves become contaminated on the inside. Clean gloves are unused gloves or previously used gloves that have been washed with soap and water, inside and outside.~~

~~(4) The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply when respiratory protection is required by the pesticide label or when a permissible exposure limit of chemicals listed in the air contaminant standards of chapter 296-62 WAC are exceeded, or when respiratory protection is used to protect employees in oxygen deficient atmospheres, or when respirators are used for emergency or rescue use.~~

~~(5)) Pesticide personal protective equipment requirements.~~

~~(a) The employer shall provide and require employees to wear eye protection and gloves whenever opening or pouring out pesticide containers, mixing, loading, or transferring pesticides or pesticide solutions, or washing or cleaning pesticide containers or tanks containing pesticides or applying pesticides with hand-held equipment, or adjusting, cleaning, or repairing pesticide application equipment containing pesticides.~~

~~(b) Eye protection and gloves as required above shall be initially provided at no cost to the employee, including replacement due to normal wear and tear thereafter.~~

~~(c) Unless otherwise stated by the pesticide label, eye protection shall be either goggles, splash face shields, safety glasses with front, brow, and temple protection, or a full-face respirator.~~

~~(d) Unless otherwise stated by the pesticide label, gloves shall be made of chemical resistant material as defined in this section, such as neoprene, nitrile rubber, or PVC. Leather, cotton, or other absorbent-type gloves shall not be worn.~~

~~(e) When gloves must be used as required in this section, employees shall be provided with clean gloves at the beginning of the work shift and at any time during the shift if the gloves become contaminated on the inside. Clean gloves are unused gloves or previously used gloves that have been washed with soap and water, inside and outside.~~

~~(2) Pesticide label-specified personal protective equipment.~~

~~(a) The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply when respiratory protection is required by the pesticide label or when a pesticide permissible exposure limit of the chemicals listed in the air contaminant standards of chapter 296-62 WAC are exceeded.~~

~~(b) Any employee who works with or is exposed to pesticides shall use the clothing and personal protective equipment specified on the labeling for use of the product.~~

~~((b)) (c) Personal protective equipment (PPE) for pesticide use means devices and apparel that are required by pesticide labeling to be worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, long-sleeved shirts, long-legged~~

pants, and socks, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

~~((e))~~ (d) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the employer shall provide the appropriate personal protective equipment in clean and operating condition at no cost to the employee, including replacement due to normal wear and tear. Normal work clothing, including long-sleeved shirts, long-legged pants, and socks, do not need to be provided by employers.

(i) When "chemical-resistant" apparel is specified on the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(ii) When "waterproof personal protective equipment" are specified on the product labeling, they shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(iii) When a "chemical-resistant suit" is required by the product labeling, it shall be a loose-fitting, one- or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(iv) When "coveralls" are specified on the product labeling, they shall be a loose-fitting, one- or two-piece garment, such as a cotton or cotton and polyester coveralls that cover, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that coveralls be worn over another layer of clothing.

(v) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material may not be worn for the handling activities unless they are listed on the product labeling as acceptable for such use.

(vi) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

(A) Chemical-resistant shoes.

(B) Chemical-resistant boots.

(C) Chemical-resistant shoe coverings worn over shoes or boots.

(vii) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

(A) Goggles.

(B) Face shield.

(C) Safety glasses with front, brow, and temple protection.

(D) Full-face respirator.

(viii) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(ix) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The employer shall assure that the respirator fits correctly by using procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071.

(x) When "chemical-resistant headgear" is required, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

~~((d))~~ (e) Exceptions to personal protective equipment specified on product labeling.

(i) Body protection.

(A) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(B) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(ii) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(iii) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses and other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for protection from pesticide exposure, thereafter they only shall be worn with chemical-resistant liners and they shall not be worn for any other use.

(iv) Closed systems. If handling tasks are performed using properly functioning systems designed by the manufacturer to enclose the pesticide to prevent it from contacting handlers or other persons and such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in ~~((d))~~(e)(iv)(A) and (B) of this subsection.

(A) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long-legged pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(B) Persons using a closed system to mix or load pesticides other than those in ~~((d))~~(e)(iv)(A) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment.

(C) Persons using a closed system that operates under pressure shall wear protective eyewear.

(D) Persons using a closed system shall have all personal protective equipment specified on the pesticide label immediately available for use in an emergency.

(v) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in ~~((d))~~(e)(v)(A) through (C) of this section.

(A) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(B) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and

maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by a governmental agency to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist filtering respirator is specified on the pesticide product labeling, it must be worn.

(C) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by a governmental agency to provide respiratory protection equivalent to or greater than the vapor- or gas-removing respirator specified on the pesticide product labeling may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(D) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available inside the cab and shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it may not be worn into or taken into the cab. It must be removed before reentering the cab and must be stored outside the cab or be taken into the cab only in a closed chemical-resistant container. Occupants of an enclosed cab may exit and reenter the cab for the purposes of limited repairs or adjustments to the equipment after spraying is stopped and the vehicle is moved at least 20 feet outside the treated area.

~~((e))~~ (f) Use of personal protective equipment.

(i) The employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(ii) The employer shall assure that, before each use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) The employee shall use the provided personal protective equipment in accordance with instructions and training received.

(iv) The employee shall notify the employer of any defects in personal protective equipment or when the equipment becomes contaminated.

~~((f))~~ (g) Cleaning and maintenance of personal protective equipment.

(i) The employer shall launder or have laundered all label-specified personal protective equipment, including long-sleeved shirts, long-legged pants and socks, according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(ii) If any personal protective equipment cannot be cleaned properly, the employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other

absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall not be reused.

(iii) The employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(iv) The employer shall assure that all clean personal protective equipment shall be dried thoroughly before being stored or put in a well-ventilated place to dry.

(v) The employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(vi) The employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(A) When breathing resistance becomes excessive.

(B) When the filter element has physical damage or tears.

(C) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(D) In the absence of any other instructions or indications of service life, after eight hours of use.

(vii) The employer shall assure that when gas- and vapor-removing respirators are used the gas- or vapor-removing canisters or cartridges shall be replaced:

(A) At the first indication of odor, taste, or irritation.

(B) According to the manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(C) In the absence of any other instructions or indications of service life, after eight hours of use.

(viii) The employer shall inform any person who cleans or launders personal protective equipment for the employer and is not the wearer:

(A) That such equipment may be contaminated with pesticides.

(B) The name of the pesticides that may have contaminated this personal protective equipment.

(ix) The employer shall assure that handlers have clean place(s) away from pesticide-storage and pesticide-use areas where they may:

(A) Store personal clothing not in use.

(B) Put on label-specified personal protective equipment at the start of any exposure period.

(C) Remove label-specified personal protective equipment at the end of any exposure period.

(x) The employer shall not allow or direct any handler to wear home or to take home label-specified personal protective equipment, including long-sleeved shirts, long-legged pants or socks contaminated with pesticides.

~~((g))~~ (h) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the employer shall assure that no handler is allowed or directed to perform the handling activity unless the appropriate measures are implemented if necessary to prevent heat-related illness.

~~((6))~~ (3) Employers shall instruct each employee in the proper use of any item of personal protective equipment used. Such instruction shall include, but not be limited to, any special limitations or precautions indicated by the manufacturer.

Notes: 1. Personal protective equipment, not used for pesticide handling is covered in chapter 296-24 WAC, Part A-2.

2. Respirators not used for pesticide handling is covered in chapter 296-62 WAC, Part E.

~~((PART E MATERIALS HANDLING, FARM SHOPS, GUARDING OF TOOLS~~

~~PART F FIRE PROTECTION AND IGNITION SOURCES~~

~~PART G STORAGE AND HANDLING OF ANHYDROUS AMMONIA~~

~~PART H LADDERS, AERIAL MANLIFTS, ELEVATED WORK PLATFORMS, BULK STORAGE, PITS, AND TRENCHES))~~

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-110 Job-made ladders. (1) A job-made ladder is one built by the employer or his/her employees.

(2) One-by-four-inch nominal lumber, or stronger, shall be used for cleats.

(3) Cleats shall be inset into the edges of side rails to a depth of one-half inch, or filler blocks shall be used on the rails between the cleats.

(4) Each cleat shall be fastened to each rail with three 8d common wire nails or other fasteners of equal strength.

(5) Cleats shall be uniformly spaced at a distance of approximately 12 inches from the top of one cleat to the top of the next.

(6) Side rails shall be continuous, unless splices used develop the full strength of a continuous rail of equal length.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-115 Bins, bunkers, hoppers, tanks, pits and trenches. (1) No employee shall enter any bin, bunker, hopper or similar area when there is a danger that loose materials (such as chips, sand, grain, gravel, sawdust, etc.) may collapse around the worker, unless the worker wears a safety belt with a lifeline attached and is attended by a helper.

Note: Silage pits are exempt from this section.

(2) When employees are required to work in a trench or a pit 4 feet or more in depth, the trench or the pit shall be shored or shall be sloped to the angle of repose as shown in the following table:

TABLE B-1
MAXIMUM ALLOWABLE SLOPES

SOIL OR ROCK TYPE	MAXIMUM ALLOWABLE SLOPES (H:V) ⁽¹⁾ FOR EXCAVATIONS LESS THAN 20 FEET DEEP (3)
STABLE ROCK TYPE A (2) TYPE B TYPE C	VERTICAL (90°) 3/4:1 (53°) 1:1 (45°) 1 1/2:1 (34°)

NOTES:

- Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.
- A short-term maximum allowable slope of 1/2H:1V (63°) is allowed in excavations in Type A soil that are 12 feet (3.67 m) or less in depth. Short-term maximum allowable slopes for excavations greater than 12 feet (3.67 m) in depth shall be 3/4H:1V (53°).
- Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

TABLE 1
MAXIMUM ALLOWABLE SLOPES

SOIL OR ROCK TYPE	MAXIMUM ALLOWABLE SLOPES (H:V) ⁽¹⁾ FOR EXCAVATION LESS THAN 20 FEET DEEP ⁽²⁾
STABLE ROCK TYPE A TYPE B TYPE C	VERTICAL (90°) 3/4:1 (53°) 1:1 (45°) 1 1/2:1 (34°)

NOTES:

- Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.
- Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

(3) Requirements—Classification of soil and rock deposits.

(a) Each soil and rock deposit shall be classified by a competent person as Stable Rock, Type A, B, or C according to the definitions set forth in WAC 296-155-66401.

(b) Basis of classification. The classification of the deposits shall be made based on the results of at least one visual and at least one manual analysis. Such analyses shall be conducted by a competent person using tests in recognized methods of soil classification and testing such as those adopted by the American Society for Testing Materials, or the U.S. Department of Agriculture textural classification system.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-120 Agricultural aerial manlift equipment. (1) Safety factor test data on working or structural components submitted by the manufacturer, by a competent testing laboratory, by a registered engineering firm or a registered engineer shall be acceptable evidence that the manlift meets minimum safety requirements. If, however, through use, a reasonable doubt arises as to whether or not this equipment will meet the above requirements, the division of industrial safety and health may

require that appropriate tests be conducted and may order any corrections indicated.

(2) Working brake systems shall be on all aerial manlifts.

(3) Automatic restrictive orifices shall be installed in the hydraulic systems of aerial manlifts to the boom in position in case any part of the hydraulic pressure system should fail.

(4) Controls shall be guarded by partial enclosures in order to minimize the chances of accidental contact.

(5) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near the controls and shall be kept in a legible condition.

(6) The manufacturer's instructional manual, if any, shall be used to establish the proper operational sequences and maintenance procedures. If such a manual does not exist, the employer shall develop the necessary instructions. The instructions shall be available for reference by operators.

(7) A daily visual inspection and the tests in accordance with the manufacturer's recommendations shall be made by the assigned operator.

(8) Only workers qualified by reason of training or experience shall be permitted to operate aerial manlifts.

(9) Defective aerial manlift equipment shall be reported to the employer or his designated representative as soon as identified. The use of defective equipment is prohibited when the defect may cause an accident.

(10) When moving to and from the job site, the basket of the manlift shall be in the low position.

(11) Unsafe practices, including but not limited to, sitting or standing on the basket edge, standing on material placed across the basket, or working from a ladder set inside the basket, are prohibited.

(a) The basket shall not be rested on a fixed object in such a way that the weight of the boom is supported by the basket.

(b) The employee or any part of agricultural aerial manlift equipment shall not come within a radius of ten feet from energized high voltage conductors, or into any part of the zone any distance above such a radius. See chapter 296-24 WAC, Part J-2, for additional requirements.

~~((PART I — WELDING~~

~~PART J — ELECTRICAL~~

~~PART K — GENERAL REQUIREMENTS FOR AGRICULTURAL EQUIPMENT AND TRUCKS))~~

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-160 Vehicles. Motor vehicles shall be maintained in good mechanical condition at all times.

(1) Under no circumstances shall workers ride on fenders or running boards of vehicles.

(2) No worker shall ride in or on any vehicle with his/her legs hanging over the end or sides. A safety bar shall be placed across the rear opening of all crew trucks which are not equipped with tail gates.

(3) Vehicles used to transport workers shall be equipped with a means of preventing tools or materials from striking employees in the event of sudden starts, stops or turns.

(4) Explosives or highly inflammable and/or toxic materials shall not be carried in or on any vehicle while it is used to transport workers.

(5) Exhaust systems shall be installed and maintained in proper condition, and shall be designed to eliminate the exposure of the workers to exhaust gases and fumes.

(6) All vehicles which are specifically used for transporting agricultural workers shall be equipped with first-aid equipment as specified in WAC ~~((296-306-050))~~ 296-24-060, including two blankets and an approved fire extinguisher.

Note: When more than one vehicle is located at a station, one equipped vehicle shall meet the intent of this section.

(7) No heating units in which there are open flames or catalytic action shall be used in vehicles transporting crews.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-165 General requirements for all agricultural equipment. (1) Definitions.

(a) "Agricultural equipment" means equipment used in production or handling of agricultural products.

(b) "Agricultural field equipment" means tractors, self-propelled implements, implements and combinations thereof used in agricultural operations.

(c) "Agricultural tractor" means a two-wheel or four-wheel drive type vehicle, or a track vehicle, of more than twenty net engine horsepower (continuous brake power rating per Society of Automotive Engineers (SAE) J816b - or the power recommended by the manufacturer for satisfactory operation under the manufacturer specified continuous duty conditions), designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

(d) "Augers" means screw conveyors and related accessories designed primarily for conveying agricultural materials on farms.

(e) "Constant-running drives" means those drives which continue to rotate when the engine is running. (With all clutches disengaged.)

(f) "Farm field equipment" means tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

(g) "Farmstead equipment" means agricultural equipment normally used in a stationary manner. This includes, but is not limited to, materials handling equipment and accessories for such equipment whether or not the equipment is an integral part of a building.

(h) "Guarding by location" means a component may be considered guarded by location when, because of its location, it does not present a hazard during operation or maintenance. A component seven feet or more above a working surface is considered guarded by location.

(i) "Ground-drive equipment" means equipment using power supplied by its pulled wheels to move gears, chains, sprockets, belts, pulleys, augers, tines, etc.

(j) "Low profile tractor" means a wheel or track equipped vehicle possessing the following characteristics:

(i) The front wheel spacing is equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel.

(ii) The clearance from the bottom of the tractor chassis to the ground does not exceed eighteen inches.

(iii) The highest point of the hood does not exceed sixty inches, and

(iv) The tractor is designed so that the operator straddles the transmission when seated.

(k) A "guard" or "shield" is a barrier which insures that no part of an employee may come into contact with a hazard created by a moving machinery part.

(l) "Power take-off shafts" are the shafts and knuckles between the tractor, or other power source, and the first gear set, pulley, sprocket, or other components on power take-off shaft driven equipment.

(2) Immediate priority shall be given to guarding of power take-off drives on all tractors and equipment. These must be guarded no later than January 1, 1976.

(3) All other power transmission components must be guarded on all equipment manufactured on or after January 1, 1976.

(4) If unguarded power transmission components on older field equipment show evidence that they were once guarded, the guards shall be replaced by January 1, 1976.

(5) The manufacturer's instruction manual, if published by the manufacturer and currently available, shall be the source of information for the safe operation and maintenance of field equipment.

(6) The employer shall establish a written program consisting of an energy control procedure, employee training, and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine, equipment, system, or process shall be isolated, and rendered inoperative. Whenever major replacement, repair, renovation, relocation, or modification of machines or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

(7) Operating instructions. At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all covered equipment with which he/she is or will be involved, including at least the following safe operating practices:

(a) Keep all guards in place when the machine is in operation;

(b) Passengers, other than persons required for instruction or machine operation shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.

(c) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees as to all steps and procedures which are necessary to safely service or maintain the equipment;

(d) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;

(e) Lock out electrical power before performing maintenance or service on farmstead equipment.

(8) Methods of guarding. Except as otherwise provided in this chapter, each employer shall protect employees from coming into contact with moving machinery parts as follows:

(a) Through the installation and use of a guard or shield or guarding by location;

(b) Whenever a guard or shield or guarding by location is infeasible, by using a guardrail or fence.

(9) Strength and design of guards.

(a) Where guards are used to provide the protection required by this section, they shall be designed and located to prevent inadvertent contact with the hazard being guarded.

(b) Unless otherwise specified, each guard and its supports shall be capable of withstanding the force that a two hundred fifty pound individual, leaning on or falling against the guard, would exert upon that guard.

(c) Guards shall be free from burrs, sharp edges, and sharp corners, and shall be securely fastened to the equipment or building.

(10) Guarding by railings. Guardrails or fences shall be capable of preventing employees from inadvertently entering the hazardous area.

(11) Servicing and maintenance. Whenever a moving machinery part presents a hazard during servicing or maintenance, the engine shall be stopped, the power source disconnected, and all machine movement stopped before servicing or maintenance is performed, except where the employer can establish that:

(a) The equipment must be running to be properly serviced or maintained;

(b) The equipment cannot be serviced or maintained while a guard or guards are in place; and

(c) The servicing or maintenance is safely performed.

(12) Shields, guards and access doors that will prevent accidental contact with rotating machine parts on constant-running drives shall be in place when the machine is running. This requirement shall not apply to combines where such guards could create fire hazards.

(13) A guard or shield on stationary equipment shall be provided at the mesh point or pinch point where the chain or belt contacts the sprocket or pulley. Revolving shafts shall be guarded by a standard safeguard unless guarded by location. Shafts that protrude less than one-half the outside diameter of the shaft are exempt from this section.

(14) Projections, such as exposed bolts, keys, or set screws on sprockets, sheaves or pulleys on stationary equipment shall be shielded unless guarded by location.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-175 Farm field equipment guarding.

(1) Power takeoff guarding.

(a) All power takeoff shafts, including rear, mid- or side-mounted shafts, shall be guarded either by a master shield, as provided in item (1)(b) of this subdivision, or by other protective guarding.

(b) All tractors shall be equipped with an agricultural tractor master shield on the rear power takeoff except where removal of the tractor master shield is permitted by item (1)(c) of this subdivision. The master shield shall have

sufficient strength to prevent permanent deformation of the shield when a 250 pound operator mounts or dismounts the tractor using the shield as a step.

(c) Power takeoff driven equipment shall be guarded to prevent employee contact with positively driven rotating members of the power drive system. Where power takeoff driven equipment is of a design requiring removal of the tractor master shield, the equipment shall also include protection from that portion of the tractor power takeoff shaft which protrudes from the tractor.

(d) Signs shall be placed at prominent locations on tractors and power takeoff driven equipment specifying that power drive system safety shields must be kept in place.

(2) Other power transmission components.

(a) The mesh or nip-points of all power driven gears, belts, chains, sheaves, pulleys, sprockets and idlers shall be guarded.

(b) All revolving shafts, including projections such as bolts, keys or set screws, shall be guarded, except smooth shaft ends protruding less than one-half the outside diameter of the shaft and its locking means.

(c) Ground driven components shall be guarded in accordance with items ~~((2)(i)(2)(a)) and (2)(ii)(2)(b))~~ (2)(a) and (b) of this subdivision if any employee may be exposed to them while the drives are in motion.

(3) Functional components, such as snapping or husking rolls, straw spreaders and choppers, cutterbars, flail rotors, rotary beaters, mixing augers, feed rolls, conveying augers, rotary tillers, and similar units which must be exposed for proper function shall be shielded to a degree consistent with the intended function and operator's vision of the component.

(4) Access to moving parts. Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, the following:

(a) A safety sign warning the employee to:

(i) Look and listen for evidence of rotation; and

(ii) Not remove the guard or access door until all components have stopped; and

(iii) On equipment manufactured after October 25, 1976, a readily visible or audible warning of rotation.

(5) If the mounting steps or ladder and the handholds of the propelling vehicle are made inaccessible by installation of other equipment, other steps and handholds shall be provided on the equipment.

(6) A slip-resistant means or material shall be provided on the operator's steps and platform to minimize the possibility of feet slipping.

(7) Ground-drive equipment shall be shielded or guarded as specified in WAC 296-306-165(12) if operators are exposed to drives while they are in motion.

~~((PART L—ROLLOVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS USED IN AGRICULTURE AND INDUSTRY))~~

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-200 Rollover protective structures (ROPS) for tractors used in agricultural operations. (1) Scope. All agricultural tractors manufactured after October 25, 1976, shall meet the requirements in this section. Agricultural tractors manufactured on or before October 25, 1976, shall meet the requirements of this section if they were sold with rollover protective structures (ROPS) or were designed to accommodate the addition of ROPS.

Note: The promulgation of specific standards for rollover protective structures for rubber-tired skid-steer equipment is reserved pending promulgation of specific standards to cover such equipment. ROPS requirements contained in this section do not apply to rubber-tired skid-steer equipment used in agricultural operations.

(2) Rollover protective structure. A rollover protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in subsection (6) of this section, ROPS used on wheel-type tractors shall meet the test and performance requirements of WAC 296-306-250 through 296-306-25023 and ROPS used on track-type tractors shall meet the test and performance requirements of WAC 296-306-260 through 296-306-270. (See ROPS Design and Testing Criteria Addendum.)

(3) Seatbelts.

(a) Where ROPS are required by this section, the employer shall:

(i) Provide each tractor with a seatbelt which meets the requirements of this subsection;

(ii) Require that each employee uses such seatbelt while the tractor is moving; and

(iii) Require that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.

(b) Each seatbelt shall meet the requirements set forth in ANSI/SAE J800 April 1986 Motor Vehicle Seat Belt Assemblies,* except as noted hereafter:

(i) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.

(ii) The seatbelt anchorage shall be capable of withstanding tensile loading as required by WAC 296-306-275 (1) and (2).

(iii) The seatbelt webbing material shall have a resistance to acids, alkalis, mildew, aging, moisture and sunlight equal to or better than that of untreated polyester fiber.

(4) Protection from spillage. Batteries, fuel tanks, oil reservoirs and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.

(5) Protection from sharp surfaces. All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(6) Exempted uses. Subsections (2) and (3) of this section do not apply to the following uses:

(a) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal

operations, and while their use is incidental to the work performed therein.

(b) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.

(c) Tractors while used with mounted equipment which is incompatible with ROPS (e.g., cornpickers, cotton strippers, vegetable pickers and fruit harvesters.)

(d) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than seven miles per hour, when used only for tillage or harvesting operations and while their use is incidental thereto, and which:

- (i) Does not involve operating on slopes in excess of forty percent from horizontal; and
- (ii) Does not involve operating on piled crop products or residue, as for example, silage in stacks or pits, and
- (iii) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep which contain slopes of more than forty percent from horizontal; and
- (iv) Does not involve construction-type operation, such as bulldozing, grading or land clearing.

(7) Remounting. Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this subsection.

(8) Labeling. Each ROPS shall have a label, permanently affixed to the structure, which states:

- (a) Manufacturer's or fabricator's name and address;
- (b) ROPS model number, if any;
- (c) Tractor makes, models, or series numbers that the structure is designed to fit; and
- (d) That the ROPS model was tested in accordance with the requirements of this section.

(9) Operating instructions. Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Exhibit A of this section and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.

* Copies may be obtained from the American National Standards Institute, 11 West 42nd Street, New York, N.Y. 10036.

EXHIBIT A

EMPLOYEE OPERATING INSTRUCTIONS

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments and holes.
3. Reduce speed when turning, crossing slopes and on rough, slick or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads and around trees.
6. Passengers, other than persons required for instruction or machine operation, shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.

7. Operate the tractor smoothly—no jerky turns, starts, or stops.
8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.

(10) Training.

(a) Every employee who operates an agriculture tractor shall be trained specifically in the operation of the tractor to be used. Such training shall include an orientation of the operator to the topographical features of the land where the tractor will be operated. Training shall emphasize safe operating practices to avoid roll-over.

(b) The tractor training program shall be described in the written accident prevention programs required by WAC 296-306-035(7).

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-25007 Test procedures. (1) General.

(a) The tractor weight used shall be that of the heaviest tractor model on which the protective frame is to be used.

(b) Each test required under this section shall be performed on a new protective frame. Mounting connections of the same design shall be used during each such test.

(c) Instantaneous deflection shall be measured and recorded for each segment of the test. See WAC 296-306-25009 (1)(a) for permissible deflection.

(d) Seat reference point (SRP) in Fig. C-3((?)) is that point where the vertical line that is tangent to the most forward point at the longitudinal seat centerline of the seat back, and the horizontal line that is tangent to the highest point of the seat cushion intersect in the longitudinal seat section. The seat reference point shall be determined with the seat unloaded and adjusted to the highest and most rearward position provided for seated operation of the tractor.

(e) Where the centerline of the seat is off the longitudinal center, the frame loading shall be on the side with the least space between the centerline of seat and the protective frame.

(f) Low temperature characteristics of the protective frame or its material shall be demonstrated as specified in WAC 296-306-25009 (1)(b).

(g) Rear input energy tests (static, dynamic, or field upset) need not be performed on frames mounted to tractors having 4 driven wheels and more than one-half their unballasted weight on the front wheels.

(h) Accuracy table:

Measurements	Accuracy
Deflection of frame, inches (millimeters)	± 5 percent of deflection measured.
Vehicle weight, pounds (kilograms)	± 5 percent of the weight measured.
Force applied to frame, pounds force (newtons)	± 5 percent of force measured.
Dimensions of critical zone, inches (millimeters)	± 0.5 inch (12.5 millimeters).

(2) Static test procedure.

(a) The following test conditions shall be met:

(i) The laboratory mounting base shall be the tractor chassis for which the protective frame is designed, or its equivalent.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Fig. C-2 and C-3.

(iii) If the protective frame is of a one or two upright design, mounting connections shall be instrumented with the necessary equipment to record the required force to be used in subsection (2)(c)(v) and (x) of this section. Instrumentation shall be placed on mounting connections before installation load is applied.

(b) The following definitions shall apply:

W = Tractor weight includes the protective frame or enclosure, all fuels, and other components required for normal use of the tractor. Ballast shall be added as necessary to achieve a minimum total weight of 110 pounds (50.0 kg.) per maximum power takeoff horsepower at the rated engine speed or the maximum gross vehicle weight specified by the manufacturer, whichever is the greatest. Front end weight shall be at least 25 percent of the tractor test weight. In case power takeoff horsepower is not available, 95 percent of net engine fly-wheel horsepower shall be used.

E_{is} = Energy input to be absorbed during side loading in ft-lb (E'_{is} in m-kg.).

E_{is} = 723 + 0.4 W (E'_{is} = 100 + 0.12 W')

E_{ir} = Energy input to be absorbed during rear loading in ft-lb (E'_{ir} in m-kg.).

E_{ir} = 0.47 W (E'_{ir} = 0.14 W')

L = Static load, lbf [pounds force], (N) [newtons].

D = Deflection under L, in. (mm).

L-D = Static load-deflection diagram.

L_{max} = Maximum observed static load.

Load

Limit = Point on a continuous L-D curve where observed static load in 0.8 L_{max} on down slope of curve (refer to Fig. C-5).

E_u = Strain energy absorbed by the frame, ft-lb (m-kg). Area under L-D curve.

FER = Factor of energy ratio.

E_u

FER_{is} = $\frac{E_u}{E_{is}}$

E_{is}

E_u

FER_{ir} = $\frac{E_u}{E_{ir}}$

E_{ir}

P_b = Maximum observed force in mounting connection under static load, L lbf(N).

P_u = Ultimate force capacity of mounting connection, lbf(N).

FSB = Design margin for mounting connection.

P_u

FSB = $\frac{P_u}{P_b}$

P_b

(c) The test procedures shall be as follows:

(i) Apply the rear load in accordance with Fig. C-3 and record L and D simultaneously. Rear load application shall be uniformly distributed on the frame over an area perpendicular to the direction of load application, no greater than 160 square inches (1032 sq. cm.) in size, with the largest dimension no greater than 27 inches (686 mm). The load shall be applied to the upper extremity of the frame at the point which is midway between the center of the frame and the inside of the frame upright. If no structural cross member exists at the rear of the frame, a substitute test beam which does not add strength to the frame may be utilized to complete this test procedure. The test shall be stopped when:

(A) The strain energy absorbed by the frame is equal to or greater than the required input energy E_{ir} or;

(B) Deflection of the frame exceeds the allowable deflection (see WAC 296-306-25009 (1)(a)), or

(C) Frame load limit (see Figure C-5) occurs before the allowable deflection is reached in rear load.

(ii) Using data obtained in subsection (2)(c)(i) of this section, construct the L-D diagram as shown typically in Fig. C-5.

(iii) Calculate E_{ir}.

(iv) Calculate FER_{ir}.

(v) Calculate FSB where required by subsection (2)(a)(iii) of this section.

(vi) Apply the side load tests on the same frame and record L and D simultaneously. Side load application shall be at the upper extremity of the frame at a 90 degree angle to the center line of the vehicle. The side load shall be applied to the longitudinal side farthest from the point of rear load application. Apply side load L as shown in Fig. C-2. The test shall be stopped when:

(A) The strain energy absorbed by the frame is equal to or greater than the required input energy E_{is} or;

(B) Deflection of the frame exceeds the allowable deflection (see WAC 296-306-25009 (1)(a)) or;

(C) Frame load limit (see Figure C-5) occurs before the allowable deflection is reached in side load.

(vii) Using data obtained in subsection (2)(c)(vi) of this section, construct the L-D diagram as shown typically in Fig. C-5.

(viii) Calculate E_{is}.

(ix) Calculate FER_{is}.

(x) Calculate FSB where required by subsection (2)(a)(iii) of this section.

(3) Dynamic test procedure.

(a) The following test conditions shall be met:

(i) The protective frame and tractor shall be tested at the weight as defined in WAC 296-306-25007 (2)(b).

(ii) The dynamic loading shall be accomplished by use of a 4410 lb. (2000 ((KG)) kg) weight acting as a pendulum. The impact face of the weight shall be 27 ± 1 inch by 27 ± 1 inch (686 ± 25 mm by 686 ± 25 mm) and shall be constructed so that its center of gravity is within 1 inch (25.4 mm) of its geometric center. The weight shall be suspended from a pivot point 18 to 22 feet (5.5-6.7 m) above the point of impact on the frame and shall be conveniently and safely adjustable for height (see Fig. C-6).

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall have strength no less than,

and elasticity no greater than, that of 0.50 inches (12.7 mm) steel cable. Points of attachment of restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15 to 30 degree angle between a restraining cable and the horizontal. For the impact from the rear, the restraining cable shall be located in the plane in which the center of gravity of the pendulum will swing, or alternatively, two sets of symmetrically located cables may be used at lateral locations on the tractor. For impact from the side, restraining cables shall be used as shown in Figures C-8 and C-9.

(iv) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the manufacturer. With specified tire inflation, the restraining cable shall be tightened to provide tire deflection of 6 to 8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam no less than 6 x 6 inches (150 x 150 mm) cross section shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the base so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that it is at an angle of 25 to 40 degrees to the horizontal when it is positioned against the wheel rim. It shall have a length 20 to 25 times its depth and a width 2 to 3 times its depth. (See Figs. C-8 and C-9.)

(v) Means shall be provided for indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Fig. C-4.

(vi) No repairs or adjustments shall be made during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(b) H = Vertical height of center of gravity of 4410 pounds (2000 kg) weight in inches (H' in mm). The weight shall be pulled back so that the height of its center of gravity above the point of impact is:

$$H = 4.92 + 0.00190 W \text{ or } H' = 125 + 0.170 W'$$

(Fig. C-7).

(c) The test procedures shall be as follows:

(i) The frame shall be evaluated by imposing dynamic loading from the rear followed by a load to the side on the same frame. The pendulum swinging from the height determined by subsection (3)(b) of this section shall be used to impose the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame is in line with the arc of travel of the center of gravity of the pendulum. Where a quick release mechanism is used, it shall not influence the attitude of the block.

(ii) Impact at rear: The tractor shall be properly restrained in accordance with subsection (3)(a)(iii) and (3)(a)(iv) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum so that the pendulum is 20 degrees from the vertical prior to impact as

shown in Fig. C-8. The impact shall be applied to the upper extremity of the frame at the point which is midway between the center line of the frame and the inside of the frame upright. If no structural cross member exists at the rear of the frame, a substitute test beam which does not add to the strength of the frame may be utilized to complete the procedure.

(iii) Impact at side: The blocking and restraining shall conform to subsection (3)(a)(iii) and (3)(a)(iv) of this section. The point of impact shall be at the upper extremity of the frame at a point most likely to hit the ground first and at a 90 degree angle to the center line of the vehicle as shown in Fig. C-9. The side impact shall be applied to the longitudinal side farthest from the point of rear impact.

(4) Field upset test procedure.

(a) The following test conditions shall be met:

(i) The tractor shall be tested at the weight as defined in WAC 296-306-25007 (2)(b).

(ii) The test shall be conducted on a dry, firm soil bank. The soil in the impact area shall have an average cone index in the 0 to 6 inch (0 to 152 mm) layer of not less than 150. Cone index shall be determined in accordance with American Society of Agricultural Engineers Recommendation ASAE R313.1, Soil Cone Penetrometer (1971).* The path of vehicle travel shall be 12 ± 2 degrees to the top edge of the bank.

(iii) An 18 inch (457 mm) high ramp as described in Fig. C-10 shall be used to assist in upsetting the vehicle to the side.

(iv) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be use.

(b) Field upsets shall be induced to the rear and side.

(i) Rear upset shall be induced by engine power with the tractor operating in a gear to obtain 3 to 5 miles per hour (4.8 to 8.0 km per hour) at maximum governed engine rpm by driving forward directly up a minimum slope of $60^\circ \pm 5^\circ$ as shown in Fig. C-11 or by an alternative equivalent means. The engine clutch may be used to aid in inducing the upset.

(ii) To induce side upset, the tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 miles per hour (16 km per hour), or at maximum vehicle speed if under 10 miles per hour (16 km per hour), and over the ramp as described in subsection (4)(a)(iii) of this section.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-306-260 Rollover protective structures (ROPS) for material handling equipment. (1) Coverage. ~~((a))~~ This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in agricultural work. This requirement does not apply to side-boom pipelaying tractors.

(2) Material handling machinery described in subsection (1) of this section and manufactured on or after October 25, 1976, shall be equipped with rollover protective structures

which meet the minimum performance standards prescribed in WAC 296-306-260 and 296-306-265, as applicable.

(3) Rollover protective structures and supporting attachment shall meet the minimum performance criteria detailed in WAC 296-303-26001 and 296-306-265, as applicable, or shall be designed, fabricated, and installed in a manner which will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(a) The design objective shall be to minimize the likelihood of a complete overturn and thereby minimize the possibility of the operator being crushed as a result of a rollover or upset.

(b) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(4) Remounting. ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(5) Labeling. Each ROPS shall have the following information permanently affixed to the structure:

(a) Manufacturer or fabricator's name and address;

(b) ROPS model number, if any;

(c) Machine make, model, or series number that the structure is designed to fit.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-265 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in agriculture.
(1) Definitions applicable to this section.

(a) SAE J333a, Operator Protection for Wheel-Type Agricultural and Industrial Tractors (July 1970) defines "agricultural tractor" as a "wheel-type vehicle of more than 20 engine horsepower designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this chapter applies only to agriculture work, the following definition of "agricultural tractor" is adopted for purposes of this ~~(part)~~ chapter: "Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, which is designed to furnish the power to pull, propel, or drive implements.

(b) "Industrial tractor" means that class of wheeled type tractor of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in WAC 296-306-26001), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(c) The following symbols, terms, and explanations apply to this section:

Eis = Energy input to be absorbed during side loading.
Eis = $723 + 0.4 W$ ft.-lb. (E'is = $100 + 0.12 W'$, m.-kg).

Eir = Energy input to be absorbed during rear loading.
Eir = $0.47 W$ ft. - lb. (E'ir = $0.14 W'$, m. - kg).

W = Tractor weight as prescribed in WAC 296-306-265 (5)(a) and (5)(c) in lb. (W', kg).

L = Static load, lb. (kg.).

D = Deflection under L, in. (mm.).

L-D = Static load-deflection diagram.

Lm-Dm = Modified static load-deflection diagram (Figure C-30). To account for increase in strength due to increase in strain rate, raise L in plastic range to $L \times K$.

K = Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010-1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., Structural Design for Dynamic Loads (1959), p. 3.

Lmax = Maximum observed static load.

Load

Limit = Point on L-D curve where observed static load is 0.8 Lmax (refer to Figure C-5).

Eu = Strain energy absorbed by the frame, ft.-lb. (m. - kg) area under Lm-Dm curve.

FER = Factor of energy ratio, FER = Eu/Eis; also = Eu/Eir.

Pb = Maximum observed force in mounting connection under static load, L, lb. (kg.).

FSB = Design margin for mounting connection FSB = $(Pu/Pb)-1$.

H = Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. (H', mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: $H = 4.92 + 0.00190 W$ or $(H' = 125 = 0.107 W')$ (Figure C-7).

(d) Source of standard. The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard shall be resorted to in the event that questions of interpretation arise. The standard appears in the 1971 SAE handbook.

(2) General.

(a) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel-type agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of WAC 296-306-260 and 296-306-270 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(b) The protective frame which is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure C-10.

(c) If an overhead weather shield is attached to the protective frame, it may be in place during tests: *Provided*, That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of subsection (10) of this section.

(d) For overhead protection requirements, see WAC 296-306-270.

(e) If protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168 (July 1970), Protective Enclosures, Test Procedures, and Performance Requirements.

(3) Applicability. The requirements of this section apply to wheel-type agricultural tractors used in agriculture work and to wheel-type industrial tractors used in construction type work. See subsection (1) of this section for definitions of agricultural tractors and industrial tractors.

(4) Performance requirements.

(a) Either a laboratory test or a field test is required in order to determine the performance requirements set forth in subsection (10) of this section.

(b) A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(c) A field upset test, if used, shall be conducted under reasonably controlled conditions, both rearward and sideways, to verify the effectiveness of the protective frame under actual dynamic conditions.

(5) Test procedure—General.

(a) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(b) A new protective frame and mounting connections of the same design shall be used for each test procedure.

(c) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(d) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(e) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(f) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications in accordance with WAC 296-306-26001 (7)(b)(iv).

(6) Test procedure for vehicle overturn.

(a) Vehicle weight. The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(b) Agricultural tractors shall be tested at the weight set forth in subdivision (a) of this subsection.

(c) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in subdivision (a) of this subsection.

(d) The test shall be conducted on a dry, firm soil bank as illustrated in Figure C-2. The soil in the impact area shall have an average cone index in the 0.6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recommendations ASAE R313, Soil Cone Penetrometer. The path of travel of the vehicle shall be $12^\circ \pm 2^\circ$ to the top edge of the bank.

(e) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure C-2 to assist in tipping the vehicle.

(f) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

(g) Vehicle overturn test—Sideways and rearward.

(i) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subdivision (e) of this subsection to induce sideways overturn.

(ii) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3-5 m.p.h. (4.8-8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

(7) Other test procedures. When the field upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in subsection (8) or (9) of this section, shall be made.

(8) Static test.

(a) Test conditions.

(i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figure C-3, C-4, and C-5.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see subsection (1)(c) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(b) Test procedure.

(i) The side load application shall be at the upper extremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure C-3. "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(A) The strain energy absorbed by the frame is equal to the required input energy (E_{is}) or

(B) Deflection of the frame exceeds the allowable deflection, or

(C) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L-D diagram, as shown by means of a typical example in Figure C-6, shall be constructed, using the data obtained in accordance with item (i) of this subdivision.

(iii) The modified Lm-Dm diagram shall be constructed according to item (ii) of this subdivision and according to Figure C-6. The strain energy absorbed by the frame (E_u) shall than [then] be determined.

(iv) E_{is} , FER, and FSB shall be calculated.

(v) The test procedure shall be repeated on the same frame utilizing L (rear input; see Figure C-5) and Eir. Rear load application shall be uniformly distributed along a

maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 sq. in. (1,032 sq. cm.) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(9) Dynamic test.

(a) Test conditions.

(i) The protective frame and tractor shall meet the requirements of subsection (6)(b) or (c) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in. (686 + or - 25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18-22 ft. (5.5-6.7 m.) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Figure C-6.)

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5-0.63 in. (12.5-16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°-30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure C-8.)

(iv) The wheel tread setting shall comply with the requirements of subsection (6)(f) of this section. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the tire manufacturer. With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6-8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 x 6 in. (15 x 15 cm.) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim it is at an angle of 25°-40° to the horizontal. It shall have a length 20-25 times its depth and a width two to three times its depth. (See Figures C-8 and C-9.)

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure C-9.

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(b) Test procedure.

(i) General. The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in subsection (1)(c) of this section) imposes the dynamic load. The position of the pendulum

shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) Impact at rear. The tractor shall be properly restrained according to subdivisions (a)(iii) and (iv) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure C-8. The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) Impact at side. The block and restraining shall conform to subdivisions (a)(iii) and (iv) of this subsection. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(10) Performance requirements.

(a) General.

(i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures C-2 and C-3 as follows:

D = 2 in. (51 mm.) inside of frame upright to vertical centerline of seat.

E = 30 in. (762 mm.).

F = Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure C-3.

G = 24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit in accordance with WAC 296-306-26001 (7)(b)(iv).

(b) Vehicle overturn performance requirements. The requirements of this subsection (10) must be met in both side and rear overturns.

(c) Static test performance requirements. Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this subsection (10). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K-1 in both side and rear loadings.

(d) Dynamic test performance requirements. Design factors shall be incorporated in each design to withstand the overturn test prescribed in this subsection (10). The structural requirements will be generally met if the dimensions in this subsection (10) are adhered to in both side and rear loads.

~~((PART M — FIELD SANITATION))~~

AMENDATORY SECTION (Amending Order 86-46, filed 4/22/87)

WAC 296-306-300 Field sanitation—Scope. WAC 296-306-300 through 296-306-320 shall apply to any agricultural establishment where one or more employees are engaged on any given hand-labor operations in the field. Except that WAC 296-306-320(3) (Handwashing facilities) and 296-306-320(4) (Toilet facilities) do not apply to employers of workers who:

- (1) Are engaged in field activities for the production of grains, seeds, livestock, or livestock feed; or
- (2) Use vehicles, machinery, or animals as part of their field activities and, when needed, can transport themselves to and from toilet and handwashing facilities.

Note: For sanitation requirements relating to permanent agricultural operations, see chapter 296-24 WAC, Part B-1.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-400 Posting requirements. (1) When a pesticide having a reentry interval greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section. Sign design may be either the state design as illustrated by figure 1 or the officially adopted sign of the Environmental Protection Agency. (Reference federal regulation 40 CFR 170.120.)

Note: After April 1, 1994, the United States Environmental Protection Agency will require that their sign design must be posted at all usual points of workers entry to any area treated with toxicity category I pesticides, that have labels with the signal word "danger."

(2) Definitions for the purposes of this section are:

(a) "Labor-intensive agricultural crop" means crops requiring substantial hand-labor for planting, thinning, cultivating, pruning, harvesting, or other agricultural activities. Labor-intensive agricultural crops include but are not limited to apples, cherries, peaches, berries, hops, grapes, asparagus, pears, plums, nectarines, onions, cucumbers, cauliflower, and squash. By virtue of mechanization, crops such as, but not limited to, wheat, oat, and barley are excluded unless substantial hand-labor is utilized.

(b) "Reentry interval" means the length of time after an application until personnel will be allowed to reenter a treated area for work purposes without personal protective equipment.

(3) Pesticide warning signs required under this section shall be posted in such a manner as to be clearly visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted:

- (a) At each corner of the pesticide-treated area; and
- (b) At intervals not exceeding six hundred feet; and/or
- (c) At other locations approved by the department that provide maximum visibility.

(4) The signs shall be posted within twenty-four hours before scheduled application of the pesticide, and remain posted during application and throughout the applicable reentry interval. Signs shall be removed within two days

after the expiration of the applicable reentry interval and before employee reentry is permitted. Employees working in an area scheduled for a pesticide application shall be informed of the application and shall vacate the area to be sprayed prior to the application of the pesticide.

(5) Signs shall be legible for the duration of use and wording shall be in English and Spanish.

(6) Signs shall meet the following criteria: (Unless EPA signs are used).

- (a) The background color shall be white.
- (b) The border at least one-half inch in width shall be red.

(c) The words "DANGER" and "PELIGRO" shall be at the top. Letters for these words shall be black and at least two and one-half inches in height.

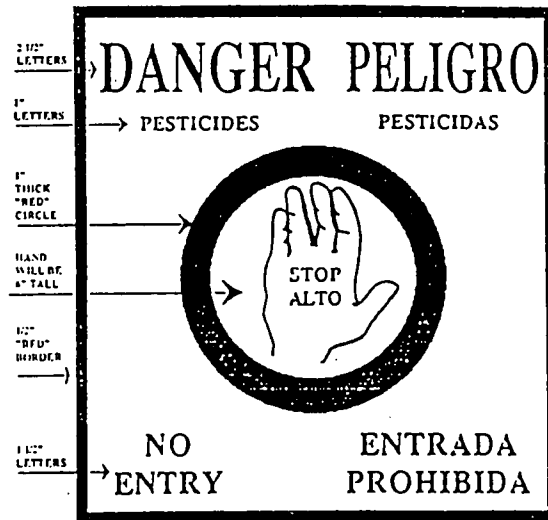
(d) The words "pesticides" and "pesticidas" shall be at the top but below the words "DANGER" and "PELIGRO," respectively. Letters for these words shall be black and at least one inch in height.

(e) The center of the sign shall contain a circle comprised of a one-inch thick red line and contain an upraised hand in black with the white words "STOP" and "ALTO," respectively shown on the palm in the center of the circle. The hand shall be at least six inches in length.

(f) The words "NO ENTRY" and "ENTRADA PROHIBIDA" shall be at the bottom. Letters for these words shall be black and at least one and one-half inches in height.

(g) Sizes of letters and symbols listed are minimum acceptable size posters. Larger posters may be used provided the proportionate size of letters and symbols are maintained.

(7) A small black and white facsimile of the warning sign meeting these requirements is shown in Figure 1.



REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-306-025 Management's responsibility.
- WAC 296-306-045 First-aid training and certification.
- WAC 296-306-050 First-aid kit.

WAC 296-306-055	Safe place standards.
WAC 296-306-061	Machinery and machine guarding.
WAC 296-306-065	Materials handling and storage.
WAC 296-306-070	Reserved.
WAC 296-306-075	Bench grinders.
WAC 296-306-080	Guarding of hand-held portable power tools.
WAC 296-306-084	Portable abrasive wheels.
WAC 296-306-085	Fire protection and ignition sources.
WAC 296-306-090	Storage and handling of anhydrous ammonia.
WAC 296-306-095	Elevated walkways and platforms.
WAC 296-306-100	Handrails.
WAC 296-306-125	Gas welding and cutting.
WAC 296-306-130	Welding.
WAC 296-306-135	Arc welding and cutting.
WAC 296-306-140	Welding areas protected.
WAC 296-306-145	Electrical.

WSR 93-21-072
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 20, 1993, 9:49 a.m.]

Original Notice.

Title of Rule: Mental health fee schedule.

Purpose: To remove mental health fees from administrative rules, to clarify meaning of existing rules and to update rule language that has been superseded by statute and other rule changes.

Statutory Authority for Adoption: RCW 43.22.050.

Statute Being Implemented: Chapter 7.68 RCW.

Summary: The rule removes the schedule of maximum fee for mental health treatment from administrative rule, clarifies existing rule language and updates obsolete rule language.

Reasons Supporting Proposal: The proposal is needed to comply with a statewide movement to a uniform fee schedule, to clarify existing rule language and to update obsolete rule language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rich Ervin, 7273 Linderson Way S.W., Tumwater, (206) 956-5340.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The primary purpose of the rule is to remove the schedule of maximum fees from administrative rule as a part of a statewide effort to place all state health care purchasing programs under a single schedule of maximum allowable fees. This action will have no effect on service to either claimants or providers as the fees themselves do not change. Other purposes are to clarify existing rule language that agency experience has indicated needs clarification and to

update existing rule language that has become obsolete due to statutory and other rule language changes.

Proposal Changes the Following Existing Rules: WAC 296-31-095 is repealed; and amending WAC 296-30-010, 296-30-020, 296-30-050, 296-30-060, 296-30-080, 296-30-081, 296-30-130, 296-31-020, 296-31-060, 296-31-065, 296-31-080, and 296-31-090.

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

Proposed Amendments to Rule: Chapter 296-30 WAC, Rules for the administration of the crime victim compensation program and chapter 296-31 WAC, Crime victim mental health treatment. Multiple amendments are proposed to these chapters. The primary purpose of the proposed amendments are to remove the mental health fee schedule from Washington Administrative Code. These amendments are part of a statewide effort to place all state health care purchasing programs under a single schedule of maximum allowable fees. The proposed amendments would clarify the meaning of existing rules and update rule language that has been superseded by statute and other rule changes.

Regulatory Fairness Act: The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than 20 percent of all industries, or 10 percent of any one industry as determined by the standard industry classification (SIC) codes, shall be reviewed to determine if there exists a proportionately higher economic burden of compliance on small business. Small businesses are defined as businesses having fifty or less employees.

Summary of Economic Analysis: The department has determined that the proposed amendments would have no economic impact on small businesses within pertinent industries as determined by the standard industry classification (SIC) codes. The proposed amendments do not alter the current mental health fee schedule, thus, reimbursement to providers of mental health services would remain constant. Similarly, the proposed clarifying amendments are house-keeping in nature and would have no economic impact.

Conclusion: The department has evaluated the economic impact of the proposed rule changes in accordance with the Regulatory Fairness Act and with recommendations from the regulatory fairness task force, and concluded that the proposed amendments would have no economic impact on small business. Thus, neither a more substantive small business economic impact analysis nor a proposal for the mitigation of an adverse economic impact is necessary.

Hearing Location: Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on November 23, 1993, at 9:00 a.m.

Submit Written Comments to: Crime Victims Section, P.O. Box 44520, Olympia, WA 98504-4520, by November 22, 1993.

Date of Intended Adoption: December 23, 1993.

October 20, 1993

Mark O. Brown
 Director

AMENDATORY SECTION (Amending WSR 89-23-004, filed 11/3/89, effective 11/10/89)

WAC 296-30-010 Definitions. Whenever used in these rules, the following words mean:

(1) "Innocent victim" means any person whose injury was not the direct, proximate result of his or her consenting to, provoking, or inciting the criminal act that resulted in the injury.

(2) "Bodily injury" means any harmful or offensive touching, and includes severe emotional distress where no touching takes place when:

(a) Claimant is not the object of the criminal act and:

(i) The distress is intentionally or recklessly inflicted; and

(ii) The distress is inflicted by extreme or outrageous conduct; and

(iii) The claimant has a reasonable apprehension of imminent bodily harm; and

(iv) The claimant is in the immediate vicinity of the criminal act at the time the criminal act takes place.

(b) Claimant is the victim of the criminal act and:

(i) The distress is intentionally inflicted; and

(ii) The distress is inflicted by outrageous or extreme conduct; and

(iii) The claimant had a reasonable apprehension of imminent bodily harm.

(3) "Private insurance" means sources of recompense available by contract, such as life or disability insurance.

(4) "Public insurance" means any state or federal statutory welfare and insurance plan that compensates victims or their beneficiaries as a result of the claimed injury or death. This does not include state, federal, or private deferred income retirement plans.

(5) The test used to define "the result of" as used in RCW 7.68.070 (3)(a) (~~and (b)~~) is two pronged. First, it must be determined that cause in fact exists, and second, it must then be determined that proximate cause exists.

(a) Cause in fact exists if "but for" the acts of the victim the crime that produced the injury would not have occurred.

(b) Proximate cause exists if, once cause in fact is found, it is determined that the acts of the victim:

(i) Resulted in a foreseeable injury to the victim;

(ii) Played a substantial role in the injury; and

(iii) Were the direct cause of the injury.

(6) "Institutions maintained and operated by department of social and health services or the department of corrections" means those institutions in which the department of social and health services or the department of corrections assumes responsibility for medical coverage of the institution's residents.

(7) "Reasonable cooperation" generally exists when the claimant is:

(a) Willing to talk to police and give information to aid in the investigation; and

(b) Willing to assist in the prosecution of the alleged criminal.

(8) A person is "unjustly enriched" within the meaning of RCW 7.68.070(15) when it would be deficient in justice and fairness, or inequitable, to allow that person to obtain, or have control of or access to, benefits or compensation paid as a result of an injury to a victim of crime.

(9) "Department" means the department of labor and industries.

(10) "Services provided" means services covered under chapter 74.09 RCW or Title XIX of the Federal Social Security Act that are: (a) Provided by health services providers with credentials recognized by the department for purposes of payment under chapter 51.36 or 7.68 RCW; and (b) available and equivalent to those services covered by the department under Title 51 or chapter 7.68 RCW.

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-020 Vehicular assault (~~and vehicular homicide~~). Chapter 7.68 RCW shall cover those people killed or injured as a result of a (~~vehicular homicide or~~) vehicular assault that occurred after July 24, 1983 if there has been a conviction for the vehicular assault (~~or vehicular homicide~~). Eligibility occurs when the claimant's injury results in the assailant's conviction for vehicular assault (~~or vehicular homicide~~), or when the claimant's injury is a direct result of the collision that led to the vehicular assault (~~or vehicular homicide~~) conviction. The claimant's injury need not be the one that led to the conviction.

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-050 Distribution of third party recoveries. (1) Before July, 1977. Any claimant who receives crime victim's benefits is required to reimburse fully the department for all benefits paid to the claimant under chapter 7.68 RCW if the claimant recovers damages from the person or persons who committed the criminal act. The reimbursement is limited to the amount recovered by the victim.

(2) After July, 1977 and before April 1, 1980. Any claimant who receives crime victim's benefits is required to reimburse fully the department for all benefits paid to the claimant under chapter 7.68 RCW if the claimant recovers damages from any liable party. The reimbursement is limited to that amount recovered by the victim.

(3) An injury or death that occurred on or after April 1, 1980, for which recovery was made before July 24, 1983. This amendment incorporated the industrial insurance third party recovery statutes RCW 51.24.050 through 51.24.100 into chapter 7.68 RCW. The amendment changed the department's entitlement to reimbursement. For those victims injured or killed on or after April 1, 1980, and for which any recovery was made before July 24, 1983, disbursement of an award or settlement is as follows:

(a) Reasonable attorney's fees.

(b) Victim receives 25% of the balance.

(c) The department shall receive the balance to the extent necessary to reimburse the department for benefits paid.

(d) Any remaining balance is paid to the victim.

(e) If any remaining balance is paid to the victim, no further crime victim benefits will be paid to the victim until the amount of benefits she or he continued to be eligible for equals the remaining balance paid at the time of settlement or award.

(4) Recoveries made on or after July 24, 1983, and before July 1, 1993. This subsection applies to all claimants

who receive an award or settlement from a liable third party on or after July 24, 1983, and before July 1, 1993. These awards shall be disbursed as follows:

- (a) Costs and reasonable attorney's fees paid proportionately by the victim and the department.
- (b) Victim then receives 25% of the balance.
- (c) Department receives the balance to the extent necessary to reimburse the department for its lien minus its share of attorney's fees.

- (d) Any remaining balance goes to the victim.
- (e) The department may compromise its lien for injuries that were sustained on or after April 1, 1980.

(5) Steps for determining proportionate attorney's fees:
 (a) Determine the amount of the settlement or award obtained by the claimant.

- (b) Determine attorney's fees and costs.
- (c) For an open claim, determine the amount of the department's lien at the time of settlement or award. If the claim is closed at the time of the recovery, determine the claimant's full entitlement from the department.

(6) Calculate what percent of the total recovery equals the department's lien for open cases, and the claimant's entitlement for closed claims. This percent is the department's proportionate share.

Ex. in a nondeficiency judgment	
\$ 1,000	Gross recovery
\$ 200	Attorney fees
\$ 100	Entitlement or claim costs
\$ 20	Department's proportionate share of attorney's fees and costs. The \$100 claim costs equals 10% of the total recovery. Thus, the department's proportionate share of attorney's fees are equal to 10% of \$200 or \$20

Ex. in deficiency judgments/recoveries	
\$ 1,000	Gross recovery
\$ 200	Attorney fees
\$ 2,000	Claim costs
\$ 1,000	
\$ -200	Attorney fees
\$ 800	Claimant receives 25% of this figure = 200
\$ -200	Claimant 25% share
\$ 600	Balance remaining goes to the department and is used to determine if settlement/judgment is deficient. If this balance is deficient, as it is here, this figure is used to calculate the department's proportionate share of attorney's fees and costs.
60%	Department percent of attorney fees (\$6.00 = 60% of \$1,000 recovery)
\$ 120	Department's share of attorney fees
\$ +200	Claimant's 25% share
\$ 320	Claimant's total recovery
\$ 600	Balance
\$ -120	Attorney fees, department
\$ 480	Department's recovery

(7) Once the claim is closed, the department shall reexamine its proportionate share. If the claimant's final entitlement is greater than the amount of the department's lien at the time of recovery, the department shall reimburse the claimant for the department's increased percentage of the attorney's fees and costs.

Ex.:	\$ 1,000	Recovery.
	\$ 200	Attorney's fees and costs.
	\$ 100	Department's lien at time of recovery.

\$ 20	Attorney's fees and costs paid at time of recovery.
\$ 500	Claimant's total entitlement (50% of total recovery).
\$ 100	Department's full proportionate share of attorney's fees and costs (50%, that amount determined by the claimant's entitlement).
\$ 80	The amount that the department must reimburse the claimant for attorney's fees and costs.

(8) Recoveries made on or after July 1, 1993, shall be governed by the provisions of RCW 51.24.060.

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-060 Requirement to report criminal acts. (1) The following are examples under which the ~~((seventy-two hour))~~ twelve-month reporting requirement in RCW 7.68.060~~((2))~~ (1)(b) may be tolled:

- (a) Unconsciousness or coma of victim.
- (b) Youth of victim (because of age the victim is unaware that a crime has been committed against her).
- (c) Rape trauma syndrome.
- (d) A report of an assault against a child made to children's protective services when the report is made within ~~((seventy-two hours))~~ twelve months of when it reasonably could have been made.

(2) This list is not and should not be considered exhaustive but is for illustrative purposes.

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-080 Counseling for sexual assault. (1) Pursuant to RCW 7.68.070(12), the department shall pay for counseling for victims of sexual assault and, when appropriate, for members of a victim's immediate family. An immediate family member shall be defined as the victim's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family and who hold themselves out as a family unit.

(2) Counseling for the above defined family members is appropriate when:

- (a) The counseling is for the spouse, child, parent, or sibling of the victim who suffers psychological trauma as a result of the sexual assault; or
- (b) The family member and victim live in the same household and the family member suffers psychological trauma as a result of the sexual assault; or
- (c) The family member sees the assault; or
- (d) Counseling of the family member will aid in the victim's recovery.

~~((3) Evaluation and counseling must be done by a counselor with an MSW or equivalent degree, a PhD psychologist, or a psychiatrist. The fee for an MSW or equivalent degree for 45-50 minutes with report 40 units.))~~

AMENDATORY SECTION (Amending WSR 92-23-034, filed 11/13/92, effective 12/14/92)

WAC 296-30-081 Acceptance of rules and fees for medical and mental health services. Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those fees contained in ~~((WAC 296-21-010 through 296-23A-425, WAC 296-30-080 and in WAC 296-31-090 through 296-31-095))~~ the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Mental Health Treatment Rules and Fees*, less any available benefits of public or private collateral resources, except as follows:

~~((+))~~ The percentage of allowed charges authorized by WAC 296-23A-105: Payment for hospital inpatient and outpatient services, WAC 296-23A-155: New hospitals, WAC 296-23A-160(3): Excluded and included services, and WAC 296-23A-165: Out-of-state hospitals shall be equal to the percentage of allowed charges established by the department of social and health services under Title 74 RCW and WAC 388-87-070(6): Payment hospital inpatient services.

~~((2))~~ The conversion factors established by WAC 296-23A-115 are modified to the following:

~~(a) Radiology (codes 70000 through 79999) \$5.29.
(b) Pathology and laboratory (codes 80000 through 89999) \$.50.~~

~~(c) Physical therapy (codes beginning with 9) \$1.15.
(3) The conversion factors established by WAC 296-20-135 are modified to the following:~~

~~(a) Medicine, mental health services, chiropractic, physical therapy, drugless therapeutics, and nurse practitioner \$1.15.~~

~~(b) Anesthesia \$17.12.
(c) Radiology \$5.29.
(d) Pathology \$.50.
(e) Surgery \$60.54.~~

~~(f) Independent medical examinations and independent mental health assessments (procedure codes Z0001 through Z0045 as contained in the Medical Examiner's Handbook) \$1.35.)~~

If any of the maximum allowable fees in the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Mental Health Treatment Rules and Fees* is lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the medical fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Health Services Analysis
P.O. Box 44322
Olympia, WA 98504-4322

To request advance notice of the establishment or amendment of the mental health fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Crime Victims Compensation Section
P.O. Box 44520
Olympia, WA 98504-4520

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined.

If the service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid that are in excess of the amounts that the victim is entitled to from public or private insurers, and bill the department for services rendered at fee schedule rates if such rates are in excess of the public or private insurance entitlements.

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-130 Lump sum benefits. (1) Lump sum benefits paid to the survivor(s) of an unemployed victim shall be paid on a monthly basis if the survivor(s) is entitled to private or public death benefits. The death benefit payments shall be deducted each month from the crime victim's death benefits. Crime victim's benefit payments shall continue until the combined public or private death benefits and the crime victim's death benefits equal the total amount that the survivor(s) is eligible for under chapter 7.68 RCW.

(2) The amount of the monthly payments is based on the state's average monthly wage and are determined by the percentages established in RCW 51.32.050.

(3) This lump sum payment shall be adjusted upward by a factor of 8% to reflect the present and future value of the money.

(4) The survivor(s) of an employed victim are entitled to ~~((a))~~ the maximum ((of ten thousand dollars)) in death benefits prescribed by RCW 7.68.070(13). These benefits shall be paid in the same manner as the benefits paid to the survivor(s) of an unemployed victim except that the monthly rate shall be determined by the deceased's regular rate of pay.

(5) This procedure was adopted to ensure equal treatment of survivor(s) in like circumstances.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-020 Definitions. This section explains the department's definitions of terms used throughout the sections as they apply to claimants.

Acceptance, accepted condition: Determination, in writing, by a qualified representative of the department, that reimbursement for the diagnosis and rehabilitative treatment of a claimant's mental health condition are the responsibility of the department. The condition being accepted must be specified by one or more diagnostic codes from the current

edition of the International Classification of Diseases, Clinically Modified (ICD-CM), or by DSM III-R, and by use of words to describe the symptoms connected to or citing ICD-CM or DSM III-R diseases.

Authorization: Notification, in writing or by telephone, by a qualified representative of the department, that specific necessary treatment, services, or equipment recommended by a provider for the diagnosis or rehabilitative treatment of an accepted condition will be reimbursed by the department. Providers must insure they maintain records indicating the name of the qualified representative who authorizes treatment or equipment.

Claimant: A person who submits, or on whose behalf is submitted, an application for benefits under the Crime Victims Act.

Consultation: The services rendered by a mental health provider whose opinion or advice is requested by the attending (treating) mental health provider, or agency, or by the department in the evaluation and/or treatment of a claimant. Case management or case staffing does not constitute a consultation. Treatment of a claimant is not a consultation.

Crisis intervention: Therapy to alleviate the most pressing problems and attempt to use the crisis as an opportunity for positive change; the vital mental and safety functions of the client are stabilized by providing support, structure and, if necessary, restraint.

Disability awards for mental health conditions: Direct monetary compensation that may be provided to an eligible claimant who is either totally temporarily disabled, permanently partially disabled, or totally permanently disabled resulting from an accepted condition. Under Washington law, permanent disability awards are based solely on mental impairment due to the accepted injury or conditions without consideration of economic factors. Disability rating exams must be provided by a physician.

Elective nonemergent hospital admission: Placement of the claimant in an acute care hospital or residential treatment facility for mental health treatment of a claim related mental health condition which may be safely scheduled in advance without jeopardizing the claimant's health or treatment outcome.

Emergent hospital admission: Placement of the claimant in an acute care hospital, psychiatric hospital, or residential treatment facility for treatment of a claim related mental health condition of an unforeseen or rapidly progressing nature which, if not treated in an inpatient setting, is likely to jeopardize the claimant's health or treatment outcome.

Family therapy: Therapy involving the therapist, and one or more members of the claimant's family (excluding the perpetrator if also a family member) and which centers on issues resulting from the claimant's assault.

Group therapy: Therapy involving the claimant, the therapist, and one or more clients who are not related to the claimant and which includes issues both related to the claimant's assault and pertinent to other group members, not necessarily related to the claimant's assault.

Homicide survivor: An immediate family member of a homicide victim as the result of a criminal act committed on or after July 1, 1992. Homicide survivors may receive appropriate counseling to assist them with the immediate,

near term consequences of the related effects of the homicide.

Immediate family members: Any claimant's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family and who hold themselves out as a family unit.

Individual therapy: Therapy provided on a one to one basis between a therapist and claimant.

Mental health services provider: Any person, firm, corporation, partnership, association, agency, institution, or other entity providing any kind of mental health services related to the treatment of a claimant. This includes, but is not limited to, hospitals, psychiatrists, psychologists, advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, registered and/or certified master level counselors, and other qualified service providers licensed, registered and/or certified with the department of health and registered with the crime victims program. (Refer to WAC 296-31-030 for specific details.)

Modified work status: When the claimant is not able to return to previous work, but is capable of carrying out work of a lighter, or otherwise different nature.

Necessary treatment: Those health services or treatments which, in the opinion of the director or his or her designee are:

Proper and necessary for the diagnosis or rehabilitative treatment of an accepted condition;

Reflective of accepted standards of good practice within the scope of the provider's license, certification, or registration;

Not delivered primarily for the convenience of the claimant, the claimant's attending provider, or any other provider; and

Provided at the least cost and in the least intensive setting of care consistent with accepted standards of care/accepted therapeutic practice and with the other provisions of this definition. Services which are inappropriate to the accepted condition, or which present hazards in excess of the expected mental health benefits, are not considered necessary. Services which are obsolete are not authorized. Services which are controversial, experimental, or investigational are presumed not to be consistent with accepted standards of care and shall only be authorized on an individual case basis with written authorization for the service from the department.

Office notes: Written records of treatment, or other work products, documenting specific charges billed, as opposed to reports of evaluation and progress independently submitted to the department or to other parties.

Permanent partial disability: Providers are required to notify the department of any claimant's accepted condition where permanent functional impairment or loss is indicated after maximum rehabilitation has been achieved, which is determined to be stable and fixed at the time the evaluation is made. The department will arrange to have impairments rated using the category system under WAC 296-20-200 et al.

Regular work status: When the injured claimant is capable of returning to his/her regular work, the attending provider must notify the claimant and the department of the specific date of release to return to regular work. Time loss

compensation will be terminated on the release date. Further treatment may be allowed as requested by the attending provider if the condition is not stable or fixed and treatment is needed for the accepted condition.

Repressed memory: A condition of not having or had conscious memory of an act. For the purpose of these rules describing this condition under this section the definition means that a claimant regained conscious memory of victimization caused by a criminal act committed against them as a minor.

Temporary partial disability: Partial time loss may be paid when the claimant can return to work on a limited basis, or, return to a lesser paying job is necessitated by the accepted condition. However, the claimant must have a reduction in wages of at least five percent before loss of earning power can be paid.

Termination of treatment: When treatment is no longer required because the accepted condition for which the claim was allowed has become stable, the provider must submit a report indicating the date the condition became stable to the department. This is necessary to initiate closure of the crime victim's compensation claim.

Time loss certification: Certification from a physician based upon findings which are specific symptoms that an accepted condition of a claimant either partially or totally incapacitates the claimant from returning to work. Such symptoms may include, but are not limited to: Anxiety, depression, loss of appetite, weight loss, flat affect, inability to concentrate, inability to complete tasks. The department requires that all claims for time loss compensation must be certified by a physician.

Total permanent disability: A condition permanently incapacitating a claimant from performing any work at any gainful occupation.

Total temporary disability (time loss): The claimant is temporarily unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted condition. Time loss compensation will be paid if the victim was employed on the date of their criminal injury, or, if not, if the victim was employed three or more consecutive months during the twelve months immediately preceding the date of the assault.

Utilization review: The assessment of a claimant's mental health care for assurance that it is necessary and of good quality. Assessments typically consider the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

Victim: A person who suffers bodily injury or death as the proximate result of a criminal act of another person, the claimant's own good faith and reasonable effort to prevent a criminal act, or his or her good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits, "victim" is interchangeable with "employee" or "worker" as defined in the Industrial Insurance Act. For the purpose of these rules "bodily injury" means any harmful or offensive touching, and includes severe emotional distress where no touching takes place as defined and under the conditions outlined in WAC 296-30-010(2).

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-060 Reporting requirements. The department may require reports at any time as is necessary in order to determine initial or continued authorization of benefits or services. However, the department requires the following reports at various stages of a claim in order to authorize mental health treatment or services, time loss compensation, and bill payments for innocent victims of crime:

(1) **Initial report of injury:** To establish a claim, an application for benefits must be completed and submitted to the department. The provider may bill under code 90001 for the filing of the application. In addition, the examination or assessment charge may be billed. Reimbursement of these services will be paid if the claim is allowed by the department. Billing for an extended or comprehensive visit of more than one hour may require submission of additional reports.

(2) **Initial evaluation report:** This report may be submitted with the application for benefits by either the provider or claimant, or no later than thirty days from the date of first treatment. The report must include the preliminary diagnosis and symptoms, proposed treatment plan and treatment goals, and expected length of treatment. It must also include a diagnosis of any preexisting conditions and their potential effect on the condition resulting from the assault. Any change in session frequency from that stated in this report will require authorization.

(3) **Office notes and follow-up visits:** Legible copies of office or progress notes or other work products may be, as determined by the department, required documentation to substantiate all follow-up visits or treatment following the initial evaluation. Office notes are not acceptable in lieu of requested narrative reports.

(4) **Ninety-day narrative reports:** When treatment is to continue beyond ninety days from the first date of treatment, submission of a narrative report is required every ninety days to substantiate the need for continued care. A narrative report must contain the basic information outlined in these rules. A narrative report should be billed under code 99080 and described as a ninety-day report. Treatment in excess of ninety days may be authorized by the department only after receipt and review of the ninety-day narrative report. Absence of a response from the department to a report (~~(or preauthorization request)~~) shall constitute authorization for continued treatment. When treatment beyond ninety days will not be authorized or is authorized with limits on frequency or provider type, notification will be sent by the department giving a thirty-day transition period. In the case of a contested decision, a claimant or a provider may file a written protest to the department or appeal to the board of industrial insurance appeals. The information required for the narrative report is contained under WAC 296-31-090.

(5) **Hospital reports:** When the claimant is hospitalized, it is the responsibility of the attending mental health provider to submit his or her reports to the hospital for submission with the hospital billing. The attending mental health provider may bill for hospital visits without attaching copies of the reports.

(6) **Consultation reports:** To substantiate treatment of more than one hundred eighty days, a consultation with a consultant chosen by the attending mental health provider is required. The department may require the claimant to be examined by the consultant as part of the consultation process with supervisory approval. Although no prior authorization is required for such consultations, the department must be notified when such consultation is arranged. The consultant is responsible for submitting a copy of the report as outlined in these rules within fifteen days from the date of the consultation. Treatment may only be authorized to extend beyond one hundred eighty days in mental health cases after the department has received this report. Absence of response, by the department upon receipt of the report shall constitute authorization for additional treatment. When extended treatment will not be authorized or will be terminated, notification will be sent by the department giving a thirty-day transition period. See WAC ((~~296-20-035 and 296-31-095~~)) 296-20-01002 for consultation report requirements.

(7) **Ninety-day follow-up reports:** Following the one hundred eighty-day report and consultation, additional narrative reports are still required at ninety-day intervals. The department may request additional consultations and/or independent assessments as warranted by the individual case.

(8) **Termination reports:** When a mental health practitioner discontinues treatment of a claimant because the condition for which treatment was provided is fixed and stable or for any other reason, a termination report shall be completed and provided to the program within sixty days of the last visit.

(9) **Reopening application:** On claims closed over sixty days, the department will pay for completion of a reopening application (Code 90097), an office visit and diagnostic studies necessary to complete the application, (see WAC ((~~296-20-097~~)) 296-20-01002). No other benefits will be paid until the adjudication decision is rendered.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-065 Ongoing treatment. (1) Cases that remain open more than one hundred eighty days: When the claimant requires treatment beyond one hundred eighty days, a consult with another mental health provider is necessary to determine and/or establish the need for continued treatment and/or payment of time-loss compensation. This may be accomplished by the attending mental health provider in consultation with a provider who also satisfies the department requirements. A detailed consultation report must be provided to the department.

Three levels of consultation are recognized: Limited, extensive and complex. Detailed descriptions of each type of consultation are included in the publication entitled *Crime Victims Compensation Mental Health Treatment Rules and Fees*.

(2) Procedures and/or continued treatment requiring consultation: In the event of complication, controversy, or dispute over the treatment aspects of any claim, the department will not authorize continued treatment until the complication, controversy, or dispute has been resolved and

the department has received notification of any findings and reviewed any recommendations.

(a) The department may consider claims as complicated, controversial or disputed when involving treatment or conditions as follows:

(i) All individual counseling or psychotherapy, pertaining to immediate family members, requiring treatment sessions of more than twelve visits.

(ii) All family therapy visits, not including the claimant, requiring more than twelve visits.

(iii) All conditions not related to the accepted condition involving emotional, psychiatric, or social problems which are likely to complicate recovery.

(iv) All therapeutic procedures of a controversial nature or type not in common use for the specific condition.

(v) Cases where there are complications or unfavorable circumstances such as age, preexisting conditions, or, because of occupational requirements, etc.

(vi) Elective nonemergent hospital admission.

(vii) Any other circumstance that the department may define.

(b) The department may resolve issues of claim complication, controversy, or dispute using consultants, independent assessments and/or requesting a review of policies or procedures by the department's mental health advisory committee. The committee may recommend courses of action to resolve these issues to including, but not limited to, recommendation of an independent assessment.

(c) In cases presenting diagnostic or therapeutic problems difficult to resolve to the attending mental health provider (psychiatrist, psychologist and/or counselor), consultation with a specialist will be allowed without prior authorization. The consultant must submit his or her findings and recommendations immediately to the attending provider and the department. See WAC 296-31-095 and 296-20-035 for report contents and requirements.

(i) Whenever possible, the referring mental health provider should make his or her records available to the consultant to avoid unnecessary duplication. Consultants may proceed with indicated and reasonable diagnostic studies as permitted within their scope of practice.

(ii) Consultations must be held within the local geographic area of the claimant's residence, if possible, and with a consultant not having a mutual proprietary or business interest with the attending mental health provider. Exceptions to this requirement may be made only with department preauthorization. The department does not prohibit the use of members of the same professional or social associations.

(iii) The mental health provider will not arrange a consultation if notification has been received that an independent assessment is being arranged by the department. If a recent consultation has been completed and the attending mental health provider is notified that the department is arranging an assessment, the department must be advised immediately of the consultation.

(iv) The consultation fee will be paid only if a consultation report is complete (see WAC 296-20-035 ((~~and 296-31-095~~))) and contains all psychological findings as well as all pertinent negative or normal findings. The report must be received in the department within fifteen days from the date of the consultation. No fee may be paid to the consultant,

by the department, if the claimant misses/fails to attend the appointment. However, the claimant may be billed directly.

(v) The consultant may not order, prescribe, or provide treatment without the consent of the claimant. No transfer will be made to the consultant without the written request of the claimant.

(3) Concurrent treatment: In some cases, treatment by more than one provider may be allowed. The department will consider authorization of concurrent treatment when the accepted condition requires specialty or multidisciplinary care. When requesting consideration of concurrent treatment, the attending mental health provider must provide the department with the following: The name, address, discipline, and specialty of all other providers requested to assist in the treatment of the claimant and an outline of their responsibility in the case and an estimate of the length of the period of concurrent care. When concurrent care is allowed, the department will recognize one primary attending mental health provider, who will be responsible for directing the over-all treatment program; providing copies of all reports and other data received from the involved providers and, in time loss cases, providing the adequate certification evidence of the claimant's inability to work. The department will approve concurrent care on an individual case basis.

(4) Transfer of attending provider: All transfers from one provider to another must be approved by the department. Normally transfers will be allowed only after the claimant has been under the care of the attending mental health provider for sufficient time for the provider to: Complete the necessary diagnostic studies, establish an appropriate treatment regimen, and evaluate the efficacy of the therapeutic program. Under RCW 51.36.010 claimants are entitled to free choice of attending provider subject to the limitations of RCW 7.68.130. Except as provided under (a) through (g) of this subsection, no reasonable request for transfer will be denied. The claimant must be advised when and why a transfer is denied. The department reserves the right to require a claimant to select another provider for treatment, under the following conditions:

(a) When more conveniently located providers, qualified to provide the necessary treatment, are available.

(b) When the attending provider fails to cooperate in observance and compliance with the department rules.

(c) In time loss cases where reasonable progress towards return to work is not shown.

(d) Cases requiring specialized treatment, which the attending provider's authority is not qualified to render, or is outside the scope of the attending provider's authority to practice.

(e) Where the department finds a transfer of provider to be appropriate and has requested the claimant to transfer in accordance with this rule, the department may select a new attending provider if the claimant unreasonably refuses or delays in selecting another attending provider.

(f) In cases where the attending provider is not qualified to treat each of several accepted conditions. This does not preclude concurrent care where indicated.

(g) No transfer will be approved to a consultant without the written request of the claimant. Transfers will be authorized for the foregoing reasons or where the department in its discretion finds that a transfer is in the best interest of returning the claimant to a productive role in society.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-080 Billing procedures. (1) All services rendered must be in accordance with these mental health treatment rules. The department may reject bills for services rendered in violation of these rules. The claimant may not be billed for services rendered in violation of these rules. However, claimants may be billed if they fail to keep or miss a properly scheduled appointment.

(a) Bills must be itemized on department forms or other forms which have been approved by the department. Physicians, advanced registered nurse practitioners, psychologists, and masters level mental health counselors may use the National Standard HCFA 1500 Health Insurance Claim Form or the department's statement for crime victim services. When billing for treatment of a family member other than the claimant, you must identify the family member by name and relationship to the claimant. Hospitals use the (~~UB-82~~) UB-92 billing form for institution services and the National Standard HCFA 1500 Health Insurance Claim Form for professional services.

(b) Bills must specify the date and type of service, the appropriate procedure code, the condition treated, and the charges for each service.

(c) Every bill submitted to the department must be completed to include the following:

(i) Claimant's name and address;

(ii) Claimant's claim number;

(iii) Date of injury;

(iv) Referring provider's name;

(v) Dates of service;

(vi) Place of service;

(vii) Type of service;

(A) Psychiatrists and psychologists use type of service

3.

(B) Master level counselors use type of service M.

(C) Advanced registered nurse practitioners (ARNP) use type of service N.

(viii) Appropriate procedure code or hospital revenue code,

(ix) Description of service; if mental health patient is not the claimant, give name and relationship to the claimant;

(x) Charge;

(xi) Units of service;

(xii) Total bill charge;

(xiii) Provider of service;

(xiv) Group, clinic, center, or facility name;

(xv) Billing address;

(xvi) Federal tax information;

(A) Federal tax identification number; or

(B) Social Security number.

(xvii) Date of billing;

(xviii) Submission of supporting documentation required under (f) of this subsection;

(xix) Private or public insurance eligibility and amounts paid.

(d) Responsibility for the completeness and accuracy of the description of services and charges billed rests with the provider rendering the service, regardless of who actually completes the bill form.

(e) Providers are urged to bill on a monthly basis. Bills must be submitted within ninety days from the date of service to be considered for payment. If insurance or public agency collateral resources exist bills must be received within ninety days following payment or rejection by the resource. A copy of the payment or rejection must accompany the bill.

(f) The following supporting documentation must be maintained and submitted when billing for services, as may be appropriate:

- (i) Intake evaluation;
- (ii) Progress reports;
- (iii) Consultation reports;
- (iv) Special or diagnostic study reports;
- (v) Independent assessment or closing exam reports;
- (vi) For BR procedures - see WAC 296-31-090 for requirements;

(vii) Claimant public or private insurance information.

(g) The claim number must be placed in the upper right hand corner on each bill and on each page of reports and other correspondence.

(h) Rebills. If a provider does not receive payment or notification from the department within ninety days, services may be rebilled. Rebills must be submitted for services denied if a claim is closed or rejected and subsequently reopened or allowed. Rebills should be identical to the original bill: Same charges, codes, and billing date. The statement "rebill" must appear on the bill.

(i) Any inquiries regarding adjustment of charges must be submitted within ninety days from the date of payment to be considered.

(j) Any denied charge may be protested in writing to the department or appealed to the board of industrial insurance appeals.

(2) Allowance and payment for medication. The department will pay for medications or supplies dispensed for the treatment of conditions resulting from a crime victim injury and/or conditions which are retarding the recovery from the claimant's condition, for which the department has accepted temporary responsibility. Specific information governing allowance and payment for medication is contained in WAC 296-20-17001.

(3) Payment of out-of-state providers.

(a) Providers of mental health services in the bordering states of Oregon and Idaho shall bill and be paid according to Washington state rules.

(b) Providers of health services in other states and other countries shall be paid at rates which take into account:

- (i) Payment levels allowed under the state of Washington crime victims compensation program rules;
- (ii) Payment levels allowed under crime victims compensation or workers compensation programs in the state of the provider's place of business; and
- (iii) The usual, customary, and reasonable charges in the state and city of the provider's place of business.

(c) In all cases these payment levels are the maximum allowed to providers of services to claimants. Should a provider's charge exceed the payment amount allowed under the state of Washington crime victim compensation program rules, the provider is prohibited from charging the claimant for the difference between the provider's charge and the allowable rate. Providers violating this provision are

ineligible to treat claimants as provided by these mental health rules and are subject to other applicable penalties.

(d) Only those diagnostic and treatment services authorized under the state of Washington mental health rules may be allowed by the department. As determined by the department, the scope of practice of providers in bordering states may be recognized for payment purposes, except that in all cases WAC 296-20-03002 (treatment not authorized) shall apply. Specifically, services permitted under crime victims compensation programs in the provider's place of business, but which are not allowed chapters 296-20, 296-30, and 296-31 WAC of the state of Washington, may not be reimbursed. When in doubt, the provider should verify coverage of a service with the department.

(e) Out-of-state hospitals will be paid according to WAC 296-30-081.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-090 Mental health fees. (1) Rules and billing procedures are presented in detail in the previous sections, some commonalities are repeated here for the convenience of mental health providers referring to the mental health fee section. Definitions and items unique to billing procedures and fees are also included.

Psychiatric care may be billed without time dimensions according to the procedure or service as are medical or surgical procedures. In billing psychotherapy procedures, time is only one aspect and may be expressed as is customary in the local area. For example, the usual appointment length of an individual psychotherapy procedure may be signified by the procedure code alone. The modifier '-52' may be used to signify a service that is reduced or less extensive than the usual procedure. The modifier '-22' may be used to indicate a more extensive service. For example procedure code 90801 may be billed with modifier '-22' if the evaluation and report writing take more than an hour to complete. Thus, psychotherapy procedures may be reported by the procedure code alone or by the procedure code with a modifier.

Facility charges are not payable when a provider elects to use hospital facilities or other outpatient facilities in lieu of maintaining a private practice office.

(2) Definitions.

By report - BR (by report) in the value column indicates that the value of this service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (a) Diagnosis - ICD9 - DSM III.
- (b) Whenever possible, list the nearest similar procedure by number according to this schedule.

The department may adjust BR procedures when such action is indicated.

Maximum fees - The maximum allowable fee for a procedure is ~~((determined by multiplying the unit value of a procedure by the appropriate conversion factor))~~ the fee contained in the publication entitled *Crime Victims Compensation Mental Health Treatment Rules and Fees*. Prior to

the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Crime Victims Compensation Section
P.O. Box 44520
Olympia, WA 98504-4520

No fee is payable by the department for missed appointments unless the appointment is for an examination arranged by the department. Claimants may be billed directly for missed or "no show" appointments.

Mental health modifiers - Listed values for most procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate "modifier code number" after the usual procedure number. The value should be listed as a single modified total for the procedure.

Report required - The values for procedures for which a report is required include the report fee. Do not bill separately for these reports.

Unusual or unlisted procedure - Value of unlisted services or procedures should be substantiated "by report" (BR). Refer to the definition of By report for reporting requirements.

(3) ((Determination of conversion factors. Conversion factors are the base fees for determining the maximum amount paid by the department for procedures with specified unit values. To determine the maximum amount paid, the unit value for a specific procedure is multiplied by the appropriate conversion factor or base fee.)) Advanced registered nurse practitioners are reimbursed at ((eighty)) ninety percent of values listed for psychologists or psychiatrists.

(4) Mental health services. The following graduated listing of services is an attempt to reflect the relative values of the time and skills required at the various service levels. The listed values apply only when performed by mental health providers registered with and authorized by the department to provide services to claimants through this program.

Table with 2 columns: Modifier, Unit Value. Row 1: -22 UNUSUAL SERVICES: When the services provided are greater than those usually required for the listed procedure, identify by adding this modifier to the usual procedure number. Requires written justification. BR

-52 REDUCED VALUES: Under certain circumstances, the listed value for a procedure is reduced or eliminated because of ground rules, common practice, or at the mental health provider's election. Under these or similar circumstances, the services provided can be identified by their usual procedure numbers and the use of a reduced value indicated by adding this modifier to the procedure number. (Use of this modifier provides a means of reporting services at a reduced charge without disturbing usual relative values.) BR

((-75))
-8N CONCURRENT CARE, SERVICES RENDERED BY MORE THAN ONE PROVIDER: When the claimant's condition requires the additional services of more than one provider, each provider may identify his or her services by adding this modifier to the service procedure code BR

-96 SPECIAL AGREEMENT WITH CRIME VICTIMS COMPENSATION PROGRAM: This modifier is to be used by providers who have a special agreement with the crime victims compensation program for certain designated procedures. Any request for special agreement should be directed to:

Crime Victims Compensation Program
Special Claim Unit
PO Box 44523
Olympia WA 98504-4523

THE VALUES FOR PROCEDURES FOR WHICH A REPORT IS REQUIRED INCLUDE THE REPORT FEE. DO NOT BILL SEPARATELY FOR THESE REPORTS.

((The unit values in the following procedure codes are in two categories. Psychologist/psychiatrist unit values are in the left hand column. Master level or equivalent unit values are in the right hand column.

Table with 4 columns: Procedure Code, Unit Value, Unit Value, MD, OF, Lic, MSTR, PHD, Level. Row 1: Procedure Code, Unit Value, Unit Value, MD, OF, Lic, MSTR, PHD, Level

SPECIAL SERVICES

Table with 4 columns: Procedure Code, Unit Value, Unit Value, MD, OF, Lic, MSTR, PHD, Level. Rows: 90696 Preauthorized conference at the department's request relative to an individual case. Requires prior approval. Each 15 minutes. 16.0 9.1; 99058 Office services provided on an emergency basis. BR BR; 90001 Completion of the application for benefits. 12.0 12.0; Fee for completion of the application for benefits payable to mental health providers only.; 99040 Completion of disability card. 2.0 2.0

~~99080~~ Ninety-day progress reports, written report is required. Report must include current DSM-III-R and/or ICD-9-CM diagnosis(es), their relationship (if any) to the conditions sustained as the result of the criminal act, a summary of the progress made toward therapy goals or issue resolutions established in the initial evaluation, an estimate of the duration and frequency of further sessions, and an updated prognosis for recovery.
 35.0 35.0

~~90097~~ Completion of a reopening application. Diagnostic studies associated with the reopening examination will be allowed in addition to this fee.
 12.0 12.0

~~GENERAL CLINICAL DIAGNOSTIC OR EVALUATIVE PROCEDURES~~

~~90801~~ Mental health diagnostic interview examination or initial intake evaluation including history, mental status or disposition (may include communication with family or other sources, ordering and medical interpretation of laboratory or other diagnostic studies; in certain circumstances other informants will be seen in lieu of the claimant). Report required.
 70.0 40.0

~~90825~~ Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests and other accumulated data for diagnostic purposes (without other informants or claimant interview).
 30.0 N/A

~~90831~~ Telephone conference with or about claimant for therapeutic or diagnostic purposes. Requires written justification, identification of parties involved, report of conference, and department authorization (excluding other reporting required by law, i.e., child protective services).
 20.0 11.4

~~90835~~ Narcoanalysis for psychiatric diagnostic and therapeutic purposes, e.g., sodium amobarbital (Amytal) interview.
 50.0 N/A

~~TESTING CODES~~

~~W0050~~ Structured personality test, i.e., MMPI, CPI; list test conducted. Report(s) is required.
 35.0 N/A

~~W0051~~ Neuropsychological evaluation (the complete battery only): Cognitive evaluation, including intelligence, verbal comprehension, verbal reasoning, memory and learning, visual/spatial abilities, and auditory, tactile and visual perception tests. Emotional and social assessments including medication history, with positive or nega-

tive history of drug use, (including alcohol) that might impair cognitive functioning. Report and prior authorization required.
 542.0 N/A

~~W0052~~ Testing other than structured personality test or complete neuropsychological evaluation, list test(s) conducted. Report(s) required.
 BR BR

~~THERAPEUTIC PROCEDURES~~

~~90841~~ Individual psychotherapy with continuing diagnostic evaluation including psychoanalysis, insight orientated, behavior modifying or supportive psychotherapy; up to 15 minutes.
 17.5 10.0

~~90843~~ approximately 16 to 30 minutes
 35.0 20.0

~~90844~~ approximately 31 to 60 minutes
 70.0 40.0

~~SV841~~ Family members of homicide victims individual psychotherapy with continuing diagnostic evaluation, and drug management when indicated, including psychoanalysis, insight orientated, behavior modifying or supportive psychotherapy. Requires prior authorization and report; up to 15 minutes.
 17.5 10.0

~~SV843~~ approximately 16 to 30 minutes
 35.0 20.0

~~SV844~~ approximately 31 to 60 minutes
 70.0 40.0

~~90846~~ Family psychotherapy (without the claimant) per family member. Requires prior authorization beyond twelve sessions
 50.0 28.5
 (Maximum fee allowable per session not to exceed 2 service units.)

~~90847~~ Family psychotherapy (including the claimant) per family member. Requires prior authorization beyond twelve sessions.
 50.0 28.5
 (Maximum total value per session not to exceed 2 service units.)

~~90849~~ Multiple Family group psychotherapy (more than one family). Requires prior authorization beyond twelve sessions. Flat rate.
 50.0 28.5

~~90850~~ Inpatient care including psychotherapy and supervision of milieu team (e.g., occupational therapy, psychiatric nursing, etc.) or conference with family; 60 minutes, with report.
 70.0 N/A

~~90851~~ 30 minutes, with report
 35.0 N/A

90852 ~~15 minutes, with report~~
~~..... 17.5 N/A~~

90853 ~~Group psychotherapy (other than a multi-
 ple family group) per claimant.~~
~~..... 50.0 28.5~~

~~PSYCHIATRIC SOMATOTHERAPY~~

90862 ~~Pharmacologic management, including
 prescription, use, and review of medica-
 tion with no more than minimal psycho-
 therapy.~~
~~..... 20.0 N/A~~

90870 ~~Electroconvulsive therapy (includes neces-
 sary monitoring); single seizure, requires
 prior authorization.~~
~~..... 50.0 N/A~~

90871 ~~multiple seizures, per day, re-
 quires prior authorization~~
~~..... 75.0 N/A~~

~~OTHER THERAPY~~

90880 ~~Hypnotherapy, requires prior authoriza-
 tion.~~
~~..... 35.0 20.0~~

90882 ~~Environmental intervention for manage-
 ment purposes on a claimant's behalf.
 Requires authorization and report.~~
~~..... 30.0 17.1~~

90887 ~~Interpretation or explanation of results of
 mental health assessments and procedures;
 or other accumulated data to family or
 other responsible persons or advising
 them how to assist the claimant (exclud-
 ing other reporting required by law i.e.,
 child protective services).~~
~~..... 30.0 17.1~~

90899 ~~Unlisted services or procedures. Report
 required which describes and fully docu-
 ments services rendered.~~
~~..... BR BR~~

~~SPECIAL PROGRAM~~

~~Nonroutine services requiring prior agreement with the
 department. Approved special programs require prior
 authorization for each case.~~

0285M ~~CHILD/ ADOLESCENT DAY TREATMENT~~
~~Approved program intended to provide a
 range and mix of planned and structured
 services for seriously mentally ill persons
 under the age of 18.~~
~~..... BR BR~~

~~HOSPITAL CARE~~

~~Hospital care by the attending physician may be initial or
 subsequent in nature (see 90200-90280) and requires
 authorization. Should hospital care be elective or
 nonemergent preauthorization for admission is required.
 Should hospital care be emergent authorization for continued
 stay is required by the end of the following working day.~~

~~HOSPITAL VISITS~~

~~New or Established Patients~~

90200 ~~Initial hospital care, BRIEF or LIMITED
 history and physical examination, includ-
 ing initiation of diagnostic and treatment
 program, preparation of hospital records.
 (Routine visit.)~~
~~..... 30.0 N/A~~

90215 ~~Initial hospital care, INTERMEDIATE histo-
 ry and physical examination, including
 initiation of diagnostic and treatment
 program and preparation of hospital re-
 cords. (Serious or complicated case.)~~
~~..... 50.0 N/A~~

90220 ~~Initial hospital care, COMPREHENSIVE
 history and physical examination, includ-
 ing initiation of diagnostic and treatment
 program and preparation of hospital re-
 cords. (A complex case requiring an
 unusual amount of time, skill, or judg-
 ment and evaluation of the claimant as a
 whole accompanied by a detailed report in
 addition to the application for benefits.)~~
~~..... 70.0 N/A~~

~~FOLLOW-UP VISITS~~

90240 ~~BRIEF examination, evaluation, and/or
 treatment, same illness. (Follow-up hos-
 pital care.)~~
~~..... 12.0 N/A~~

90250 ~~LIMITED examination, evaluation, and/or
 treatment. Report required. (Routine
 follow-up hospital care.)~~
~~..... 20.0 N/A~~

90260 ~~INTERMEDIATE examination, evaluation,
 and/or treatment. Report required. (Ser-
 ious or complicated case.)~~
~~..... 30.0 N/A~~

90270 ~~EXTENDED reexamination or reevaluation,
 requiring an unusual amount of time,
 skill, or judgment, but not necessitating a
 complete examination or reevaluation of
 the claimant as a whole accompanied by
 a report.~~
~~..... 40.0 N/A~~

90280 ~~COMPREHENSIVE examination, evaluation,
 or treatment. Report required.~~
~~..... 50.0 N/A~~

90292 ~~Hospital discharge day management ac-
 companied by a report.~~
~~..... 30.0 N/A~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-31-095 Consultation fees.

WSR 93-21-073
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 20, 1993, 9:50 a.m.]

Original Notice.

Title of Rule: Proposed amendments to chapters 296-20, 296-23, and 296-23A WAC regarding reimbursement to health care providers.

Purpose: To increase the fees paid for medical services rendered to covered workers.

Statutory Authority for Adoption: RCW 51.04.020 and 51.04.030.

Statute Being Implemented: RCW 51.04.020 and 51.04.030.

Summary: To increase the fees paid for medical services rendered to covered workers.

Reasons Supporting Proposal: Grants a cost-of-living adjustment to providers paid under the fee schedules.

Name of Agency Personnel Responsible for Drafting: Bill Stoner, 956-6807; Implementation and Enforcement: Mark Brown, 956-4200.

Name of Proponent: Health Services Analysis, Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to chapters 296-20, 296-23 and 296-23A WAC, to increase the reimbursement for medical services for covered workers in the fee schedules.

Proposal Changes the Following Existing Rules: Changes the conversion factor paid for reimbursement to medical services providers.

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

The department has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not due to the lack of impact on small business.

Proposed Amendments to Rule: Chapter 296-20 WAC, Medical aid rules, this amendment to WAC 296-20-135 proposes a cost-of-living adjustment (COLA) of 6% for the providers of medical services who are reimbursed by the department; chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, etc., the department is proposing a 6% COLA for occupational therapy services; and chapter 296-23A WAC, Hospitals, the department is proposing a 6% COLA for physical therapy services.

Regulatory Fairness Act: The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than 20 percent of all industries, or 10 percent of any one industry as determined by the standard industry classification (SIC) codes, shall be reviewed to determine if there exists a proportionately higher economic burden of compliance on small businesses. Small businesses are defined as businesses having fifty or less employees.

Summary of Economic Analysis: The department has determined that the proposed amendments would have no economic impact on small businesses within pertinent industries as determined by the standard industry classification (SIC) codes. It is apparent that a cost-of-living adjust-

ment would increase the reimbursement rates for providers, thus, the economic impact would be favorable.

Conclusion: The department has evaluated the economic impact of the proposed rule changes in accordance with the Regulatory Fairness Act and with recommendations from the regulatory fairness task force, and concluded that the proposed amendments would have no economic impact on small businesses. Thus, neither a more substantive small business economic impact analysis nor a proposal for the mitigation of an adverse economic impact is necessary.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way, Tumwater, WA 98501, on November 23, 1993, at 1:30 p.m.

Submit Written Comments to: Bill Stoner, P.O. Box 44322, Olympia, WA 98504-4322, by November 23, 1993.

Date of Intended Adoption: December 30, 1993.

October 20, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-135 Conversion factors. (1) The following conversion factors are the base fees for determining the maximum amount paid by the department for procedures with specified unit values. Except for anesthesia services, during the transition period for services rendered on or after September 1, 1993, reimbursement levels cannot be determined by multiplying the conversion factor and a relative value unit. However, the conversion factors upon which the transition fees for nonanesthesia services are based are listed below (for informational purposes only). Refer to WAC 296-20-132 for additional information.

(2) The conversion factor or base fee for medicine, surgery, radiology, pathology, laboratory, chiropractic, physical therapy, occupational therapy, naturopathic physician ((and)), nurse practitioners procedure codes, and other providers, as determined by department policy is:

\$34.51 for services rendered from September 1, 1993, to January 31, 1994.

\$36.58 for services rendered after February 1, 1994.

(3) The conversion factor or base fee for anesthesia is \$20.74.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist

assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-095.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$60.05~~) \$63.65), whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$60.05~~) \$63.65), whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23A-400 Hospital outpatient physical therapy rules. Hospitals should refer to chapter 296-20 WAC for general information and rules, and to department billing instructions pertaining to the care of workers and the billing of services.

The procedure codes and maximum allowable fees for physical therapy services are listed in the fee schedules. Also refer to WAC 296-20-132 and 296-20-135 regarding use of the conversion factor.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist.

The department or self-insurer will review the quality and medical necessity of physical therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or a flat dollar rate of ~~(($\$60.05$))~~ $\$63.65$, whichever is less. These limits will not apply to physical therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-075 and 296-23A-100 for further information.

Biofeedback treatment may be rendered on physician's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC and department policy for rules pertaining to the authorized conditions and the reporting requirements. The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

WSR 93-21-074
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 20, 1993, 9:51 a.m.]

Original Notice.

Title of Rule: Proposed amendment to WAC 296-20-370, 296-20-380 and 296-20-680, and addition of new WAC 296-20-385, all relating to the evaluation of respiratory impairment.

Purpose: To clarify rules relating to the evaluation of respiratory impairment.

Statutory Authority for Adoption: RCW 51.04.020(4), 51.04.030, and 51.32.080(2).

Statute Being Implemented: RCW 51.04.020(4), 51.04.030, and 51.32.080(2).

Summary: The revised rule specifies the diagnostic tests that are to be used in the evaluation of respiratory impairment. The revised category system is based on the quantitative results of these tests. A separate category system is described for variable impairment.

Reasons Supporting Proposal: To establish more certainty and uniformity in the rating of respiratory impairment.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way, Tumwater, 956-4941; Implementation: Chuch Holmquist, 7273 Linderson Way, Tumwater, 956-5055; and Enforcement: Theresa Whitmarsh, 7273 Linderson Way, Tumwater, 956-4254.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-20-370, 296-20-380, and 296-20-680 establish rules in the evaluation of respiratory impairment and in classification of that disability in proportion to total bodily impairment. The proposed rule change will improve the evaluation process by eliciting a more impartial and objectively based impairment rating. New WAC 296-20-385 is proposed which sets up a category system to rate persistent variable respiratory impairment with normal baseline spirometry.

Proposal Changes the Following Existing Rules: The proposed rule specifically states which ventilatory function tests are to be used in the examination process. These tests are defined and acceptable testing standards are outlined. The categories for permanent respiratory impairment are rewritten to incorporate the quantitative results of these tests. New WAC 296-20-385 is proposed which sets up a category system to rate persistent variable respiratory impairment with normal baseline spirometry.

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

In response to the proposed revisions to WAC 296-20-370, 296-20-380, 296-20-385, and 296-20-680, the department believes that these revisions do not require preparation of a small business economic impact statement. A study was performed which compared the impairment ratings given by several examiners using either the current WACs or the proposed WACs. The dollar amount to be awarded under the proposed WACs was not significantly different from that to be awarded under the current WACs. Implementing the proposed WACs would not increase claim costs or alter the employer's premiums and, therefore, should not have an economic impact. The proposed changes would simply insure the worker a consistent impairment rating from examiner to examiner.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on November 23, 1993, at 1:30 p.m.

Submit Written Comments to: Jami Lifka, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, FAX 956-4249, by November 30, 1993.

Date of Intended Adoption: January 17, 1994.

October 20, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 82-39, filed 11/29/82, effective 1/1/83)

WAC 296-20-370 Respiratory impairments. (1)

Rules for evaluation of permanent respiratory impairments:

~~((a) All reports of physical examination of persons for respiratory impairment shall include: Date of examination, name, sex, address, birthdate, marital status, and occupation of the person being examined; height, weight, temperature, pulse rate, blood pressure and respiratory rate and physical findings on inspection, palpation, percussion, and auscultation, vital capacity tests including one second forced expiratory volume, forced vital capacity and maximum voluntary ventilation; all symptoms such as wheeze, cough, orthopnea, chest pain, paroxysmal nocturnal dyspnea, expectoration, hemoptysis, as to date of onset, course with descriptions, variation, whether influenced by bodily activity, emotional stress, posture, allergens, immediate environmental factors, medications, frequency and duration, and how they are affected by respiratory infections; the history of the particular exposure, a history of any previous chest x rays, any allergies, cardiac symptoms or diagnosis, chest surgery or deformities, trauma, or other conditions such as pneumothorax, pulmonary infarct or chemical bronchitis; all pertinent personal history of habits such as smoking, weight gain or loss, fatigability, appetite; use of medications such as steroids, digitalis, antibiotics, bronchodilators, expectorants, etc., and occupational history.~~

~~(b) Categories 2 through 6 in WAC 296-20-380 include the presence of complaints of whatever degree.~~

~~(c) Dyspnea is the major complaint of respiratory impairment, and can usually be explained by the presence of abnormal lung ventilation, perfusion, or diffusion, measured either at rest or exercise. Since mechanisms of respiratory tract damage may differ widely, individual lung function tests may not wholly correspond to the following categories of impairment, but the examining physician should be able to categorize the vast majority of persons, using a "best fit" method for the following respiratory impairment Categories I-VI.~~

~~(d) Persisting variable respiratory impairment. Variable respiratory impairment due to allergic or irritative disorders of the respiratory tract, such as bronchial asthma or reactive airway disease, caused or substantially aggravated by factors in the work place, shall be evaluated by detailed narrative report, including rationale for the work relationship, relative importance of nonwork related cofactors, such as preexisting asthma, tobacco usage, or other personal habits, the need for regular medication to substantially improve or control the respiratory condition, and the prognosis. If tests of ventilatory function, done when the person is in clinical remission,~~

~~are nearly normal (1 second forced expiratory volume 80 percent or greater of predicted), an appropriate provocative bronchial challenge test should be done to demonstrate the presence of unusual respiratory sensitivity. When the respiratory condition (asthma or reactive airway disease) is thought to be permanent, but the degree of respiratory impairment varies, then the examining physician shall give an estimate of percentage of total bodily impairment, as per Rule 15 or WAC 296-20-220.)~~ (a) Definitions.

~~(i) "FEV1" means the forced expiratory volume in 1 second as measured by a spirometric test performed as described in the most current *American Thoracic Society Statement on Standardization of Spirometry*, and using equipment, methods of calibration, and techniques that meet American Thoracic Society (ATS) criteria including reproducibility. The measurement used must be taken from a spirogram which is technically acceptable and represents the patient's best effort. The measurement is to be expressed as both an absolute value and as a percentage of the predicted value. The predicted values are those listed in the most current edition of the *American Medical Association (AMA) Guidelines* for rating permanent respiratory impairment.~~

~~(ii) "FVC" means the forced vital capacity as measured by a spirometric test in accordance with criteria described in (a)(i) of this subsection.~~

~~(iii) "FEV1/FVC" is a ratio calculated based on the ATS Guides criteria as described in the most current *American Thoracic Society Statement on Standardization of Spirometry*.~~

~~(iv) "Significant improvement" means a fifteen percent or greater improvement in FEV1 (volume) after a post-bronchodilator pulmonary function test.~~

~~(v) "DLCO" means the diffusion capacity of carbon monoxide as measured by a test based on predicted values demonstrated to be appropriate to the techniques and equipment of the laboratory performing the test according to current ATS standards. DLCO may be considered for impairment rating only if accompanied by evidence of impaired gas exchange based on exercise testing.~~

~~(vi) "VO2 Max" means the directly measured oxygen consumption at maximum exercise capacity of an individual as measured by exercise testing and oxygen consumption expressed in ml/kilo/min corrected for lean bodyweight. Estimated values from treadmill or other exercise tests without direct measurement are not acceptable. The factor limiting the exercise must be identified.~~

~~(vii) "Preexisting impairment" shall be reported as described in WAC 296-20-220 (1)(h).~~

~~(viii) "Coexisting" is a disease or injury not due to or causally related to the work-related condition that impacts the overall respiratory disability.~~

~~(ix) "Apportionment" is an estimate of the degree of impairment due to the occupational injury/exposure when preexisting or coexisting conditions are present.~~

~~(x) "Dyspnea" is the subjective complaint of shortness of breath. Dyspnea alone must not be used to determine the level of respiratory impairment. Dyspnea unexplained by objective signs of impairment or spirometry requires more extensive testing (i.e., VO2 Max).~~

~~(xi) Copies of the *American Thoracic Society Statement on Standardization of Spirometry* and ATS standards for measuring D_{LCO} can be obtained by ordering *Pulmonary*~~

Function Testing from The American Thoracic Society, 1740 Broadway, New York, NY 10019-4374, Attn: ATS Statements. Copies of this document are available for review in the section of the office of the medical director, department of labor and industries, Tumwater building.

These standards are also available through the following references: "American Thoracic Society Committee on Proficiency Standards for Pulmonary Function Laboratories: Standardization of spirometry-1987 update." *Am Rev Respir Dis* 1987; 136:1285-1298. "American Thoracic Society D_{LCO} Standardization Conference: Single breath carbon monoxide diffusing capacity (transfer factor): Recommendations for a standard technique." *Am Rev Respir Dis* 1987; 136:1299-1307.

(b) Evaluation procedures. Each report of examination must include the following, at a minimum:

(i) Identification data: Worker's name, claim number, gender, age, and race.

(ii) Detailed occupational history: Job titles of all jobs held since employment began. A detailed description of typical job duties, protective equipment worn, engineering controls present (e.g., ventilation) as well as the specific exposures and intensity (frequency and duration) of exposures. More detail is required for jobs involving potential exposure to known respiratory hazards.

(iii) History of the present illness: Chief complaint and description of all respiratory symptoms present (e.g., wheezing, cough, phlegm, chest pain, paroxysmal nocturnal dyspnea, dyspnea at rest and on exertion) as well as the approximate date of onset, and duration of each symptom, and aggravating and relieving factors.

(iv) Past medical history: Past history of childhood or adult respiratory illness, hay fever, asthma, bronchitis, chest injury, chest surgery, respiratory infections, cardiac problems, hospitalizations for chest or breathing problems and current medications.

(v) Lifestyle and environmental exposures: Descriptive history of exposures clinically related to respiratory disease including, but not limited to, tobacco use with type and years smoked. Use of wood as a primary heat source at home or hobbies that involve potential exposure to known respiratory tract hazards, and other environmental exposures.

(vi) Family history: Family history of respiratory or cardiac disease.

(vii) Physical examination findings: Vital signs including a measured height without shoes, weight, and blood pressure. Chest exam shall include a description of the shape, breathing, breath sounds, cardiac exam, and condition of extremities (e.g., cyanosis, clubbing, or edema).

(viii) Diagnostic tests: A chest x-ray shall be obtained in all cases. When available, the x-ray should be obtained using International Labor Organization (ILO) standard techniques and interpreted using the ILO classification system. The presence or absence of pleural thickening or interstitial abnormalities shall be noted. Pulmonary function reports including a description of equipment used, method of calibration, and the predicted values used. A hard copy of all pulmonary function tracings must be available for review. The report must contain at a minimum FEV1 and FVC and a narrative summary of an interpretation of the test results and their validity.

(ix) The rating of respiratory impairment. The rating of respiratory impairment shall be based on the pulmonary function test most appropriate to the respiratory condition. A prebronchodilator and postbronchodilator test must be performed on and results reported for all patients with demonstrated airway obstruction. The largest FEV1 or FVC, on either the prebronchodilator or postbronchodilator trial must be used for rating the impairment. If the FEV1 and FEV1/FVC result in different categories of impairment, the value resulting in a higher category of impairment will be used.

(x) The rating of persisting variable respiratory impairment with abnormal baseline function. If resting FEV1 is "abnormal" (below eighty percent predicted) and shows significant bronchodilator improvement (a greater than or equal to fifteen percent improvement in FEV1) one category of impairment must be added to the given category rating, but only when the work-related disease being rated is obstructive in nature. If there is substantial variability from test to test (and good effort), the severity of impairment may be rated, using the best fit into the category system, as described in WAC 296-20-380.

(xi) The rating of persisting variable respiratory impairment with normal baseline spirometry. Variable respiratory impairment due to allergic or irritative disorder of the respiratory tract, such as bronchial asthma or reactive airway disease, caused or permanently aggravated by factors in the work place, shall be evaluated by detailed narrative report, including the casual relationship to work factors, a discussion of the relative importance of nonwork related cofactors, such as preexisting asthma, tobacco usage, or other personal habits, the need for regular medication to substantially improve or control the respiratory condition, and the prognosis. When tests of ventilatory function, done when the patient is in clinical steady state, are normal (one second forced expiratory volume eighty percent or greater of predicted), an appropriate provocative bronchial challenge test (i.e., methacholine or histamine) shall be done to demonstrate the presence of unusual respiratory sensitivity.

(xii) At the time of the rating, the patient shall be off theophylline for at least twenty-four hours, beta agonists for at least twelve hours, and oral and/or inhaled steroids or cromolyn for at least two weeks, in order to determine severity of air-flow obstruction, unattenuated by therapy. If withdrawal of medication would produce a hazardous or life threatening condition, then the impairment cannot be rated at this time, and the physician must provide a statement describing the patient's condition and the effect of medication withdrawal.

(xiii) The method for standardizing provocative bronchial challenge testing, using either histamine or methacholine, shall be used. The test drug may be given either by continuous tidal volume inhalation of known concentrations, using an updraft nebulizer, for two minutes, or by the technique of intermittent deep breaths of increasing test drug strengths either via a Rosenthal dosimeter or updraft nebulizer, and the results shall be expressed either as the mg/ml concentration of test drug, or the cumulative breath units (1 breath of a 1 mg/ml solution equals one breath unit) which result in a prompt and sustained (at least three minute) fall in the FEV1, greater than twenty percent below baseline FEV1. Medications that can blunt the effect of bronchoprovocation

testing shall be withheld prior to testing. Once testing is complete, the results shall be expressed in terms of normal, mild, moderate, or marked bronchial reactivity, as described in WAC 296-20-385.

If multiple bronchoprovocative inhalation challenge tests have been done, the examining physician shall select the one category (normal, mild, moderate, or marked) which most accurately indicates the overall degree of permanent impairment at the time of rating.

If the results of serial pulmonary function testing are extremely variable and the clinical course and use of medication also indicate major impairment, then the physician must make a statement in the formulation and medical evaluation containing, at a minimum: Diagnosis and whether work related or nonwork related; nature and frequency of treatment; stability of condition and work limitations; impairment.

(xiv) Further treatment needs. In all cases, the examining physician shall indicate whether further treatment is indicated and the nature, type, frequency, and duration of treatment recommended.

AMENDATORY SECTION (Amending Order 82-39, filed 11/29/82, effective 1/1/83)

WAC 296-20-380 Categories of permanent respiratory impairments. ~~((1) Tests of ventilatory functions are not less than 85 percent of predicted normal for the person's age, sex and height. Arterial oxygen saturation at rest and after exercise is 93 percent or greater. Subjective complaints may be present or absent.~~

~~(2) Tests of ventilatory function range from 70 to 85 percent of predicted normal for the person's age, sex and height. Arterial oxygen saturation at rest and after exercise is 93 percent or greater. Dyspnea consistent with ventilatory function and arterial oxygen saturation.~~

~~(3) Tests of ventilatory function range from 60 to 70 percent of predicted normal for the person's age, sex and height and/or arterial oxygen saturation at rest is normal but after exercise is 88 to 93 percent. Dyspnea consistent with ventilatory function and arterial oxygen saturation.~~

~~(4) Tests of ventilatory function range from 50 to 60 percent of predicted normal for the person's age, sex and height. Arterial oxygen saturation at rest and after exercise is 88 to 93 percent. The single breath diffusing capacity (if performed) is greater than 50 percent predicted. Dyspnea consistent with ventilatory function and arterial oxygen saturation.~~

~~(5) Tests of ventilatory function range from 40 to 50 percent of predicted normal for the person's age, sex and height. Arterial oxygen saturation at rest and after exercise is less than 88 percent. The single breath diffusing capacity is greater than 40 percent predicted. Dyspnea consistent with ventilatory function and arterial oxygen saturation.~~

~~(6) Tests of ventilatory function are below 40 percent of predicted normal for the patient's age, sex and height. Arterial oxygen saturation at either rest or exercise is 83 percent or less. The single breath diffusing capacity is 40 percent or less of predicted. Grade III or IV dyspnea is present, measured on a scale of 0 to 4.)~~ (1) The FVC and FEV1 are greater than or equal to eighty percent of predicted normal for the person's age, gender, and height. The

FEV1/FVC ratio is greater than or equal to .70. Subjective complaints may be present or absent. If exercise testing is done, the maximum oxygen consumption is greater than 25cc/kilo/min.

(2) The FVC or FEV1 is from seventy to seventy-nine percent of predicted, and if obstruction is present, the FEV1/FVC ratio is .60 - .69. If exercise testing is done, the maximum oxygen consumption is 22.5-25cc/kilo/min.

(3) The FVC or FEV1 is from sixty to sixty-nine percent of predicted, and if obstruction is present, the FEV1/FVC ratio is .60 - .69. If exercise testing is done, the maximum oxygen consumption is 20-22.4cc/kilo/min.

(4) The FVC or FEV1 is from fifty-one to fifty-nine percent of predicted. The FEV1/FVC ratio is .51 - .59. If exercise testing is done, the maximum oxygen consumption is 17.5-19.9cc/kilo/min.

(5) FVC from fifty-one to fifty-nine percent of predicted, or the FEV1 from forty-one to fifty percent of predicted, and if obstruction is present, the FEV1/FVC ratio is .41 - .50. If exercise testing is done, the maximum oxygen consumption is 15-17.4cc/kilo/min.

(6) The FVC is equal to or less than fifty percent of predicted or the FEV1 is equal to or less than forty percent of predicted. The FEV1/FVC ratio is equal to or less than .40. If exercise testing is done, the maximum oxygen consumption is less than 15cc/kilo/min.

NEW SECTION

WAC 296-20-385 Categories of persisting variable respiratory impairment with normal baseline spirometry.

(1) "Normal" bronchial reactivity is demonstrated by an insignificant (less than twenty percent) fall from baseline FEV1 at test doses of histamine or methacholine, up to 16 mg/ml (continuous inhalation method) or up to 160 breath units (cumulative, repeated deep breath technique).

(2) "Mild" bronchial hyperactivity (BHR) is a significant (equal to or greater than twenty percent) fall in the FEV1 at test doses of 2.1-16 mg/ml, or 21-160 breath units.

(3) "Moderate" BHR is a significant (equal to or greater than twenty percent) fall in the FEV1 at test doses of 0.26-2 mg/ml, or 2.6-20 breath units.

(4) "Marked" BHR is a significant (equal to or greater than twenty percent) fall in the FEV1 at test doses equal to or less than .25 mg/ml, or 2.5 breath units.

AMENDATORY SECTION (Amending WSR 90-04-007, filed 1/26/90, effective 2/26/90)

WAC 296-20-680 Classification of disabilities in proportion to total bodily impairment.

(1) Permanent Cervical and Cervico-Dorsal Impairments

Category	1	0%
	2	10%
	3	20%
	4	25%
	5	35%

PROPOSED

(2) Permanent Dorsal Region Impairments

Category	1	0%
	2	10%
	3	20%

(3) Permanent Dorso-Lumbar and Lumbosacral Impairments

Category	1	0%
	2	5%
	3	10%
	4	15%
	5	25%
	6	40%
	7	60%
	8	75%

(4) Permanent Impairments of the Pelvis

Category	1	0%
	2	2%
	3	5%
	4	5%
	5	5%
	6	5%
	7	10%
	8	10%
	9	15%

(5) Permanent Convulsive Neurologic Impairments

Category	1	0%
	2	10%
	3	35%
	4	60%

(6) Permanent Mental Health Impairments

Category	1	0%
	2	10%
	3	25%
	4	45%
	5	70%

(7) Permanent Cardiac Impairments

Category	1	0%
	2	10%
	3	20%
	4	35%
	5	50%
	6	65%

(8) Permanent Respiratory Impairments

Category	1	0%
	2	15%
	3	25%
	4	40%
	5	65%
	6	75%

(9) Permanent Variable Respiratory Impairment with Normal Baseline Spirometry

Category	1	0%
	2	5%
	3	10%
	4	15%

(10) Permanent Air Passage Impairments

Category	1	0%
	2	5%
	3	15%
	4	25%
	5	35%
	6	60%

~~((10))~~ (11) Permanent Air Passage Impairments Due to Nasal Septum Perforations

Category	1	0%
	2	2%

~~((11))~~ (12) Permanent Loss of Taste and Smell

Category	1	3%
	2	3%

~~((12))~~ (13) Permanent Speech Impairments

Category	1	0%
	2	5%
	3	10%
	4	20%
	5	30%
	6	35%

~~((13))~~ (14) Permanent Skin Impairments

Category	1	0%
	2	5%
	3	10%
	4	25%
	5	40%
	6	60%

~~((14))~~ (15) Permanent Impairments of Upper Digestive Tract, Stomach, Esophagus or Pancreas

Category	1	0%
	2	5%
	3	10%
	4	35%
	5	60%

~~((15))~~ (16) Permanent Impairments of Lower Digestive Tract

Category	1	0%
	2	5%
	3	15%
	4	30%

~~((16))~~ (17) Permanent Impairments of Anal Function

Category	1	0%
	2	5%

- 3 15%
- 4 25%

~~((17))~~ (18) Permanent Impairments of Liver and Biliary Tract

Category	1	0%
	2	5%
	3	20%
	4	40%
	5	60%

~~((18))~~ (19) Permanent Impairments of the Spleen, Loss of One Kidney, and Surgical Removal of Bladder with Urinary Diversion

Category	1	15%
	2	10%
	3	20%

~~((19))~~ (20) Permanent Impairments of Upper Urinary Tract

Category	1	0%
	2	10%
	3	25%
	4	45%
	5	65%

~~((20))~~ (21) Additional Permanent Impairments of Upper Urinary Tract Due to Surgical Diversion

Category	1	10%
	2	15%

~~((21))~~ (22) Permanent Impairments of Bladder Function

Category	1	0%
	2	10%
	3	20%
	4	30%
	5	50%

~~((22))~~ (23) Permanent Anatomical or Functional Loss of Testes

Category	1	0%
	2	5%
	3	10%
	4	25%
	5	35%

WSR 93-21-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed October 20, 1993, 11:22 a.m.]

Original Notice.

Title of Rule: WAC 275-27-220 Family support services, 275-27-221 Family financial participation, and 275-27-223 Service need levels.

Purpose: Requires families receiving family support services to provide the department information regarding family income and family size. To include the incremental formula for determining the family's ability to participate in

the purchase of needed services. Defines gross family income, dependents, family, and disability-related expenses.

Statutory Authority for Adoption: RCW 71A.12.040.
Statute Being Implemented: RCW 71A.12.040.

Summary: Requires families receiving family support services to provide the department information regarding their family income and family size. WAC defines gross family income, dependents, family and disability-related expenses. Includes the incremental formula.

Reasons Supporting Proposal: The 1993 legislature reduced the division's family support budget with the expectation that the division would implement a family financial participation program. (SSB 5968).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Stern, Division of Developmental Disabilities, 753-2773.

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 December 7, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by November 23, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by November 30, 1993.

Date of Intended Adoption: December 8, 1993.

October 20, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3372, filed 4/21/92, effective 5/22/92)

WAC 275-27-220 Family support services. (1) The department's intent of family support services shall be to:

(a) Reduce or eliminate the need for out-of-home residential placement of a client (~~wherein~~) where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs.

(2) The department's family support services shall include, but not be limited to, the following services:

- (a) Emergency or planned respite care;
- (b) Attendant care;
- (c) Therapeutic services, including:
 - (i) Physical therapy;
 - (ii) Occupational therapy;
 - (iii) Behavior management therapy; and
 - (iv) Communication therapy.

(d) The purchase, rental, loan, or refurbishment of specialized equipment, environmental modifications, and other adaptations; and

(e) Other service ~~((pursuant to))~~ approved by the director or designee as described under subsection (1) of this section ~~((approved by the director or designee)).~~

(3) The department shall authorize services to the family for a specified time-limited period.

(a) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.

(b) If requested family support services are not authorized, such actions shall be deemed a denial of services.

(c) Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

(4) The department shall authorize family support services in accordance with department-established policies ~~((established by the department))~~. The department shall base periodic service authorizations on:

(a) Requests for family support services described in subsection (2) of this section;

(b) Service need levels as described in section 223 of this chapter;

(c) Availability of family support funding; ~~((and))~~

(d) The family's ability to purchase services required by a minor client as described under WAC 275-27-221 based on family-provided financial information;

(e) Authorization by a review committee, in each regional office, which reviews each request for service; and

(f) Authorization of family support services shall be contingent upon the applicant providing accurate and complete information concerning family income and disability-related expenses as requested by the department. Failure to provide accurate and complete information may result in reduction in the family's family support service authorization. Such reduction shall not result in family participation beyond that required by the actual level of family income and disability-related expenses for the period in question.

(5) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(6) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child under eighteen years of age.

NEW SECTION

WAC 275-27-221 Family financial participation. (1) "Gross family income" means the total income of all members of a family.

(a) Income includes earned income, such as wages and tips; unearned income, such as interest, dividends, and pensions; family's share of income from S corporations (domestic corporation with one class of stock having thirty-

five or less shareholders, who are U.S. citizens), partnerships, estates, and trusts; gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property; gain from the sale or exchange of the family's main home; accumulation distributions from trusts; scholarships and fellowship grants; original issue discount, distribution from simplified employee pensions (SEPs) and deductible employee contributions (DECs); amounts received in place of wages from accident and health plans if employer paid for the policy; bartering income, Tier 2 and supplemental annuities under the Railroad Retirement Act; life insurance proceeds from a policy the family cashed in if the proceeds are more than the premiums paid; endowments; lump-sum distributions; prizes and awards; gambling winnings; Social Security; capital gains; and child support.

(b) "Income" does not include earned income by dependent family members, or not include income of a family member who resides in another household when such income is not available to the family member seeking family support services.

(2) "Family" means a person or a person and the person's spouse, if not legally separated, and the person's dependents.

(3) "Dependent" means a relative who depends on the family income for at least half of the relative's support.

(4) "Disability-related expenses" means the most recent annual expenses provided by the family to eligible clients including bills from physician, dentists, and other medical professionals; the clients' health insurance premiums and/or medical spenddown; amounts paid to rent or purchase medical equipment; amounts paid for modification of homes or vehicles to accommodate the eligible child(ren); specialized clothing; exceptional child care and other disability-related expenses.

(5) Based on the level of family support services authorized under WAC 275-27-220(4) for a client who is under eighteen years of age, in order to be authorized for family support services, each family shall provide the department with accurate and complete information on the:

(a) Family's annual gross income;

(b) Family size; and

(c) Client's disability-related expenses sufficient to assess the family's ability to participate in the purchase of family support services.

(6) The department shall make an assessment of the family's ability to purchase services required by the client as follows:

(a) Determine the annual gross income of the eligible client's family;

(b) Not require families, whose annual gross income is less than two hundred percent of the federal poverty guidelines based on family size, to participate in the purchase of family support services;

(c) Require families, whose annual gross income is two hundred percent or more of the federal poverty guidelines on family size, to participate in the purchase of the services according to the following incremental formula:

(i) For that portion of a family's income between two hundred percent and four hundred percent of the federal poverty guidelines based on family size, family financial participation shall be four percent times that portion of the family's reported income;

(ii) In addition, for that portion of a family's income between four hundred percent and six hundred percent of the federal poverty guidelines based on family size, family financial participation shall be four and one-half percent times that portion of the family's reported income;

(iii) In addition, for that portion of a family's income between six hundred percent and eight hundred percent of the federal poverty guidelines based on family size, family financial participation shall be five percent times that portion of the family's reported income;

(iv) In addition, for that portion of a family's income between eight hundred percent and one thousand percent of the federal poverty guidelines based on family size, family financial participation shall be five and one-half percent times that portion of the family's reported income;

(v) In addition, for that portion of a family's income between one thousand percent and twelve hundred percent of the federal poverty guidelines based on family size, family financial participation shall be six percent times that portion of the family's reported income;

(vi) In addition, for that portion of a family's income between twelve hundred percent and fourteen hundred percent of the federal poverty guidelines based on family size, family financial participation shall be six and one-half percent times that portion of the family's reported income;

(vii) In addition, for that portion of a family's income between fourteen hundred percent and sixteen hundred percent of the federal poverty guidelines based on family size, family financial participation shall be seven percent times that portion of the family's reported income;

(viii) In addition, for that portion of a family's income between sixteen hundred percent and eighteen hundred percent of the federal poverty guidelines based on family size, family financial participation shall be seven and one-half percent times that portion of the family's reported income;

(ix) In addition, for that portion of a family's income between eighteen hundred percent and two thousand percent of the federal poverty guidelines based on family size, family financial participation shall be eight and one-half percent times that portion of the family's reported income; and

(x) The department will not authorize family support services for families whose annual gross income is over two thousand percent of the federal poverty guidelines based on size.

(d) The annual gross income shall be adjusted downward for annual disability-related expenses incurred by the family for eligible clients.

(7) The department may re-evaluate at any time the ability of a family to purchase required family support services under this subsection, but not less than once per year or when the department believes there is a change of factors that determine ability to purchase services including family income and family size.

(8) The department shall recompute the required level of participation as described under subsection (7) of this section if the department's re-evaluation reveals a difference of one hundred twenty dollars or more between the:

(a) Family's current ability to participate in the purchase of family support services; and

(b) Level of financial participation most recently determined by the department.

(9) The department may recompute the level of participation when the difference is less than one hundred twenty dollars.

AMENDATORY SECTION (Amending Order 3372, filed 4/21/92, effective 5/22/92)

WAC 275-27-223 Service need levels. (1) The department shall use service need levels to determine periodic family support service authorizations.

(2) The department shall determine service need levels in order of priority for funding as follows:

(a) Service need level 1: Client is at immediate risk of out-of-home placement without the provision of family support services. The client needs intensive residential support to assist the client's family to care for the family's child or adult requiring nursing services, attendant care, or support due to difficult behaviors. ~~((The client must receive the majority of family support services in such client's home. An existing or new eligible client must have received, over the most recent three months, at least ten days or eighty hours per month of such service;))~~ A client shall:

(i) Have received, over the past three months, at least ten days or eighty hours of service; or

(ii) Need to receive at least ten days or eighty hours per month of service to prevent immediate out-of-home placement.

(b) Service need level 2: Client is at high risk of out-of-home placement without the provision of family support services and has one or more of the following documented in writing:

(i) The client:

(A) Currently receives adult protective services or division of children and family services as an active:

- (I) Child protective service client;
- (II) Child welfare service client; or
- (III) Family reconciliation service client.

(B) Has returned home from foster care or group care placement within the last six months;

(C) Has a serious medical problem requiring close and ongoing monitoring and/or specialized treatment, such as:

- (I) Apnea monitor;
- (II) Tracheotomy;
- (III) Heart monitor;
- (IV) Ventilator;

(V) Constant monitoring due to continuous seizures;

(VI) Immediate life-saving intervention due to life threatening seizures;

(VII) Short bowel syndrome; or

(VIII) Brittle bone syndrome.

(D) Has a dual diagnosis based on current mental health DSM Axis I diagnosis;

(E) Has an extreme behavioral challenge resulting in health and safety issues for self and/or others which:

(I) Resulted in serious physical injury to self or others within the last year;

(II) For a client who is two years of age or older requires constant monitoring when awake for personal safety reasons; or

(III) Is of imminent danger to self or others as determined by a psychiatrist, psychologist, or other qualified professional.

(F) Is ten years of age or older or weighs forty pounds or more, requires lifting, and needs direct physical assistance in three or more of the following areas:

- (I) Bathing;
- (II) Toileting;
- (III) Feeding;
- (IV) Mobility; or
- (V) Dressing.

(ii) The caregiver:

(A) Is a division of developmental disabilities client;

(B) Has a physical or medical problem that interferes with providing care; or

(C) Has serious mental health or substance abuse problems and:

- (I) Is receiving counseling for these problems; or
- (II) Has received or applied for counseling within the past six months.

(c) Service need level 3: The family is at risk of significant deterioration which could result in an out-of-home placement of the client without provision of family support services due to the following:

(i) The client requires direct physical assistance, above what is typical for such client's age, in three or more of the following areas:

- (A) Bathing;
- (B) Toileting;
- (C) Feeding;
- (D) Mobility; or
- (E) Dressing.

(ii) The client has current behavioral episodes resulting in:

(A) Physical injury to the client or others;

(B) Substantial damage to property; and/or

(C) Chronic sleep pattern disturbances or chronic continuous screaming behavior.

(iii) The client has medical problems requiring substantial extra care; and/or

(iv) The family is:

- (A) Experiencing acute and/or chronic stress;
- (B) Has acute or chronic physical limitations; or
- (C) Has acute or chronic mental or emotional limitations.

(d) Service need level 4: Family needs temporary or ongoing services in order to:

(i) Receive support to relieve and/or prevent stress of caregiver/family; or

(ii) Enhance the current functioning of the family.

(3) The department shall determine service need level of the client's service request by reviewing information received from the client, family, and other sources about:

(a) Whether client is an active recipient of services from the division of children and family services or adult protective services;

(b) Whether indicators of risk of out-of-home placement exist, and the imminence of such an event. The department's assessment of such risk may include:

(i) Review of family's requests for placement;

(ii) History of family's involvement with children's protective services or adult protective services;

- (iii) Client's current adjustment;
- (iv) Parental history of psychiatric hospitalization;
- (v) Clinical assessment of family's condition; and
- (vi) Statements from other professionals.

(c) Caregiver conditions, such as acute and/or chronic:

- (i) ~~((Acute and/or chronic))~~ Stress;
- (ii) ~~((Acute and/or chronic))~~ Physical limitations; and
- (iii) ~~((Acute and/or chronic))~~ Mental and/or emotional impairments.

(d) Client's need for intense medical, physical, or behavioral support;

(e) Family's ability to use typical community resources;

(f) Availability of private, local, state, or federal resources to help meet the need for family support;

(g) Severity and chronicity of family or client problems; and

(h) Degree to which family support services will:

(i) Ameliorate or alleviate such problems; and

(ii) Reduce the risk of out-of-home placement.

~~((4) Beginning May 1, 1992, the department's revised service need level definitions shall be in effect. The department's service need levels currently defined under section 223 of this chapter shall remain in effect through April 1992.))~~

WSR 93-21-079
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed October 20, 1993, 11:23 a.m.]

Original Notice.

Title of Rule: Chapter 388-43 WAC, Deaf and hard of hearing services.

Purpose: Defines the Office of Deaf and Hard of Hearing Services (ODHHS), repeals chapter 248-172 WAC from the Department of Health, and makes changes in the telecommunications access service (TAS) equipment redistribution process as mandated by SHB 1752 in 1993.

Statutory Authority for Adoption: RCW 43.20A.720, 43.20A.725, and 43.20A.730.

Statute Being Implemented: RCW 43.20A.720, 43.20A.725, and 43.20A.730.

Summary: Creates new rules in the telecommunications access service equipment redistribution process as mandated by the 1993 legislative changes. Places these proposed rules under the Department of Social and Health Services.

Reasons Supporting Proposal: Defines the Office of Deaf and Hard of Hearing Services (ODHHS), repeals chapter 248-172 WAC under the Department of Health, and places the proposed rules under Department of Social and Health Services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: G. Leon Curtis, Office of Deaf and Hard of Hearing Services, 753-0703.

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: On December 9, 1993, Thursday, at 10:30 a.m., Eastern Washington Center for the Deaf and Hard of Hearing, North 1206 Howard Street, Spokane, WA 99201; on December 13, 1993, Monday, at 10:30 a.m., Central Washington Service Center for the Deaf and Hard of Hearing, 303 South 12th Avenue, Yakima, WA 98902; and on December 14, 1993, Tuesday, at 9:00 a.m., Tacoma Area Coalition of Individuals with Disabilities, 6315 South 19th Street, Tacoma, WA 98465.

Two sign language interpreters will attend each meeting. If you need further interpreter assistance, call the DSHS Office of Deaf and Hard of Hearing Services at TTY 753-0699 or SCAN 234-0699.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by December 21, 1993.

Date of Intended Adoption: December 30, 1993.

October 20, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

**Chapter 388-43 WAC
 DEAF AND HARD OF HEARING SERVICES**

NEW SECTION

WAC 388-43-001 Scope. (1) The office of deaf and hard of hearing services (ODHHS) within the department of social and health services (DSHS):

- (a) Provides DSHS information relating to deaf, hard of hearing, and/or deaf-blind;
- (b) Provides DSHS technical assistance regarding deafness;
- (c) Provides DSHS training and workshops on deafness; and
- (d) Assists DSHS in securing sign language interpreters services for DSHS deaf clients.

(2) ODHHS maintains and oversees the telecommunication access services (TDD relay and distribution program), and serves as administrator responsible for the DSHS advisory committee on deafness.

NEW SECTION

WAC 388-43-002 Regional centers. The office of deaf and hard of hearing services (ODHHS) shall contract with regional centers for the deaf and hard of hearing.

NEW SECTION

WAC 388-43-003 Services. (1) Within the available funds, contractors shall provide quality human services for a person who is deaf or hard of hearing.

(2) Within available funds, and as specified by contract, the department shall ensure the Washington regional service centers provide:

- (a) Information services relating to deafness services;
- (b) Coordination among private and public agencies, the office of deaf and hard of hearing services (ODHHS), regions, and the deaf community;
- (c) Training and consultative services to public and private agencies;
- (d) Advocacy for a deaf or hard of hearing client;
- (e) Assistance to a deaf or hard or hearing client in applying for and securing programs and services from DSHS; and
- (f) Assistance and perform other duties relating to deafness as required by the contract.

NEW SECTION

WAC 388-43-005 Definitions. The following definitions shall apply in this chapter, unless the context otherwise requires:

(1) "Amplifier" means an electrical device for use with a telephone which amplifies the sounds being received during a telephone call or a telephone with built-in amplification.

(2) "Applicant" means a person who applies for a teletypewriter (hereinafter TTY), amplifier, telebraille, large visual display, or signal device.

(3) "Audiologist" means a person who has a masters or doctoral degree in audiology and a certificate of clinical competence in audiology from the American Speech, Hearing, and Language Association.

(4) "Deaf" means a condition of severe or complete absence of auditory sensitivity where the primary effective receptive communication mode is visual or tactile, or both.

(5) "Deaf-blind" means a hearing loss and a visual impairment that require use of a TTY to communicate effectively on the telephone, and may require a specific telecommunications device for a person with limited sight, as certified under WAC 388-43-010.

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

(7) "Distribution center" means a facility under contract to DSHS services including but not limited to:

- (a) Providing literature about TAS programs;
- (b) Providing space for qualified trainers to instruct recipients in the use of telecommunications equipment;
- (c) Providing storage space for telecommunications equipment; and
- (d) Point of contact for persons to communicate with ODHHS or TAS.

(8) "Federal poverty level guidelines" means the poverty level established by P.L. 97-35 § 52 (codified at 42 USC § 9747), § 673(2) (codified at 42 USC § 99202(2)) as amended; and the Poverty Income Guideline updated annually in the Federal Register.

(9) "Hard of hearing" means a condition of some absence of auditory sensitivity with residual hearing which may be sufficient to process linguistic information through audition with or without amplification under favorable listening conditions, or a condition of other auditory handicapping conditions.

(10) "Hearing disabled" means a hearing loss that requires use of either a TTY, telebraille, large visual display or an amplifier to communicate effectively on the telephone, and may require the use of a signal device to indicate when the telephone is ringing, as certified under WAC 388-43-010.

(11) "ODHHS" means the office of deaf and hard of hearing services, department of social and health services.

(12) "Official application date" means the date the department received the completed telecommunications equipment application form.

(13) "Qualified trainer" means a person knowledgeable about the appropriate use of TTYs, amplifiers, telebrailles, and/or signal devices, capable of instructing recipients with differing hearing and vision disabilities. The qualified trainer shall be fluent in American Sign Language and able to communicate with persons with a hearing or speech disability who use other communication modes.

(14) "Recipient" means a person who or organization which has received a state-issued TTY, amplifier, telebraille, large visual display, or signal device.

(15) "School age" means a child five years to seventeen years of age.

(16) "Signal device" means a electronic device that alerts a hearing impaired or deaf-blind recipient of an incoming telephone call.

(17) "Speech disabled" means a speech disability that requires the use of a TTY to communicate effectively on the telephone.

(18) "TAS" means the telecommunications access service, governed by the office of deaf and hard of hearing services, department of social and health services.

(19) "Telebraille" means an electrical device for use with a telephone and TTY that utilizes a braille display to receive messages.

(20) "Telecommunications equipment/device" means amplifier, TTY, telebraille, large visual display, and signaling devices.

(21) "Telecommunications relay center" means a facility authorized by DSHS to provide telecommunications relay services.

(22) "Telecommunications relay service (TRS)" means a telephone service through facilities equipped with specialized equipment and staffed by communications assistants who relay conversations between people who use TTYs and people who use the general telephone network.

(23) "Teletypewriter (TTY)" means an electrical device for use with a telephone that utilizes a keyboard, acoustic coupler, and display screen to transmit and receive messages. Also known as "TDD" (telecommunications device for the deaf) or "TT" (text telephone).

NEW SECTION

WAC 388-43-010 Eligibility requirements. (1) An eligible applicant shall:

- (a) Be hearing or speech disabled or deaf-blind; and
- (b) Be resident of Washington state; and
- (c) Be at least school age as defined under WAC 388-43-005(15); and
- (d) Meet total annual family income and family size requirements as set forth under section 020 of this chapter.

(2) An eligible applicant shall be certified in writing as hearing disabled, speech disabled, or deaf-blind by one of the following:

- (a) A person licensed to practice medicine in the state of Washington;
- (b) An audiologist in Washington as specified under WAC 388-43-005;
- (c) A vocational rehabilitation counselor in a local division of vocational rehabilitation office;
- (d) A deaf specialist or coordinator at one of the community service centers for the deaf and hard of hearing in the state.
- (e) A deaf-blind specialist or coordinator at Helen Keller regional office, Washington deaf-blind service center, or eye specialist; or
- (f) A certified speech pathologist practicing in the state of Washington.

(3) TAS may require additional documentation to determine if the applicant meets the eligibility requirements under sections 010 and 020 of this chapter.

(4) At the time an applicant applies for equipment, the applicant shall provide the department information on family income and family size.

(5) At the time an applicant applies for equipment, the department shall notify the applicant of the legal consequences if the applicant provides false information.

(6) The department shall ensure an eligible organization meets the following criteria:

- (a) The organization must provide a copy of the certificate of incorporation as a nonprofit organization and its bylaws, to indicate that the intent of the organization is to represent the hearing or speech disabled or deaf-blind persons statewide;
- (b) The organization must have represented hearing or speech disabled or deaf-blind persons statewide in the last three years; and
- (c) The organization must have a telephone number which is either listed or available through statewide publicity for the hearing disabled.

NEW SECTION

WAC 388-43-020 Approval of application for initial device or request for replacement device. (1) An applicant shall fill out an:

- (a) Application form; and
 - (b) Declaration of income statement.
- (2) If the department determines an applicant is eligible, TAS shall approve the application except as provided under WAC 388-43-030 (1)(a) or (b).

(3) An eligible applicant's reported total family income and family size described under this subsection shall determine the applicant's level of financial responsibility in obtaining the equipment under the following federal poverty guidelines:

(a) Federal Poverty Level (Annual Income)					
Family Size	100%	166%	177%	189%	200%
1	6,970.0	11,570.2	12,336.9	13,173.3	13,940.0
2	9,430.0	15,653.8	16,691.1	17,822.7	18,860.0
3	11,890.0	19,737.4	21,045.3	22,472.1	23,780.0
4	13,450.0	23,821.0	25,399.5	27,121.5	28,700.0
5	16,810.0	27,904.6	29,753.7	31,770.9	33,620.0

6	19,270.0	31,988.2	34,107.9	36,420.3	38,540.0
7	21,730.0	36,071.8	38,462.1	41,069.7	43,460.0
8	24,190.0	40,155.4	42,816.3	45,719.1	48,380.0
*9	26,650.0	44,239.0	47,170.5	50,368.5	53,300.0
*10	29,110.0	48,322.6	51,524.7	55,017.9	58,220.0
*11	31,570.0	52,406.2	55,878.9	59,667.3	63,140.0
*12	34,030.0	56,489.8	60,233.1	64,316.7	68,060.0

* More than 8 = Add \$2,460.00 for each additional person

(b) Sliding Scale of Participation

(Percent of equipment cost applicant is required to pay)

Percent of Federal Poverty Level	Client Pays Percent of Equipment Cost
0 - 165	0
166 - 176	25
177 - 188	50
189 - 199	75
200 and above	100

(4) A recipient of equipment shall own the equipment, with the exception of a telebraille and tactile signalling device, if the department distributed the equipment before May 15, 1993. When a telecommunications device distributed before May 15, 1993 breaks after warranty has expired, the recipient shall renew his or her application for equipment as an original applicant as described under this chapter.

(5) The department shall provide an eligible recipient initial or replacement equipment based on the availability of equipment and/or funds.

(6)(a) Family size is an individual or an individual and the individual's spouse, if not legally separated, and the individual's dependents;

(b) Dependent means a relative who depends on the family income for at least half of their support.

(7) Income includes, but is not limited to:

(a) Earned income, such as wages and tips;

(b) Unearned income, such as interest, dividends, and pensions;

(c) Family's share of income from S corporations¹, partnerships, estates, and trusts;

(d) Gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property;

(e) Gain from the sale or exchange of the family's main home;

(f) Accumulation distributions from trusts;

(g) Scholarships and fellowship grants;

(h) Original issue discount, distribution from SEPs² and DECs³;

(i) Amounts received in place of wages from accident and health plans if the employer paid for the policy;

(j) Bartering income;

(k) Tier 2 and supplemental annuities under the Railroad Retirement Act;

(l) Life insurance proceeds from a policy the family cashed in if the proceeds are more than the premiums paid;

(m) Endowments;

(n) Lump-sum distribution;

(o) Prizes and awards;

(p) Gambling winnings;

(q) Social Security;

(r) Capital gains;

(s) Child support received.

¹ An S corporation is a domestic corporation with one class of stock having 35 or less shareholders who are US citizens.

² An SEP is a Simplified Employee Pension.

³ A DEC is a deductible Employee Contribution.

NEW SECTION

WAC 388-43-030 Denial of initial application or request for replacement device. (1) Denial of initial application. TAS shall deny an original application for a TTY, amplifier, telebraille, large visual display, or signal device if an applicant:

(a) Does not meet the eligibility requirements of WAC 388-43-010; or

(b) Has already been issued a similar device from TAS.

(2) Denial of replacement request. TAS shall deny a request for replacement of a TTY, amplifier, telebraille, large visual display, or signal device if the recipient:

(a) Reported a family income of one hundred sixty-five percent and above on the federal poverty level; or

(b) Subjected a previously issued device, either through negligence or intent, to abuse, misuse, unauthorized repair, or other negligent or intentional conduct which resulted in damage to the equipment; or

(c) Failed to file with the police a report of stolen equipment within fifteen working days of discovering the theft; or

(d) Failed to file with the police or the fire department a report of fire having damaged the equipment within fifteen working days of the incident of the fire; or

(e) Lost the equipment; or

(f) Failed to obtain approval from the department before moving or traveling out of state with state-loaned equipment.

NEW SECTION

WAC 388-43-040 Application renewal process. (1) An applicant may renew application for telecommunications equipment when two years have elapsed since the initial distribution or when the equipment breaks, whichever comes later.

(2) When either two years have elapsed since initial distribution or the equipment breaks, the applicant shall:

(a) Complete a new application including recent information on total annual family income and family size.

(b) Undergo the same procedures as first-time applicants.

NEW SECTION

WAC 388-43-050 Notice of approval or denial. (1) Approved applications. When an original application has been approved, TAS shall inform the applicant in writing of:

(a) The official date the department received the applicant's completed application form;

(b) The time line by which a qualified trainer will contact the applicant.

(2) A qualified trainer shall notify the eligible applicant:

(a) That the applicant was approved to receive a TTY, amplifier, telebraille, large visual display, or signal device; and

(b) To arrange for training and distribution.

(3) Denied applications. If the department denies an original application, TAS shall inform the applicant in writing of:

- (a) The official date the applicant's completed application form was received by the department;
- (b) The reasons for the denial; and
- (c) Any applicable procedures for appeal, as well as the circumstances under which the applicant may re-apply.

NEW SECTION

WAC 388-43-060 Review by department. (1) An applicant or recipient, whose application for an original or replacement device governed under this chapter has been denied, may request the department to review this decision. The applicant or recipient shall:

- (a) Submit this request in writing to TAS specifying the basis for the request; and
- (b) Ensure TAS receives this request within thirty days of the receipt of the denial notice.

(2) Within thirty days after TAS has received the request for review by ODHHS, the department shall inform the applicant or recipient in writing of the disposition of the request.

(3) If the applicant or recipient disagrees with the decision by the department, the applicant or recipient may appeal as described under chapters 10-08 and 388-08 WAC.

NEW SECTION

WAC 388-43-070 Distribution. (1) The department shall issue personal service contracts to qualified persons or agencies to act as qualified trainers. The department shall ensure reasonable accessibility to such training for a person with a hearing or speech disability or for a person who is deaf-blind.

(2) A qualified trainer shall have various responsibilities, which include, but are not limited to:

- (a) Conducting individual and group training for the applicants in the use of the equipment;
- (b) Conducting individual and group training for the applicants in the use of the telecommunications relay service;
- (c) Requiring all recipients, legal guardians, or legal custodians to sign:

- (i) A conditions of acceptance form for state-owned equipment; or
- (ii) A statement of rights and responsibilities for client-owned equipment.

(d) Distributing TTYs, amplifiers, telebrailles, large visual displays, and signal devices to applicants; and

(e) Submitting monthly reports and billing as required by TAS.

(3) In the use of any devices distributed under this chapter, neither the TAS nor the contracted qualified trainers shall provide:

- (a) Replacement batteries for any telecommunications equipment;
- (b) Replacement paper for TTYs;
- (c) Replacement light bulbs for signal devices;
- (d) Payment of the recipient's telephone bill; or
- (e) Any other extraneous cost incurred by the recipient.

NEW SECTION

WAC 388-43-080 Training. (1) The qualified trainers shall provide training on proper equipment use and care to all recipients, legal guardians, or legal custodians.

(2) The qualified trainers shall be responsible for determining the training needs of the recipients and the time and length of training that would be most appropriate.

(3) The department shall not issue a device until an applicant has demonstrated ability to properly utilize all equipment issued to the applicant. The department may waive this requirement through a written release in which the applicant attests that the applicant has the ability to properly utilize all equipment issued to the applicant.

(4) If the applicant is seventeen years of age or younger, the applicant's legal guardian or legal custodian shall attend the training on appropriate equipment use and care.

NEW SECTION

WAC 388-43-090 Ownership and liability. (1) The department shall provide TTYs, amplifiers, telebrailles, large visual displays, and signal devices to a person eligible under subsection (1)(a), (b), and (c) of this section at no charge in addition to the basic exchange rate if:

(a) The person is eligible for participation in the Washington telephone assistance program under RCW 80.36.470;

(b) The person's annual family income is equal to or less than one hundred sixty-five percent of the federal poverty level; or

(c) The person is a child five years to seventeen years of age whose parent or guardian has a family income less than or equal to two hundred percent of the federal poverty level.

(2) After determining the person may be eligible to receive the telecommunications equipment at no charge, the department shall:

- (a) Loan the equipment as needed by the applicant; and
- (b) Ensure the applicant understands that the equipment remains the sole property of the state of Washington.

(3) A recipient, the recipient's legal guardian, or the recipient's legal custodian shall return a state-loaned TTY and/or other device to the TAS or appropriate distribution center when the recipient:

- (a) Moves from a permanent Washington residence to a location outside of Washington;
- (b) Does not have need of the state-loaned telecommunications device; or
- (c) Has been notified by TAS to return the device.

(4) A recipient, the recipient's legal guardian, or the recipient's legal custodian shall be liable for any damage to or loss of any device issued under this chapter.

(5) TAS may deny a replacement request if a previously issued device:

- (a) Was neglected, abused, misused, or abused through unintentional conduct causing damage;
- (b) Was not reported as stolen or burned to either police or fire department within fifteen working days; or
- (c) Was lost.

(6) TAS shall establish policies for the sale or salvage of any device returned and not appropriate for reassignment.

(7) A person shall not remove a state-owned TTY, amplifier, telebraille, large visual display, or other signal device from the state of Washington for a period longer than ninety days without the written permission of TAS.

(8) TAS may grant permission to remove a state-owned TTY, amplifier, telebraille, large visual display, or signal device from the state for more than ninety days after determining it is in the best interest of the recipient and the department.

(9) A person eligible under subsection (1)(b) of this section with a family income greater than one hundred sixty-five percent and less than or equal to two hundred percent of the federal poverty level shall be assessed a charge for the cost of TTYs, amplifiers, telebrailles, large visual displays, and signal devices based on a sliding scale of charges established under WAC 388-43-020 (2)(a) and (b).

(10) The department shall determine all TTYs, amplifiers, telebrailles, large displays, and signal devices under chapter 304, Laws of 1987, for which the recipient paid all or part of the equipment's cost to be the sole property of the recipient. The department shall determine the level of financial responsibility toward the purchase of the equipment by the federal poverty level guidelines as described under WAC 388-43-020 (2)(a) and (b).

(11) The department shall provide an eligible recipient a two-year warranty on equipment valued at four hundred dollars or more.

(12) Limiting the number of TTYs per household. The department shall consider that the telecommunications equipment needs of all household members have been met when one TTY has been issued to that household, unless exceptional circumstances are defined and approved by the department.

(13) The department shall receive payment before an eligible recipient receives a TTY, amplifier, telebraille, large visual display, or a signal device.

(14) A recipient shall sign and agree to warranty requirements on a TTY, telebraille, or large visual display at the time the recipient purchases this equipment.

(15) A recipient shall not receive a financial refund for the return of a TTY, amplifier, telebraille, large visual display, or signal device unless:

(a) The equipment is returned to the TAS office within thirty days after it was received by the client; and

(b) The equipment is clean, in good condition and in its original packaging.

(16) The department shall charge a person, eligible under subsection (1)(b) of this section whose income exceeds two hundred percent of the federal poverty level, the entire cost to the department of purchasing the equipment provided to that person.

(17) The department may waive part or all of the charges assessed under sections 010 and 020 if the department finds that:

(a) The eligible person requires telebraille equipment or other equipment of similar cost; or

(b) The charges normally assessed for the equipment under this subsection would create an exceptional or undue hardship on the eligible person.

(18) The department may determine certification of family income by the eligible person, the person's guardian, or head of household as sufficient to determine eligibility.

NEW SECTION

WAC 388-43-100 TRS advisory committee appointment. (1) The office of ODHHS and TAS shall select members for the TRS advisory committee per current DSHS procedures as mandated by the department's division of legislative and community relations. The TRS advisory committee shall include representation from:

(a) Major statewide organizations representing persons with hearing or speech disabilities;

(b) Organizations for persons with hearing or speech disabilities located in areas of the state with high populations of such persons;

(c) Organizations that reflect the different geographic regions of the state;

(d) The department;

(e) The Washington utilities and transportation commission;

(f) Local telephone exchange companies; and

(g) Agencies providing services to persons with hearing or speech disabilities, provided the persons are not employees or board members of an organization or agency under contract with ODHHS or TAS.

(2) The committee's voting members shall consist of thirteen persons or less.

(3) A member's term of office on the committee shall be two years with the possibility of re-appointment for the second term.

(4) Members as described under subsection (1) of this section shall have voting rights. Technical advisors to the committee shall serve as ex-officio members.

(5) The committee shall determine the appointment of the chairperson for that committee by vote of the membership.

(6) The committee shall submit reports four or more times per year to the administrators and operators of the TRS statewide relay service. The committee shall:

(a) Report on the extent to which the relay system is meeting the needs of disabled citizens in the state; and

(b) Include program elements that are successful, program elements in need of improvement, and any recommendations from the committee.

(7) The committee shall establish eligibility criteria for statewide organizations representing persons with hearing or speech disabilities in obtaining telecommunications devices under RCW 43.20A.725(1). In order to apply for equipment through the department, the organization shall be representing persons who are hearing or speech disabled and/or deaf-blind. The committee shall decide in which offices the equipment shall be installed if an organization has more than one office.

(8) The committee shall provide consultation to the department on the activities and money spent by the department for the TAS program.

NEW SECTION

WAC 388-43-110 Telecommunications relay service. The department shall award contracts for the operation and maintenance of the statewide telecommunications relay service.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 248-172-101 Definitions.
- WAC 248-172-201 Eligibility requirements.
- WAC 248-172-202 Approval of application for initial device or request for replacement device.
- WAC 248-172-203 Denial of initial application or request for replacement device.
- WAC 248-172-204 Reapplication process.
- WAC 248-172-205 Notice of approval or denial.
- WAC 248-172-206 Review by department.
- WAC 248-172-301 Distribution centers.
- WAC 248-172-302 Training.
- WAC 248-172-303 Ownership and liability.
- WAC 248-172-304 Out-of-state use.
- WAC 248-172-401 TDD advisory committee appointment.
- WAC 248-172-402 Responsibility of TDD advisory committee.

WSR 93-21-082

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 20, 1993, 11:30 a.m.]

Original Notice.

Title of Rule: "Gift Grade" for fruit—Marking requirements, chapter 16-680 WAC.

Purpose: Repeal the establishment of standards and container marking requirements for "Gift Grade" apples and pears.

Statutory Authority for Adoption: Chapter 15.17 RCW. Statute Being Implemented: Chapter 15.17 RCW.

Summary: Marking requirements of chapter 16-680 WAC are duplicated in WAC 16-403-180(5). Repeal of chapter 16-680 WAC will eliminate unnecessary redundancy in law.

Reasons Supporting Proposal: Rule cited is duplicated in chapter 16-403 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Arrington, 1111 Washington, 2nd Floor, Olympia, WA, (206) 902-1856.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule prescribes standards for "Gift Grade" apples and pears and stipulates appropriate container marking requirements. Repeal will have no impact as the rule content is duplicated in another chapter of the Washington Administrative Code (WAC).

Proposal does not change existing rules.

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

Hearing Location: Natural Resources Building, 1111 Washington, 2nd Floor, Room 205, Olympia, WA 98504, on November 30, 1993, at 10:00 a.m.

Submit Written Comments to: Bob Arrington, P.O. Box 42560, Olympia, WA 98504-2560, by November 30, 1993.
Date of Intended Adoption: December 6, 1993.

October 20, 1993
Julie Sandberg
Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-680-001 Promulgation.
- WAC 16-680-010 Definition.
- WAC 16-680-015 Container marking.

WSR 93-21-083

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 20, 1993, 11:31 a.m.]

Original Notice.

Title of Rule: Containers—Marking requirements—Sweet cherries, chapter 16-678 WAC.

Purpose: Repeal the marking requirements for sweet cherry containers.

Statutory Authority for Adoption: Chapter 15.17 RCW. Statute Being Implemented: Chapter 15.17 RCW.

Summary: Marking requirements in chapter 16-678 WAC are duplicated in WAC 16-414-090. Repeal will eliminate unnecessary redundancy in law.

Reasons Supporting Proposal: Rule cited is duplicated in chapter 16-414 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Arrington, 1111 Washington, 2nd Floor, Olympia, WA, (206) 902-1856.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule prescribes marking requirements for sweet cherry containers. Repeal will have no impact as rule content is duplicated in another chapter of the Washington Administrative Code (WAC).

Proposal does not change existing rules.

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

Hearing Location: Natural Resources Building, 1111 Washington, 2nd Floor, Room 205, Olympia, WA 98504, on November 30, 1993, at 10:30 a.m.

Submit Written Comments to: Bob Arrington, P.O. Box 42560, Olympia, WA 98504-2560, by November 30, 1993.
Date of Intended Adoption: December 6, 1993.

October 20, 1993
Julie Sandberg
Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-678-001 Promulgation.
- WAC 16-678-010 Marking containers.

WSR 93-21-084
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed October 20, 1993, 11:35 a.m.]

Original Notice.
Title of Rule: Chapter 16-23 WAC.
Purpose: Registration, distribution and use of DDT and DDD.

Statutory Authority for Adoption: Chapter 15.58 RCW. Statute Being Implemented: RCW 58.040 [15.58.040].
Summary: Repeal rule.

Reasons Supporting Proposal: Rule is no longer necessary. DDT and DDD are no longer registered for use by the United States Environmental Protection Agency.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA, (206) 902-1928; Implementation and Enforcement: William E. Brookreson, 1111 Washington Street, Olympia, WA, (206) 902-2011.

Name of Proponent: Washington Department of Agriculture, 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: Washington Department of Agriculture, 205 Natural Resources Building, 1111 Washington Street, Olympia, WA, on November 30, 1993, at 11:30 a.m.

Submit Written Comments to: Walter Swenson, P.O. Box 2560, Olympia, WA 98504-2560, by November 30, 1993.

Date of Intended Adoption: December 6, 1993.

October 20, 1993
William E. Brookreson
Assistant Director
Pesticide Management

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-223-001 Promulgation.
- WAC 16-223-002 Promulgation.
- WAC 16-223-004 Promulgation.
- WAC 16-223-005 Promulgation.
- WAC 16-223-010 Definition.
- WAC 16-223-020 Declaration.
- WAC 16-223-030 Renewal of 1969 registrations.
- WAC 16-223-040 Registration requirements.
- WAC 16-223-050 Distribution requirements.
- WAC 16-223-060 Prohibiting use and application.

WAC 16-223-070 Disposal of restricted use pesticides and their containers.

WSR 93-21-085
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed October 20, 1993, 11:38 a.m.]

Original Notice.
Title of Rule: Chapter 16-221 WAC.
Purpose: Registration of lindane products.
Statutory Authority for Adoption: Chapter 15.58 RCW. Statute Being Implemented: RCW 15.58.040.
Summary: Repeal rule.

Reasons Supporting Proposal: Rule is no longer necessary. Lindane products are no longer registered for use by the United States Environmental Protection Agency.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA, (206) 902-1928; Implementation and Enforcement: William E. Brookreson, 1111 Washington Street, Olympia, WA, (206) 902-2011.

Name of Proponent: Washington Department of Agriculture, 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: Washington Department of Agriculture, 205 Natural Resources Building, 1111 Washington Street, Olympia, WA, on November 30, 1993, at 11:00 a.m.

Submit Written Comments to: Walter Swenson, P.O. Box 42560, Olympia, WA 98504-2560 [98504-2560], by November 30, 1993.

Date of Intended Adoption: December 6, 1993.

October 20, 1993
William E. Brookreson
Assistant Director
Pesticide Management

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-221-001 Promulgation.
- WAC 16-221-010 Definition.
- WAC 16-221-020 Declaration.
- WAC 16-221-030 Registration requirements.
- WAC 16-221-040 Distribution requirements.

WSR 93-21-086
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed October 20, 1993, 11:39 a.m.]

Original Notice.
Title of Rule: Rules relating to standards for nursery stock, WAC 16-432-010 through 16-432-130.

PROPOSED

Purpose: Repeal rules relating to standards for nursery stock.

Statutory Authority for Adoption: Chapter 15.13 RCW. Statute Being Implemented: Chapter 15.13 RCW.

Summary: Repealing rules relating to standards for nursery stock.

Reasons Supporting Proposal: WAC 16-432-010 through 16-432-130 is no longer necessary.

Name of Agency Personnel Responsible for Drafting: William H. Dallas, Washington State Department of Agriculture, Olympia, Washington 98504-2560, (206) 902-1925; Implementation and Enforcement: Diane Dolstad, Washington State Department of Agriculture, Olympia, Washington 98504-2560, (206) 902-1925.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal of rules relating to standards for nursery stock, WAC 16-432-010 through 16-432-130.

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 Agriculture, Room 205, 2nd Floor, Natural Resources Building, 1111 Washington Street, Olympia, WA 98504, on November 23, 1993, at 9:00 a.m.

Submit Written Comments to: Bill Dallas, P.O. Box 2560, Olympia, WA 98504-2560, by November 30, 1993.

Date of Intended Adoption: December 6, 1993.

October 20, 1993
K. Diane Dolstad
Assistant Director
Plant Services

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-432-010 General.
- WAC 16-432-020 Marking requirements.
- WAC 16-432-030 Tolerance.
- WAC 16-432-040 Container specifications.
- WAC 16-432-050 Terminology.
- WAC 16-432-060 Plant specifications.
- WAC 16-432-070 Young plants specifications.
- WAC 16-432-080 Deciduous flowering shrubs and shade trees.
- WAC 16-432-090 Coniferous evergreens.
- WAC 16-432-100 Broadleaf evergreen shrubs.
- WAC 16-432-110 Fruit trees.
- WAC 16-432-120 Understock for grafting and budding.
- WAC 16-432-130 Nursery stock standard for roses.

WSR 93-21-087

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 20, 1993, 11:40 a.m.]

Original Notice.

Title of Rule: Rules relating to holly, cut spray standards, WAC 16-415-010 through 16-415-040.

Purpose: Repeal of holly, cut spray standards.

Statutory Authority for Adoption: Chapter 15.13 RCW. Statute Being Implemented: Chapter 15.13 RCW.

Summary: Repealing holly, cut spray standards.

Reasons Supporting Proposal: WAC 16-415-010 through 16-415-040 is no longer necessary.

Name of Agency Personnel Responsible for Drafting: William H. Dallas, Washington State Department of Agriculture, Olympia, Washington 98504, (206) 902-1925; Implementation and Enforcement: Diane Dolstad, Washington State Department of Agriculture, Olympia, Washington 98504, (206) 902-2060.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal of rules relating to holly, cut spray standards, WAC 16-415-010 through 16-415-040.

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 Agriculture, Room 205, 2nd Floor, Natural Resources Building, 1111 Washington Street, Olympia, WA 98504, on November 30, 1993, at 8:30 a.m.

Submit Written Comments to: Bill Dallas, P.O. Box 42560, Olympia, WA 98504-2560, by November 30, 1993.

Date of Intended Adoption: December 6, 1993.

October 20, 1993
K. Diane Dolstad
Assistant Director
Plant Services

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-415-010 Grades.
- WAC 16-415-020 Marking requirements.
- WAC 16-415-030 Definition of terms.
- WAC 16-415-040 Compliance with U.S. and state laws.

WSR 93-21-093

PROPOSED RULES

SECRETARY OF STATE

[Filed October 20, 1993, 11:59 a.m.]

Original Notice.

Title of Rule: Charitable solicitations and charitable trusts.

Purpose: To adopt new regulations to implement the Charitable Solicitations and Charitable Trusts Acts and repeal existing administrative regulations chapter 434-19 WAC, WAC 44-01-010 through 44-01-130 and 44-01-150 through 44-01-180.

Statutory Authority for Adoption: Chapter 34.05 RCW. **Statute Being Implemented:** Chapters 19.09, 11.110, and 43.07 RCW.

Summary: To establish rules for registration, financial reporting, and bonding requirements.

Reasons Supporting Proposal: Necessary to clarify and supplement the statute.

Name of Agency Personnel Responsible for Drafting and Implementation Linda MacKintosh, Corporation Division, 753-2896; **Enforcement:** Consumer Protection Division, Office of Attorney General.

Name of Proponent: Corporation Division, Office of Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To establish rules for registration, fee, and financial reporting requirements for charitable organizations, commercial fund raisers, and charitable trusts.

Proposal Changes the Following Existing Rules: To conform to amendments made to these acts in the 1993 legislative session.

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

Hearing Location: House Hearing Room D, John L. O'Brien Building, Olympia, Washington, on November 23, 1993, at 8:30 to 10:00.

Submit Written Comments to: Linda Mackintosh or Don Whiting, Corporation Division, 505 Union S.E., by November 23, 1993.

Date of Intended Adoption: December 1, 1993.
October 20, 1993
Donald Whiting
Assistant Secretary of State

Revision of Charitable Solicitations WACs

Chapter 434-120

CHARITABLE SOLICITATION ORGANIZATIONS AND CHARITABLE TRUSTS

SECTION I-GENERAL PROVISIONS AND DEFINITIONS

NEW SECTION

WAC 434-120-010 Authority and purpose. These rules are adopted under authority of Chapter 19.09 RCW, the Charitable Solicitations Act, hereafter referred to as "the solicitations act," Chapter 11.110 RCW, the Charitable Trust Act, hereafter referred to as "the trust act," and Chapter 43.07 RCW to provide for the efficient administration of these acts.

NEW SECTION

WAC 434-120-015 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 Union S.E., Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each charitable organization or commercial fund raiser file.

(3) The telephone number is (206) 753-7118 or (206) 753-7120. The toll free number in Washington is 1-800-332-GIVE (1-800-332-4483).

NEW SECTION

WAC 434-120-020 Office hours. Business hours of the Corporations Division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same day service for individual requests brought in before 4:30 p.m. (see WAC 434-110-060) and telephone service is available from 8:00 a.m. to 5:00 p.m.

NEW SECTION

WAC 434-120-025 Definitions. (1) "Charitable organization" or "organization," as described in RCW 19.09.020(2), "means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity, but does not include any commercial fund raiser or commercial fund-raising entity..." This may include any organization conducting charitable solicitations to achieve a part of its purpose, although charity is not the sole purpose of the organization.

(2) "Charitable trust" means any real or personal property right held by an entity or person that will be used for a charitable purpose(s). The purpose must result in a substantial social benefit that accrues directly or indirectly to the public. When the purpose(s) is to distribute exclusively to individuals or organizations expressly named in the governing instrument, it is not a charitable trust for the purposes of these regulations. The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Commercial fund raiser" shall include any entity and its employees, which for compensation contracts to conduct solicitations or solicit on behalf of a charitable or religious purpose, to participate in development or implementation of any charitable solicitations campaign, or which holds itself out to persons in this state as independently engaged in the business of soliciting or receiving contributions for charitable purposes, as described in RCW 19.09.020(8), and is required to be licensed by any state or federal agency to do business in Washington. When a "commercial fund raiser" retains another commercial fund raiser to conduct solicitations or to solicit, the first commercial fund raiser shall be referred to as primary and the second, as secondary. "Commercial fund raiser" shall not include the following:

(a) Suppliers of goods and services, to charitable organizations for fund raising purposes, if they are not otherwise engaged in the business of charitable fund raising; or

(b) Retail establishments in which the retail business promises to contribute a portion of the regular sales price of a product or service to a named charitable organization, when:

(i) The price of the product or service is no more than the price thirty days before and thirty days after the promotion;

(ii) There is a written agreement executed before the promotion begins that is signed by an officer of the charitable organization and the person-in-charge of the retail establishment. This agreement must include the retail establishment's contribution to the organization as a result of this promotion and the charitable organization's permission to use its name. It must be filed with the Corporations Division by the party specified in the contract and each party must have a copy on file; and

(iii) The retail establishment has a financial statement of the fund raising campaign on file, which, upon the Attorney General's request, it can produce;

(4) "Compensation" means remuneration or valuable consideration, such as salary, benefits, bonuses, wages, fees, or commissions, paid by an entity to a person for rendering service, which may include conducting charitable solicitations as described in RCW 19.09.020, but does not include reimbursement for expenses incurred or non-cash awards or prizes, valued at one hundred dollars or less, given to volunteers.

(5) "Solicitation" as defined in RCW 19.09.020(15), that includes any oral or written request for a contribution, including an offer or attempt to sell property, rights, goods, or services for a charitable purpose, shall not include any of the following:

(a) An application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(b) The attempt to sell a service or good which constitutes the basis of the entity's activities under which the federal tax exemption was granted, or is the primary purpose for the existence of the entity. This includes, but is not limited to, admission to a theatrical or other performance by a drama, musical, dance, or similar group and fees for services such as a hospital provides or use of the entity's facilities; or

(c) Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission [RCW 19.09.020].

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

NEW SECTION

WAC 434-120-030 Public records. Except as provided by RCW 42.17.310, all public records of the corporations division, which includes the charitable organization registration and charitable trust section, are available for public inspection and copying pursuant to rules of procedures in chapter 434-12A WAC and WAC 434-110-075. Registrations of trusts with several or mixed purposes shall not be made public under RCW 11.110.040 and 11.110.075.

SECTION II-CHARITABLE ORGANIZATION REGISTRATION REQUIREMENTS

NEW SECTION

WAC 434-120-100 Who shall register. (1) Any entity that will solicit funds from the general public with the announced intent to use the funds for charitable purposes;

(2) Entities exempt from registration are the following:

(a) Those created and chartered by the United States Congress to accept and administer gifts and donations;

(b) Those whose sole purpose is religious or political; and

(c) Those who raise less than five thousand dollars in any accounting year, all activities including fund raising are done by volunteers, and officers or members do not receive assets of or benefits from the organization.

NEW SECTION

WAC 434-120-105 Form. Charitable organizations registering under this act shall use the combined charitable organization, charitable trust, and public benefit form available in the Office of the Corporations Division or shall provide, by letter, the required information organized and topically sectioned in exactly the following manner:

(1) Section I. The name, address, and telephone number of the charitable organization; and the name under which the organization will solicit contributions.

(2) Section II. The name, address, and telephone number of the corporate officers, directors of the board, or persons accepting responsibility for the organization; and the names of the three officers, directors, or employees who receive the greatest amount of compensation from the organization. If this is a consolidated registration, then list the names of the three officers or employees of the parent organization.

(3) Section III. The purpose of the charitable organization; the names and addresses of beneficiaries or the selected group of persons or activities which the charitable organization supports; and to whom assets would be given in the event of dissolution.

(4) Section IV. Whether or not the organization has a tax exempt status, and, if so, the basis. Attach a copy of the written proof of the status declaration if granted under 26 U.S.C. 501 (c)(3) by the Internal Revenue Service. Include the name, address, and telephone number of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable organization.

(5) Section V. A solicitation report, which includes the following information:

(a) From a newly formed entity, the annual budget expenditures approved by the board of directors or other

responsible person(s), which must clearly identify the reported figures as budget estimates not based upon actual funds expended; or, from an existing entity that has not previously registered to solicit funds from the public, its actual budget from the preceding fiscal year, and its proposed budget for the coming fiscal year; and

- (i) The number and types of solicitations planned; and
- (ii) From the existing entity, total revenue for the preceding year and the amount that was used for the charitable purpose;

In addition, seven months after registration all newly formed entities shall file a six month report containing actual budget figures.

(b) From charitable organizations registering for the second or more years, the following information from the preceding fiscal year:

- (i) The number and types of solicitations conducted;
- (ii) The total dollar value of support received from solicitations and from all other sources (including revenue from activities regulated by the Gambling Commission) received on behalf of the charitable purpose, which must equal the total revenue of the organization;
- (iii) A solicitation report with figures consistent with the financial report as required in subsection (6) of this section that contains the actual totals applied to charitable purposes, fund raising costs, and other expenses, which are figured in accordance with WAC 434-120-055, including the amount of any compensation allocated to charitable purposes and paid to a commercial fund raiser or other entity who is not a bona fide employee for fund raising services, as defined in RCW 19.09.020(1); and
- (iv) The name, physical address, and telephone number of any commercial fund raiser used by the organization.

A parent organization may file a consolidated solicitation registration report including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington. Alternatively, it may file a single combined solicitation report including funds raised by all such subsidiaries of the parent organization and listing the individual names of subsidiaries who raised five thousand dollars or more in the preceding year.

(6) Section VI: A copy of the most current, completed financial statement, from the compilation, review, or audit report or the prepared signed statement as described in WAC 434-120-125; and

(7) An irrevocable appointment of the secretary to receive service of process in non-criminal proceedings.

All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, person responsible for the organization, whose signature shall be notarized.

NEW SECTION

WAC 434-120-115 Treatment of appropriated funds.

A government subdivision or publicly supported educational facility that is also a charitable organization shall report government appropriated funds only to the extent such funds are directly expended to support fund raising efforts or to

defray costs of administering the organization's fund raising programs.

NEW SECTION

WAC 434-120-120 Financial reporting adjustments.

For purposes of preparing the solicitation report required by RCW 19.09.075(7) and WAC 434-120-105 (5)(c)(iv) the following information shall be included:

(1) A charitable organization financial report shall show the surplus, fund balance, general reserve, or similar account from the previous year. The report should note whether any or all of this money was expended in the current year and how.

(2) Funds irrevocably reserved to a capital acquisition or other legally binding reserve account shall be reported as disbursed for the stated purpose in the year of deposit to the reserve account. These funds shall not be reported as expended when withdrawn or liquidated from the reserve account at a later date.

(3) A charitable organization shall consolidate all expenses into the categories of direct expenses, administrative or indirect expenses, as determined according to generally accepted accounting principles (GAAP), and the total of the "reasonable purchase price(s) to the organization of any tangible goods or services resold by the organization as part of its fund raising activities" as described in RCW 19.09.020(5). Subtract these from the total annual revenue reported. Compute the information in the following manner:

- (a) Determine the total annual gross revenue (TGR);
- (b) From the TGR subtract the total of all purchases made for resale;
- (c) From the balance remaining after completing (b), subtract costs of solicitation described in RCW 19.09.020(5), which are comprised of the direct expenses and indirect or administrative expenses attributed to solicitations. Direct expenses and indirect expenses should be shown as separate line items. The final result is the net revenue.

(d) Subtract from the net revenue the amount expended directly for charitable purposes and the amount reserved for future use showing each as a separate line item.

(e) Compute the percentage of funds raised that were directed to charitable purposes. Use the amount of money directed toward the charitable purposes as a percentage of the TGR in step (a) or, if there were purchases made for resale, as a percentage of the figure obtained in step (b).

NEW SECTION

WAC 434-120-125 Auditing standards and requirements.

A charitable organization shall have either a prepared financial statement or a compilation, review, or audit report of its financial statement on file that is based on the amount of gross revenue determined as follows:

(1) Those with a gross revenue of more than five thousand dollars and less than seventy-five thousand dollars, an annual financial statement prepared according to generally accepted accounting principles (GAAP), which is signed by the president, treasurer, and one other director or, absent a board of directors and officers, two persons responsible for the organization;

(2) Those with a gross revenue of more than seventy-five thousand dollars a year and less than one hundred fifty

thousand dollars a year, a "compilation report" of the annual financial statement, prepared according to GAAP by a certified public accountant (CPA);

(3) Those organizations with gross revenue of more than one hundred fifty thousand dollars and less than two hundred fifty thousand dollars a year, shall have a "review report" of the annual financial statement, prepared according to GAAP by a CPA; and

(4) Charitable organizations having revenue of more than two hundred fifty thousand dollars annually and all commercial fund raisers, regardless of total annual revenue, must have an annual "audit report" of the annual financial statement, prepared according to the generally accepted audit standards of GAAP by a CPA.

These shall be readily available to the County Attorney or Attorney General upon request.

NEW SECTION

WAC 434-120-130 Donor lists. All charitable organizations registered under this act shall keep records of all donors to the organization for three years. If a commercial fund raiser manages a campaign for a charitable organization, either the commercial fund raiser or the charitable organization shall be the entity responsible for maintaining the donor records for that campaign. These records shall include the names of the following donors:

(1) Each contributing entity that collects individual donations from an employee or member group or a business, turning them over to the charitable organization as a single sum, such as the United Way;

(2) Each corporation that donated; and

(3) Each individual who donated more than twenty-five dollars.

The records must be retrievable and compilable upon request of the Attorney General or County Attorney, although the organization is not required to keep the names in a standard list format at all times.

NEW SECTION

WAC 434-120-140 How and when. (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-045 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation;

(2) Annual renewal: An entity shall renew its charitable organization registration at the same time as it submits its annual corporation renewal or nonprofit annual report, or, if not a corporation, the same month of the year as the entity's original registration for charitable solicitation purposes. The renewal shall include the same information required for registration as described in WAC 434-120-105. However, the information included in the solicitation section shall be based on the audit, review, or compilation report of the financial statement, the prepared financial statement, or the most recent filing with the Internal Revenue Service, whichever was prepared or filed most recently within the last year. No organization may submit the same fiscal information for two consecutive years. The renewal cycle shall begin on July 1, 1994, for all organizations whose corporation renewal is due July 1, 1994, or later in the year. All charitable organizations whose corporation renewal comes

due in the months of January through June shall renew in the new cycle beginning January 1995. The 1994 renewal shall be effective, without additional fees, until the new 1995 renewal date.

(3) Change in status, notification: An organization shall notify the corporations division of a change in principal officer, owner, or Washington representative or any other information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

NEW SECTION

WAC 434-120-145 Fees. (1) Original registration: Entities registering as charitable organizations shall pay a fee of twenty dollars for the first year of registration. The fee shall be waived for those who first register under this act at the same time as filing non-profit incorporation papers.

(2) Annual reregistration: Organizations reregistering shall pay a fee of ten dollars. If reregistering at the same time as filing non-profit corporation annual reports, the organization shall pay a combined fee of fifteen dollars. If an organization files renewals under the non-profit corporation act, the charitable solicitations act, and the charitable trusts act, the fee shall be thirty dollars for all three.

(3) Information changes: Organizations filing changes of information described in WAC 434-120-070(3), shall pay a fee of ten dollars for each submittal of change(s).

(4) Photocopy fees: A copy of charitable organization registration form or letter, including the finance and solicitation reports, the fee is ten dollars.

(5) Expedited service fees: For in-person service at the counter the fee is twenty dollars for each charitable organization file requested.

NEW SECTION

WAC 434-120-155 Public benefit nonprofit corporation registration—Annual fee. Any corporation filing under the non-profit corporation act and possessing an exemption under 26 U.S.C. Sec. 501 (c)(3), or is not required to apply for its tax exempt status, may register as a "public benefit nonprofit corporation" with the Corporations Division for a fee of ten dollars.

The corporation must reregister annually, pay a ten dollar fee, and retain its 26 U.S.C. Sec. 501 (c)(3) exemption or other tax exempt status. The annual fee shall be waived for organizations reregistering at the same time as filing nonprofit corporation annual reports, charitable organization, or charitable trust reregistration.

An organization registered under this section may list the designation, "public benefit nonprofit corporation," in all its literature and media materials.

NEW SECTION

WAC 434-120-160 Penalty for late registration. The corporations division will send notice of the time to renew the charitable solicitations registration when it mails notice of the annual report or license renewal due date. A charitable organization that fails to reregister at the time the corporation annual report or license renewal is due, shall pay a late penalty fee of twenty-five dollars when the reregistration is made, if made prior to administrative

corporate dissolution. If the corporation has been administratively dissolved, it shall pay an additional fifty dollar penalty for each year, including the current year, it was not registered under this act for which it wishes to reinstate its corporation registration. A charitable organization not registered as a corporation shall be assessed a penalty of twenty-five dollars if registering within sixty-five days of the renewal date. Thereafter, the penalty fee shall be fifty dollars for each year, including the current year, it has failed to register. If the registration has lapsed for a period of more than two years, the entity shall register as a new charitable organization.

The penalty fees in this regulation may be in addition to any other remedies that may be imposed by law including those for soliciting without a license.

Under special circumstances the charitable organization may ask the Secretary of State to waive all penalty fees resulting from late registration.

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

NEW SECTION

WAC 434-120-170 Use of particular names in solicitations. (1) In addition to registration under this act, any entity conducting a solicitation using the name police, sheriff, fire fighter, firemen, or similar name shall file with the corporations division, an original copy of the authorization to use the name in the solicitation. The authorization shall be signed by two officers or other persons responsible for carrying out the purpose of the bona fide department or organization that is giving its permission to use one of the above names. For the purposes of this section, "bona fide organization" shall mean a government department or agency of police, sheriffs, fire fighters, firemen, or similarly named government employer or an entity in which some or all of its members are employed by a government department or agency of police, sheriffs, fire fighters, firemen, or similar name.

(2) In addition to registration under this act, any entity conducting a solicitation using the name of a military veterans' service organization listed in the most current annual Directory of Veterans Service Organizations published by The Department of Veterans Affairs, Office of the Secretary, in Washington, D.C., shall file with the corporations division an original copy of the signed authorization to use the name in the solicitation. The signatory shall be the highest ranking official of the organization in the state who is listed in the "commanders list" maintained by the Washington Department of Veterans Affairs.

(3) In addition to registration under this act, any entity using the name of a military veterans' service organization that is not affiliated with a national military veterans service organization shall file with the corporations division an original copy of the authorization granting permission to use the name. The signatory shall be the service organization's highest ranking official in the state of Washington.

NEW SECTION

WAC 434-120-175 Voluntary verification information. Each organization registering under the act may submit additional information, not required by law, for its file if the information is intended to inform the public about its programs and activities and to verify its existence. The Corporations Division may place such information in the organization's file for a specified period of time. Persons coming into the office may read such information; however, no voluntary verification information shall be mailed out.

SECTION III-COMMERCIAL FUND RAISER REGISTRATION REQUIREMENTS

NEW SECTION

WAC 434-120-210 Who shall register. All commercial fund raisers, as described in WAC 434-120-025(3), shall register each year, whether they contract directly with charitable organizations or with other commercial fund raisers as either the primary or secondary fund raiser. [See WAC 434-120-150(2).]

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

NEW SECTION

WAC 434-120-215 Form. Commercial fund raisers registering under the act shall use the commercial fund raiser registration form available in the Office of the Corporations Division or may provide the required information topically sectioned in the exact following manner:

(1) Section I. The name, physical and mailing address, and telephone number of the commercial fund raising entity, the name, address, and telephone number of the individual responsible for the activities of the entity in Washington, and a list of the states and Canadian provinces in which the entity has solicited funds;

(2) Section II. The name, address, and telephone number of the owner(s) and principal officer(s) of the commercial fund raising entity; and the names of the three officers or employees receiving the greatest amount of compensation from the organization;

(3) Section III. (a) For first year registrants, a solicitation report based on the average guaranteed minimum contractual return of gross receipts under the contracts in existence and for reregistrants a solicitation report based on the previous accounting year. The report shall contain the following information:

(i) The number and types of fund raising services to be conducted;

(ii) The name of each charitable organization required to register under the act to whom this entity will provide fund raising services;

(iii) The name, address, and telephone number of any other commercial fund raiser to be retained in the conduct of providing fund raising services;

The newly registered commercial fund raiser filing a solicitation report based on estimates, shall file, by the end of the seventh operating month, a six month report containing actual financial information.

(b) For reregistrants, a solicitation report based on the previous accounting year. The report shall contain the following information:

(i) The number and types of fund raising services conducted;

(ii) The name of each charitable organization required to register under the act to whom this entity has provided fund raising services;

(iii) The total dollar value of contributions received by this fund raiser, its affiliate or another entity retained by the commercial fund raiser, on behalf of each charitable organization required to register under the act;

(iv) The actual amounts of money raised for each charitable organization after the fund raising costs paid by each charitable organization has been deducted in accordance with the written agreement made prior to the solicitation;

(v) The name, address, and telephone number of any other commercial fund raiser retained in the conduct of providing fund raising services;

(4) Section IV. (a) A copy of the audit report of the financial statement made within the year prior to registration as prepared according to the audit standards of GAAP by a CPA, which shall include each fund that was raised and paid on a net revenue basis or each campaign in which the charitable organization paid any portion of the expenses; or

(b) A financial statement made within the year prior to registration showing total revenue from each campaign conducted for each individual organization, consistent with the terms of the filed contract; the amount actually received by the charitable organization; a signed statement from the charitable organization, that an examination of the account maintained to receive the solicitations was made at the end of the campaign; a signed verification that the charitable organization is satisfied with the distribution; and a statement by a certified public accountant that these are true and accurate figures. The charitable organization signatory shall be the president or treasurer.

(5) Section V. An irrevocable appointment of the secretary to receive service of process in non-criminal proceedings.

All commercial fund raiser registrations shall be signed by an officer or principal owner of the commercial fund raiser.

NEW SECTION

WAC 434-120-220 Change in status, notification. A commercial fund raiser shall do the following: (1) Notify the corporations division of a change in principal officer, owner, or Washington representative within thirty days after the change.

(2) Notify the corporations division of a change in business structure within thirty days, register the restructured entity as a new commercial fund raiser, and include evidence of separate bonding and a fee of ten dollars.

(3) Notify the corporations division of a change in business name within thirty days, register the new name, and include evidence of bonding in the new name. If the fund raiser will use both the existing name and the new name, include evidence of separate bonding for each name and include a fee of ten dollars.

NEW SECTION

WAC 434-120-225 Annual reregistration. Each commercial fund raiser shall reregister annually at the same time as it files either the annual license renewal for profit corporations or annual report for non-profit corporations, whichever is appropriate. If the commercial fund raiser is not registered as a corporation, it shall reregister annually by the last working day of the month (the anniversary date) of the original registration.

NEW SECTION

WAC 434-120-240 Contract between a commercial organization and a charitable organization. A commercial fund raiser and charitable organization entering into a contract shall register the contract by completing the corporations division contract registration form and attaching a copy of the written contract. It shall be filed within five working days after the execution of the contract and before the commencement of the campaign. There is a ten dollar fee for filing the copy of the contract in the corporations division. Both the contract and registration form shall be signed by the commercial fund raiser owner or principal and the charitable organization president, treasurer, or comparable officer. In addition to the statutory requirements of RCW 19.09.097, the terms of the contract shall include who will maintain the donor list. The commercial fund raiser shall be responsible for filing the contract.

NEW SECTION

WAC 434-120-250 Fees. All commercial fund raisers shall pay an original registration fee at the time of filing and a yearly reregistration fee.

(1) The fee for original registration in this state is two hundred fifty dollars.

(2) The annual renewal fee is one hundred seventy-five dollars.

(3) The fee for filing changes in any information previously filed under RCW 19.09.075, RCW 19.09.079, and WAC 434-110-115 or for filing a contract is ten dollars.

(4) The penalty is fifty dollars for failing to reregister within sixty days of the due date. Beginning on the sixty-sixth day or following administrative dissolution of the corporation, whichever is later, the commercial fund raiser shall pay an additional penalty of one hundred dollars for each unregistered year for up to two years or shall register as a new entity.

Any commercial fund raiser failing to reregister and conducting business may also be subject to other penalties and remedies that may be imposed by law.

(5) The fee for expedited in-person service is twenty dollars for any and all transactions within one commercial fund raiser file.

(6) The photocopy fee is ten dollars for copies of the annual registration form or letter.

NEW SECTION

WAC 434-120-255 Auditing standards. (1) All commercial fund raisers shall file with the corporations division an annual audit report of the business conducted by a certified public accountant in accordance with the audit

standards of generally accepted accounting principals, (GAAP).

(2) A primary fund raiser who has contracted with a secondary commercial fund raiser to solicit funds is responsible to determine and report all expenses and contributions associated with the solicitation in its annual reregistration report, regardless of whether the primary or secondary fund raiser incurred the expenses or accepted the contributions. The secondary fund raiser's audit report shall include separate accounting for each contract with another commercial fund raiser and each contract with a charity.

NEW SECTION

WAC 434-120-260 Surety bonds. (1) A registering commercial fund raiser, as principal, shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate will equal at least fifteen thousand dollars;

(2) A registered commercial fund raiser, called the primary fund raiser, retaining another registered commercial fund raiser, called the secondary fund raiser, must indicate whether the retained fund raiser is, or is not, included in the primary fund raiser's surety bond. If included, the primary fund raiser must file documentary evidence from the surety or sureties verifying inclusion of the secondary fund raiser in the bonding.

(3) A secondary fund raiser retained by a primary fund raiser and covered under its surety bond, must be registered under this act and must also execute a surety bond as principal with one or more sureties whose liability in the aggregate will equal at least five thousand dollars. This is in addition to being included in the primary fund raiser's bond. The secondary fund raiser cannot be engaged in any other fund raising arrangement during the period contracted with the primary fund raiser that has extended its bond coverage. A secondary fund raiser who is not covered under the primary fund raiser's surety shall execute a surety as described in sub-section (1) of this section. In such case, the secondary fund raiser may engage in other fund raising business.

(4) If a commercial fund raiser does business under more than one name, each name used by that entity must be registered and bonded separately.

NEW SECTION

WAC 434-120-265 Exemption from surety bond. A commercial fund raiser who can be classified as "product seller," as defined in RCW 7.72.010, meaning "any person or entity engaged in the business of selling products" including "a manufacturer, wholesaler, distributor, or retailer of the relevant product," may be exempt from the surety bond requirement in WAC 424-120-150 when:

(i) All proceeds for the life of the entity, including shareholder dividends, are dedicated to a single registered charitable trust or single registered charitable organization;

(ii) A written contract with the charitable trust or organization stating the agreement of the receiver to accept and the product seller to donate all proceeds is executed;

(iii) The contract is filed by the product seller with the corporations division;

(iv) "All proceeds" is the remainder left after subtracting indirect and direct expenses of bringing the product to the buyer;

and
(v) An annual financial statement is filed with the Corporations Division [see WAC 434-120-215(4)].

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

NEW SECTION

WAC 434-120-270 Impairment of surety bond. In the event that a final judgement shall impair the liability of a surety bond and the full amount required is not in effect, the secretary shall suspend the registration of such commercial fund raiser. The commercial fund raiser may request reinstatement when it has restored the full amount of the required bond liability and satisfied all judgement claims.

NEW SECTION

WAC 434-120-280 Signing off on the surety bond. A commercial fund raiser bonded in accordance with Chapter 19.09 RCW and these regulations shall retain the protection of the bond until all claims against it can be filed in accordance with the statute of limitations as listed in chapter 4.16 RCW. The secretary of state has not been granted authority to sign off on a surety bond signifying that all outstanding claims have been filed prior to the expiration of the statute of limitations.

**IV. CHARITABLE TRUST
REGISTRATION REQUIREMENTS**

NEW SECTION

WAC 434-120-300 Who shall register. (1) Any trustee as defined in RCW 11.110.020 holding property in trust for a public charitable purpose and any corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall register with the Office of the Secretary of State, Corporations Division.

(2) Exempt from registration under the trust act are the following:

(a) Any trustee making distributions only to individuals or organizations expressly named in the governing instrument or mere titleholders, custodians, or depositaries of property held for charitable purposes who have no powers or duties to administer such property;

(b) Governmental bodies such as the United States, any state, territory, or possession of the United States, the District of Columbia, Puerto Rico, or any of their agencies or governmental subdivisions;

(c) Religious bodies incorporated as tax exempt religious organizations, and subsidiary organizations under their auspices:

(i) Charitable agencies or organizations affiliated with and forming an integral part of the religious body, or operated, supervised, or controlled directly by the religious body; or

(ii) Any officer of a religious body holding property for religious purposes;

To be exempt under this act, a newly formed religious body, or subsidiary organizations, as described in subsection (2)(c) must be able to show that it is seeking tax exempt status from the federal Internal Revenue Service. If a written declaration granting the tax exempt status is not received within two years of formation, the organization must file the trust immediately.

(3) Non-profit educational institutions having a course of studies equivalent to that of a public school or college operated by a Washington state school district or by Washington state.

NEW SECTION

WAC 434-120-305 When to register. Any trustee required to file under this act must file a copy of the instrument establishing title, powers, and duties and an inventory of the assets of the trust.

(1) A trustee of a charitable or mixed purpose trust must file within two months of receiving control of the body of the trust.

(2) A trustee or the life tenant of a vested charitable remainder preceded by a term or life estate must file within two months of the termination of the term or life estate or when trust income or principal is authorized or required to be used for a charitable purpose, whichever comes first.

(3) A trustee of an instrument containing only contingent gifts or remainders to charitable purposes, shall file within two months of the authorization or requirement to use the trust principal or income for a charitable purpose.

(4) Trustees exempt from reporting under RCW 11.110.073 shall file, in addition to the requirements listed, a copy of the declaration of the tax-exempt status, if one is required under federal tax law, or other basis for the claim for exemption and, annually, a copy of each publicly available United States tax or information return or report of the trust that is filed with the Internal Revenue Service. As described in statute, these shall include banks or trust companies that are acting as trustees and are subject to examination by a state or federal government body; the governing bodies of nonprofit community foundations or other nonprofit foundations incorporated for charitable purposes, which may accept tax exempt contributions; or governing bodies of hospitals that are nonprofit and charitable, unless formed pursuant to or in connection with existing charitable trusts.

NEW SECTION

WAC 434-120-310 How to register—Form. Charitable trusts using the assets for charitable purposes and registering under the trust act shall use the combined charitable organization, charitable trust, and public benefit form available in the Office of the Corporations Division or may provide the required information, under oath, topically sectioned exactly in the following manner:

(1) Section I. The name, address, and telephone number of the charitable trust, foundation, corporation, or trustee and the type of instrument creating or governing the organization, corporation, or trust, the date of the governing instrument, and the location where it is filed;

(2) Section II. The names and addresses of the trustees or corporate officers and directors;

(3) Section III. The purpose of the charitable trust; the names and addresses of beneficiaries or the selected group of persons (class or classes) or activities which the charitable trust designates;

(4) Section IV. Whether or not the trust has a federal Internal Revenue Service tax exempt status or Washington state real or personal property exemptions, and the basis for each exemption. Attach a copy of the application for federal tax exempt status, or the declaration of this status if granted by the Internal Revenue Service under 26 U.S.C. 501 (c)(3), and a copy of the application for exemption from the state of Washington;

(5) Section V. An inventory with a description and value of the charitable corporation or trust assets, including a statement of the current market value of such assets, and statement of liabilities of the trust. An audited statement made according to GAAP may be submitted to comply with this section only. Include the name and address of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable trust;

(6) Section VI: The titles of the trust instruments or articles of incorporation, copies of which must be attached to the registration report; and

(7) An irrevocable appointment of the secretary to receive service of process in non-criminal proceedings.

All charitable solicitation trust registrations shall be signed by the responsible trustee or president, treasurer, or comparable officer of the organization.

A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

NEW SECTION

WAC 434-120-320 Content of annual reports. The reports shall contain the information as required by the United States Internal Revenue Service 1993 Form 990, 990PF, or 990EZ. The report shall also include the name of the trust and trustee(s) or officers. It shall specifically contain and highlight a statement of the current market value of assets of the charitable trust or organization. Information may be submitted in any of the following forms:

(1) The Form 990, Return of Organization Exempt from Income Tax, the form 990EZ, Short Form, Return of Organization Exempt from Income Tax, or the form 990PF, Return of Private Foundation, filed with the federal Internal Revenue Service; or

(2) A copy of the annual account filed by the trustee in any court having jurisdiction of the trust; or

(3) A copy of an audit certified as being true and correct and in accordance with GAAP by any certified public accountant and containing substantially the information required as an annual report; or

(4) An organization not required to file a federal tax return because its gross receipts are not more than twenty-five thousand dollars annually, and not required to have an audited annual statement shall submit a statement signed by the president, treasurer, and one other officer showing the information required by this section.

This annual report shall be filed, under oath and executed by an affidavit, by one or more trustees responsible for the trust or an officer of the corporation, association, or organization.

NEW SECTION

WAC 434-120-330 Annual fees. (1) Charitable trusts registering for the first time shall pay a fee of twenty-five dollars. When renewal is combined with filing an annual non-profit corporation report the fee shall be twenty-five dollars. If an organization simultaneously files renewals under the non-profit corporation act, the charitable solicitations act, and the charitable trust act, the annual renewal fee shall be thirty dollars for all three, or if renewing the public benefits registration at the same time, the fee shall be thirty dollars for all four.

(2) For all expedited in-person service the fee is twenty dollars for one or more transactions within one charitable trust file.

(3) For a photocopy of Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

NEW SECTION

WAC 434-120-335 When to file annual reports. Annual reports shall be filed at the same time as renewal or annual reports of corporation status or as charitable solicitation annual reports. If the trust is not registered under any of the corporation acts or the charitable solicitations act, the annual report shall be filed by the last day of the same month of each year (the anniversary date) as the original charitable trust filing with the Secretary of State.

NEW SECTION

WAC 434-120-340 Annual reports suspended under certain conditions. The secretary may suspend the filing of annual reports of a particular trust for a reasonable, specifically designated time upon written application of the trustee to the secretary. The secretary, upon agreement to suspend, will file in the register of charitable trusts a statement that the interests of the beneficiaries will not be prejudiced and periodic reports are not required by the secretary. Trusts that may be included in this category are those that designate a specific beneficiary at formation but permit the officers to exercise some discretion in choosing beneficiaries at the time of dissolution. The trust or organization shall continue to pay the annual renewal fee, even if reports are not due.

NEW SECTION

WAC 434-120-350 Notifying the attorney general of litigation. In accordance with WAC 44-01-140, the trustee has a duty to notify the attorney general in writing of all judicial proceedings involving or affecting the charitable trust or its administration.

REPEALER

These regulations repeal the following existing Washington Administrative Code regulations

WAC 434-19-010	through 434-19-230 Implementing the Charitable Solicitations Act
	and
WAC 44-01-010 WAC 44-01-020	Promulgation. General duties of the attorney general and of charitable trustees.
WAC 44-01-030	Creation of charitable trust division—Register of trustees. To whom rules apply.
WAC 44-01-040 WAC 44-01-050 WAC 44-01-060 WAC 44-01-070	Definitions. Exemptions and exclusions. Trustees exempt from RCW 19.10.070—Reports required.
WAC 44-01-080	Registration—Time for registration.
WAC 44-01-090 WAC 44-01-100	Annual reports. Annual reports—Substance—Form.
WAC 44-01-110	Annual or periodic reports—Time for filing.
WAC 44-01-120	Registration and reports—Executing and filing.
WAC 44-01-130	Notice of application for tax exemption.
WAC 44-01-150	Duty to furnish information—In general.
WAC 44-01-160 WAC 44-01-170	Register—Inspection. When trust becomes subject to act—Vested remainders.
WAC 44-01-180	Reulations—Amendments.

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

WSR 93-19-106
PERMANENT RULES
OLYMPIC AIR POLLUTION
CONTROL AUTHORITY
 [Filed September 17, 1993, 9:10 a.m.]

Date of Adoption: September 8, 1993.

Purpose: To amend the regulations and standards for control of air pollution from sources in Thurston, Mason, Clallam, Jefferson, Pacific, and Grays Harbor counties. Amendments are necessary to achieve consistency with Washington Clean Air Act, chapter 70.94 RCW.

Citation of Existing Rules Affected by this Order: Repealing Article 12, section 13.05, section 9.19, section 9.06; and amending Article 1, Article 3, Article 7, Article 8, Article 9, Article 10, Article 14, and Article 15.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 93-13-077 on June 17, 1993.

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

September 13, 1993

Mark Goodin

Mechanical Engineer

AMENDATORY SECTION

SECTION 1.07 DEFINITIONS

When used in regulations of the Olympic Air Pollution Control Authority, the following definitions shall apply, unless they are preempted by definitions in individual Articles:

~~ACTUAL EMISSIONS ((as of a particular date))~~ means the actual ~~((average))~~ rate ~~((, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the one year period which precedes the particular date, and which is representative of normal operation))~~ of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection. ~~((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. The Authority may presume that source specific allowable emissions, which incorporate limits on hours of operation or production rate are equivalent to the actual emissions of the unit.))~~

(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 one 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.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For an 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.

ADVERSE IMPACT ON VISIBILITY means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

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.

AGRICULTURAL OPERATION means the growing of crops, the raising of fowl or animals as gainful occupation.

AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant".

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, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

AIR POLLUTION EPISODE means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in Chapter 173-435 WAC.

ALLOWABLE EMISSIONS means the emission rate calculated using the maximum rated capacity of the source (unless the stationary source is subject limits enforceable by the Authority which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

(c) The emissions rate specified in an approval order, permit condition, or regulatory order issued by the Authority including those with a future compliance date.

ALTERATION means any addition to or enlargement or replacement; or any major modification or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility which will significantly increase or adversely affect the kind or amount of air contaminant emitted.

PERMANENT

AMBIENT AIR means that portion of the atmosphere external to building to which the general public has access.

AMBIENT AIR QUALITY STANDARD means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

ANCILLARY for the purpose of defining "source", means "related."

AUTHORITY means the Olympic Air Pollution Control Authority.

AUTHORIZED PERMITTING AGENT means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control authority or department of ecology.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing authority determines that technological or economic limitations on the application of the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

BEST AVAILABLE RETROFIT TECHNOLOGY (BART) means any 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 source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

BOARD means the Board of Directors of the Olympic Air Pollution Control Authority.

BUBBLE means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in

exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

CAPACITY FACTOR means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

CLASS I AREA means any area designated pursuant to § 162 or 164 of the Federal Clean Air Act 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.

COMBUSTIBLE REFUSE means any burnable waste material containing carbon in a free or combined state other than liquid or gases.

COMBUSTION AND INCINERATION UNITS means units using combustion for waste disposal, steam production, chemical recovery or other process requirement; but excludes open burning.

COMMENCED CONSTRUCTION means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual onsite 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.

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.

CONTROL APPARATUS means any device which prevents or controls the emission of any air contaminant.

CONTROL OFFICER means the Air Pollution Control Officer of the Olympic Air Pollution Control Authority.

DAYLIGHT HOURS means the hours between official sunrise and official sunset.

DIRECTOR means director of the Washington state department of ecology or duly authorized representative.

DISPERSION TECHNIQUE means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

ECOLOGY means the Washington State Department of Ecology.

EMISSION means a release of air contaminants into the ((outdoor atmosphere of air contaminants)) ambient air.

EMISSION LIMITATION means requirement established by the EPA, Ecology, or the Authority which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set

fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

EMISSION POINT means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

EMISSION REDUCTION CREDIT (ERC) means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

EMISSION UNIT means any part of a source or a stationary source (~~and/or a facility that~~) which emits or (~~has~~) would have the potential to emit any (~~regulated~~) pollutant subject to regulation.

EPA means the United States Environmental Protection Agency (USEPA)

EQUIPMENT means any stationary or portable device, or any part thereof capable of causing the emission of any air contaminant into the atmosphere.

EXCESS EMISSION means emissions of an air pollutant in excess of an emission standard or emission limitation.

EXCESS STACK HEIGHT means that portion of a stack which exceeds the greater of sixty five meters or the calculated stack height described in WAC 173-400-200(2).

FACILITY is defined as all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership of control.

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. & 401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

FEDERAL LAND MANAGER means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

~~(FIRE CHIEF means a County Fire Marshal, City Fire Chief, Chief of each County Fire Protection District or his authorized representative, or authorized forestry officials from the Washington State Department of Natural Resources.)~~

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.

FUEL BURNING EQUIPMENT means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

FUGITIVE DUST means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

FUGITIVE EMISSIONS means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

GARBAGE means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

GENERAL PROCESS UNIT means an emissions unit using a procedure or combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

GENERATING EQUIPMENT means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

GOOD ENGINEERING PRACTICE (GEP) refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

HOG-FUEL means wood slabs, edging, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

IDENTICAL UNITS means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.

IMPAIRED AIR QUALITY means a condition declared by the department or a local air authority in accordance with the following criteria:

(a) Meteorological conditions are conducive to 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 department or a local air authority.

INCINERATOR means a furnace used primarily for the thermal destruction of waste.

IN OPERATION means engaged in activity related to the primary design function of the source.

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 Class I area.

LIDAR (Light Detection and Ranging) means the EPA alternate method 1 Determination of the opacity of emissions from stationary sources remotely by lidar.

LOWEST ACHIEVABLE EMISSION RATE (LAER) means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source.

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.

MAJOR MODIFICATION means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant subject to regulation under the act. Any net emissions increase that is considered significant for volatile organic compounds and nitrogen oxides 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 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 permit issued under regulations approved pursuant to this section;

(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 source.

MAJOR SOURCE means:

(a) Any source which:

(I) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Act;

(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 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 (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(V) Emits or has the potential to emit 10 tons or more per year of any toxic air pollutant or 25 tons per year of any combination of toxic air pollutants.

(b) Any physical change that would occur at a source not qualifying under (a) of this subsection as a major source, if the change would constitute a major source by itself;

(c) A major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

(d) The fugitive emissions of a source shall not be included in determining for any of the purposes of this

section whether it is a major source, unless the fugitive emissions are toxic air pollutants, or, unless the source belongs to one of the following categories of sources or the source is a major source solely due to paragraphs (a)(III) or (a)(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.

MANDATORY CLASS I FEDERAL AREA means any area defined in § of the FCAA, Subpart D as amended through the adoption date of this rule. 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.

MASKING means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

MATERIALS HANDLING means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

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 definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

~~((MULTIPLE CHAMBER INCINERATOR means any article, machine, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of a material to be burned.))~~

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHA) means the federal regulations set forth in 40 CFR Part 61.

NATURAL CONDITIONS means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

NET EMISSIONS INCREASE means:

(a) The amount by which the sum of the following exceeds zero:

(I) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(II) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(I) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring over the life of the ERC shall be counted against the ERC.

(II) Ecology or the Authority has not relied on it in issuing an order of approval for the source under regulations approved pursuant to CFR Part 51, 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 actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(I) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(II) It is federally enforceable at and after the time that actual construction on the particular change begins;

(III) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(IV) Ecology or the Authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or Ecology or the Authority has not relied

on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

NEW SOURCE means ~~((a source constructed, installed or established after the effective date of this regulation.))~~

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

NEW SOURCE PERFORMANCE STANDARDS (NSPS) means the federal regulations set forth in 40 CFR Part 60.

NONATTAINMENT AREA means a clearly delineated geographic area which has been designated by EPA and promulgated as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants, which includes carbon monoxide, fine particulate matter (PM-10) sulfur dioxide, ozone, and nitrogen dioxide.

NOTICE OF CONSTRUCTION APPLICATION means a written application to permit construction of a new source, modification of an existing source or replacement or substantial alteration of control technology at an existing source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

NUISANCE means an emission that unreasonably interferes with the use and enjoyment of property.

OPACITY means the degree to which an ~~((emission reduces the transmission of light and obscures the view of an))~~ object ~~((in the background))~~ seen through a plume is obscured, stated as a percentage.

OPEN BURNING, ~~((Continuous Type))~~ means ~~((an open burning disposal process which is being repeated under permit at the same location))~~ the combustion of material in an open fire or in an open container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

OPEN FIRE means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

ORDER OF APPROVAL OR APPROVAL ORDER means a regulatory order issued by ecology or the Authority to approve the notice of construction application for a proposed new source or modification or the replacement or substantial alteration of control technology at an existing stationary source, after review of all information received including public comment as required under Article 5 and Article 7.

OWNER means and includes the person who owns, leases, supervises or operates the equipment or control apparatus.

PARTICULATE MATTER OR PARTICULATES means any liquid, other than water, or any solid which is so

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finely divided as to be capable of becoming windblown or being suspended in air or other gas or vapor.

PARTICULATE MATTER EMISSIONS means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by a pre-approved method by the Authority.

PARTS PER MILLION (ppm) means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

PERMIT means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

PERSON means an(~~d includes any~~) individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government(~~(a)~~) agency.

PM 10 means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM 10 EMISSIONS means finely divided solid or liquid material, including condensible particulate matter, 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.

POTENTIAL CONTROLLED EMISSIONS means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment operating. Operating control equipment can be considered only if the affect such controls have on emissions is federally enforceable.

POTENTIAL TO EMIT means the maximum capacity of a 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 emission do not count in determining the potential to emit of a source.

POTENTIAL UNCONTROLLED EMISSIONS means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment NOT operating.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) means the program set forth in WAC 173-400-141. Ecology has adopted the federal PSD program contained in 40 CFR 52.21 with some changes, which are described in WAC 173-400-141.

PROCESS means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

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.

REASONABLE ALTERNATIVES means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard. After July 1993, this amount shall be adjusted periodically by department policy.

REASONABLY ATTRIBUTABLE means attributable by visual observation or any other technique the Authority deems appropriate.

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 quality, and the capital and operating costs of the additional controls. RACT requirements for any source category shall be adopted only after notice and opportunity for comment are afforded.

RECREATIONAL FIRE means barbecues and campfires, using charcoal, natural gas, propane, or natural wood which occur in designated areas, or on private property. Fires used for debris disposal purposes are not considered recreational fires.

REFUSE means waste as defined in Section 1.07 of this Regulation.

~~((REFUSE BURNING EQUIPMENT means equipment designed to burn refuse, rubbish or waste material.))~~

REGULATION 1 means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic Air Pollution Control Authority.

REGULATORY ORDER means an order issued by ecology or the Authority to an air contaminant source which approves a notice of construction application, limits emissions and/or establishes other air pollution control requirements.

REPRESENTATIVE or AGENT means any person authorized by the Control Officer of the Authority to represent him in an official and specific manner.

RESIDENTIAL means a two or single family unit.

RUBBISH means waste as defined in Section 1.07 of the Regulation.

SALVAGE OPERATION means any operation conducted in whole or in part for the salvaging or reclaiming of any product.

SIGNIFICANT means a rate of emissions equal to or greater than any one of the following rates:

<u>Pollutant</u>	<u>Tons/Year</u>
<u>Carbon monoxide</u>	<u>100</u>
<u>Nitrogen oxides</u>	<u>40</u>
<u>Sulfur dioxide</u>	<u>40</u>
<u>Particulate matter (PM)</u>	<u>25</u>
<u>Fine particulate matter (PM₁₀)</u>	<u>15</u>
<u>Volatile organic compounds (VOC)</u>	<u>40</u>
<u>Lead</u>	<u>0.6</u>
<u>Fluorides</u>	<u>3</u>
<u>Sulfuric acid mist</u>	<u>7</u>
<u>Hydrogen sulfide (H₂S)</u>	<u>10</u>
<u>Total reduced sulfur (including H₂S)</u>	<u>10</u>

<u>Reduced Sulfur compounds (including H₂S)</u>	<u>10</u>
<u>Municipal waste combustor organics</u>	<u>0.0000035</u>
<u>(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)</u>	
<u>Municipal waste combustor metals</u>	
<u>(measured as PM)</u>	<u>15</u>
<u>Municipal waste combustor acid gases</u>	
<u>(measured as SO₂ and hydrogen chloride)</u>	<u>40</u>

SIGNIFICANT VISIBILITY IMPAIRMENT means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

SILVICULTURAL BURNING means burning on any land the department of natural resources protects per RCW 70.94.030(13), 70.94.660, 70.94.690, and pursuant to chapter 76.04 RCW.

SOURCE means ((a process, operation, or method which emits or may emit any contaminants to the ambient air)) all of the emissions unit(s) and all of the pollutant emitting activities which belong to the same industrial grouping, including quantifiable fugitive emissions, that are located on one or more contiguous 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. 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.

SOURCE CATEGORY means all sources of the same type or classification.

STACK means ((duct, chimney, flue, or conduit arranged for the emission into the outdoor atmosphere of air contaminants)) any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

STACK HEIGHT means the height of an emission point measured from the ground level elevation at the base of the stack.

STANDARD ((AMBIENT)) CONDITIONS means a ((gas)) temperature of 20°C (68°F) ((at 60 degrees Fahrenheit)) and a ((gas)) pressure of 760 mm ((at)) (29.92 inches) of mercury.

STANDARD CUBIC FOOT OF GAS means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at ((a pressure of 14.7 P.S.I.A. and a temperature of 60 degrees Fahrenheit:)) standard conditions.

STATE ACT means the Washington Clean Air Act, Chapter 70.94 RCW, as amended.

STATIONARY SOURCE means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Federal Clean Air Act or the State Clean Air Act or OAPCA REGULATION

+ source as defined in this section which is fixed in location temporarily or permanently. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in section 216 of the FCAA.

SULFURIC ACID PLANT means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

TEMPORARY means a period of time not to exceed one (1) year.

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.

TOTAL SUSPENDED PARTICULATE means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

TOXIC AIR POLLUTANT(S) (TAP) means any class A or Class B toxic air pollutant listed in WAC 173-460-150 and/or WAC 173-460-160.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) shall be referred to as EPA.

URBAN GROWTH AREA means an area defined by RCW 36.70A.030.

VENT means any opening through which gaseous emissions are exhausted into the ambient air.

VISIBILITY IMPAIRMENT means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

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.

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 (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 photo-chemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Authority.

(c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the Authority, the amount of negligibly reactive compounds in the source's emissions.

WASTE means unproductive, worthless, useless or rejected material.

WASTE-WOOD BURNER means equipment or facility used solely for the combustion-disposal of waste wood without heat recovery. Such burners shall include, but not be limited to, a wigwam burner, a silo-type burner, or an air-curtain burner.

WIGWAM or TEPEE BURNER - see Waste-wood Burner.

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.

AMENDATORY SECTION

SECTION 3.01 CONTROL OFFICER - POWERS AND DUTIES

(a) The Control Officer shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to control and prevention of air pollution in accordance with the policies of the Board of Directors.

(b) At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431, ((W)) whenever the Control Officer has reason to believe that any provision of state law or any regulation relating to the control or prevention of air pollution has been violated, ((he)) the Control Officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of state law or the regulation alleged to be violated and the facts alleged to constitute a violation thereof and may include an order that necessary corrective action be taken within a specified time. In lieu of an order, the Control Officer may require that the alleged violator or violators appear before the Board for a hearing, at a time and place specified in the notice, given at least twenty (20) days prior to such hearing, and answer the charges.

(c) The Control Officer and/or ((his)) a qualified designated agent((s)) may make any investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment thereto of controlling or reducing the amount or kind of air contaminant.

(d) The Control Officer may obtain from any person subject to the jurisdiction of the Authority such information

or analysis as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source and type or nature of control equipment in use.

(e) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or ((his)) a duly authorized representative shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing two families or less. No person shall refuse entry or access to the Control Officer, or ((his)) a duly authorized representative, who request entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection by the Control Officer, or ((his)) a duly authorized representative.

(f) If during the course of an inspection, the Control Officer or ((his)) a duly authorized representative desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, ((he)) the Control Officer or a designated agent shall notify the owner or ((lessee)) operator of the time and place of obtaining a sample so the owner or ((lessee)) operator has the opportunity to take a similar sample at the same time and place; and the Control Officer or ((his)) a duly authorized representative shall give a receipt to the owner or ((lessee)) operator for the sample obtained.

(g) The Control Officer may engage, at the Authority's expense and with Board approval, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from any source.

(h) The Control Officer is empowered to sign official complaints or issue citations or initiate court suits or use other means to enforce the provisions of the regulation.

(i) In order to demonstrate compliance with emission standards, the Control officer shall have the Authority to require a source to be tested, either by the Authority personnel or by the owner, using source test procedures approved by the Authority. The owner shall be given reasonable advance notice of the requirement of the test.

(j) In order for Authority personnel to perform a source test, the Control Officer shall have the authority to require the owner of the source to provide an appropriate platform and sampling ports. The owner shall have the opportunity to observe the sampling and, if there is adequate space to conduct the tests safely and efficiently, to obtain sample at the same time.

AMENDATORY SECTION

SECTION 3.15 APPOINTMENT OF HEARING OFFICER

(a) In all instances where the Board is permitted or required to hold hearings under the provisions of Chapter 70.94 RCW, such hearings shall be held before the Board; or the Board may appoint a hearing officer, who shall be an attorney admitted to practice in the state.

(b) A duly appointed hearing officer shall have all the powers, rights and duties of the Board relating to the conduct of hearings.

(c) At the conclusion of a hearing at which ~~((he))~~ the hearing officer has presided, the hearing officer shall prepare written findings of fact and conclusions of law and a recommended decision. Parties to the proceeding shall be notified of the proposed decision as provided in RCW 34.04.110 through 34.04.120, as now or hereafter amended.

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

SECTION 3.17 APPEALS FROM BOARD ORDERS

Any order issued or fee assessed by the Board or the Control Officer, ~~((with or without a hearing,))~~ shall become final, provided ~~((unless)),~~ that no later than thirty (30) days after the order or decision of the Pollution Control Authority or Control Officer was communicated to the ~~((appealing))~~ party, an appeal is taken to the Pollution Control Hearings Board of the State of Washington, pursuant to RCW 43.21B, 70.94.211 and WAC 371.08, as now or hereafter amended. The sole basis for appeal of a fee assessed by the Control Officer or Board shall be that the assessment contains an arithmetic or clerical error.

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

SECTION 3.21 SERVICE OF NOTICE

(a) Service of any written notice required by this Regulation shall be made on the owner or ~~((lessee))~~ operator of equipment, or ~~((his))~~ their agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or ~~((lessee))~~ operator of the equipment, or ~~((his))~~ their agent, at the address listed on ~~((his))~~ their application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or ~~((lessee))~~ operator of the equipment, or ~~((his))~~ their agent, or if the owner or ~~((lessee))~~ operator is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this Regulation shall be made on the Authority, as follows:

(1) Either by mailing the notice in a prepaid envelope direct to the Authority at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Authority office with an employee of the Authority.

AMENDATORY SECTION

SECTION 3.23 VARIANCES

Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the Control Officer or the Board for a variance to

exceed a specific maximum emission standard of this Regulation for a limited period of time, except for any federally enforceable standard, provided that a variance to any state standard is also approved by the Department of Ecology. The application shall be accompanied by such information and data as the Control Officer or Board may require. The Board may grant such variance but only after approval by the Department of Ecology and public hearing or due notice and in accordance with the provisions set forth in RCW 70.94.181, as now or hereafter amended. Any hearing held pursuant to this section shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100, as now or hereafter amended. The Authority shall not commence processing a variance request, until it has received a filing fee as determined by Table 7.1, Plan Examination and Inspection Fee, Section 7.04(c).

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

SECTION 3.26 Violations - Notice

At least 30 days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431, the Board or Control Officer shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of Chapter 70.94 RCW or the orders, rules, or regulations adopted pursuant thereto, alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Board for a hearing. Every notice of violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action.

(a) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation and be subject to the same penalty.

(b) In case of a continuing violation, whether or not knowingly committed, each day's continuance shall be a separate and distinct violation.

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

AMENDATORY SECTION

SECTION 3.27 ~~((PENALTY))~~ REGULATORY ACTIONS and PENALTIES

The Control Officer may take any of the following regulatory actions to enforce the provisions of Chapter 70.94 RCW or any of the rules of regulations in force pursuant thereto, which is incorporated by reference.

(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 RCW or any of the rules or regulations of the Department of Ecology or the Board,

~~including but not limited to Regulation 1 of the Olympic Air Pollution Control Authority, shall incur a penalty in the form of a fine in the amount not to exceed ten thousand dollars per day for each violation. 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. For the purposes of this paragraph, the maximum daily fine imposed by the Board for violations of standards by specific emissions unit is ten thousand dollars.~~

(a) Civil Penalties

(1) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed \$10,000.00 per day for each violation.

(2) Any person who fails to take action as specified by an Order issued pursuant to Chapter 70.94 RCW or Regulation I of the Olympic Air Pollution Control Authority (OAPCA) shall be liable for a civil penalty of not more than \$10,000.00 for each day of continued noncompliance.

(3) Within 30 days after receipt of Notice of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(i) The name, mailing address, and telephone number of the appealing party;

(ii) A copy of the Notice of Civil Penalty appealed from;

(iii) A short and plain statement showing the grounds upon which the appealing party considers such Order to be unjust or unlawful;

(iv) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

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

(vi) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(4) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Authority within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition of the application for relief from penalty.

(5) A civil penalty shall become due and payable on the later of:

(i) 30 days after receipt of the notice imposing the penalty;

(ii) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(iii) 30 days after the receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(6) If the amount of the civil penalty is not paid to the Authority within 30 days after it becomes due and payable, the Authority may use any available methods, including

Superior Court, to recover the penalty. ((f)) In all actions brought in the Superior Court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in ordinary civil action.

((e)) (7) To secure the penalty incurred under this section, this Authority shall have a lien on any vessel used or operated in violation of Regulation I which shall be enforced as provided in RCW 60.36.050.

~~((b) Repealed April 8, 1992))~~

(b) Criminal Penalties

(1) Any person who knowingly violates any of the provisions of Chapter 70.94 RCW or any rules or regulations in force pursuant thereto, shall be guilty of a crime and upon conviction thereof, shall be punished by fine of not more than \$10,000.00, or by imprisonment in the county jail for not more than 1 year, or by both for each separate violation.

(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 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 \$10,000.00, or by imprisonment for not more than 1 year, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with terms of an applicable permit or emission limit, and who knows at the time that they have thereby placed 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 \$50,000, or by imprisonment for not more than 5 years, or both.

~~((e) 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, or his designee 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 as provided for in Chapter 43.21(b) RCW and Section 3.17 of this Regulation 1. When a request is made for a hearing, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. If the amount of such penalty is not paid to the Board within thirty (30) days after it becomes due and payable, and a request for a hearing has not been made, the Attorney for the Authority, upon request of the Board or Control Officer, shall bring action to recover such penalty in the Superior Court of the county in which the violation occurred. Of all penalties recovered by the Authority, one hundred (100%) percent shall be paid into the treasury of the Authority and credited to its funds.))~~

(c) Additional Enforcement

(1) Notwithstanding the existence or use of any other remedy, 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 Chapter 70.94 RCW, or any order, rule or regulation issued by the Board

or Control Officer or a duly authorized agent, the Board, 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.

(2) As an additional means of enforcement, the Board or Control Officer may accept an assurance of discontinuance of any act or practice deemed in violation of Chapter 70.94 RCW or of any order, rule, or regulation adopted pursuant thereto, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter or the orders, rules, or regulations issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from superior court in the county wherein the violation is alleged to be occurring or to have occurred.

~~((d) REPEALED April 8, 1992))~~

~~((g) At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431 written notice will be served upon the alleged violator or violators. The notice shall specify the provision of RCW 70.94 or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the board for a hearing. Every notice of violation shall offer to the alleged violator an opportunity to meet with the local air authority prior to the commencement of enforcement action.))~~

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 3.29 COMPLIANCE SCHEDULES

(a) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of Regulation 1 or RCW 70.94 or WAC 173 or any applicable federal 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, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule.

(b) The source, including ~~((A))~~ any person who owns or is in control of any plant, building, structure, establishment, process or equipment, which ~~((exceeds maximum))~~ is in violation of an emission standard ~~((of this regulation))~~ or ~~((violates any))~~ other provision of ~~((this))~~ Regulation 1 or RCW 70.94 or WAC 173, may submit a proposed Compliance Schedule to the Board for approval ~~((a proposed Compliance Schedule))~~. The proposed Compliance Schedule must meet the requirements of this section, and shall be accompanied by such information and data as the Control Officer or the Board may require. ~~((The Board may accept~~

~~such Compliance Schedule, but only after public hearing or due notice and in accordance with RCW 70.94 as now or hereafter amended.))~~

(c) Public Noticing. Compliance Schedules must meet the requirements for public involvement in accordance with RCW 70.94 as now or hereafter amended. Any hearing held pursuant to this section shall be conducted in accordance with the Rules of Evidence as set forth in RCW 34.04.100, as now or hereafter amended.

(d) Federal Action. A source shall be considered to be in compliance with this section if all the provisions of its individual compliance schedule, including those stated by 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.

(e) 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. In addition, failure at any phase to make progress towards compliance pursuant to any Compliance Schedule accepted by the Board shall be deemed an unreasonable delay and in violation of the terms of said Compliance Schedule and the Board or Control Officer may require that the responsible person appear before the Board to explain the delay and show cause why abatement action should not be started, enforcement action taken, and/or the Compliance Schedule revoked.

(f) Fee for Compliance Schedule. The Authority shall not commence processing a compliance schedule request, until it has received a filing fee as determined by Section 7.04(c).

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

REPEALER

~~((SECTION 3.31 — VARIANCE FILING FEE~~

~~((a) The Authority shall not commence processing a variance request, until it has received a filing fee as determined by Table 4, Plan Examination and Inspection Fee, Article 7, Section 7.13.))~~

AMENDATORY SECTION

SECTION 7.01 NOTICE OF CONSTRUCTION

(a) No person shall construct, install, ~~((or))~~ establish, or modify ~~((a new))~~ an air contaminant source, except those sources listed in Article 5, section 5.02(b) ~~((Exhibit A of Article 5))~~ of the Regulation without first filing with the Authority a "Notice of Construction and Application for Approval", on forms prepared and provided by the Authority, and without having received approval by ~~((of))~~ the AUTHORITY. For the purposes of this Article, addition to enlargement or replacement of an air contaminant source, or any alteration thereto, shall be construed as construction, installation or establishment of a new air contaminant source.

New air contaminant sources shall include, but not be limited to, the following:

- (1) Agricultural drying and dehydrating operations.
- (2) Asphalt plants.
- (3) Cattle feedlots with facilities for 1,000 or more cattle.
- (4) Chemical plants.

NEW SECTION

**ARTICLE 8
SOLID FUEL BURNING DEVICES**

SECTION 8.01 APPLICABILITY

The provisions of this article apply to solid fuel burning devices in all areas within the jurisdiction of Olympic Air Pollution Control Authority (OAPCA).

SECTION 8.03 DEFINITIONS

ADEQUATE SOURCE OF HEAT means the ability to maintain seventy degrees Fahrenheit (70° F) at a point three (3) feet above the floor in all normally inhabited areas of a dwelling—garages are specifically excluded.

CERTIFIED means that a woodstove meets emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by:

- a) EPA in 40 CFR Part 60 Subpart AAA—Standards of Performance for Residential Wood Heaters as amended through July 1, 1990; or
- b) Oregon Department of Environmental Quality Phase 2 emission standards contained in Subsections (2) and (3) of Section 340-21-115, and Oregon Administrative Rules, Chapter 340, Division 21—Woodstove Certification dated November 1984.

COMMERCIAL means a location that is licensed by the State of Washington to conduct business within the State of Washington.

COOK STOVE mean an appliance designed with the primary function of cooking food and containing an integral 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 cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cook stove.

IMPAIRED AIR QUALITY STAGE ONE means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24 hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight hour average.

IMPAIRED AIR QUALITY STAGE TWO means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24 hour average.

NONAFFECTED PELLET STOVE means that a pellet stove has an air-to-fuel ratio equal to or greater than 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A—Measurement of Air to Fuel Ratio and Minimum achievable burn rates for Wood fired Appliances as amended through July 1, 1990.

SALT LADEN WOOD means any species of wood that has been soaked in salt water.

SEASONED WOOD means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.

SOLID FUEL BURNING DEVICE means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel except those prohibited by Section 8.07. This also includes devices used for aesthetic or spaceheating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour. A cook stove is specifically excluded from this definition.

TREATED WOOD means wood of any species that has been chemically impregnated, painted, or similarly modified to improve structural qualities or resistance to weathering or deterioration.

WOODSTOVE means an enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating. 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.

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.

SECTION 8.05 OPACITY STANDARDS

(a) No person shall cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty (20) percent opacity for six consecutive minutes in any one hour period.

(b) 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 presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. The provision of this requirement shall not apply during the starting of a new fire for a period not to exceed twenty minutes in any four hour period.

SECTION 8.07 FUEL TYPES

(a) A solid fuel burning device shall only burn clean dry, untreated, seasoned wood. Paper is allowed only for starting the fire.

(b) A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- (1) garbage;
- (2) treated wood;
- (3) plastic products;
- (4) rubber products;
- (5) animals;
- (6) asphalt products;
- (7) petroleum products;
- (8) paints;
- (9) salt laden wood; or

PERMANENT

(10) any substance which normally emits dense smoke or obnoxious odors.

SECTION 8.09 CURTAILMENT

(a) Whenever the Authority has declared an impaired air quality stage one for a geographic area a person in a residence or commercial establishment within that geographical area with an adequate source of heat other than a solid fuel burning device shall not operate any solid fuel burning device, unless the solid fuel burning device is one of the following:

- (1) The solid fuel burning device is certified; or
- (2) A nonaffected pellet stove.

(b) Whenever the Authority has declared an impaired air quality stage two for a geographic area a person in a residence or commercial establishment within that geographical area with an adequate source of heat other than a solid fuel burning device shall not operate any solid fuel burning device.

(c) The affected geographic area of a declared Impaired Air Quality shall be determined by the Control Officer.

(d) If, on or after July 1, 1995, the Thurston County nonattainment area is not in attainment with national ambient air quality standards for particulate matter as specified in Title 40, Section 50.6 of the Code of Federal Regulations, any person in a residence or commercial establishment within the nonattainment areas shall not, at any time, burn solid fuel in any solid fuel burning device, except:

- (1) Fireplaces as defined in RCW 70.94.453(3);
- (2) certified woodstoves;
- (3) nonaffected pellet stoves.

(e) The nonattainment area is to consist of all areas within the city limits of Lacey, Olympia, and Tumwater, and unincorporated areas of Thurston county lying within or between the municipal boundaries.

(f) Low income exemption;

(1) A person who demonstrates an economic need to burn solid fuel for residential space heating purposes by qualifying for the low income energy assistance program as administered by the Thurston County Community Action Council is eligible for a written solid fuel burning device special need exemption issued by the Authority.

(2) Application for a solid fuel burning device special need exemption may be made to the Authority at any time. Exemptions shall be valid for one (1) year and may be renewed provided that the applicant qualifies for the low income energy assistance program at the time of renewal application. Special need exemptions are nontransferable and are valid only at the residence location and for the person to whom the exemption is issued. Exemptions shall be issued at no cost to the applicant.

(g) Impaired Air Quality;

(1) On or after July 1, 1995, if the Authority has limited the use of solid fuel burning devices in the nonattainment area, a single stage of impaired air quality shall apply in this geographical area and is reached when particulates 10 micron and smaller in diameter are at an ambient level of 90 micrograms per cubic meter of air as measured by a federal reference method specified in Title 40 Part 50, Appendix J of the code of Federal Regulations or a more timely ambient measurement method accepted and approved by ecology in accordance with WAC 173-433-140 (4)(a)(ii).

(2) When a single stage of impaired air is reached, no person in a residence or commercial establishment which has an adequate source of heat without burning wood shall burn wood in any solid fuel burning device.

(h) A person responsible for an applicable solid fuel burning device already in operation at the time impaired air quality is declared shall withhold new solid fuel for the duration of the impaired air quality. Smoke visible from a chimney, flue or exhaust duct after three hours has elapsed from the declaration of the 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 the smoke was not caused by a solid fuel burning device.

SECTION 8.11 EXEMPTIONS

Written exemptions granted by the Authority shall be valid for one (1) year from date of issue. Exemptions may be canceled at any time if the original request is found to be incorrect, inaccurate or fraudulent. Exemptions shall apply only to the use of a solid fuel burning device during an Impaired Air Quality and not to the other sections of this article or other applicable regulations.

(a) Emergency exemption. In an emergency situation the Authority may issue a written solid fuel burning device emergency exemption. An emergency situation shall include, but is not limited to, a situation where a person demonstrates that his/her heating system, other than a solid fuel heating device, is inoperable for reasons other than his/her own actions or a situation where the heating system has been involuntarily disconnected by a utility company or other fuel supplier. An emergency exemption shall not exceed one year.

(b) Inadequate heat source. Written exemptions may be issued by the Authority if a person can demonstrate that:

- (1) The structure was originally designed with a solid fuel burning device as the source of heat; or
- (2) The existing heat source, fueled with other than solid fuel, will not provide adequate heat.

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.

SECTION 8.13 PENALTIES

A person in violation of this Article may be subject to the provisions of Section 3.27.

SECTION 8.15 INSTALLATION OF UNCERTIFIED WOODSTOVES

It shall be unlawful to install an uncertified solid fuel burning device, except cook stoves, in new or existing buildings or structures. Uncertified solid burning devices installed after January 1, 1992, shall be in violation of this section and shall be promptly removed from the structure.

SECTION 8.17 SALE AND DISPOSAL OF UNCERTIFIED WOODSTOVES

At such time as a solid fuel burning device is to be permanently removed from its location it shall be rendered inoperable as a solid fuel burning device. A removed solid fuel burning device shall not be sold, bartered, traded, or

given away for a purpose other than recycling of the materials to form something other than an uncertified solid fuel burning device.

AMENDATORY SECTION

SECTION 9.01 OPEN FIRES

It is the policy of the Olympic Air Pollution Control Authority (OAPCA) to achieve and maintain high levels of air quality and to this end minimize to the greatest extent reasonably possible the burning of open fires. Consistent with this policy, the Board does hereby declare that such fires should be allowed only on a limited basis under strict regulation and close control, such program to be implemented by a one permit system. It is the further policy of the Board to encourage the fostering and development of an alternate technology or method of disposing of wastes which is reasonably economical and less harmful to the environment.

(a) ~~((No))~~ It shall be unlawful for any person ~~((shall))~~ to cause or allow any open fire ~~((within the jurisdiction of the Authority except as follows))~~:

~~((g))~~ ~~No person shall cause or allow any open fire:~~

(1) Containing prohibited materials which include, but is not limited to, garbage, dead animals, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal or any substance which when burned releases toxic emissions, ~~((normally emits))~~ dense smoke or obnoxious odors, ~~((except as provided for in Section 9.01(f))~~)

(2) During an air pollution episode or period of impaired air quality ~~((forecast, alert, warning or emergency condition))~~ as defined in RCW 70.94 ~~((715 State Episode Avoidance Plan))~~.

(3) In a no burn/nonattainment area or ~~i~~~~((f))~~n any area which has been designated by the Board or Control Officer as an area exceeding or threatening to exceed State or Federal ambient air quality standards, ~~((or, after July 1, 1976, State ambient air quality goals for suspended particulate described in Chapter 18-40 WAC, which is by this reference incorporated herein.))~~

(i) It shall be unlawful for any person to cause or allow any open fire described in Section 9.01 (b)(2) and (7) in any area where the Board has prohibited burning.

(ii) Fires described in Section 9.01 are prohibited in the following areas:

All areas within the city limits of Lacey, Olympia, and Tumwater, and unincorporated areas of Thurston county lying within or between the municipal boundaries.

(4) In any area in which the applicable fire district, fire protection agency, city, town, county, or conservation district has determined not to issue burning permits or has determined that selected types of open burning fires are prohibited under a valid burning permit program established pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780.

(5) Within fifty (50) feet of a structure or within five hundred (500) feet of forest slash debris.

(6) In any area within the jurisdiction of this authority all burning requires a permit as covered in WAC 173-425-070.

(7) Urban growth areas and cities with a population of ten thousand or more will ban open burning when alternatives are available, no later than the end of the year 2000.

(8) If open burning creates a nuisance the fire must be extinguished immediately.

(b) Other than the following types:

(1) **Recreational fires** no larger than four feet in diameter and three feet in height for ~~((recreational purposes, cooking of food, Indian))~~ campfires ~~((, or the sending of smoke signals for a religious ritual))~~ at designated federal, state, county or city parks and recreation areas, provided a written permit has been issued by a fire protection agency, county, or conservation district.

(2) **Residential fires** set for the disposal of yard and garden refuse (except cut grass) ~~((waste upon premises of private))~~ originating on lands immediately adjacent and in close proximity to a human dwelling ~~((s housing four families or less))~~, subject however, to the following restrictions:

(i) There shall be one (1) fire only and it shall not exceed four (4) feet in diameter and three (3) feet in height.

(ii) The material may be burned only if it is of a location, nature and condition to burn without emitting dense smoke ~~((greater than 60% opacity))~~ or offensive odors or creating a nuisance.

(iii) The fire is to consist only of dry leaves and prunings (except grass cuttings which produce dense smoke), and be burned on such lands by the property owner or their designee under strict conditions such as hours, dates, smoke management, etc., provided a written permit has been issued by a fire protection agency, county, or conservation district (thirty (30) days are the maximum allowed).

~~((iii))~~ (iv) There shall be compliance with all laws and regulations of other governmental agencies regarding such fires.

(v) The fire is not contrary to Section 9.01(a).

~~((3))~~ Fires from flares, torches and waste gas burners:

~~((4))~~ (3) Where open burning is ~~((Any fire))~~ allowed ~~((under this section is subject to the following:))~~ a minimum permit (general rule burn) is allowed provided that all restrictions (i through viii) are met.

(i) ~~((No salvage operation by opening burning will be conducted))~~ The fire must be attended at all times by someone with the means and capability of extinguishing the fire.

(ii) ~~((No garbage will be burned))~~ Maximum pile size is four (4) feet by four (4) feet by three (3) feet in height.

(iii) ~~((No dead animals will be disposed of by burning))~~ Only one pile shall be burned at a time, and each pile must be extinguished before igniting another.

(iv) No material containing garbage, asphalt, dead animals, petroleum products, paints, rubber products, plastic paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris metal or any substance which when burned releases toxic emissions, ~~((normally emits))~~ dense smoke or obnoxious odors, ~~((except as provided for in Section 9.01(f))~~)

(v) The designated permitting authority must be called to confirm burning conditions for each day or curren

information on burning conditions must be obtained from another designated source.

(vi) If the fire creates a nuisance, it must be extinguished.

(vii) Permission from a landowner, or owner's designated representative, must be obtained before starting an open fire.

(viii) General rule burn permits under this section may be used for the following number of days per year:

<u>1992-1994</u>	<u>21 days</u>
<u>1995-1998</u>	<u>14 days</u>
<u>1998-1999</u>	<u>7 days</u>
<u>after 2000</u>	<u>7 days</u>

The exact dates to implemented will be determined by the control officer.

(4) Fire associated with agricultural operations for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, provided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is the best management practice, a one time application fee of twenty dollars is collected, and prior written approval has been issued by the Control Officer.

(5) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation area, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources.

(6) Land clearing fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects, (natural vegetation can not be transported from this site to be burned at another location) under strict conditions, such as hours, dates, smoke management, etc., and provided a written permit has been issued by a fire protection agency, county, or conservation district (thirty (30) days are the maximum allowed for permit).

(7) Cooking fires consisting solely of charcoal, propane, natural gas or wood (provided that wood is not used in a no burn/nonattainment area) and used solely for the preparation of food.

(8) Fires for Native American ceremonies or for the sending of smoke signals if part of a religious ritual, (provided that proof of tribal affiliation is certified and a permit has been issued by the Control Officer in a no burn area).

((b) Open burning other than the above exceptions may be conducted only by permit from the Control Officer or his duly designated agent. Such permits shall be issued when the Control Officer, or his duly designated agent, is satisfied that:))

((1) No practical alternate method is available for the disposal of the material to be burned. Due consideration shall be given to economic factors and the location at which the material is to be burned.))

((2) No salvage operation by open burning will be conducted.))

((3) No garbage will be burned.))

((4) No dead animals will be disposed of by burning.))

((5) 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 prevent air pollution as defined in Article 1 of this Regulation. If it becomes apparent at any time to the ~~((Control Officer))~~ authorized permitting agent that limitations need to be imposed, the ~~((Control Officer, or his duly designated agent))~~ authorized permitting agent shall notify the permittee; and any limitations so imposed shall be treated as conditions under which the permit is issued.

(d) 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)) a duly designated agent.))~~ authorized permitting agent. ~~((When the Control Officer has knowledge of adverse conditions for the dispersement of the by products of combustion, an air pollution alert may be declared voiding all permits for open fires.))~~

(e) It shall be prima facie evidence that the person who owns or controls property on which an open fire ~~((prohibited by this Regulation.))~~ occurs, has caused or allowed said open fire.

(f) Firemen Training: The Control Officer, or ~~((his))~~ a duly authorized agent may allow, by permit, an open fire necessary for firemen training (other than forest fire training) by a legally authorized fire control agency and may authorize the burning of petroleum products by such permit. Conditions of this permit will agree with guidelines established by the Washington Department of Ecology.

(g) Nothing contained in Article 9 shall be construed to allow open fires in those areas in which open burning is prohibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(h) Nothing contained in Article 9 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with Section 11.101 of the Uniform Fire Code.

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 9.03 GENERAL STANDARDS FOR MAXIMUM VISUAL EMISSIONS (see WAC 173-400-040)

All facilities, sources and emissions units are required to meet the visual emission standards of this section except when a visual emission standard is listed in another section of Regulation 1, or where a Notice of Construction lists a more stringent visual emission standard, or where an applicable State of Washington or Federal Regulation lists a visual emission standard that is more stringent, such standards will take precedent over a general emission standard listed in this section.

(a) In equipment or facilities, including boilers using hogged fuel, regardless of their date of installation, no

person shall cause or allow the emission to the outdoor atmosphere, for more than three (3) minutes in any one hour, of a gas stream containing air contaminants which are greater than 20% opacity.

~~((e) No person shall cause or allow the discharge or emission of particulate matter which becomes deposited upon the real or personal property of others. This restriction shall not apply if discharge or emissions are in compliance with Section 9.05 of this regulation; provided, however, that causing or allowing the discharge or emission of particulate matter upon the real or personal property of others shall be prima facie evidence that section 9.05 is not being complied with and the burden of proof shall be upon the source to establish compliance.))~~

~~((d))~~ (b) Observations shall be made by trained and certified observers or by LIDAR instrumentation.

~~((e))~~ (c) The ~~((only))~~ exceptions to Section 9.03(a) of this Regulation are as follows:

(1) ~~((When the gas stream is an e))~~ Emissions occurring due to soot blowing or grate cleaning may be greater than 20% opacity; providing the operator can demonstrate that soot blowing or grate cleaning will not exceed a total of 15 minutes in any 8 consecutive hours. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and OAPCA shall be advised of the schedule. ~~((from a boiler using hog fuel, and an emission occurs which is due to unplanned and unintentional combustion conditions, the emission may be greater than 40% opacity but, must be less than 60% opacity; for a period of not more than six (6) minutes in any one hour: PROVIDED, that the operator shall take immediate action to correct the situation.))~~

~~((2) For purposes of necessary soot blowing, the emission may be darker than the above limits for a period of not more than fifteen (15) minutes or three (3) minutes per boiler, whichever is less, in any eight (8) hour period.))~~

(3) ~~((Where))~~ When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the ~~((failure of an emission to meet the limitations of this section, those limits shall not apply. The burden of proof in this case shall be upon the person seeking to operate within the provisions of this section))~~ opacity to exceed 20%.

~~((4) The limits of this section shall not apply during the time for compliance with this Regulation fixed by the Control Officer or the Board.))~~

AMENDATORY SECTION

SECTION 9.05 GENERAL STANDARDS FOR MAXIMUM PARTICULATE MATTER (see WAC 173-400-040, -050, -060, 070)

All sources and emissions units are required to meet the emission standards of this section, except when a standard is listed in another section of Regulation 1, or where a Notice of Construction Approval Order lists a more stringent standard, or where an applicable State of Washington or Federal Regulation lists a standard that is more stringent, such standards will take precedent over a general emission standard listed in this section. Further, all existing emission 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 OAPCA Regulation 1. When current controls are determined to be less than RACT, OAPCA shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or source category for installation of RACT. Particulate test procedures, on file at the Authority, will be used to determine compliance. The Authority includes the Method 5 back-half condensible particulate matter, for determining compliance with particulate matter standards.

~~((a) No person shall cause or allow the emission to the outdoor atmosphere of particulate matter in violation of Section 9.03.))~~

(a) In equipment or facilities except boilers using hog fuel, no person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.10 grains per standard cubic foot of gas (calculated at ~~((12% carbon dioxide))~~ 7% oxygen). ~~((if emission is from a combustion source, and in the case of incineration, corrected for the use of auxiliary fuel.))~~ Particulate test procedures, on file at the Authority, will be used to determine compliance. The Authority includes the Method 5 back-half condensible particulate matter, for determining compliance with particulate matter standards.

(b) Hogged Fuel Boilers: ~~((In equipment or facilities installed subsequently to the effective date of this Regulation.))~~ ~~((n))~~ No person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.20 grains per standard cubic foot of gas (calculated to ~~((12% carbon dioxide))~~ 7% oxygen.) ~~((if emission is from a combustion process.))~~ Particulate test procedures, on file at the Authority, will be used to determine compliance. The Authority includes the Method 5 back-half condensible particulate matter, for determining compliance with particulate matter standards.

(c) Fugitive particulate material. Reasonable and/or appropriate precautions shall be taken to prevent fugitive particulate material from becoming airborne;

(1) When handling, loading, unloading, transporting, or storing particulate material, or

(2) When constructing, altering, repairing or demolishing a building; or its appurtenance; or a road; or

(3) From an untreated open area.

For the purpose of this subsection, fugitive particulate means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as stack or vent.

(d) No person shall cause or allow any construction alteration, repair, maintenance or demolition work without taking precautions to prevent air pollution.

(e) 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 which interferes unreasonably with the use and enjoyment of the property upon which the material is deposited.

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.

REPEALED SECTIONMOVE SECTION 9.06 TO ARTICLE 8~~((SECTION 9.06 WOODSTOVES~~

~~If, on or after July 1, 1995, the Thurston County Nonattainment area is not in attainment with national ambient air quality standards for particulate matter as specified in Title 40, Section 50.6 of the Code of Federal Regulations, any person in a residence or commercial establishment within the nonattainment areas shall not, at any time, burn solid fuel in any solid fuel burning device, except:~~

~~(1) fireplaces as defined in RCW 70.94.453(3);~~

~~(2) woodstoves meeting the standards set forth in RCW 70.94.457 or Title 40, Part 60 of the Code of Federal Regulations;~~

~~(3) pellet stoves not affect by Title 40, Part 60 of the Code of Federal Regulations.~~

~~(a) The nonattainment area is to consist of the incorporated and nonincorporated areas within the boundaries of Lacey, Olympia, and Tumwater.~~

~~(b) Low Income Exemption~~

~~(1) A person who demonstrates an economic need to burn solid fuel for residential space heating purposes by qualifying for the low income energy assistance program as administered by the Thurston County Community Action Council is eligible for a written solid fuel burning device special need exemption issued by the Authority.~~

~~(2) Application for a solid fuel burning device special need exemption may be made to the Authority at any time. Exemptions shall be valid for one (1) year and may be renewed provided that the applicant qualifies for the low income energy assistance program at the time of renewal application. Special need exemptions are nontransferable and are valid only at the residence location and for the person to whom the exemption is issued. Exemptions shall be issued at no cost to the applicant.~~

~~(c) Impaired Air Quality~~

~~(1) On or after July 1, 1995, if the Authority has limited the use of solid fuel burning devices in the nonattainment area, a single stage of impaired air quality shall apply in this geographical area and is reached when particulates 10 microns and smaller in diameter are at an ambient level of 90 micrograms per cubic meter of air as measured by a federal reference method specified in Title 40 Part 50, Appendix J of the code of Federal Regulations or a more timely ambient measurement method accepted and approved by Ecology in accordance with WAC 173-433-140 (4)(a)(ii).~~

~~(2) When a single stage of impaired air is reached, no person in a residence or commercial establishment which has an adequate source of heat without burning wood shall burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457 or Title 40, Part 60 of the code of Federal Regulations.))~~

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 SECTIONSECTION 9.07 INCINERATION OPERATION

(a) No person shall cause or allow any incineration operation within the Authority's jurisdiction except in an ~~((multiple chamber))~~ incinerator ~~((and))~~ provided with emission control apparatus ~~((or in equipment))~~ found by the Control Officer, or ~~((his))~~ a duly designated agent, in advance of such use, to be ~~((equally))~~ effective for the purpose of air pollution control.

~~((SECTION 9.09 INCINERATION HOURS))~~

~~((a))~~(b) Incinerator Hours - No person shall cause or allow an incineration operation at any time other than daylight hours of the same day, except with approval of the Control Officer.

~~((b))~~ Approval of the Control Officer for an incineration operation may be granted upon the submission of a written request stating:))

~~((1))~~ The name and address of the applicant:))

~~((2))~~ The location of the incinerator:))

~~((3))~~ A description of the incinerator and its control apparatus:))

~~((4))~~ Valid reason for issuance of such approval:))

~~((5))~~ The hours, other than daylight hours, during which the applicant seeks to operate the equipment:))

~~((6))~~ The length of time for which the exception is sought:))

AMENDATORY SECTIONSECTION 9.11 ODOR CONTROL MEASURES

(a) ~~((Effective control apparatus, measures, or process))~~ Reasonably available control technology (RACT) shall be installed and operated to ~~((reduce))~~ mitigate odor-bearing gases ~~((or particulate matter))~~ emitted into the atmosphere to a minimum, or, so as not to create air pollution.

(b) The Board may establish requirements that the building or equipment be enclosed and ventilated in such a way that all the air, gases and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the outdoor atmosphere.

(c) No person shall cause or allow the emission or generation of any odor from any source which unreasonably interferes with another person's use and enjoyment of ~~((his))~~ their property.

AMENDATORY SECTIONSECTION 9.1((3))2 EMISSION OF AIR CONTAMINANT - CONCEALMENT AND MASKING (WAC 173-400-040)

a) No person shall cause or allow the installation or use of any device or use of any means which, ~~((without resulting in a reduction in the total amount of air contaminant emitted,))~~ conceals or masks an emission of air contaminant which would otherwise violate ~~((Section 9.03 through 9.11 and Section 9.19 of this Regulation))~~ any provisions of OAPCA's Regulation I or WAC 173-400.

b) No person shall cause or allow the installation or use of any device or use of any means designed to conceal or mask the emission of an air contaminant which causes detriment to health, safety, or welfare of any person, or cause damage to property or business.

AMENDATORY SECTION

SECTION 9.1((2))3 EMISSION OF ((FORMALDEHYDE)) TOXIC AIR POLLUTANTS

(a) Sources installed after June 18, 1991, shall meet the requirements of WAC 173-460, New Sources of Toxic Air Pollutants. For sources installed after June 18, 1991, "Toxic air pollutant (TAP)" means any Class A or Class B toxic air pollutant listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(b) No person shall cause or allow the emission of formaldehyde into the ambient air beyond such person's property line which will result in a concentration exceeding .05 ppm (parts per million) 1 hour average or 61 micrograms per cubic meter 1 hour average ~~((of the air, corrected to 25 degrees centigrade and 760 mm Hg)).~~

AMENDATORY SECTION

SECTION 9.15 REPORTING OF ((BREAKDOWN, OR, OTHER CAUSE OF FAILURE OF COMPLIANCE WITH THE REGULATION)) EXCESS EMISSIONS

~~((a) The following shall be reported to the Authority within twenty four (24) hours after occurrence:))~~

(a) Excess emissions shall be reported to the Authority as soon as possible and within 24 hours unless the Authority has established alternative reporting timeliness requirements for the source. Upon request by the Control Officer, 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 preventative measures to be taken to minimize or eliminate the chance of recurrence.

(b) The owner or operator of a source shall have the burden of proving to the Authority that excess emissions were unavoidable.

~~((1) Unavoidable, unforeseeable upset conditions and/or break down of equipment of control apparatus, any of which relate to the control of emission sources.))~~

~~((2) Any occurrence of an open fire of waste materials without an Olympic Air Pollution Control Authority permit.))~~

~~((b) The person responsible shall take immediate action to correct the problem and shall, upon the request of the Control Officer, make a complete report outlining the causes and the preventive measures to be taken to minimize or prevent recurrence.))~~

(c) The following scenarios of excess emissions shall be considered unavoidable:

(1) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (a) of this section

and adequately demonstrates to the Control Officer that the excess emissions could no 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.

(2) Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (a) of this section and could not have been avoided through better design, scheduling for maintenance or through better operation and maintenance practices.

(3) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (c) of this section and demonstrates to the satisfaction of the Authority that:

(i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(ii) The event was not of a recurring pattern indicative of inadequate design, operation or maintenance; and

(iii) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during and after 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.

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

SECTION 9.16 CONTROL EQUIPMENT - MAINTENANCE AND REPAIR

All ~~((registered))~~ air contaminant sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.

NEW SECTION

SECTION 9.17 BURNING USED OIL IN LAND BASED FACILITIES (RCW 70.94.610)

(a) Except as provided in subsection (b) of this section, a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets the following standards:

(i) Cadmium: 2 ppm maximum

(ii) Chromium: 10 ppm maximum

(iii) Lead: 100 ppm maximum

(iv) Arsenic: 5 ppm maximum

(v) Total halogens: 1000 ppm maximum

(vi) Polychlorinated biphenyls: 2 ppm maximum

(vii) Ash: .1 percent maximum

(viii) Sulfur: 1.0 percent maximum

(ix) Flash point: 100 degrees Fahrenheit minimum.

(b) This section shall not apply to:

(i) Used oil burned in space heaters if the space heater has a maximum heat output of not greater than 0.5 million btu's per hour or used oil burned in facilities permitted by the Authority; or

(ii) ocean going vessels.

(c) This section shall not apply to persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

Test procedures for determining compliance for the above specifications shall be approved by the Authority.

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

REPEALED SECTION

~~((SECTION 9.19 EMISSION OF SULFUR COMPOUNDS~~

~~(a) No person shall cause or allow the emission of sulfur dioxide from any premises which will result in concentrations and frequencies at ground level that exceed those shown in the following table:~~

~~TABLE 5~~

~~MAXIMUM ALLOWABLE SULFUR DIOXIDE GROUND LEVEL CONCENTRATIONS~~

Concentration*	Averaging Time	Frequency of Occurrence
0.40 ppm	1 Hour	Once per year
0.25 ppm	1 Hour	Twice in any consecutive 7 Days
0.10 ppm	24 Hours	Once per year
0.02 ppm	1 Year	Annual Arithmetic Mean

~~*parts per million by volume~~

~~Emission exceeding the limits established in this subsection (a) shall not constitute a violation of Section 9.19 of this Regulation provided such emissions, from the emission point to the point of any such concentration, are on property controlled by the person responsible for such emissions.~~

~~(b) No person shall cause or allow the emission of air contaminant if the air contaminant, as measured in the stack, contains oxidized sulfur compounds, calculated as sulfur dioxide, of more than 1,500 parts per million. For the purpose of this section, all gaseous sulfur compounds containing oxygen shall be deemed to be present as sulfur dioxide.~~

~~Newly installed sources of sulfur compounds and all sources after July 1, 1975 shall not cause or allow emission of air contaminant if the air contaminant, as measured in the stack, contains oxidized sulfur compounds, calculated as sulfur dioxide, of more than 1,000 parts per million. For the purpose of this section, all gaseous sulfur compounds containing oxygen shall be deemed to be present as sulfur dioxide.~~

~~Tests for determining compliance with Section 9.19(b) of this Regulation shall be based on integrated samples collected over a period of not less than fifteen (15) consecutive minutes or ninety percent (90%) of the time of actual source operation, whichever is less.~~

~~(c) Emissions of sulfur compounds calculated to be in excess of 1,500 parts per million of sulfur dioxide at any emission point, or in excess of 1,000 parts per million of~~

~~sulfur dioxide at any emission point in newly installed sources and all sources after July 1, 1975, shall not constitute a violation of Section 9.19(b) of this Regulation, provided such emission will not cause ground level concentration on adjacent property to exceed the values indicated in Section 9.19(a) of this Regulation, and, that there is no feasible method of reducing the emission concentration further. In this case, the Control Officer shall require the installation, operation, and maintenance of no more than three (3) continuous ambient air monitoring stations at locations approved by the Control Officer. Equipment used for air monitoring shall require the approval of the Control Officer.~~

~~The burden of proof that such emissions will not cause ground level concentrations on adjacent property to exceed the values indicated in Section 9.19(a) and that there is no feasible method of reducing the emissions concentration further is with the person responsible for such emissions.~~

~~(d) All concentrations of sulfur dioxide referred to above are by volume, dry, and for combustion emissions, the exhaust gas volume shall be corrected to 7% oxygen.)~~

AMENDATORY SECTION

SECTION 9.23 EMISSIONS OF AIR CONTAMINANT OR WATER VAPOR: DETRIMENT TO PERSONS AND/OR PROPERTY

~~((a))~~ No person shall cause or allow the emission of an air contaminant or water vapor, including an air contaminant whose emission is not otherwise prohibited by this Regulation, if the air contaminant or water vapor causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

AMENDATORY SECTION

SECTION 10.01 EMISSION AND OPERATING STANDARDS

All waste-wood burners within the jurisdiction of this Authority are required to meet the following:

(a) Definitions:

(1) Wigwam Burner - A simple structure consisting of nothing more than a sheet metal shell supported by structural steel members in a conical shape. Usually the base diameter is approximately equal to its height and the outlet diameter is approximately one-third of its base diameter. They have limited control of primary air. The metal shell is cooled by peripheral air which flows upward and over the inside surface.

(2) Silo Burner - Burner consists of cylindrical chamber constructed of high duty refractory material. Air is supplied by mechanically powered underfire and overfire air.

(b) Visible Emissions:

(1) Wigwam Burner - No person shall cause or allow the emission to the outdoor atmosphere for more than fifteen (15) minutes in any consecutive eight (8) hours of any contaminant greater than 20% opacity.

(2) Other Burners (Including silo burners) - No person shall cause or permit the emission for more than three (3) minutes, in any one hour, of an air contaminant which exceeds 20% opacity.

PERMANENT

PERMANENT

(c) Particulate:

(1) No person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.10 grains per standard cubic foot of gas (calculated to ~~((12% carbon dioxide))~~ 7% oxygen), as when by a source test approved by the Authority.

(2) No person shall cause or permit the emission of particulate matter from a waste-wood burner which then becomes deposited beyond the property directly controlled by the owner or operator of the waste-wood burner in sufficient quantity to interfere unreasonably with using and enjoying the property where the material was deposited.

(d) Construction and Operation Standards:

(1) All new sources or major modifications of existing sources shall use Best Available Control Technology (BACT). After notice from the Authority, one or more of the following items of equipment shall be installed and corrective measures shall be taken until compliance with Regulation 1 is attained:

(i) Refractory lining with the top of the chamber a smaller diameter than the base.

(ii) Mechanically-powered overfire and underfire combustion air system.

(iii) Elimination of all unnecessary openings.

(iv) A controlled and metered solids-feeding system.

(v) Other modification determined necessary by the Authority.

AMENDATORY SECTION

SECTION 10.03 EXCEPTIONS:

~~((a))~~ Abnormal Conditions and Equipment Malfunction:

Emissions in excess of established regulation limits as a direct result of equipment malfunction or breakdown, or to abnormal conditions beyond the control of the person or firm owning or operating such equipment shall not be deemed in violation of such regulations, if the Authority is advised of the circumstances of such malfunction within 24 hours and a corrective program is outlined which is acceptable to the Authority.

AMENDATORY SECTION

SECTION 10.05 PROHIBITED MATERIALS

Asphaltic materials, plastics, rubber products, dead animals, petroleum products, paints, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal, sanitary garbage, or materials which cause dense smoke or obnoxious odors shall not be burned or disposed of in waste-wood burners.

REPEALED

~~((ARTICLE 12))~~

~~((STANDARDS FOR MOTOR VEHICLES))~~

~~((All licensed and unlicensed motor vehicles within the jurisdiction of this Authority are required to meet the following standards, except that the provisions of 12.01 and~~

~~12.03 are not applicable to vessels in port and railway locomotives.))~~

~~((SECTION 12.01 VISIBLE EMISSIONS IN AND FROM EQUIPMENT SOLD OR REGISTERED BEFORE JANUARY 1, 1971))~~

~~((No person shall cause or allow emission to the atmosphere from a motor vehicle first sold or registered as a new motor vehicle before January 1, 1971, at elevations of less than 3,000 feet for a period of more than 10 seconds, of air contaminants which is greater than 40% opacity.))~~

~~((SECTION 12.03 VISIBLE EMISSIONS IN AND FROM EQUIPMENT SOLD OR REGISTERED AFTER JANUARY 1, 1971))~~

~~((No person shall cause or allow emission to the atmosphere from a motor vehicle first sold or registered as a new motor vehicle on or after January 1, 1971, at elevations of less than 3,000 feet for a period of more than 10 seconds, of air contaminants which is greater than 20% opacity.))~~

~~((SECTION 12.05 FUGITIVE PARTICULATE MATERIAL))~~

~~((No person shall cause or allow the emission of particulate matter from a motor vehicle of such size and nature as to be visible in sufficient number to cause annoyance to any other person. This restriction shall apply only if such particulate matter falls on real or personal property other than that of the person responsible for the emissions. This applies to the following:))~~

~~((a) When handling, transporting or storing particulate material.))~~

~~((b) When constructing, altering or repairing a road.))~~

~~((For the purpose of this subsection, fugitive particulate means particulate material which is being emitted to the open air from points other than an opening designed for emissions such as a smokestack, vent or exhaust pipe.))~~

~~((SECTION 12.07 OTHER SECTIONS NOT APPLICABLE))~~

~~((This section is a specific process emission restriction and if any portion herein conflicts with any other section or portion thereof, or other regulations of this Authority, the provisions herein shall apply.))~~

AMENDATORY SECTION

SECTION 13.02 RECORD KEEPING AND REPORTING

(a) The owner or operator of any stationary source in the geographical area of the Authority shall, upon notification by the Control Officer of the Olympic Air Pollution Control Authority, maintain records of the nature and amounts of emissions from such source and/or provide other information deemed necessary by the Control Officer to determine whether such source is in compliance with the applicable emission limitations and other control measures.

(b) The information pursuant to subsection (a) hereof shall be reported to the Control Officer on forms supplied by the Olympic Air Pollution Control Authority. Such reports

shall be filed (~~(semi-annually during January and July of each year, or)~~) at such (~~(other)~~) times as the Control Officer shall direct.

REPEALED

((SECTION 13.05 PUBLIC INFORMATION))

~~((a) Emission data obtained by the Authority to the preceding section or otherwise obtained by the Authority, will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Authority.))~~

AMENDATORY SECTION

SECTION 14.01 REMOVAL AND ENCAPSULATION OF ASBESTOS MATERIAL PURPOSE

The Board of Directors of the Olympic Air Pollution Control Authority (~~(recognize that asbestos is a serious health hazard. Any asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma, or asbestosis))~~ has found that the use, production, and emission of air contaminants into the atmosphere in the OAPCA region poses a threat to the public health, safety, and welfare of the citizens of the region and causes degradation of the environment. ((The)) Therefore the Board ((has)), ((therefore, determined that any asbestos emitted to the ambient air is air pollution)) in order to control the emission of toxic air pollutants and to provide for uniform enforcement of air pollution control in its jurisdiction and to carry out the mandates and purposes of the Washington Clean Air Act, the Federal Clean Air Act, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) (40 CFR Part 61), declares the necessity of the adoption of this section pertaining to air contaminants. ((Because of the seriousness of the health hazard, the Board has adopted this regulation to control asbestos emissions from asbestos removal and encapsulation projects in order to protect the public health. In addition, the Board has adopted these regulations to coordinate with the EPA asbestos NESHAP, the OSHA asbestos regulation, the Washington Department of Labor and Industries asbestos regulations, the Washington Department of Ecology Dangerous Waste regulation, and the solid waste regulations of Pacific, Clallam, Jefferson, Mason, Grays Harbor, and Thurston counties.))

AMENDATORY SECTION

SECTION 14.03 DEFINITIONS

When used in this Article the following definitions shall apply:

ADEQUATELY WET((TED)) means sufficiently mixed, saturated, penetrated, or coated with a continuous fine mist of water or an aqueous solution to prevent visible emissions.

ASBESTOS means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

ASBESTOS CONTAINING ((WASTE)) MATERIAL((S)) means any (~~(waste))~~ material ((that)) contain((s))ing 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 includes asbestos waste from control devices, contaminated clothing, asbestos waste material, material used to enclose the work area during an asbestos project, and bags or containers that previously contained asbestos.)) This term does not include asbestos-containing roofing material, regardless of asbestos content, when the following conditions are met:

(1) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and

(2) The binder is petroleum based, the asbestos fibers are suspended in that base, and the individual fibers are still encapsulated; and

(3) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and

(4) 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.

ASBESTOS-CONTAINING WASTE MATERIAL means any waste ((material)) that contain((ing)s ((at least one percent (1%))) asbestos-containing material, ((by weight, unless it can be demonstrated that the material does not release asbestos fibers when crumble, pulverized or otherwise disturbed)). 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-contaminated 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.

ASBESTOS ENCAPSULATION means the application of an encapsulant to the asbestos materials to control the release of asbestos fibers into the air. ((For the purpose of this regulation, encapsulation includes enclosure))

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 or asbestos-containing waste material. It does not include the application of duct tape, re-wettable glass cloth, canvas, cement, paint, or other nonasbestos materials to seal or fill exposed areas where asbestos fibers may be released.

~~((ASBESTOS REMOVAL means to take out asbestos materials from any facility and includes the stripping of any asbestos materials from the surface of or components of a facility.))~~

ASBESTOS SURVEY means an inspection using the procedures contained in 40 CFR 763.86, or an alternate method that has received prior written approval from the

Control Officer, 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.

CERTIFIED ASBESTOS WORKER/SUPERVISOR means a person who is certified as required 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.

COLLECTED FOR DISPOSAL means sealed in a leak-tight, labeled container while adequately wet.

COMPONENT means any equipment, pipe, structural member, or other item covered, coated, or manufactured from asbestos-containing material.

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. ((In the case of a nonmultiple unit private dwelling housing two families or less, the controlled area is the interior of the dwelling)). For residential dwellings, the controlled area is the interior of the dwelling, garage, or fenced area that is secured, and warning signs posted accordingly.

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.

EMERGENCY ((REMOVAL)) RENOVATION OPERATION means ((an asbestos removal operation that was not planned but results from a sudden, unexpected event. This term includes removal operations necessitated by failures of equipment, identification of additional asbestos material during the course of a removal or removal necessary to abate an imminent health hazard.)) a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by nonroutine failures of equipment.

((ENCAPSULANT is a compound which creates a membrane over a surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).))

FACILITY means any institutional, commercial, public, industrial, or residential structure, installation, ((vessel or)) building, (including any building containing condominiums or individual dwelling units operated as a residential cooperative) any vessel; ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling, is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use of function.

((FACILITY COMPONENT means any equipment at or in a facility or any structural member of a facility.))

FUGITIVE SOURCE means any sources of emissions not controlled by an air pollution control device.

HEPA FILTER means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micro((#))meter mean aerodynamic diameter particles with 99.97% ((percent)) efficiency.

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.

LOCAL EXHAUST VENTILATION AND COLLECTION SYSTEM means a system ((which meets the regulation of)) as described in Appendix J of EPA 560/565-024 (Guidance for Controlling Asbestos-Containing Materials in Buildings).

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.

((REPAIR means the restoration of asbestos material that has been damaged. Repair consists of the application of duct tape, re-wettable glass cloth, canvas, cement or other suitable material to seal exposed areas where asbestos fibers may be released. It may also involve filling damaged areas with nonasbestos substitutes and re-encapsulating or painting previously encapsulated materials. Repair of asbestos materials is not covered by this regulation.))

RESIDENTIAL DWELLING means any nonmultiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is owned, used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers houseboats, and houses 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, or any building that is leased or used as a rental.

((STRUCTURAL MEMBER means any load-supporting member of a facility, such as beams and load-supporting walls; or any nonload-supporting member, such as ceiling and nonload-supporting walls.))

VISIBLE ASBESTOS EMISSIONS means any ((emission)) asbestos containing materials that ((is)) are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.

WASTE GENERATOR means any owner or operator of a source whose act or process produces asbestos-containing waste material.

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.

WORKING DAY means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

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

SECTION 14.05 NOTIFICATION REQUIREMENT AND FEES

(a) Application Requirements - Applicability

It shall be unlawful for any person to cause or allow work on an ~~((the removal or encapsulation of))~~ asbestos project or demolition ~~((materials))~~ unless the owner or ~~((person))~~ operator ~~((conducting an asbestos removal or encapsulation operation))~~ has ~~((filed with))~~ obtained written approval from the Control Officer ~~((written notice of intention to remove or encapsulate asbestos.))~~ as follows:

(1) A written "Application to Perform an Asbestos Project" or an "Application to Perform a Demolition" shall be submitted on Agency-provided forms by the owner or operator for approval by the Control Officer before any work on an asbestos project or demolition begins. It shall be unlawful for any person to cause or allow any false or misrepresenting information on either form.

(2) The written application shall be accompanied by the appropriate application fee and a certification that an asbestos survey has been conducted.

(3) The written application for a demolition shall also include a certification that there is no known asbestos-containing material remaining in the area of the demolition.

(4) The duration of an asbestos project or demolition shall not exceed one (1) year beyond the original starting date and shall have a starting and completion date that is commensurate with the amount of work involved.

(5) A copy of the approved application and asbestos survey shall be available for inspection at the asbestos project or demolition site.

(6) Upon completion of an asbestos project or a demolition, a written "Notice of Completion" shall be filed with the Control Officer.

(7) Submission of an "Application to Perform an Asbestos Project" shall be prima facie evidence that the asbestos project involves asbestos-containing material.

(8) Application for multiple asbestos projects may be filed on one form, if the following criteria are met:

(A) The work will be performed continuously by the same contractor; and

(B) The structures are in a contiguous group and all have the same original post office box or mailing address; and

(C) The asbestos project specifications regarding location and dates are provided in detail; and

(D) All asbestos projects are bid as a group under the same contract.

~~((b) If the amount of asbestos material to be removed from a facility is at least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet), on other facility components the notice required by section 14.07 shall be received by the Control Officer at least 10 days before removal begins, accompanied by a \$250 notification fee.))~~

(b) Application Requirements - Advance Notification Period and Fee.

Any application required by Section 14.05(a) shall be considered incomplete until all the information required by Section 14.05(a) is received by the Control Officer and accompanied by the appropriate, nonrefundable fee. The advance notification period and appropriate fee shall be determined by the following table 14.1:

PERMANENT

TABLE 14.1: ASBESTOS

		Advanced Notification Period	Application Fee	Forms Required
Demolition	All	10 Working days	\$ 25.00	1) Application to perform a demolition 2) Certification that no known asbestos is present
Asbestos Project	Residential	Prior Notification Required	\$ 25.00	Application to perform an asbestos project - owner living in home
Asbestos Project	<10 linear ft. <11 square ft	Prior Notification Required	\$ 25.00	Application to perform an asbestos project
Asbestos Project	10-259 linear ft 11-159 square ft	10 working days	\$ 100.00	Application to perform an asbestos project
Asbestos Project	260-999 linear ft 160-4,999 square ft	10 working days	\$ 250.00	Application to perform an asbestos project
Asbestos Project	1,000-9,999 linear ft 5,000-49,999 sq ft	10 working days	\$ 500.00	Application to perform an asbestos project
Asbestos Project	10,000+ linear ft 50,000+ square ft	10 working days	\$1,000.00	Application to perform an asbestos project
Annual Asbestos Project		Prior notification required	\$ 500.00	Application to perform annually
Amendments	All projects	Prior Notification Required	\$ 25.00 (3rd amendment & after)	Amended copy of approved application
Emergency	All projects that normally require a 10 working day notification period	Prior Notification Required	\$ 50.00 Plus Normal Notification fee	Emergency Waiver Request Letter submitted by property owner

PERMANENT

~~(((e) If the amount of asbestos material to be removed from a facility is less than 80 linear meters (260 linear feet) on pipes or 15 square meters (160 square feet) on other facility components, the notice required by section 14.07 shall be received by the Control Officer at least 10 days prior to the removal or encapsulation accompanied by a \$100 notification fee.))~~

(c) Annual Applications.

In addition to the application requirements of Sections 14.05(a) and 14.05(b), the owner or operator of a facility may file for approval by the Control Officer an annual written application 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 Sections 14.05 (a)(1) through 14.05 (a)(4), 14.05 (a)(6), and 14.05(b) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(1) Annual Application - Restrictions.

(A) The annual written application shall be filed for approval by the Control Officer before commencing work on any asbestos project to be specified in an annual application.

(B) 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.

(C) The application requirements of Sections 14.05(a) and 14.05(b) 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.

(D) A copy of the written annual application shall be available for inspection at the property owner's or operator's office until the end of the calendar year.

(E) Asbestos-containing waste material generated from asbestos projects filed under an annual application may be stored for disposal at the facility if all of the following conditions are met:

(i) All asbestos-containing waste material shall be treated in accordance with Sections 14.11 (a)(1), 14.11 (a)(2), 14.11 (a)(3);

(ii) Accumulated asbestos-containing waste material 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

(iii) 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.

(2) Annual Application - Reporting Requirements and Fees.

Annual written applications required by Section 14.05 (c)(1) shall be submitted by the facility owner or operator on forms provided by the Agency and filed for approval by the Control Officer, accompanied by an annual fee of \$500.00.

(3) Annual Application - Quarterly Reporting Requirements.

In addition to the written annual application requirements of Section 14.05 (c)(2), the facility owner or operator shall submit quarterly written reports to the Control Officer within fifteen (15) days after the end of each calendar quarter.

~~((d) If the amount of asbestos material to be removed is less than 3 linear meters (10 linear feet) on pipes or one square meter (11 square feet), on other facility components or if the project is an asbestos encapsulation, the notice required by section 14.07 shall be received prior to the removal or encapsulation, accompanied by a \$25 fee.))~~

(d) Application Requirements - Amendments.

It shall be unlawful for any person to cause or allow any deviation from information contained in a written application unless an amended application has been received and approved by the Control Officer. Amended application required by this section shall be filed by the original applicant, received by the Control Officer no later than the last filed completion date, and are limited to the following revisions:

(1) A change in the job size category because of additional asbestos-containing material. In this case, the fee shall be increased accordingly and the fee shall be equal to, but not exceed, the fee amount provided for each size category specified in Section 14.05(b);

(2) The asbestos project or demolition starting or completion date, provided that 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 Section 14.05(d) and approved by the Control Officer. If an amended application results in a job size category that requires a waiting period as specified in Section 14.05(b) and the original application did not require a waiting period, the advance notification period shall commence on the approval date of the original application;

(3) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;

(4) 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.

(5) Method of removal or compliance procedures, provided the revised plan meets the asbestos emission control and disposal requirements of Section 14.09 and 14.11;

(6) 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

(7) Any other information requested by the Control Officer.

~~((e) The requirements of section 14.05 (b), (c), and (d) shall not apply to asbestos projects undertaken by a source registered under Article 5 of this Regulation or a school district in its own facility if all the following conditions are met:))~~

~~((1) A written notice of intention to remove or encapsulate asbestos as required under Section 14.07 may be submitted for a calendar year. Notification shall be received by the Control Officer at least 20 days before the beginning of the calendar year.))~~

~~((2) Written notice shall be accompanied by a \$500 fee.))~~

~~((3) Any change in the information required by section 14.07 shall require a new notification. An additional fee is not required.))~~

~~((4) A quarterly report shall be received by the Control Officer within 20 days after the end of each calendar year quarter. The report shall include:))~~

~~((i) The status of all asbestos projects undertaken during the previous quarter, including the following information for each report:))~~

~~((A) Location of the project.))~~

~~((B) Starting and completion dates of the project.))~~

~~((C) Quantity of asbestos material removed (in linear or square feet.))~~

~~((D) Names of asbestos contractor or names of source or school district employees conducting the project (including asbestos certificate number.))~~

~~((ii) The asbestos projects anticipated to be undertaken during the next quarter.))~~

~~((5) The sum total of all asbestos removals from each structure, installation, vessel, or building in a calendar year is less than 80 linear meters (260 linear feet) on pipes or 15 square meters (160 square feet) on other components.))~~

PERMANENT

(e) Advance Notification Period - Exemptions (Emergency)

The Control Officer may waive the required ten (10) working day advance notification period in Section 14.05(b) for an asbestos project or demolition if the facility owner demonstrates to the Control Officer that there is an emergency as follows:

(1) Emergency Asbestos Project. 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 Control Officer and be accompanied by the required application and appropriate fee as required by Sections 14.05(a) and 14.05(b). Any request for approval of an emergency asbestos project shall include, at a minimum:

(A) The complete name, mailing address, and telephone number of the facility owner or operator, including the city, zip code, and county;

(B) The complete street address or location of the asbestos project site, including the city, zip code, and county;

(C) A description of the sudden and unexpected event including the date and hour that the emergency occurred; and

(D) An explanation of how the sudden and unexpected event has caused an emergency condition.

(2) Government Ordered Demolition. The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for a demolition 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 for approval by the Control Officer and be accompanied by the required applications and appropriate fee as required by Sections 14.05(a) and 14.05(b). Any request for approval of an emergency demolition shall include, at a minimum:

(A) The complete name, mailing address, and telephone number of the owner or operator of the facility and the asbestos project, including the city, zip code, and county;

(B) The complete street address or location of the demolition site, including the city, zip code, and county;

(C) The name, title, and authority of the state or local government representative who has ordered the demolition;

(D) The reason why the demolition was ordered; and

(E) The dates on which the order was received and the demolition was ordered to begin.

((f) If the asbestos material is to be removed from or encapsulated in a non multiple unit private dwelling housing two families or less, the notice required by section 14.07 shall be received by the Control Officer prior to project commencement. A \$25 fee is required.))

REPEALED

((SECTION 14.07 WRITTEN NOTIFICATION

(a) Written notices required by Section 14.05 shall be submitted on forms provided by the Authority and shall include the following information:

(1) Name and address of source owner and person conducting the asbestos removal or encapsulation.

(2) Description of the facility, including the size, age and prior use of the facility.

(3) Amount of asbestos material to be removed or encapsulated.

(4) Location of the facility.

(5) Scheduled starting and completion dates of the asbestos removal or encapsulation.

(6) Nature of the removal or encapsulation and methods to be used.

(7) Procedures to be used to comply with Article 14.

(8) Name and location of the waste disposal site where asbestos waste material will be deposited.

(b) Any notification required by Section 14.05 (b), (c), or (d) shall be considered incomplete until all the information required by Section 14.07 is received by the Control Officer and accompanied by the appropriate fee.

(1) Any change in the information required by Section 14.07 (a)(1), (3), or (4) shall require a new notification and fee.

(2) Any change in the information required by Section 14.07 (a)(2), (5), (6), (7), (8), shall require an amended notification.

(3) The Control Officer may waive the notification period of ten (10) days contained in 14.05(b) or 14.05(e) based on a showing that the asbestos removal is an emergency removal operation.))

AMENDATORY SECTION

SECTION 14.09 PROCEDURES FOR ASBESTOS EMISSION CONTROL

(a) Asbestos Project - Requirements.

It shall be unlawful for any person to cause or allow ((any wrecking or dismantling that may break up asbestos material before removing all asbestos materials from a facility.)) work on an asbestos project unless an asbestos survey has been conducted and the following procedures are employed:

(1) 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 Section 14.09(b) for residential dwellings.

(2) All asbestos-containing material shall be kept adequately wet while being removed from any structure, building, vessel, or component.

(3) No visible emissions shall result from an asbestos project.

(4) All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project shall be:

(A) Kept adequately wet until collected for disposal; and

(B) Collected for disposal at the end of each working day; and

(C) Contained in a controlled area at all times until transported to a waste disposal site; and

(D) 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

(E) 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.

(5) 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 Section 14.11 (a)(1)(C).

(A) 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.

(B) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material may avoid wetting and leak-tight wrapping if:

(i) All access to the asbestos-containing material is welded shut; or

(ii) 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

(iii) The components are labeled in accordance with Section 14.11 (a)(1)(C).

(6) Local exhaust ventilation and collection systems used on an asbestos project shall:

(A) Be maintained to ensure the integrity of the system; and

(B) 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.

(7) 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 exhibit no visible emissions.

(b) Asbestos Project - Exemptions for Residential Dwellings.

The requirements of 14.09 (a)(1) shall not apply to asbestos projects conducted in a residential dwelling by the resident owner of the dwelling, except that the requirements of 14.09 (a)(1) shall apply to furnace interiors and direct-applied mudded asbestos insulation on hotwater heating systems, which may not be removed by the resident owner.

(c) 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 an 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.

(d) Demolition - Asbestos Removal Exemptions.

(~~However,~~) Asbestos-containing material need not be removed before (~~wrecking or dismantling~~) the demolition of any building, vessel, structure, or portion thereof if:

(1) The (~~y are~~) asbestos-containing material is on a (~~facility~~) component that is encased in concrete or other material (~~found equal~~) determined by the Control Officer(~~;~~

and)) to be equally effective in controlling asbestos emissions. In this case, the application requirements of Section 14.05 shall apply and these materials shall be kept adequately wet whenever exposed during demolition until disposed of in accordance with Section 14.11 (a)(2); or

(~~(2) These materials are adequately wetted whenever exposed during wrecking or dismantling; or~~)

(2) 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 Section 14.05 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 Section 14.11 (a)(2); or

(~~(3) The asbestos material will not be disturbed by the wrecking or dismantling and they remain accessible for subsequent removal.~~)

(3) 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 by the Control Officer to waive the requirements of Section 14.09(c). In this case, the application requirements of Section 14.05 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 Section 14.11 (a)(2). Evidence of the hazardous condition, as documented by a state or local government agency, shall accompany the written request in addition to the application and appropriate fee as required by Section 14.05. The request for exemption from Section 14.09(c) shall include, at a minimum:

(A) The complete name, mailing address, and telephone number of the owner or operator of the facility, including the city, zip code, and county;

(B) The complete street address or location of the demolition site, including the city, zip code, and county;

(C) The name, title, and authority of the state or local government representative who has determined the hazardous condition;

(D) 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

(E) The procedures that will be used to prevent the release of asbestos fibers into the ambient air.

(e) 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:

(1) The complete name, mailing address, and telephone number of the owner or operator of the asbestos project, including the city and zip code;

(2) The complete street address or location of the site, including the city, zip code, and county;

(3) 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

(4) 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.

~~((b) It shall be unlawful for any person to cause or allow the removal or encapsulation of asbestos material unless:~~

~~(1) The removal or encapsulation is conducted by a certified asbestos worker or is in compliance with WAC 296-65-030.~~

~~(2) Work practices shall comply with WAC 296-155-17532.~~

~~(e) Section 14.09 (b)(1) shall not apply to the removal or encapsulation of asbestos materials performed in non-multiple unit private dwellings housing two families or less, by the owner of the dwelling.))~~

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 14.11 ((HANDLING AND)) DISPOSAL OF ASBESTOS CONTAINING WASTE MATERIAL

~~(a) ((It shall be unlawful for any person to cause or allow the disposal of asbestos materials unless the procedures in Section 14.11 (b) and (c) are followed.)) 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 material:

(1) 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.

(2) 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 section 14.05(c) for asbestos containing waste material from asbestos projects conducted under annual applications.

(3) All asbestos containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of Sections 14.11 (a)(1)(C) and 14.11 (a)(2).

(b) Alternative Storage Method - Asbestos Storage Facility. ((The following methods shall be used during the collection, processing, packaging, transporting or deposition of any asbestos containing waste material:)) The owner or operator of a licensed asbestos abatement company or disposal facility may apply to the Control Officer to establish a facility for the purpose of collecting and temporarily storing asbestos containing waste material.

(1) ((Mix asbestos waste from control devices with water to form a slurry; adequately wet other asbestos containing waste material; and)) It is unlawful to cause or allow the operation of a temporary asbestos storage facility without the prior written approval of the Control Officer.

(2) ((When a vacuum system is employed, it shall exhibit no visible emissions and shall be equipped with a HEPA filter; and)) The owner or operator must submit a complete application for an asbestos storage facility. When approved, an Asbestos Storage Facility Authorization will be returned to be posted at the entrance to the facility.

(3) ((After wetting, seal all asbestos containing waste material in leak tight containers while wet.)) 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 have asbestos warning signs posted on the container; and

(iv) Storage, transportation, disposal, and return of the waste shipment record to the waste generator will not exceed the 45 day requirement of 40 CFR Part 61.150.

~~((4) Label the containers as specified by the Department of Labor and Industries.))~~

~~((5) An alternative storage, handling, or disposal method that has received prior approval by the Control Officer.))~~

(c) Alternative Disposal Method - Asbestos Cement Water Pipe. ((Unless the asbestos containing waste material is handled as dangerous waste in accordance with WAC 173-303, it shall be deposited within five days after collection for disposal at a waste disposal site operated in accordance with the provisions of 40 CFR 61.156 and approved by the health department with jurisdiction.))

Asbestos cement water pipe used on public right of ways or public easements shall be excluded from the disposal requirements of Section 14.11 (a)(2) if the following conditions are met:

(1) Any asbestos cement water pipe greater than one (1) linear foot in size may be buried on public right of ways or public easements of covered with at least three (3) feet or more of nonasbestos fill material and the state, county or city authorities be notified in writing of buried asbestos cement pipe; and

(2) 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 this Regulation 1, Article 14.

NEW SECTION

SECTION 14.12 CONTROLLED AND REGULATED SUBSTANCES

(a) No person shall cause or allow visual asbestos emissions, including emissions from asbestos waste materials.

(1) On public or private lands, on developed or undeveloped properties and on any open uncontrolled and non-designated disposal sites

(2) No visual emissions to the outside air during the collection, processing, handling, packaging, transporting, storage and disposal of any asbestos containing waste material; or

(3) From any fugitive source,

(b) Vinyl asbestos tile (VAT), shall be subject to the requirements of this Regulation 1, Article 14.

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

NEW SECTION

ARTICLE 15 GASOLINE VAPOR RECOVERY

SECTION 15.01 APPLICABILITY

This regulation shall apply to all facilities that distribute gasoline, including automotive, aviation, and marine uses.

SECTION 15.03 DEFINITIONS

Unless a different meaning is clearly required by context, the following words and phrases, as used in this article, shall have the following meanings:

BOTTOM LOADING means the filling of a tank through a line entering the bottom of the tank.

BULK GASOLINE PLANT means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

GASOLINE means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute at twenty degrees Celsius, and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees Celsius shall be considered "gasoline" for purpose of this regulation.

GASOLINE DISPENSING FACILITY means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

GASOLINE LOADING TERMINAL means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

MOTOR VEHICLE means any mode of travel utilizing gasoline as energy to provide locomotion.

NEW GASOLINE DISPENSING FACILITY means the construction of a gasoline dispensing facility on a site that has not had an active gasoline dispensing facility within the past five years.

STAGE I means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

STAGE II means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

SUBMERGED FILL LINE means any discharge pipe or nozzle which meet either of the following conditions:

(a) Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;

(b) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank.

THROUGHPUT means the amount of material passing through a facility.

TRANSPORT TANK means a container used for shipping gasoline over roadways.

TRUE VAPOR PRESSURE means the equilibrium partial pressure of petroleum liquid as determined by methods described in American Petroleum Institute Bulletin 2517, 1980.

UPGRADE means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overflow protection that involved removal of ground or ground cover above a portion of the product piping.

VAPOR BALANCE SYSTEM means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

VAPOR CONTROL SYSTEM means a system designed and operated to reduce or limit the emission of gasoline vapors into the ambient air which is designed according to WAC 173-491.

SECTION 15.05 GENERAL REQUIREMENTS

All gasoline storage tanks with a capacity greater than 2,000 gallons shall be equipped with submerged fill lines when upgraded, but no later than December 31, 1998.

SECTION 15.07 VAPOR RECOVERY STAGE I

Stage I vapor recovery is required for all gasoline dispensing facilities as follows:

(a) The facilities that have an annual throughput greater than 360,000 gallons of gasoline shall have stage I vapor recovery by December 31, 1993 or when upgraded, whichever is sooner.

(b) The facilities that have an annual throughput greater than 100,000, but less than or equal to 360,000 gallons of gasoline shall have stage I vapor recovery by December 31, 1998 or when upgraded, whichever is sooner.

(c) Terminals and bulk plants that deliver gasoline to any facility equipped with Stage I vapor recovery shall be equipped with a vapor control system prior to December 31, 1998.

(d) Terminals and bulk plants with an annual throughput greater than 7,200,000 gallons per year shall be equipped with a vapor control system prior to December 31, 1993.

SECTION 15.09 VAPOR RECOVERY STAGE II

Stage II vapor recovery is required at all gasoline dispensing facilities as follows:

(a) Those facilities that have an annual throughput greater than 1,200,000 gallons of gasoline shall have stage II vapor recovery by May 1, 1994 or at the time of upgrade, whichever is sooner.

(b) Those facilities that have an annual throughput greater than 840,000, but less than or equal to 1,200,000 gallons of gasoline shall have stage II vapor recovery by December 31, 1998, or at the time of upgrade, whichever is sooner.

(c) All gasoline dispensing facilities located in an ozone nonattainment area with an annual gasoline throughput greater than 600,000 gallons shall have Stage II vapor recovery prior to December 31, 1998 or at the time of upgrade, whichever is sooner.

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.

SECTION 15.11 NEW GASOLINE DISPENSING FACILITIES

Those facilities that have more than 10,000 gallons total gasoline storage must install stage I and stage II vapor recovery at the time of construction.

WSR 93-21-001
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3649—Filed October 6, 1993, 1:39 p.m.]

Date of Adoption: October 6, 1993.

Purpose: Clarify original intent of the department by removing obsolete language, and clarify technical language.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-84-105 Medical application and 388-84-110 Application—Disposition.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-18-035 on August 26, 1993.

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

October 6, 1993

Dewey Brock, Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3516, filed 2/24/93, effective 3/27/93)

WAC 388-84-105 Medical application. (1) The department shall accept and process applications for medical programs as described under subsections of WAC 388-38-010, 388-38-030, 388-38-040, 388-38-045, and 388-38-050 except as specified under this section.

(2) The department shall accept applications for medical programs without delay.

(a) The department shall provide clients with:

(i) ~~((An explanation of the))~~ A Civil Rights Act explanation;

(ii) Fair hearing information;

(iii) ~~((Information about))~~ Early and periodic screening diagnosis, and treatment (EPSDT) information also known as the healthy kids program, when appropriate; and

(iv) ~~((Information about))~~ Family planning information when appropriate.

(v) ~~((Information about))~~ The special supplemental food program for women, infants and children's (WIC) information, when appropriate.

(b) The request for medical programs shall be ~~((in writing))~~ on a department designated form.

(c) A relative or representative may complete the application on a client's behalf, when the client is unable to complete the application or if the client dies.

(3) The department shall complete the application process by conducting a face-to-face interview in the local community services office ~~((the))~~ CSO, unless the client ~~((or their representative))~~:

(a) Or the client's representative requests the office interview be waived and the:

(i) Client is unable to come to the CSO; ~~((and))~~ or

(ii) Client has no representative to complete the interview; or

(iii) Client is unable to name a representative to complete the interview; and

(iv) Department has adequate information to determine eligibility for medical programs without a face-to-face interview.

(b) Is a pregnant woman and the application is for a pregnancy-related medical program.

(c) Is a child ~~((under nineteen))~~ eighteen years of age or younger and the application is ~~((only))~~ for a medical program for children.

(4) ~~((The department shall not require a face to face interview for a pregnant woman when determining eligibility for a medical program.~~

~~((5))~~ If When the client meets the requirements of subsection (3) ~~((a))~~, the department may complete the application process through:

(a) A face-to-face ~~((home visit))~~ interview in the client's home;

(b) A telephone interview; or

(c) The mail.

~~((6))~~ (5) The department shall find clients who receive continuing cash assistance ~~((under AFDC, FIP, SSI, or stat supplement))~~ eligible for a medical ~~((assistance))~~ program without a separate application.

~~((7))~~ (6) An aged, blind, or disabled client ineligible for SSI benefits solely because of the spouse'

income level shall apply (~~((individually))~~) for a medical program.

~~((8))~~ (7) A Washington state resident temporarily out of the state may make application (~~((directly))~~) to the CSO in the resident's area of the state through either a person or agency acting in the client's behalf.

AMENDATORY SECTION (Amending Order 2906, filed 12/1/89, effective 1/1/90)

WAC 388-84-110 Application—Disposition. (1) The department shall act on a request for medical assistance within:

(a) Sixty calendar days for (~~((applicants based on))~~) a client requiring a disability decision;

(b) Forty-five calendar days for all other categories except a pregnant woman as described under subsection (1)(c) of this section; and

(c) Fifteen working days for a pregnant woman, including an interview within five working days (~~((and))~~) if an interview is requested by the client.

~~((e))~~ Forty-five days for all other categories (d) When applying subsection (1) (a), (b), or (c) of this section, the department shall count as day one the date following the date of application.

(2) The department shall:

(a) Not use the standards for timely processing of applications as a waiting period for determining eligibility; and

(b) Act on each application as quickly as possible.

(3) When the department has otherwise acted promptly at all stages of the application process, the department may extend the time standard if the department cannot reach a timely eligibility decision because the:

(a) (~~((Applicant))~~) Client or an examining physician delays or fails to provide information or fails to take a required action; or

(b) Eligibility determination depends upon out-of-state or intercity correspondence and no other verification is available to establish the eligibility factor at issue; or

~~((c))~~ Occurrence of an administrative or other emergency is beyond the control of the department. Administrative burdens do not justify delayed processing of applications; or

~~((d))~~ Eligibility determination depends on receipt of medical expense documentation as described under WAC 388-99-030 and 388-100-020.

~~((4))~~ (~~((For cash assistance except consolidated emergency assistance program (CEAP), approval of the medical assistance is concurrent.~~)

~~((5))~~ The department shall notify (~~((applicants for))~~) a medical ((assistance)) program client of departmental action by letter.

~~((6))~~ (5) Approval, denial, or withdrawal of the application for medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC, with the exception of WAC 388-38-110. For time limits for disposal of a medical application, subsections (1), (2) and (3) of this section shall apply.

~~((7))~~ (6) The department may rescind a denial and approve assistance based on a denied application when:

(a) The (~~((applicant))~~) client, within thirty days from the date of denial, provides additional information needed to establish eligibility; or

(b) Following this thirty-day period, the (~~((applicant))~~) client:

(i) Timely requests a fair hearing to appeal the denial; and

(ii) Provides the additional information needed to establish eligibility.

**WSR 93-21-002
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3650—Filed October 6, 1993, 1:42 p.m.]

Date of Adoption: October 6, 1993.

Purpose: Expands the provider type of who can provide Medicaid services in schools. Adds licensed registered nurse; licensed physical therapist or physiatrist; occupational therapist; speech pathologists or audiologists.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-022 School medical services for special education students.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-18-039 on August 27, 1993.

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

October 6, 1993

Dewey Brock, Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3474, filed 10/28/92, effective 11/28/92)

WAC 388-86-022 School medical services for special education students. (1) The department shall pay school districts or educational service districts (ESD) for medical services to an eligible categorically needy or medically needy child when a school district or ESD furnishes the medical services to a special education student as part of the child's individualized education program (IEP) or individualized family service plan (IFSP).

(2) Such medical services shall be provided by:

(a) Qualified Medicaid providers as described under WAC (~~((388-87-007))~~) 388-87-005 (~~((j))~~);

(b) Psychologists, licensed by the state of Washington or granted an educational staff associate certificate (ESA) by the state board of education; or

(c) A person trained and supervised by a:

(i) Licensed registered nurse;

(ii) Licensed physical therapist or physiatrist;

(iii) Licensed occupational therapist; or

(iv) Speech pathologist or audiologist, who has been granted a certificate of clinical competence by the American speech, hearing, and language association or a person who completed the equivalent educational and work experience necessary for such a certificate.

(3) The department shall require recommendations and referrals to be updated at least annually.

(4) The department shall pay for ~~((such))~~ school-based medical services according to the department-established rate or the billed amount, whichever is lower.

(5) The department shall not pay individual school practitioners who provide school-based medical services.

(6) ~~((For medical services billed to Medicaid,))~~ The department shall require school districts or ESD to pursue third-party resources for medical services billed to Medicaid.

WSR 93-21-003
PERMANENT RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY

[Filed October 7, 1993, 11:20 a.m.]

Date of Adoption: September 21, 1993.

Purpose: To establish consistency between federal, state and local regulations; and to receive delegation of the operating permit program pursuant to 40 CFR 70.

Citation of Existing Rules Affected by this Order: Repealing Section 400-020 (Applicability); and amending SWAPCA 400-010 (Policy and purpose), SWAPCA 400-030 (Definitions), SWAPCA 400-040 (General standards for maximum emissions), SWAPCA 400-050 (Emission standards for combustion and incineration units), and SWAPCA 400-060 (Emission standards for general process units).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 93-10-078, 93-10-079, 93-10-080, and 93-10-081 on May 4, 1993.

Changes Other than Editing from Proposed to Adopted Version:

SWAPCA 400 (General Issues)

Comment No. 1: SWAPCA should wait until ecology has completed its rulemaking effort before completing the process at SWAPCA to provide a high degree of consistency between the two programs (Matthew Cohen, Association of Washington Businesses).

Evaluation: Agree. SWAPCA has waited for ecology to complete its rulemaking process. However, it is not clear what degree of interprogram consistency is required under ESHB 1089.

Comment No. 2: SWAPCA should incorporate ecology's changes into its regulations. The Association of Washington Businesses has submitted comments to ecology and a copy of the comments were included with the submittal (Matthew Cohen, Association of Washington Businesses).

Evaluation: Agree. A copy of ecology's summary of responses was received by SWAPCA. Ecology's revisions were incorporated into SWAPCA's regulation. Nevertheless, several differences between the programs will exist as outlined in the attached staff memorandum.

Comment No. 3: SWAPCA should delay final adoption of SWAPCA 400 until chapter 173-400 WAC has been finalized to ensure consistency (Ken Johnson, Weyerhaeuser).

Evaluation: Agree. SWAPCA has delayed adoption of SWAPCA 400 until chapter 173-400 WAC has been finalized by ecology.

Comment No. 4: The comments submitted by Matthew Cohen on behalf of the Association of Washington Businesses reflect the views of Weyerhaeuser Company and should be considered by SWAPCA (Ken Johnson, Weyerhaeuser).

Evaluation: SWAPCA has reviewed the summary of responses and changes made by Ecology as a result of the input received from Association of Washington Businesses and made similar revisions throughout the proposed SWAPCA regulation to promote consistency.

SWAPCA 400-010 Policy and purpose

Comment No. 1: SWAPCA should add language stating that the regulations regarding toxic air pollutants apply only to new or modified sources (John Surret, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. NESHAP regulations also apply to several existing sources within SWAPCA's jurisdiction.

SWAPCA 400-030 Definitions

Comment No. 1: The definition of lowest achievable emission rate (LAER) should include the most stringent emission limit specified in any state implementation plan (SIP) rather than be limited to the Washington SIP only. This will make SWAPCA consistent with the federal definition (Mr. Len Dozier).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 2: Several definitions used in the originally proposed SWAPCA regulation revisions are inconsistent with those used by EPA and DOE. All definitions should remain consistent (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. Definitions should remain consistent between SWAPCA and ecology. These changes have been incorporated into the regulation. The definitions of the following terms were changed to remain consistent: "BACT," "building, structure, facility, or installation," "Class I areas," "emission standard," "LAER," "major modification," "major stationary source," "mandatory Class I areas," "net emission increase," "notice of construction application," "PM-10 emissions" and "prevention of significant deterioration."

Comment No. 3: The Spokane Indian Reservation should not be considered a Class I area for SWAPCA's regulation (Alan Prouty, James River Corporation).

Evaluation: Agree. SWAPCA's definition of "Class I area" was revised to reflect only those areas potentially impacted by emissions from stationary sources within SWAPCA's jurisdiction. These areas do not include the Spokane Indian Reservation, but Class I areas in Oregon were added.

Comment No. 4: The word "meteorology" should be added after the word "frequency" in definition 400-030(2) (John Surret, PacifiCorp).

Evaluation: Disagree. The suggested change is not recommended to be adopted. SWAPCA's definitions need to be consistent with EPA and ecology definitions.

Comment No. 5: The word "meteorology" should be added after the word "frequency" in definition 400-030(72) (John Surret, PacifiCorp).

Evaluation: Disagree. The suggested change is not recommended to be adopted. SWAPCA's definitions need to be consistent with EPA and ecology definitions.

SWAPCA 400-040 General standards for maximum emissions

Comment No. 1: The phrase "or operating permit condition to the source or sources for" should be replaced with "or rule requiring the" to prevent conflict with ESHB 1089. RACT should not be implemented through the operating permit program (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 2: "Category I areas" should be replaced with "nonattainment areas" in 400-040(8) (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 3: The mechanisms used to implement RACT determinations should not include operating permits in accordance with ESHB 1089 (Alan Prouty, James River Corporation).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 4: The mechanisms used to implement RACT determinations should not include operating permits in accordance with ESHB 1089 (John Surret, PacifiCorp).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 5: The correction for sulfur dioxide concentration in 400-040(6) could be accomplished through measurement of either oxygen or carbon dioxide (John Surret, PacifiCorp).

Evaluation: Agree. Carbon dioxide was added to the approved diluents for sulfur dioxide correction. This is consistent with the 40 CFR Part 75 monitoring regulations which are applicable to the Centralia Power Plant.

SWAPCA 400-052 Stack sampling of major combustion sources

Comment No. 1: It should be clarified that the testing requirements for purposes of compliance determination under this regulation apply to only those sources that have applicable emission standards in place (John Surret, PacifiCorp).

Evaluation: Agree. The suggested clarification to subsection (6) has been made.

SWAPCA 400-075 Emission standards for sources emitting hazardous air pollutants

Comment No. 1: SWAPCA should wait until the federally mandated studies regarding the emissions of toxic air pollutants from electric utility steam generating units are completed prior to adopting or establishing standards for such sources and pollutants (Dave Shilton, PacifiCorp).

Evaluation: Disagree. SWAPCA is best served by adopting WAC 173-400-075 (which will be periodically updated to incorporate all NESHAP) by reference rather than adopting a separate regulation. SWAPCA does not currently have authority to enforce the NESHAP regulation because ecology and SWAPCA have not regularly updated their adoption of the latest NESHAPs regulations. SWAPCA may risk denial by EPA for delegation of the NESHAP program

if this comment is accepted at this time because it may be perceived that SWAPCA has weakened its authority versus that of EPA. Actions to be taken later at the federal level are expected to make this request a reality.

Comment No. 2: Add a subsection stating that "This section shall not be applicable for Title V Federal Clean Air Act (FCAA) requirements until such time that the hazardous air pollutant (HAP) regulations are adopted, if at all, for the permitted source" (John Surret, PacifiCorp).

Evaluation: Disagree. SWAPCA needs to adopt WAC 173-400-075 by reference rather than adopt a separate regulation for the reasons stated above. Many of the NESHAP regulations are currently in effect and applicable to sources under SWAPCA jurisdiction.

SWAPCA 400-081 Startup and shutdown

Comment No. 1: Delete the last sentence regarding SIP amendments (John Surret, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. No SIP amendment is needed for the Centralia Power Plant to continue operating in its current manner with respect to start up and shut down conditions. Emissions occurring during these events are considered unavoidable in accordance with SWAPCA 400-107(4). In addition, the proposed language is consistent with that used by ecology in chapter 173-400 WAC.

SWAPCA 400-090 Voluntary limits on emissions

Comment No. 1: A new section on voluntary limits on emissions should be added consistent with WAC 173-400-090 (Alan Prouty, James River Corporation).

Evaluation: Agree. The language from WAC 173-400-090 has been added to the proposed SWAPCA regulations. This addition will provide a means to achieve federal enforceability without a SIP amendment.

SWAPCA 400-100 Registration and operating permits

Comment No. 1: It is unclear if this section includes residential wood heaters subject to NSPS Subpart AAA. Wood heaters should not be required to register (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. Clarifying language has been added to SWAPCA 400-100 which states that registration is not required for residential wood heaters.

Comment No. 2: As originally written, SWAPCA 400-100 required registration fees for operating permit sources. Under federal requirements, operating permit fees are to be assessed rather than registration fees (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. Clarifying language has been added to SWAPCA 400-100 to prevent any double billing and to specify that registration fees no longer apply to operating permit sources once EPA delegates the Title V program to SWAPCA. During the interim operating permit program time period, SWAPCA is already assessing only the operating permit fee to applicable companies and is not also collecting a registration fee from these sources.

Comment No. 3: Residential wood heaters should not be required to register (Alan Prouty, James River Corporation).

Evaluation: Agree. The suggested change has been incorporated into the regulation.

SWAPCA 400-101 Sources exempt from registration requirements

Comment No. 1: Include all food preparation facilities rather than limiting the exemptions to merely restaurants and retail establishments (John Surrett, PacifiCorp).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 2: Add a section exempting bulk liquid storage, transfer and handling facilities with potential emissions of VOCs of less than 1 tpy (John Surrett, PacifiCorp).

Evaluation: Disagree. Although the suggestion appears reasonable, it has not been incorporated in an effort to remain consistent with the ongoing development of chapter 173-401 WAC at the state level. ESHB 1089 required a single statewide permit program. It is the goal of SWAPCA to establish and maintain consistency between all programs within SWAPCA as well as other programs at the state and local levels. Incorporation of the suggested change might be considered a deviation from ESHB 1089 given the insignificant emissions unit portion under development for inclusion in chapter 173-401 WAC. It may be possible at a later date to make the suggested change, however, it is preferable to wait rather than create exceptions which may be subsequently negated by action of ecology.

Comment No. 3: Add office equipment, supplies and operations to the list of exemptions (John Surrett, PacifiCorp).

Evaluation: Agree. The suggested addition has been incorporated into the regulation.

Comment No. 4: Add other activities to the exemptions list such as degreasing and solvent use and others (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. Degreasing and solvent use account for a significant portion of the volatile organic compounds and toxic air pollutants emitted within SWAPCA's jurisdiction. In addition, a number of the activities proposed for exemption have EPA-authored "Control Technology Guidance" documents issued for regulating such activities and/or applicable regulatory requirements. Incorporation of the suggested change may circumvent clear federal policy and guidance and possibly violate applicable emission standards.

SWAPCA 400-105 Records, monitoring and reporting

Comment No. 1: Add criteria under which sampling and/or monitoring would be required (John Surrett, PacifiCorp).

Evaluation: Disagree. It is not possible for SWAPCA to foresee all of the possible scenarios under which testing and/or monitoring would be required. Therefore, it is reasonable to leave these determinations to a case-by-case determination by the control officer. In addition, the proposed language is consistent with that used by ecology in chapter 173-400 WAC.

SWAPCA 400-107 Excess emissions

Comment No. 1: This section should be restructured to improve readability (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended for adoption. It is debatable whether readability would improve or be degraded by such revisions.

Comment No. 2: The phrase "demonstrates to the satisfaction of" should be replaced with "adequately demonstrates." In addition, the phrase "this demonstration shall be a condition of relief under subsections (4), (5) and (6) of this section" should be added. Finally, the phrase "taking into account the total emissions impact of the corrective action" should be added after the phrase "minimizing emissions during the event" (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. All of these suggested changes have been made to ensure consistency between ecology and SWAPCA. In addition, emissions from upset conditions at certain facilities will increase if the process or system is shut down. SWAPCA's goal in such instances is to minimize emissions. Language which was added to WAC 173-400-107(3) by ecology regarding potentially health threatening emissions and the promptness of the notification in such instances was not included in the revised SWAPCA rule because of perceived confusion that implementation of such a provision could cause.

Comment No. 3: The phrase "demonstrates to the satisfaction of" should be replaced with "adequately demonstrates." In addition, the phrase "this demonstration shall be a condition of relief under subsections (4), (5) and (6) of this section" should be added. Finally, the phrase "taking into account the total emissions impact of the corrective action" should be added after the phrase "minimizing emissions during the event" (Alan Prouty, James River Corporation).

Evaluation: Agree. All of these suggested changes have been made to ensure consistency between ecology and SWAPCA. In addition, emissions from upset conditions at certain facilities will increase if the process or system is shut down. SWAPCA's goal in such instances is to minimize emissions. Language which was added to WAC 173-400-107(3) by ecology regarding potentially health threatening emissions and the promptness of the notification in such instances was not included in the revised SWAPCA rule because of perceived confusion that implementation of such a provision could cause.

Comment No. 4: SWAPCA 400-107(3) should be modified in accordance with the recent revisions made in WAC 173-400-107(3) which require only "excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to the authority or ecology as soon as possible." (Ken Johnson, Weyerhaeuser).

Evaluation: Disagree. The requested change is not being recommended to be made because it is not consistent with current SWAPCA policy. Industry is already familiar with this current practice of SWAPCA. An upset record is kept at SWAPCA and updated as upset conditions are reported so that inspectors in the field do not initiate enforcement actions when such actions are unnecessary (as in the case of unavoidable excess emissions due to process malfunctions, etc.). In addition, it is possible that any excess emission represents a potential threat to human health and safety. Weyerhaeuser's comment to ecology requested that only excess emissions "having a reasonable potential for significant adverse impact" be reportable. The use of the term "reasonable" as suggested merely creates confusion. In the same letter submitted to ecology, it is pointed out that the phrase "as soon as possible" is subject to excessive

interpretation. The language suggested by the company is no less subject to interpretation.

SWAPCA 400-110 New source review (NSR) and SWAPCA 401-900 Fee determination and certification

Comment No. 1: A possible "funding gap" is created if EPA does not delegate Title V permitting responsibility promptly. This potential problem should be addressed by including all fees for Title V sources in SWAPCA 400-100 rather than SWAPCA 401-900 (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into the regulation. Clarifying language was added to specify that registration fees will not be assessed to Title V sources after EPA delegates the program to SWAPCA.

SWAPCA 400-110 New source review (NSR), SWAPCA 400-112 Requirements for new sources in nonattainment areas, SWAPCA 400-113 Requirements for new sources in attainment or nonclassifiable areas, SWAPCA 400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source

Comment No. 1: Ecology will be making several changes based on the public input provided during their rule adoption proceedings. SWAPCA should make corresponding changes to ensure consistency (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. A copy of the summary of responses made by ecology has been received by SWAPCA and the changes as outlined therein have been incorporated into SWAPCA's regulations.

SWAPCA 400-112 Requirements for new sources in nonattainment areas

Comment No 1: Daily emission thresholds for offsetting should not be added to the annual tonnages as this could force a new source to obtain offsets that otherwise should not have to be obtained (Alan Prouty, James River Corporation).

Evaluation: Disagree. The requested change is not being recommended to be adopted. The purpose of the proposed daily equivalent to the annual emission rates is to prevent adverse air quality impacts potentially caused by sources with substantial emissions of nonattainment pollutants which may operate only seasonally such as canneries and asphalt plants. Some sources may fall under the annual tonnage threshold and yet have an equal or greater daily impact during seasonal periods of operation as major sources.

SWAPCA 400-130 Acquisition and use of emission reduction credits

Comment No 1: Nitrogen oxides should be included in the inventory for ozone nonattainment areas (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into SWAPCA 400-130 (3)(a).

SWAPCA 400-131 Issuance of emission reduction credits

Comment No. 1: References to the unadopted and as of yet unestablished operating permit program need to be eliminated as Washington state law prohibits referencing rules not yet completed (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been made as suggested.

SWAPCA 400-171 Public involvement

Comment No. 1: Regulatory orders used to establish a creditable emission reduction should not be required to go through a public comment process because there is generally a lack of public interest and undue procedural delays result (Alan Prouty, James River Corporation).

Evaluation: Agree. The language has been changed to require public comment for synthetic minors rather than creditable emission reductions.

SWAPCA 401 (General Concern)

Comment No. 1: ESHB 1089 requires one statewide permit program. SWAPCA should adopt chapter 173-401 WAC by reference rather than promulgating a different rule (Matthew Cohen, Association of Washington Businesses).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference.

Comment No. 2: Several comments were made regarding SWAPCA 401 (Alan Prouty, James River Corporation).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference rather than proceed with a separate rule. Mr. Prouty's comments were evaluated/considered by ecology during the development of chapter 173-401 WAC.

Comment No. 3: Mr. Surret made several comments regarding SWAPCA 401 (John Surret, PacificCorp).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference. Mr. Surret's comments were evaluated/considered by ecology during the development of chapter 173-401 WAC.

Comment No. 4: Association of Washington Businesses' comments submitted by Mr. Cohen as part of the public comment process for SWAPCA 401 rule development are supported by Weyerhaeuser (Ken Johnson, Weyerhaeuser).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference rather than adopt a separate rule. Chapter 173-401 WAC reflects the input provided by the Association of Washington Businesses.

Effective Date of Rule: Thirty-one days after filing.
October 6, 1993
Robert D. Elliott
Executive Director

Reviser's note: The material contained in this filing will appear in the 93-23 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-21-004
PERMANENT RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY
[Filed October 7, 1993, 11:22 a.m.]

Date of Adoption: September 21, 1993.

Purpose: To establish consistency between federal, state and local regulations; and to receive delegation of the operating permit program pursuant to 40 CFR 70.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 400-100 (Registration and Operating Permits), and SWAPCA 400-110 (New Source Review).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 93-10-081 and 93-10-082 on May 4, 1993.

Changes Other than Editing from Proposed to Adopted Version:

SWAPCA 400 (General Issues)

Comment No. 1: SWAPCA should wait until ecology has completed its rulemaking effort before completing the process at SWAPCA to provide a high degree of consistency between the two programs (Matthew Cohen, Association of Washington Businesses).

Evaluation: Agree. SWAPCA has waited for ecology to complete its rulemaking process. However, it is not clear what degree of interprogram consistency is required under ESHB 1089.

Comment No. 2: SWAPCA should incorporate ecology's changes into its regulations. The Association of Washington Businesses has submitted comments to ecology and a copy of the comments were included with the submittal (Matthew Cohen, Association of Washington Businesses).

Evaluation: Agree. A copy of ecology's summary of responses was received by SWAPCA. Ecology's revisions were incorporated into SWAPCA's regulation. Nevertheless, several differences between the programs will exist as outlined in the attached staff memorandum.

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Comment No. 4: The comments submitted by Matthew Cohen on behalf of the Association of Washington Businesses reflect the views of Weyerhaeuser Company and should be considered by SWAPCA (Ken Johnson, Weyerhaeuser).

Evaluation: SWAPCA has reviewed the summary of responses and changes made by Ecology as a result of the input received from Association of Washington Businesses and made similar revisions throughout the proposed SWAPCA regulation to promote consistency.

SWAPCA 400-010 Policy and purpose

Comment No. 1: SWAPCA should add language stating that the regulations regarding toxic air pollutants apply only to new or modified sources (John Surret, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. NESHAP regulations also apply to several existing sources within SWAPCA's jurisdiction.

SWAPCA 400-030 Definitions

Comment No. 1: The definition of lowest achievable emission rate (LAER) should include the most stringent emission limit specified in any state implementation plan (SIP) rather than be limited to the Washington SIP only. This will make SWAPCA consistent with the federal definition (Mr. Len Dozier).

Evaluation: Agree. This change has been incorporated into the regulation.

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Evaluation: Agree. Definitions should remain consistent between SWAPCA and ecology. These changes have been incorporated into the regulation. The definitions of the following terms were changed to remain consistent: "BACT," "building, structure, facility, or installation," "Class I areas," "emission standard," "LAER," "major modification," "major stationary source," "mandatory Class I areas," "net emission increase," "notice of construction application," "PM-10 emissions" and "prevention of significant deterioration."

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SWAPCA 400-040 General standards for maximum emissions

Comment No. 1: The phrase "or operating permit condition to the source or sources for" should be replaced with "or rule requiring the" to prevent conflict with ESHB 1089. RACT should not be implemented through the operating permit program (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 2: "Category I areas" should be replaced with "nonattainment areas" in 400-040(8) (Sue Mauermann, Washington Department of Ecology).

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Evaluation: Agree. Carbon dioxide was added to the approved diluents for sulfur dioxide correction. This is consistent with the 40 CFR Part 75 monitoring regulations which are applicable to the Centralia Power Plant.

SWAPCA 400-052 Stack sampling of major combustion sources

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Evaluation: Agree. The suggested clarification to subsection (6) has been made.

SWAPCA 400-075 Emission standards for sources emitting hazardous air pollutants

Comment No. 1: SWAPCA should wait until the federally mandated studies regarding the emissions of toxic air pollutants from electric utility steam generating units are completed prior to adopting or establishing standards for such sources and pollutants (Dave Shilton, PacifiCorp).

Evaluation: Disagree. SWAPCA is best served by adopting WAC 173-400-075 (which will be periodically updated to incorporate all NESHAP) by reference rather than adopting a separate regulation. SWAPCA does not currently have authority to enforce the NESHAP regulation because ecology and SWAPCA have not regularly updated their adoption of the latest NESHAPs regulations. SWAPCA may risk denial by EPA for delegation of the NESHAP program if this comment is accepted at this time because it may be perceived that SWAPCA has weakened its authority versus that of EPA. Actions to be taken later at the federal level are expected to make this request a reality.

Comment No. 2: Add a subsection stating that "This section shall not be applicable for Title V Federal Clean Air Act (FCAA) requirements until such time that the hazardous air pollutant (HAP) regulations are adopted, if at all, for the permitted source" (John Surret, PacifiCorp).

Evaluation: Disagree. SWAPCA needs to adopt WAC 173-400-075 by reference rather than adopt a separate regulation for the reasons stated above. Many of the NESHAP regulations are currently in effect and applicable to sources under SWAPCA jurisdiction.

SWAPCA 400-081 Startup and shutdown

Comment No. 1: Delete the last sentence regarding SIP amendments (John Surret, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. No SIP amendment is needed for the Centralia Power Plant to continue operating in its current manner with respect to start up and shut down conditions. Emissions occurring during these events are considered unavoidable in accordance with SWAPCA 400-

107(4). In addition, the proposed language is consistent with that used by ecology in chapter 173-400 WAC.

SWAPCA 400-090 Voluntary limits on emissions

Comment No. 1: A new section on voluntary limits on emissions should be added consistent with WAC 173-400-090 (Alan Prouty, James River Corporation).

Evaluation: Agree. The language from WAC 173-400-090 has been added to the proposed SWAPCA regulations. This addition will provide a means to achieve federal enforceability without a SIP amendment.

SWAPCA 400-100 Registration and operating permits

Comment No. 1: It is unclear if this section includes residential wood heaters subject to NSPS Subpart AAA. Wood heaters should not be required to register (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. Clarifying language has been added to SWAPCA 400-100 which states that registration is not required for residential wood heaters.

Comment No. 2: As originally written, SWAPCA 400-100 required registration fees for operating permit sources. Under federal requirements, operating permit fees are to be assessed rather than registration fees (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. Clarifying language has been added to SWAPCA 400-100 to prevent any double billing and to specify that registration fees no longer apply to operating permit sources once EPA delegates the Title V program to SWAPCA. During the interim operating permit program time period, SWAPCA is already assessing only the operating permit fee to applicable companies and is not also collecting a registration fee from these sources.

Comment No. 3: Residential wood heaters should not be required to register (Alan Prouty, James River Corporation).

Evaluation: Agree. The suggested change has been incorporated into the regulation.

SWAPCA 400-101 Sources exempt from registration requirements

Comment No. 1: Include all food preparation facilities rather than limiting the exemptions to merely restaurants and retail establishments (John Surret, PacifiCorp).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 2: Add a section exempting bulk liquid storage, transfer and handling facilities with potential emissions of VOCs of less than 1 tpy (John Surret, PacifiCorp).

Evaluation: Disagree. Although the suggestion appears reasonable, it has not been incorporated in an effort to remain consistent with the ongoing development of chapter 173-401 WAC at the state level. ESHB 1089 required a single statewide permit program. It is the goal of SWAPCA to establish and maintain consistency between all programs within SWAPCA as well as other programs at the state and local levels. Incorporation of the suggested change might be considered a deviation from ESHB 1089 given the insignificant emissions unit portion under development for inclusion in chapter 173-401 WAC. It may be possible at a later date to make the suggested change, however, it is preferable to

wait rather than create exceptions which may be subsequently negated by action of ecology.

Comment No. 3: Add office equipment, supplies and operations to the list of exemptions (John Surrett, PacifiCorp).

Evaluation: Agree. The suggested addition has been incorporated into the regulation.

Comment No. 4: Add other activities to the exemptions list such as degreasing and solvent use and others (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. Degreasing and solvent use account for a significant portion of the volatile organic compounds and toxic air pollutants emitted within SWAPCA's jurisdiction. In addition, a number of the activities proposed for exemption have EPA-authored "Control Technology Guidance" documents issued for regulating such activities and/or applicable regulatory requirements. Incorporation of the suggested change may circumvent clear federal policy and guidance and possibly violate applicable emission standards.

SWAPCA 400-105 Records, monitoring and reporting

Comment No. 1: Add criteria under which sampling and/or monitoring would be required (John Surrett, PacifiCorp).

Evaluation: Disagree. It is not possible for SWAPCA to foresee all of the possible scenarios under which testing and/or monitoring would be required. Therefore, it is reasonable to leave these determinations to a case-by-case determination by the control officer. In addition, the proposed language is consistent with that used by ecology in chapter 173-400 WAC.

SWAPCA 400-107 Excess emissions

Comment No. 1: This section should be restructured to improve readability (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended for adoption. It is debatable whether readability would improve or be degraded by such revisions.

Comment No. 2: The phrase "demonstrates to the satisfaction of" should be replaced with "adequately demonstrates." In addition, the phrase "this demonstration shall be a condition of relief under subsections (4), (5) and (6) of this section" should be added. Finally, the phrase "taking into account the total emissions impact of the corrective action" should be added after the phrase "minimizing emissions during the event" (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. All of these suggested changes have been made to ensure consistency between ecology and SWAPCA. In addition, emissions from upset conditions at certain facilities will increase if the process or system is shut down. SWAPCA's goal in such instances is to minimize emissions. Language which was added to WAC 173-400-107(3) by ecology regarding potentially health threatening emissions and the promptness of the notification in such instances was not included in the revised SWAPCA rule because of perceived confusion that implementation of such a provision could cause.

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Evaluation: Agree. All of these suggested changes have been made to ensure consistency between ecology and SWAPCA. In addition, emissions from upset conditions at certain facilities will increase if the process or system is shut down. SWAPCA's goal in such instances is to minimize emissions. Language which was added to WAC 173-400-107(3) by ecology regarding potentially health threatening emissions and the promptness of the notification in such instances was not included in the revised SWAPCA rule because of perceived confusion that implementation of such a provision could cause.

Comment No. 4: SWAPCA 400-107(3) should be modified in accordance with the recent revisions made in WAC 173-400-107(3) which require only "excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to the authority or ecology as soon as possible." (Ken Johnson, Weyerhaeuser).

Evaluation: Disagree. The requested change is not being recommended to be made because it is not consistent with current SWAPCA policy. Industry is already familiar with this current practice of SWAPCA. An upset record is kept at SWAPCA and updated as upset conditions are reported so that inspectors in the field do not initiate enforcement actions when such actions are unnecessary (as in the case of unavoidable excess emissions due to process malfunctions, etc.). In addition, it is possible that any excess emission represents a potential threat to human health and safety. Weyerhaeuser's comment to ecology requested that only excess emissions "having a reasonable potential for significant adverse impact" be reportable. The use of the term "reasonable" as suggested merely creates confusion. In the same letter submitted to ecology, it is pointed out that the phrase "as soon as possible" is subject to excessive interpretation. The language suggested by the company is no less subject to interpretation.

SWAPCA 400-110 New source review (NSR) and SWAPCA 401-900 Fee determination and certification

Comment No. 1: A possible "funding gap" is created if EPA does not delegate Title V permitting responsibility promptly. This potential problem should be addressed by including all fees for Title V sources in SWAPCA 400-100 rather than SWAPCA 401-900 (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into the regulation. Clarifying language was added to specify that registration fees will not be assessed to Title V sources after EPA delegates the program to SWAPCA.

SWAPCA 400-110 New source review (NSR), SWAPCA 400-112 Requirements for new sources in nonattainment areas, SWAPCA 400-113 Requirements for new sources in attainment or nonclassifiable areas, SWAPCA 400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source

Comment No. 1: Ecology will be making several changes based on the public input provided during their rule

adoption proceedings. SWAPCA should make corresponding changes to ensure consistency (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. A copy of the summary of responses made by Ecology has been received by SWAPCA and the changes as outlined therein have been incorporated into SWAPCA's regulations.

SWAPCA 400-112 Requirements for new sources in nonattainment areas

Comment No 1: Daily emission thresholds for offsetting should not be added to the annual tonnages as this could force a new source to obtain offsets that otherwise should not have to be obtained (Alan Prouty, James River Corporation).

Evaluation: Disagree. The requested change is not being recommended to be adopted. The purpose of the proposed daily equivalent to the annual emission rates is to prevent adverse air quality impacts potentially caused by sources with substantial emissions of nonattainment pollutants which may operate only seasonally such as canneries and asphalt plants. Some sources may fall under the annual tonnage threshold and yet have an equal or greater daily impact during seasonal periods of operation as major sources.

SWAPCA 400-130 Acquisition and use of emission reduction credits

Comment No 1: Nitrogen oxides should be included in the inventory for ozone nonattainment areas (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into SWAPCA 400-130 (3)(a).

SWAPCA 400-131 Issuance of emission reduction credits

Comment No. 1: References to the unadopted and as of yet unestablished operating permit program need to be eliminated as Washington state law prohibits referencing rules not yet completed (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been made as suggested.

SWAPCA 400-171 Public involvement

Comment No. 1: Regulatory orders used to establish a creditable emission reduction should not be required to go through a public comment process because there is generally a lack of public interest and undue procedural delays result (Alan Prouty, James River Corporation).

Evaluation: Agree. The language has been changed to require public comment for synthetic minors rather than creditable emission reductions.

SWAPCA 401 (General Concern)

Comment No. 1: ESHB 1089 requires one statewide permit program. SWAPCA should adopt chapter 173-401 WAC by reference rather than promulgating a different rule (Matthew Cohen, Association of Washington Businesses).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference.

Comment No. 2: Several comments were made regarding SWAPCA 401 (Alan Prouty, James River Corporation).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference rather than proceed with a separate rule. Mr. Prouty's comments were evaluated/considered by ecology during the development of chapter 173-401 WAC.

Comment No. 3: Mr. Surret made several comments regarding SWAPCA 401 (John Surret, PacifiCorp).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference. Mr. Surret's comments were evaluated/considered by ecology during the development of chapter 173-401 WAC.

Comment No. 4: Association of Washington Businesses' comments submitted by Mr. Cohen as part of the public comment process for SWAPCA 401 rule development are supported by Weyerhaeuser (Ken Johnson, Weyerhaeuser).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference rather than adopt a separate rule. Chapter 173-401 WAC reflects the input provided by the Association of Washington Businesses.

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

October 6, 1993

Robert D. Elliott

Executive Director

Reviser's note: The material contained in this filing will appear in the 93-22 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-21-005

PERMANENT RULES

SOUTHWEST AIR

POLLUTION CONTROL AUTHORITY

[Filed October 7, 1993, 11:24 a.m.]

Date of Adoption: September 21, 1993.

Purpose: To establish consistency between federal, state and local regulations; and to receive delegation of the operating permit program pursuant to 40 CFR 70.

Citation of Existing Rules Affected by this Order: Repealing Section 400-120 (Issuance of emission reduction credits), Section 400-125 (Use of emission reduction credits), Section 400-140 (Public involvement), Section 400-150 (Variance), Section 400-160 (Use of dispersion techniques), Section 400-170 (Monitoring and special report), Section 400-180 (Maintenance of pay), Section 400-200 (Regulatory actions), Section 400-210 (Criminal penalties), and Section 400-220 (Appeals); and amending SWAPCA 400-130 (Acquisition and use of emission reduction credits).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 93-10-078, 93-10-083, 93-10-084 and 93-10-085 on May 4, 1993.

Changes Other than Editing from Proposed to Adopted Version:

SWAPCA 400 (General Issues)

Comment No. 1: SWAPCA should wait until ecology has completed its rulemaking effort before completing the process at SWAPCA to provide a high degree of consistency between the two programs (Matthew Cohen, Association of Washington Businesses).

Evaluation: Agree. SWAPCA has waited for ecology to complete its rulemaking process. However, it is not clear what degree of interprogram consistency is required under ESHB 1089.

Comment No. 2: SWAPCA should incorporate ecology's changes into its regulations. The Association of Washington Businesses has submitted comments to ecology and a copy of the comments were included with the submittal (Matthew Cohen, Association of Washington Businesses).

Evaluation: Agree. A copy of ecology's summary of responses was received by SWAPCA. Ecology's revisions were incorporated into SWAPCA's regulation. Nevertheless, several differences between the programs will exist as outlined in the attached staff memorandum.

Comment No. 3: SWAPCA should delay final adoption of SWAPCA 400 until chapter 173-400 WAC has been finalized to ensure consistency (Ken Johnson, Weyerhaeuser).

Evaluation: Agree. SWAPCA has delayed adoption of SWAPCA 400 until chapter 173-400 WAC has been finalized by ecology.

Comment No. 4: The comments submitted by Matthew Cohen on behalf of the Association of Washington Businesses reflect the views of Weyerhaeuser Company and should be considered by SWAPCA (Ken Johnson, Weyerhaeuser).

Evaluation: SWAPCA has reviewed the summary of responses and changes made by Ecology as a result of the input received from Association of Washington Businesses and made similar revisions throughout the proposed SWAPCA regulation to promote consistency.

SWAPCA 400-010 Policy and purpose

Comment No. 1: SWAPCA should add language stating that the regulations regarding toxic air pollutants apply only to new or modified sources (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. NESHAP regulations also apply to several existing sources within SWAPCA's jurisdiction.

SWAPCA 400-030 Definitions

Comment No. 1: The definition of lowest achievable emission rate (LAER) should include the most stringent emission limit specified in any state implementation plan (SIP) rather than be limited to the Washington SIP only. This will make SWAPCA consistent with the federal definition (Mr. Len Dozier).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 2: Several definitions used in the originally proposed SWAPCA regulation revisions are inconsistent with those used by EPA and DOE. All definitions should remain consistent (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. Definitions should remain consistent between SWAPCA and ecology. These changes have been incorporated into the regulation. The definitions of the following terms were changed to remain consistent: "BACT," "building, structure, facility, or installation," "Class I areas," "emission standard," "LAER," "major modification," "major stationary source," "mandatory Class I areas," "net emission increase," "notice of construction application,"

"PM-10 emissions" and "prevention of significant deterioration."

Comment No. 3: The Spokane Indian Reservation should not be considered a Class I area for SWAPCA's regulation (Alan Prouty, James River Corporation).

Evaluation: Agree. SWAPCA's definition of "Class I area" was revised to reflect only those areas potentially impacted by emissions from stationary sources within SWAPCA's jurisdiction. These areas do not include the Spokane Indian Reservation, but Class I areas in Oregon were added.

Comment No. 4: The word "meteorology" should be added after the word "frequency" in definition 400-030(2) (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not recommended to be adopted. SWAPCA's definitions need to be consistent with EPA and ecology definitions.

Comment No. 5: The word "meteorology" should be added after the word "frequency" in definition 400-030(72) (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not recommended to be adopted. SWAPCA's definitions need to be consistent with EPA and ecology definitions.

SWAPCA 400-040 General standards for maximum emissions

Comment No. 1: The phrase "or operating permit condition to the source or sources for" should be replaced with "or rule requiring the" to prevent conflict with ESHB 1089. RACT should not be implemented through the operating permit program (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 2: "Category I areas" should be replaced with "nonattainment areas" in 400-040(8) (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 3: The mechanisms used to implement RACT determinations should not include operating permits in accordance with ESHB 1089 (Alan Prouty, James River Corporation).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 4: The mechanisms used to implement RACT determinations should not include operating permits in accordance with ESHB 1089 (John Surrett, PacifiCorp).

Evaluation: Agree. This change has been incorporated into the regulation.

Comment No. 5: The correction for sulfur dioxide concentration in 400-040(6) could be accomplished through measurement of either oxygen or carbon dioxide (John Surrett, PacifiCorp).

Evaluation: Agree. Carbon dioxide was added to the approved diluents for sulfur dioxide correction. This is consistent with the 40 CFR Part 75 monitoring regulations which are applicable to the Centralia Power Plant.

SWAPCA 400-052 Stack sampling of major combustion sources

Comment No. 1: It should be clarified that the testing requirements for purposes of compliance determination under

this regulation apply to only those sources that have applicable emission standards in place (John Surrett, PacifiCorp).

Evaluation: Agree. The suggested clarification to subsection (6) has been made.

SWAPCA 400-075 Emission standards for sources emitting hazardous air pollutants

Comment No. 1: SWAPCA should wait until the federally mandated studies regarding the emissions of toxic air pollutants from electric utility steam generating units are completed prior to adopting or establishing standards for such sources and pollutants (Dave Shilton, PacifiCorp).

Evaluation: Disagree. SWAPCA is best served by adopting WAC 173-400-075 (which will be periodically updated to incorporate all NESHAP) by reference rather than adopting a separate regulation. SWAPCA does not currently have authority to enforce the NESHAP regulation because ecology and SWAPCA have not regularly updated their adoption of the latest NESHAPs regulations. SWAPCA may risk denial by EPA for delegation of the NESHAP program if this comment is accepted at this time because it may be perceived that SWAPCA has weakened its authority versus that of EPA. Actions to be taken later at the federal level are expected to make this request a reality.

Comment No. 2: Add a subsection stating that "This section shall not be applicable for Title V Federal Clean Air Act (FCAA) requirements until such time that the hazardous air pollutant (HAP) regulations are adopted, if at all, for the permitted source" (John Surrett, PacifiCorp).

Evaluation: Disagree. SWAPCA needs to adopt WAC 173-400-075 by reference rather than adopt a separate regulation for the reasons stated above. Many of the NESHAP regulations are currently in effect and applicable to sources under SWAPCA jurisdiction.

SWAPCA 400-081 Startup and shutdown

Comment No. 1: Delete the last sentence regarding SIP amendments (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. No SIP amendment is needed for the Centralia Power Plant to continue operating in its current manner with respect to start up and shut down conditions. Emissions occurring during these events are considered unavoidable in accordance with SWAPCA 400-107(4). In addition, the proposed language is consistent with that used by ecology in chapter 173-400 WAC.

SWAPCA 400-090 Voluntary limits on emissions

Comment No. 1: A new section on voluntary limits on emissions should be added consistent with WAC 173-400-090 (Alan Prouty, James River Corporation).

Evaluation: Agree. The language from WAC 173-400-090 has been added to the proposed SWAPCA regulations. This addition will provide a means to achieve federal enforceability without a SIP amendment.

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Evaluation: Agree. The suggested change has been incorporated into the regulation.

SWAPCA 400-101 Sources exempt from registration requirements

Comment No. 1: Include all food preparation facilities rather than limiting the exemptions to merely restaurants and retail establishments (John Surrett, PacifiCorp).

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Comment No. 2: Add a section exempting bulk liquid storage, transfer and handling facilities with potential emissions of VOCs of less than 1 tpy (John Surrett, PacifiCorp).

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Comment No. 3: Add office equipment, supplies and operations to the list of exemptions (John Surrett, PacifiCorp).

Evaluation: Agree. The suggested addition has been incorporated into the regulation.

Comment No. 4: Add other activities to the exemptions list such as degreasing and solvent use and others (John Surrett, PacifiCorp).

Evaluation: Disagree. The suggested change is not being recommended to be adopted. Degreasing and solvent use account for a significant portion of the volatile organic compounds and toxic air pollutants emitted within SWAPCA's jurisdiction. In addition, a number of the activities proposed for exemption have EPA-authored "Control Technology Guidance" documents issued for regulating such activities and/or applicable regulatory requirements. Incorporation of the suggested change may

circumvent clear federal policy and guidance and possibly violate applicable emission standards.

SWAPCA 400-105 Records, monitoring and reporting

Comment No. 1: Add criteria under which sampling and/or monitoring would be required (John Surret, PacifiCorp).

Evaluation: Disagree. It is not possible for SWAPCA to foresee all of the possible scenarios under which testing and/or monitoring would be required. Therefore, it is reasonable to leave these determinations to a case-by-case determination by the control officer. In addition, the proposed language is consistent with that used by ecology in chapter 173-400 WAC.

SWAPCA 400-107 Excess emissions

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which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to the authority or ecology as soon as possible." (Ken Johnson, Weyerhaeuser).

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SWAPCA 400-110 New source review (NSR) and SWAPCA 401-900 Fee determination and certification

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SWAPCA 400-130 Acquisition and use of emission reduction credits

Comment No 1: Nitrogen oxides should be included in the inventory for ozone nonattainment areas (Sue Mauermann, Washington Department of Ecology).

Evaluation: Agree. This change has been incorporated into SWAPCA 400-130 (3)(a).

SWAPCA 400-131 Issuance of emission reduction credits

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Evaluation: Agree. This change has been made as suggested.

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Comment No. 4: Association of Washington Businesses' comments submitted by Mr. Cohen as part of the public comment process for SWAPCA 401 rule development are supported by Weyerhaeuser (Ken Johnson, Weyerhaeuser).

Evaluation: SWAPCA will adopt chapter 173-401 WAC by reference rather than adopt a separate rule. Chapter 173-401 WAC reflects the input provided by the Association of Washington Businesses.

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

October 6, 1993
Robert D. Elliott
Executive Director

Reviser's note: The material contained in this filing will appear in the 93-22 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-21-006
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Practical Nursing)
[Filed October 7, 1993, 2:05 p.m.]

Date of Adoption: September 16, 1993.

Purpose: Housekeeping changes to update terminology, clarify language and add new sections pertaining to licensee address of record, conduct before the board and adjudicative proceedings procedural rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-838-320; and amending WAC 246-838-050, 246-838-090, 246-838-110, 246-838-120, 246-838-130, and 246-838-270.

Statutory Authority for Adoption: RCW 18.78.050.

Pursuant to notice filed as WSR 93-16-101 on August 4, 1993.

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

January [October] 6, 1993

Patricia O. Brown, RN, MSN
Executive Director

AMENDATORY SECTION (Amending Order 296B, filed 8/10/92, effective 9/10/92)

WAC 246-838-050 Licensing examination ((and passing score)). (1) ~~((The current series of the National Council of State Board of Nursing Practical Nurse Examination (NCLEX) shall be the official examination for practical nurse licensure.~~

~~(2) The NCLEX will consist of two tests with the score for the total examination reported as either pass or fail.~~

~~(3) Examinations shall be conducted twice a year, in April and October.~~

~~(4))~~ In order to be licensed in this state, all practical nurse applicants shall take and pass the National Council Licensure Examination (NCLEX) for Practical Nurses.

(2) The executive secretary of the board shall negotiate with the National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

~~((5))~~ (3) The examination shall be administered in accord with the NCSBN security measures and contract. All appeals of examination ((scores)) results shall be managed in accord with policies in the NCSBN contract.

AMENDATORY SECTION (Amending Order 175B, filed 6/11/91, effective 7/12/91)

WAC 246-838-090 Licensure of graduates of foreign schools of nursing. Applicants who received their nursing education outside the United States or its territories shall meet the following requirements for licensing:

PERMANENT

(1) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

(2) Satisfactory passage of the test of English as a foreign language (TOEFL). All applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the board's discretion and for good cause, to this requirement.

(3) All other requirements of the statute and regulations shall be met.

(4) File with the board of practical nursing a completed license application with the required fee prior to February 15 for the April examination and prior to August 15 for the October examination. The fees are not refundable.

(5) Submit one recent United States passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(6) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(7) File an examination application, along with the required fee, directly with the testing service.

(8) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing ~~((score))~~ standard required in Washington.

AMENDATORY SECTION (Amending Order 231B, filed 12/27/91, effective 1/27/92)

WAC 246-838-110 Documents which indicate authorization to practice. The following documents are the only documents that indicate legal authorization to practice as a practical nurse in Washington.

(1) License - Active status. A license is issued upon completion of all requirements for licensure and confers the right to use the title licensed practical nurse and its abbreviation, L.P.N., and to practice in the state of Washington.

(2) Interim permit. An interim permit may be issued to a graduate from an approved practical nursing program who has met all qualifications, has filed an application for examination, and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued or when the candidate receives first notice of failure, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit within three days to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of practical nursing as described in chapter 18.78 RCW. The holder of an interim permit must practice under the direct supervision of a health professional as defined in RCW 18.78.010, cannot work as a charge nurse, and cannot work for employment agencies or nursing pools.

(d) It is in violation of the law regulating the practice of practical nursing to use the title "licensed practical nurse." The title "graduate practical nurse," or its abbreviation G.P.N., may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status (see WAC 246-838-130). This license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a practical nurse.

(4) Inactive license. A license issued to a practical nurse who is temporarily or permanently retired from practice. The holder of an inactive license shall not practice practical nursing in this state.

AMENDATORY SECTION (Amending Order 331B, filed 2/1/93, effective 3/4/93)

WAC 246-838-120 Renewal of licenses. (1) Individuals making applications for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(2) Individuals making application for initial license with the state of Washington under the interstate endorsement regulations, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(3) Issuance of license - Licensed practical nurses who complete the renewal application accurately, are practicing practical nursing in compliance with the law, and pay the renewal fee and surcharge fee as stated in WAC 246-838-330 and 246-838-990, shall be issued a license to practice. ~~((Should the licensee fail to renew his or her license prior to the expiration date, the individual is subject to the))~~ Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a late renewal penalty fee as stated in RCW 18.78.090. If the licensee fails to renew the license within one year from date of expiration, application for renewal of license shall be made under statutory conditions then in force.

(4) A license, active or inactive, that is not renewed is considered lapsed. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 246-838-130.

(5) Illegal practice - Any person practicing as a licensed practical nurse during the time that such individual's license is inactive or has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violators under the provisions of RCW 18.130.190.

(6) ~~((It is the licensee's responsibility to inform the board of changes of address.))~~ Licensees who fail to renew their license on or before its expiration date will remit to the department a late penalty fee in addition to the annual renewal fee.

NEW SECTION

WAC 246-838-121 Responsibility for maintaining mailing address. It is the responsibility of each licensee to maintain a current mailing address on file with the board which shall be used for mailing of all official matters from the board to the licensee. If 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, then the board shall proceed against the licensee by default under RCW 34.05.440.

AMENDATORY SECTION (Amending Order 175B, filed 6/11/91, effective 7/12/91)

WAC 246-838-130 Return to active status from inactive or lapsed status. Persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a practical nurse. Upon successful completion of the course, the individual's license shall be returned to active status.

AMENDATORY SECTION (Amending Order 175B, filed 6/11/91, effective 7/12/91)

WAC 246-838-270 Criteria for approved refresher course. (1) Philosophy, purpose, and objectives.

(a) Philosophy, purpose, and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of practical nursing as outlined in chapter 18.78 RCW.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(b) All faculty shall be qualified to develop and implement the program of study.

(c) Faculty shall be sufficient in number to achieve the stated program objectives.

(3) Course content.

(a) The course content shall consist of a minimum of sixty hours of theory content and one hundred twenty hours of clinical practice.

(b) The course content, length, methods of instruction, and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

(c) The theory course content shall include, but not be limited to, a minimum of sixty hours in current basic concepts of:

- (i) Nursing process;
- (ii) Pharmacology;
- (iii) Review of the concepts in the areas of:
 - (A) Practical nursing today including legal expectations;
 - (B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and
 - (C) Basic physical, biological, and social sciences necessary for practice; and
 - (iv) Review and updating of practical nursing knowledge and skills to include, but not be limited to, concepts of fundamentals, medical/surgical, parent/child, geriatric, and mental health nursing.
- (d) The clinical course content shall include a minimum of one hundred twenty hours of clinical practice in the area(s) listed in (c) of this subsection. Exceptions shall be justified to and approved by the board.

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid practical nurse license or apply and be eligible for a limited educational license approved by the board.

(c) Any person holding an inactive or lapsed practical nurse license in another state may apply for a limited educational license provided that the applicant meets the requirements of WAC 246-838-100.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a certification of successful completion of the course to the board.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board prior to starting the course.

(8) Approval of refresher courses shall be requested and approved in advance as directed by the board.

NEW SECTION

WAC 246-838-340 Executive secretary qualifications. The executive secretary shall have the following qualifications:

(1) License to practice as a registered nurse in this state;

(2) Master's degree in nursing from an accredited college or university;

(3) At least five years experience in the field of nursing to include at least two years prior to the time of appointment; and

(4) At least two years experience in nursing education.

NEW SECTION

WAC 246-838-350 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the Washington state board of practical nursing in a representative capacity shall

October 7, 1993
S. A. Moon
Deputy Secretary

conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the Washington state board of practical nursing may decline to permit such person to appear in a representative capacity in any proceeding before it.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-838-320 Executive secretary qualifications.

NEW SECTION

WAC 246-838-360 Adjudicative proceedings procedural rules. The Washington state board of practical nursing adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

**WSR 93-21-007
PERMANENT RULES
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed October 7, 1993, 2:08 p.m.]**

Date of Adoption: August 2, 1993.

Purpose: Adoption of model rules for adjudicative proceedings authorized by the Veterinary Board of Governors.

Statutory Authority for Adoption: RCW 18.92.030.

Pursuant to notice filed as WSR 93-13-052 on June 15, 1993.

Effective Date of Rule: Thirty-one days after filing,
August 2, 1993
Jerry Harsch
Chairman

NEW SECTION

WAC 246-933-190 Adjudicative proceedings. The board adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

**WSR 93-21-008
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION
[Order 139—Filed October 8, 1993, 1:48 p.m.]**

Date of Adoption: October 7, 1993.

Purpose: Places administrative policy regarding exemptions for specific overlength vehicles into rule.

Statutory Authority for Adoption: RCW 46.44.090.

Pursuant to notice filed as WSR 93-17-067 on August 17, 1993.

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

Permanent

NEW SECTION

WAC 468-38-075 Overlength exemptions. Single trailers and/or loads not exceeding fifty-six feet in length, double trailers and/or loads not exceeding sixty-eight feet in length, nonreducible loads (including trailer) not exceeding sixty-one feet in length, and vehicles with front overhangs not exceeding four feet beyond the three foot legal limit set in RCW 46.44.034 (see also bumper criteria in RCW 46.37.517), may move by special motor vehicle permit without regard to oversize load signs (WAC 468-38-190), weekend curfew or holiday restrictions (WAC 468-38-230), commuter traffic restrictions (WAC 468-38-235), or nighttime movement restrictions (WAC 468-38-260).

A power unit having tandem drive axles pulling a single trailer and/or load not exceeding fifty-six feet or a nonreducible load not exceeding sixty-one feet is exempt from that portion of the winter road restrictions (WAC 468-38-390) prohibiting movement in areas where any of the following signs are displayed: "Traction tires advised," "approved traction tires recommended," "approved traction tires required," or "tire chains required." The signs, however, must be obeyed.

**WSR 93-21-014
PERMANENT RULES
PARKS AND RECREATION
COMMISSION
[Filed October 11, 1993, 10:12 a.m.]**

Date of Adoption: September 17, 1993.

Purpose: Specify testing procedures required by the 1993 state legislature.

Statutory Authority for Adoption: RCW 43.51.400.

Pursuant to notice filed as WSR 93-16-066 on July 30, 1993.

Changes Other than Editing from Proposed to Adopted Version: Deletion of S1.4A-1985 under WAC 352-67-020(6) has the effect of making the sound level meter requirement less stringent.

Effective Date of Rule: Thirty-one days after filing,
September 20, 1993
Robert C. Petersen
Chair

**Chapter 352-67 WAC
VESSEL SOUND LEVEL MEASUREMENT
PROCEDURES**

NEW SECTION

WAC 352-67-010 Purpose. The purpose of these rules is to adopt vessel sound level measurement procedures. These rules are adopted pursuant to chapter 88.12 RCW Regulation of motor boats, under authority of chapter 88.12 RCW and RCW 43.51.400. These test procedures are based on SAE recommended practices SAE J1970, Shoreline Sound Level Measurements Procedure, and SAE J2005

Stationary Sound Level Measurement Procedures for Pleasure Motorboat, and are obtained from and printed with the permission of the Society of Automotive Engineers Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

NEW SECTION

WAC 352-67-020 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"dB" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.

"Commission" means the state parks and recreation commission.

"Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

"Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute (ANSI), Specifications for Sound Level Meters, S1.4-1983.

"Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

"Waters of the state" means any waters within the territorial limits of Washington state.

NEW SECTION

WAC 352-67-030 Instrumentation. (1) A sound level meter which meets Type 1 or Type 2 specifications shall be used.

(2) A microphone windscreen that does not affect the overall reading by more than ± 0.5 dB shall be used.

(3) A sound level calibrator shall be used to calibrate the sound level meter. Proper acoustical calibration shall comprise the complete measurement system including extension cables, etc. Field calibration shall be performed immediately before and after each test sequence.

NEW SECTION

WAC 352-67-040 General requirements. The following general requirements shall be followed when conducting sound level measurement procedures:

(1) The measurements shall be conducted only by persons qualified by training to perform these procedures.

(2) Proper use of all test instrumentation is essential to obtain valid measurements. Operating manuals or other

literature furnished by the instrument manufacturer should be consulted for both recommended operation of the instrument, and precautions to be observed.

(3) A measurement shall be invalid if changes in the background sound level affect the applicable reading.

NEW SECTION

WAC 352-67-050 Specific requirements. (1) A person who is qualified to conduct sound level measurement procedures may use either the shoreline sound level measurement procedure, or the stationary sound level measurement procedure, or both.

(2) The shoreline sound level measurement procedure shall be performed as follows:

(a) A suitable measurement site is the shore of a body of water, or dock projecting out from the shore into the body of water, or a raft, or a vessel moored to a dock, or anchored so that the sound level meter or microphone is not more than six meters (twenty feet) from shore. If the measurement is made from a dock, the dock shall be of open construction so that it presents a minimum of reflecting surfaces. The area around the microphone and vessel being measured shall be free of large obstructions or reflective surfaces including but not limited to buildings, high embankments, sea walls, hills, large piers, or breakwaters, for a minimum distance of thirty meters (one hundred feet).

(b) The applicable reading does not require that the vessel subject to the procedure be at any specific distance from the shoreline or microphone.

(c) This measurement procedure shall not be used during the time period of thirty seconds following engine start-up and/or preceding engine shutdown.

(d) The microphone shall be placed 1.2 meters to 1.5 meters (four feet to five feet) above the water, and no less than 0.6 meter (two feet) above the curve of the shore, dock, or platform. If on a dock or platform, the microphone shall be placed near or beyond the end of the dock or platform. If the measurement is made from a vessel, the microphone shall be held at a height of not less than 0.6 meter (two feet) above the surface of the water. A suitable vessel for this purpose is of open hull construction.

(e) The meter shall be set for slow response and the A-weighting network on the sound level meter.

(f) The observer reading the meter shall not be closer than arm's length from the microphone. Only one other person may be within fifteen meters (fifty feet) of the microphone when measuring from the dock or shoreline, and that person shall be directly behind the observer reading the sound level meter.

(g) The applicable reading shall be the highest sound level measured during a period when the background sound level is at least ten dB lower than the maximum allowable sound level. Background sound level includes wind effects, noise from boats other than the one being measured, wave action, boat wakes, and other extraneous noises. Readings due to hull slaps which create intermittent sound levels shall be disregarded.

(h) The observer shall record the applicable reading and the background sound levels taken immediately before and immediately after applicable reading.

(i) When sound level readings are taken from inside a vessel, three dB shall be subtracted from the reading to better correlate with shoreline readings.

(3) The stationary sound level measurement procedure shall be performed as follows:

(a) A suitable measurement site is a body of water free of large obstructions or reflective surfaces including but not limited to buildings, vessels other than those involved in the procedure, large embankments, or breakwaters, for a minimum distance of eight meters (twenty-five feet) from the vessel being measured. The vessel being tested shall either be moored to a dock or lashed to another vessel. If moored to a dock, the dock shall be of open construction so that it presents a minimum of reflecting surfaces. If the measurement is made in open water, the vessel being measured shall be lashed to the measurement vessel to prevent relative motion and to allow positioning of the microphone in the prescribed location. The measurement vessel shall be positioned to minimize reflected sound.

(b) The engine or motor of the vessel being evaluated shall be operated at low idle speed within the engine manufacturer's recommended operating range, in neutral gear if so equipped. For vessels without a neutral gear, the engine or motor shall be operated at its lowest operational speed. The engine or motor shall be operated for a sufficient amount of time to allow water to flow through the exhaust system before taking measurements.

(c) The microphone shall be placed at a distance of 1.2 meters to 1.5 meters (four feet to five feet) above the water and no closer than one meter (3.3 feet) from the vertical projection of any part of the vessel in the area adjacent to the exhaust outlet(s).

(d) The meter shall be set for slow response and the A-weighting network.

(e) The observer reading the meter shall not be closer than arm's length from the microphone to minimize sound reflections.

(f) The applicable reading shall be the average sound level measured during a period when the background sound level is at least ten dB lower than the measured sound level. Background sound level includes wind effects, noise from vessels other than the one being measured, wave action, vessel wakes, and other extraneous noises. Peak readings of intermittent sound levels created by wave slaps or changes in sound level due to wave action and/or engine or motor speed variation shall not be included in the applicable reading.

(g) The observer shall record the applicable reading and the background sound levels taken immediately before and immediately after the applicable reading.

WSR 93-21-016
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed October 11, 1993, 10:48 a.m.]

Date of Adoption: September 24, 1993.

Purpose: To amend existing rules to change the title of surgical assistants to physician assistant-surgical assistant and also establish rules for adjudicative proceedings.

Citation of Existing Rules Affected by this Order
 Amending WAC 246-918-005 and 246-918-250.

Statutory Authority for Adoption: RCW 18.71A.020.
 Other Authority: RCW 18.71.060.

Pursuant to notice filed as WSR 93-17-042 on August 12, 1993.

Effective Date of Rule: Thirty-one days after filing.
 October 6, 1993
 Beverly A. Teete
 Program Manager

NEW SECTION

WAC 246-918-009 Adjudicative proceedings. The board adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

AMENDATORY SECTION (Amending Order 278B, filed 6/3/92, effective 7/4/92)

WAC 246-918-005 Definitions. The following term used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Certified physician assistant" means an individual who has successfully completed an American Medical Association accredited and board approved physician assistant program and has passed the initial national board examination administered by the National Commission on Certification of Physician Assistants (NCCPA).

(2) "Physician assistant" means an individual who has

(a) Successfully completed an American Medical Association accredited and board approved physician assistant program and is eligible for the NCCPA examination;

(b) Qualified based on work experience and education and was licensed prior to July 1, 1989; or

(c) Graduated from a foreign medical school and was licensed prior to July 1, 1989.

(3) "Physician assistant-surgical assistant" means an individual who was licensed as a physician assistant between September 30, 1989, and December 31, 1989, to function in a limited extent as authorized in WAC 246-918-230.

(4) "Licensee" means an individual licensed as a certified physician assistant (~~or a~~) physician assistant, or physician assistant-surgical assistant.

(5) "Board approved program" means a physician assistant program that maintains *Committee on Allied Health Education and Accreditation* standards as defined in the "essentials" of the council of medical education of the American Medical Association.

(6) "Sponsoring physician" means the physician who is responsible for consulting with a certified physician assistant. An appropriate degree of supervision is involved.

(7) "Supervising physician" means the physician who is responsible for closely supervising, consulting, and reviewing the work of a physician assistant.

AMENDATORY SECTION (Amending Order 278B, filed 6/3/92, effective 7/4/92)

WAC 246-918-250 Basic physician assistant-surgical assistant duties. The physician assistant-surgical assistant who is not eligible to take the NCCPA certifying exam shall:

- (1) Function only in the operating room as approved by the board;
- (2) Only be allowed to close skin and subcutaneous tissue, placing suture ligatures, clamping, tying and clipping of blood vessels, use of cautery for hemostasis under direct supervision;
- (3) Not be allowed to perform any independent surgical procedures, even under direct supervision, and will be allowed to only assist the operating surgeon;
- (4) Have no prescriptive authority; and
- (5) Not write any progress notes or order(s) on hospitalized patients, except operative notes.

WSR 93-21-017
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed October 11, 1993, 10:50 a.m.]

Date of Adoption: September 24, 1993.

Purpose: To amend existing rules to prepare for new licensure examination and to establish rules for adjudicative proceedings.

Citation of Existing Rules Affected by this Order: Amending WAC 246-917-100, 246-917-110, and 246-917-120.

Statutory Authority for Adoption: RCW 18.71.060 and 18.71.070.

Pursuant to notice filed as WSR 93-17-043 on August 12, 1993.

Effective Date of Rule: Thirty-one days after filing.
 October 6, 1993
 Beverly A. Teeter
 Program Manager

AMENDATORY SECTION (Amending Order 148B, filed 2/28/91, effective 3/31/91)

WAC 246-917-100 Examination scores. Examinations given by the Washington state board of medical examiners:

~~((a))~~ (1) The board adopts the ~~((examination of the federation of state licensing boards))~~ United States Medical Licensing Examination (USMLE) as the examination ~~((given))~~ accepted by the board.

~~((b))~~ (2) The minimal passing scores for each component of ~~((the FLEX I and II examinations))~~ any approved examination combination shall be seventy-five percent.

~~((c))~~ (3) Applications for examination shall remain valid for two years (four examination cycles). Applicants who do not pass the examination within the two-year period must submit a new application and meet the licensure eligibility requirements in effect at the time of the new application.

Applicants who do not pass ~~((the))~~ Step 3 of the USMLE examination after three sittings within seven years after passing the first examination, either Step 1 or Step 2,

shall demonstrate evidence satisfactory to the board of having completed a remedial or refresher medical course approved by the board prior to being permitted to take the examination again. Applicants who do not pass after the fourth sitting may not take the examination without completing ~~((another residency program))~~ an additional year of post-graduate training or satisfying any other conditions specified by the board.

~~((d))~~ Applicants will be eligible to take FLEX I after completion of medical school and satisfactory verification of good standing in a board approved postgraduate training program. FLEX II may only be taken after having completed or substantially completed the first year of postgraduate training: Provided, That after completing or substantially completing one year of a board approved postgraduate training program, an applicant has the option of taking FLEX II or taking both FLEX I and FLEX II in a single sitting;)
 (4) Only those FLEX candidates who have been approved prior to the December 1993 FLEX examination and who have passed FLEX Component 2, but not FLEX Component 1, are eligible to take the 1994 special administration of FLEX Component 1.

(5) To be eligible for NBME Part III or USMLE Step 3, the applicant must:

(a) Have obtained the MD degree;

(b) Have completed successfully both Parts I and II or Steps 1 and 2 or Part I and Step 2 or Step 1 and Part II;

(c) Be certified by the education council of foreign medical graduates (ECFMG) if a graduate of a foreign medical school, or have successfully completed a fifth pathway program; and

(d) Have completed, or be near completion, of at least one post-graduate training year in a program of graduate medical education accredited by the Accreditation Council for Graduate Medical Education.

(6) Examination combinations acceptable. Any applicant who has successfully completed Part I (NBME) or Step 1 (USMLE) plus Part II or Step 2 plus Part III or Step 3; or FLEX Component 1 plus Step 3; or Part I or Step 1, plus Part II or Step 2, plus FLEX Component 2 shall be deemed to have successfully completed a medical licensure examination as required by RCW 18.71.070. (For clarification see Table I.)

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-917-110 FLEX examination standards.

Reciprocity applicants who were licensed by passing the FLEX examination will be eligible for examination waiver if the applicant received a FLEX ~~((weighed))~~ weighted average score of at least 75. The score may be obtained in a single setting of the three-day examination or by averaging the individual day scores from different examinations. The individual day scores will be averaged according to the following formula:

Day 1 equals 1/6.

Day 2 equals 2/6.

Day 3 equals 3/6.

The overall average score shall be truncated to the nearest whole number (i.e., an average of 74.9 equals 74). Single subject averaging is not permitted. The board will accept the

FLEX weighted average of 75 reported from the federation of state medical boards. All FLEX scores must be submitted directly from the federation of state medical boards. FLEX scores reported by other states will not be accepted.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-917-120 Examinations accepted for reciprocity or waiver. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. The minimum passing score will depend upon the quality of the examination using the FLEX I and II examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the National Board of Medical Examiners; or the Medical Council of Canada and holds a valid LMCC certificate obtained after 1969, may be granted a license without examination((: ~~Provided, That the applicant has not previously failed to pass an examination held in this state).~~)).

(3) Examination combination acceptable. Any applicant who has successfully completed Part I (NBME) or Step 1 (USMLE) plus Part II or Step 2 plus Part III or Step 3; or FLEX Component 1 plus Step 3; or Part I or Step 1, plus Part II or Step 2, plus FLEX Component 2 shall be deemed to have successfully completed a medical licensure examination as required by RCW 18.71.070.

Examination Combinations Acceptable for Licensure Table 1

Table with 2 columns: Examination sequence, Acceptable combinations. Rows include Part I plus Part II plus Part III, FLEX Component 1 plus FLEX Component 2, and Step 1 plus Step 2 plus Step 3.

NEW SECTION

WAC 246-917-220 Adjudicative proceedings. The board adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

WSR 93-21-020 PERMANENT RULES SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY [Filed October 11, 1993, 4:30 p.m.]

Date of Adoption: October 7, 1993.

Purpose: Reduce impact of winter traction material on ambient air quality and bring the Spokane area into compliance with federal clean air standards.

Statutory Authority for Adoption: Clean Air Washington Act, RCW 70.94.151.

Pursuant to notice filed as WSR 93-18-075 on August 31, 1993.

Effective Date of Rule: Thirty-one days after filing. October 8, 1993 Ronald J. Edgar Chief of Technical Services

REGULATION I NEW SECTION

SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES

A. Applicability. The provisions of Section 6.14 shall apply to any state, county, city or local government or private company that applies sanding materials to or mechanically sweeps or vacuums paved surfaces within the Spokane PM10 Nonattainment area. This Section shall also apply to all suppliers of sanding materials to be used by these affected entities.

B. Definitions.

- 1. Affected Entities are any state, county, city or local government or private company that applies sanding material to, or mechanically sweeps or vacuums paved surfaces within the Spokane PM10 Nonattainment area.
2. Approved Laboratory means a certified or approved facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.
3. The Authority is the Spokane County Air Pollution Control Authority
4. Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the Spokane PM10 Nonattainment Area, during the 1992 - 1993 season or another base season, as requested by an affected entity and approved by the Authority.
5. Durability Index means the percent loss of weight as determined using ASTM "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.

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6. Full Deployment means that all priority roadways targeted for treatment during a snow/ice event are sanded.
7. Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84A (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.
8. Priority Roadway means any street, arterial, or highway, within the Spokane PM10 Nonattainment Area, with more than 15,000 average daily traffic count, and any connecting entrance or exit ramp.
9. Recycled Sanding Materials means previously used sanding materials which have been collected from roadway or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.
10. Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
11. Season means the period beginning, November 1, in one calendar year and concluding on April 30, the next calendar year.
- C. Emission reduction and control plans. Each affected governmental entity shall submit to the Authority a plan, including an implementation schedule describing the programs and methods to be used to reduce PM10 emissions from paved surfaces, within 30 days after the effective date of this regulation. In reviewing each plan, the Authority shall allow consideration of mobility and transportation safety factors. Approval of any plan shall require that the Authority determine, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans submitted by all affected entities will achieve and maintain at least a 70% reduction, from the 1992 - 1993 base season, in the 24 hour PM10 emissions from paved surfaces.
1. Each plan is subject to approval by the Authority and shall address but not necessarily be limited to all of the following:
 - a. Base sanding amount;
 - b. Percent sanding reduction goal;
 - c. Sanding materials specifications to be employed;
 - d. Identification of priority roadways.
 - e. Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;
 - f. Street sweeping frequency and technology to be employed;
 - g. Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal when safety and mobility requirements have been satisfied.
 - h. An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan.
2. Beginning 30 days after the effective date of this regulation, the plans submitted shall be implemented by each affected entity. Upon approval of each plan, the affected entity shall implement the approved plan.
 3. Within 45 days of submittal of the reports required in Subsection G. of this Section, the Authority shall determine if the plan commitments have been met and shall notify any entity that has failed to meet plan commitments.
 4. If the Authority determines that any governmental entity has failed to meet the plan commitments, the Authority, shall require that any affected governmental entity submit a revised plan within 30 days of notification by the Authority. The revised plan shall establish methods for meeting the plan commitments. Any revised plan must be implemented upon approval by the Authority.
 5. If the Authority, after consultation with the affected governmental entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM10 emissions to meet the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Authority may require the affected governmental entities to modify their plans in order to achieve additional reductions.
- D. Sweeping requirements. Beginning the effective date of this regulation, the City of Spokane, Spokane County, and the Washington State Department of Transportation, or their contractors, shall clean all priority roadways in an expeditious manner following each sanding event when road conditions are appropriate and safety and mobility requirements have been satisfied. Cleaning shall be accomplished with broom sweepers or a more effective technique approved by the Authority.
- E. Sanding Materials Specifications
1. Material Standards. No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.
 2. Contractual Requirements. After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Subsection E.1. of this section.
- F. Testing
1. Supplier Testing Requirements
 - a. Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on

representative samples of their sanding materials which are supplied to affected entities.

- b. The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to the affected entity that the actual sanding materials supplied for use will meet the requirements of Subsection E. of this Section.
2. **User Requirements.** Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first 250 tons of recycled materials used each season and at least once for every 500 tons of recycled materials used thereafter during the same season.
 3. **Authority Audits.** The Authority may enter the site of any affected entity or supplier of sanding materials subject to this Section for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Subsection E. of this Section.
- G. Reporting**
1. **Supplier Reporting Requirements.** Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of this Section applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected entity that the sanding materials meet the requirements of Subsection E. of this Section.
 2. **Affected Entity Reporting Requirements**
 - a. Affected entities that use recycled sanding materials shall submit to the Authority copies of the results of testing conducted according to Subsection F.2. of this Section no later than 30 days after the tests are conducted.
 - b. No later than June 30, of each year, affected governmental entities shall submit a report to the Authority containing information for the preceding season on:
 - (1) the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
 - (2) the number of lane miles sanded, salted and deiced; and
 - (3) the number of full deployment episodes; and
 - (4) the same information specified in b.(1), b.(2), and b.(3), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.
 - (5) the same information specified in a.(1), a.(2), a.(3) and a.(4), for all private companies performing sweeping under a contract with the affected governmental entity.
 3. **Sweeper Reporting Requirements**
 - a. Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected governmental entity shall submit a report to the Authority which shall contain the information described below for each priority roadway.
 - (1) Date of each sweeping operation;
 - (2) Lane miles swept;
 - (3) Type of equipment used;
 - (4) Number of passes.
 - (5) the same information specified in a.(1), a.(2), a.(3) and a.(4), for all private companies performing sweeping under a contract with the affected governmental entity.
 4. **Authority Audits.** All records generated under the provisions of this Section shall be made available for inspection upon request by the Authority.
- H. Alternate Test Methods and Standards.** Alternate percent fines and durability index test procedures may be approved by the Authority should they be determined to provide a measure that is equivalent to the test procedures of this Section.
- I. Alternate Sanding Materials.** Experimentation with new sanding materials may be approved by the Authority provided the Authority finds that the impact of such experiments will not cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) for PM10.

J. Failure to comply with this Section will subject affected entities and/or suppliers to penalties as provided in Article II of this Regulation.

Pursuant to notice filed as WSR 93-15-055 on July 15, 1993.
 Effective Date of Rule: Thirty-one days after filing.
 October 13, 1993
 Dean A. Lydig, Chair
 Wildlife Commission

WSR 93-21-024
 PERMANENT RULES
DEPARTMENT OF HEALTH
 (Examining Board of Psychology)
 [Filed October 13, 1993, 1:19 p.m.]

Date of Adoption: October 8, 1993.
 Purpose: Amend RCW reference within body of WAC that was incorrectly cited for purposes of reciprocity.
 Citation of Existing Rules Affected by this Order: Amending WAC 246-924-100 Qualifications for granting of license by reciprocity.
 Statutory Authority for Adoption: RCW 18.83.050(5). Pursuant to notice filed as WSR 93-16-074 on August 2, 1993.
 Effective Date of Rule: Thirty-one days after filing.
 October 8, 1993
 Kathleen O'Shaunessy
 Chair

AMENDING SECTION [(Amending Order 117B, filed 1/28/91)]

WAC 246-924-100 Qualifications for granting of license by ~~((reciprocity))~~ endorsement. (1) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170 (1) and (2) shall:

(a) Provide evidence of meeting the educational requirements set forth in ~~((RCW 18.83.200))~~ RCW 18.83.070 in effect at the time the applicant entered his/her doctoral program;

(b) Pass the oral examination administered by the board pursuant to RCW 18.83.050.

(2) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170(3) shall:

(a) Pass the oral examination administered by the board pursuant to RCW 18.83.050.

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

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

WSR 93-21-025
 PERMANENT RULES
DEPARTMENT OF WILDLIFE
 [Order 614—Filed October 14, 1993, 10:10 a.m.]

Date of Adoption: October 2, 1993.
 Purpose: To amend WAC 232-12-007 Classification of wild animals.
 Citation of Existing Rules Affected by this Order: Amending WAC 232-12-007.
 Statutory Authority for Adoption: RCW 77.12.020 and 77.12.040.

AMENDATORY SECTION (Amending Order 492, filed 5/2/91)

WAC 232-12-007 Classification of wild animals. (1) Game animals include:

Common Name	Scientific Name
eastern cottontail	<i>Sylvilagus floridanus</i>
((mountain)) Nuttall's cottontail	<i>Sylvilagus nuttallii</i>
snowshoe hare	<i>Lepus americanus</i>
white-tailed jackrabbit	<i>Lepus townsendii</i>
black-tailed jackrabbit	<i>Lepus californicus</i>
fox	<i>Vulpes vulpes</i>
black bear	<i>Ursus americanus</i>
raccoon	<i>Procyon lotor</i>
cougar	<i>Felis concolor</i>
((lynx))	((Lynx canadensis))
bobcat	<i>Lynx rufus</i>
Roosevelt and Rocky Mountain elk	<i>Cervus elaphus</i>
mule deer and black-tailed deer	<i>Odocoileus hemionus</i>
white-tailed deer	<i>Odocoileus virginianus</i>
moose	<i>Alces alces</i>
pronghorn	<i>Antilocapra americana</i>
mountain goat	<i>Oreamnos americanus</i>
((mountain)) California and Rocky Mountain bighorn sheep	<i>Ovis canadensis</i>
((bull frog)) bullfrog	<i>Rana catesbeiana</i>

(2) Furbearing animals are game animals and include:

Common Name	Scientific Name
beaver	<i>Castor canadensis</i>
muskrat	<i>Ondatra zibethicus</i>
fox	<i>Vulpes vulpes</i>
raccoon	<i>Procyon lotor</i>
marten	<i>Martes americana</i>
short-tailed weasel	
or ermine	<i>Mustela erminea</i>
long-tailed weasel	<i>Mustela frenata</i>
mink	<i>Mustela vison</i>
badger	<i>Taxidea taxus</i>
river otter	<i>Lutra canadensis</i>
((lynx))	((Lynx canadensis))
bobcat	<i>Lynx rufus</i>

WSR 93-21-026
 PERMANENT RULES
DEPARTMENT OF WILDLIFE
 [Filed October 14, 1993, 10:12 a.m.]

Date of Adoption: October 2, 1993.
 Purpose: To amend WAC 232-12-014 Wildlife classified as endangered species.

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Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-014.

Statutory Authority for Adoption: RCW 77.12.020.

Pursuant to notice filed as WSR 93-15-057 on July 15, 1993.

Effective Date of Rule: Thirty-one days after filing.
October 13, 1993

Dean A. Lydig, Chair
Wildlife Commission

AMENDATORY SECTION (Amending Order 305, filed 2/12/88)

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include: (~~Columbian white-tailed deer, *Odocoileus virginianus leucurus*; Mountain caribou, *Rangifer tarandus*; Blue whale, *Balaenoptera musculus*; Bowhead whale, *Balaena mysticetus*; Finback whale, *Balaenoptera physalus*; Gray whale, *Eschrichtius gibbosus*; Humpback whale, *Megaptera novaeangliae*; Right whale, *Balaena glacialis*; Sei whale, *Balaenoptera borealis*; Sperm whale, *Physeter catodon*; Wolf, *Canis lupus*; Peregrine falcon, *Falco peregrinus*; Aleutian Canada goose, *Branta canadensis leucopareia*; Brown pelican, *Pelecanus occidentalis*; Leatherback sea turtle, *Dermochelys coriacea*; Grizzly bear, *Ursus arctos horribilis*; Sea Otter, *Enhydra lutris*; White pelican, *Pelecanus erythrorhynchos*; Sandhill crane, *Grus canadensis*; Snowy plover, *Charadrius alexandrinus*; Upland sandpiper, *Bartramia longicauda*; Northern spotted owl, *Strix occidentalis*.)~~)

<u>Common Name</u>	<u>Scientific Name</u>
<u>pygmy rabbit</u>	<u><i>Brachylagus idahoensis</i></u>
<u>gray wolf</u>	<u><i>Canis lupus</i></u>
<u>grizzly bear</u>	<u><i>Ursus arctos</i></u>
<u>sea otter</u>	<u><i>Enhydra lutris</i></u>
<u>gray whale</u>	<u><i>Eschrichtius robustus</i></u>
<u>sei whale</u>	<u><i>Balaenoptera borealis</i></u>
<u>fin whale</u>	<u><i>Balaenoptera physalus</i></u>
<u>blue whale</u>	<u><i>Balaenoptera musculus</i></u>
<u>humpback whale</u>	<u><i>Megaptera novaeangliae</i></u>
<u>black right whale</u>	<u><i>Balaena glacialis</i></u>
<u>sperm whale</u>	<u><i>Physeter macrocephalus</i></u>
<u>Columbian white-tailed deer</u>	<u><i>Odocoileus virginianus leucurus</i></u>
<u>woodland caribou</u>	<u><i>Rangifer tarandus caribou</i></u>
<u>American white pelican</u>	<u><i>Pelecanus erythrorhynchos</i></u>
<u>brown pelican</u>	<u><i>Pelecanus occidentalis</i></u>
<u>Aleutian Canada goose</u>	<u><i>Branta canadensis leucopareia</i></u>
<u>peregrine falcon</u>	<u><i>Falco peregrinus</i></u>
<u>sandhill crane</u>	<u><i>Grus canadensis</i></u>
<u>snowy plover</u>	<u><i>charadrius alexandrinus</i></u>
<u>upland sandpiper</u>	<u><i>Bartramia longicauda</i></u>
<u>spotted owl</u>	<u><i>Strix occidentalis</i></u>
<u>western pond turtle</u>	<u><i>Clemmys marmorata</i></u>
<u>leatherback sea turtle</u>	<u><i>Dermochelys coriacea</i></u>
<u>Oregon silverspot butterfly</u>	<u><i>Speyeria zerene hippolyta</i></u>

WSR 93-21-027

PERMANENT RULES

DEPARTMENT OF WILDLIFE

[Order 615—Filed October 14, 1993, 10:13 a.m.]

Date of Adoption: October 2, 1993.

Purpose: To amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-011.

Statutory Authority for Adoption: RCW 77.12.020.

Pursuant to notice filed as WSR 93-15-056 on July 15, 1993.

Effective Date of Rule: Thirty-one days after filing.
October 13, 1993

Dean A. Lydig, Chair
Wildlife Commission

AMENDATORY SECTION (Amending Order 441, filed 5/15/90)

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

~~((Protected wildlife designated as threatened include ferruginous hawk, *Buteo regalis*; bald eagle, *Haliaeetus leucocephalus*; western pond turtle, *Clemmys marmorata*; green sea turtle, *Chelonia mydas*; loggerhead sea turtle, *Caretta caretta*; Oregon silverspot butterfly, *Speyeria zerene hippolyta*; pygmy rabbit, *Brachylagus idahoensis*.)~~)

<u>Common Name</u>	<u>Scientific Name</u>
<u>western gray squirrel</u>	<u><i>Sciurus griseus</i></u>
<u>Steller (northern) sea lion</u>	<u><i>Eumetopias jubatus</i></u>
<u>North American lynx</u>	<u><i>Lynx canadensis</i></u>
<u>bald eagle</u>	<u><i>Haliaeetus leucocephalus</i></u>
<u>ferruginous hawk</u>	<u><i>Buteo regalis</i></u>
<u>marbled murrelet</u>	<u><i>Brachyramphus marmoratus</i></u>
<u>green sea turtle</u>	<u><i>Chelonia mydas</i></u>
<u>loggerhead sea turtle</u>	<u><i>Caretta caretta</i></u>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

<u>Common Name</u>	<u>Scientific Name</u>
<u>Larch Mountain salamander</u>	<u><i>Plethodon larselli</i></u>

(3) Other protected wildlife((-)) include:

~~((Other protected wildlife include all birds not classified as game birds, predatory birds, or endangered species[.]~~)

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~~designated as threatened species or sensitive species; and fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; western gray squirrel, *Sciurus griseus*; Douglas squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias*; cony or pika, *Ochotona princeps*; hoary marmot, *Marmota caligata* and *olympus*;))~~

<u>Common Name</u>	<u>Scientific Name</u>
<u>cony or pika</u>	<u><i>Ochotona princeps</i></u>
<u>least chipmunk</u>	<u><i>Tamius minimus</i></u>
<u>yellow-pine chipmunk</u>	<u><i>Tamius amoenus</i></u>
<u>Townsend's chipmunk</u>	<u><i>Tamius townsendii</i></u>
<u>red-tailed chipmunk</u>	<u><i>Tamius ruficaudus</i></u>
<u>hoary marmot</u>	<u><i>Marmota caligata</i></u>
<u>Olympic marmot</u>	<u><i>Marmota olympus</i></u>
<u>Cascade golden-mantled ground squirrel</u>	<u><i>Spermophilus saturatus</i></u>
<u>golden-mantled ground squirrel</u>	<u><i>Spermophilus lateralis</i></u>
<u>red squirrel</u>	<u><i>Tamiasciurus hudsonicus</i></u>
<u>Douglas squirrel</u>	<u><i>Tamiasciurus douglasii</i></u>
<u>northern flying squirrel</u>	<u><i>Glaucomys sabrinus</i></u>
<u>fisher</u>	<u><i>Martes pennanti</i></u>
<u>wolverine</u>	<u><i>Gulo gulo</i></u>
<u>painted turtle</u>	<u><i>Chrysemys picta</i></u>

~~((all wild turtles not otherwise classified as endangered species, or designated as threatened species or sensitive species;)) All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; mammals of the order *Cetacea*, including whales and porpoises, and mammals of the ((suborder)) order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.~~

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 93-21-034
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed October 15, 1993, 10:38 a.m., effective October 28, 1993]

Date of Adoption: September 21, 1993.

Purpose: To implement SSB 5386, reduces fees and extends the licensure period from one year to two years.

The fee schedule is being restructured based on calculation of FTE's rather than employees.

Citation of Existing Rules Affected by this Order: Amending WAC 246-327-990, 246-331-990, and 246-336-990.

Statutory Authority for Adoption: RCW 70.127.120.
 Other Authority: RCW 70.127.090.

Pursuant to notice filed as WSR 93-17-045 on August 12, 1993.

Changes Other than Editing from Proposed to Adopted Version: Added subsection (4) to clarify that licensees with deemed status are required to pay the normal fees. This is currently in statute.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule implements 1993 legislation requiring a longer license period and new fee structure. Emergency rule expires October 28, 1993; new rule must be adopted on that day.

Effective Date of Rule: October 28, 1993.

October 14, 1993
 Bruce Miyahara
 Secretary

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AMENDATORY SECTION (Amending Order 288, filed 7/16/92, effective 8/16/92)

~~WAC 246-331-990 Fees. (((1) Hospice agencies licensed under chapter 70.127 RCW shall submit an annual license fee as follows:~~

- ~~(a) Agencies with fifty or more employees, one thousand two hundred dollars;~~
- ~~(b) Agencies with less than fifty but more than fifteen employees, one thousand dollars; and~~
- ~~(c) Agencies with fifteen or less employees, eight hundred dollars.~~

~~(2) An agency applying for additional home health, hospice, or home care licenses shall receive a fee reduction of two hundred fifty dollars for each additional license in accordance with the provisions of RCW 70.127.110.) (1) An applicant or licensee shall submit to the department:~~

~~(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:~~

- ~~(i) A base fee of three hundred sixty dollars; and~~
- ~~(ii) For agencies with:~~
 - ~~(A) Fifteen or less FTEs, one hundred ninety dollars;~~
 - ~~(B) Sixteen through fifty FTEs, four hundred sixty dollars;~~
 - ~~(C) Fifty-one or more FTEs, nine hundred fifty dollars;~~

~~(b) A fee of one-half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:~~

- ~~(i) New firms;~~
- ~~(ii) Businesses not currently licensed to provide hospice care in Washington state; or~~
- ~~(iii) Currently licensed businesses which have had statement of charges filed against them;~~

~~(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.~~

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or home care license.

(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:

(a) A second on-site visit resulting from a licensee's failure to adequately respond to a statement of deficiencies;

(b) A complete on-site inspection resulting from a complaint investigation; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status under WAC 246-331-030, shall pay fees according to this section.

AMENDATORY SECTION (Amending Order 288, filed 7/16/92, effective 8/16/92)

WAC 246-336-990 Fees. ~~((1) Home care agencies licensed under chapter 70.127 RCW shall submit an annual license fee as follows:~~

~~(a) Agencies with fifty or more employees, one thousand twenty five dollars;~~

~~(b) Agencies with less than fifty but more than fifteen employees, eight hundred twenty five dollars; and~~

~~(c) Agencies with fifteen or less employees, six hundred sixty dollars.~~

~~(2) An agency applying for additional home health, hospice, or home care licenses shall receive a fee reduction of two hundred fifty dollars for each additional license in accordance with the provisions of RCW 70.127.110.) (1) An applicant or licensee shall submit to the department:~~

~~(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:~~

~~(i) A base fee of three hundred sixty dollars; and~~

~~(ii) For agencies with:~~

~~(A) Fifteen or less FTEs, one hundred ninety dollars;~~

~~(B) Sixteen through fifty FTEs, two hundred thirty dollars;~~

~~(C) Fifty-one or more FTEs, three hundred thirty dollars;~~

~~(b) A fee of one-half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:~~

~~(i) New firms;~~

~~(ii) Businesses not currently licensed to provide home care in Washington state; or~~

~~(iii) Currently licensed businesses which have had statement of charges filed against them;~~

~~(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.~~

~~(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license.~~

~~(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:~~

~~(a) A second on-site visit resulting from a licensee's failure to adequately respond to a statement of deficiencies;~~

~~(b) A complete on-site inspection resulting from a complaint investigation; or~~

~~(c) A follow-up compliance survey.~~

~~(4) A licensee with deemed status under WAC 246-336-030, shall pay fees according to this section.~~

AMENDATORY SECTION (Amending Order 288, filed 7/16/92, effective 8/16/92)

WAC 246-327-990 Fees. ~~((1) Home health agencies licensed under chapter 70.127 RCW shall submit an annual license fee as follows:~~

~~(a) Agencies with fifty or more employees, one thousand three hundred dollars;~~

~~(b) Agencies with less than fifty but more than fifteen employees, one thousand one hundred dollars; and~~

~~(c) Agencies with fifteen or less employees, eight hundred eighty dollars.~~

~~(2) An agency applying for additional home health, hospice, or home care licenses shall receive a fee reduction of two hundred fifty dollars for each additional license in accordance with the provisions of RCW 70.127.110.) (1) An applicant or licensee shall submit to the department:~~

~~(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:~~

~~(i) A base fee of three hundred sixty dollars; and~~

~~(ii) For agencies with:~~

~~(A) Fifteen or less FTEs, seven hundred fifty dollars;~~

~~(B) Sixteen through fifty FTEs, nine hundred dollars;~~

~~(C) Fifty-one or more FTEs, one thousand two hundred thirty dollars;~~

~~(b) A fee of one-half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:~~

~~(i) New firms;~~

~~(ii) Businesses not currently licensed to provide home health care in Washington state; or~~

~~(iii) Currently licensed businesses which have had statement of charges filed against them;~~

~~(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.~~

~~(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional hospice and/or home care license.~~

~~(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:~~

~~(a) A second on-site visit resulting from a licensee's failure to adequately respond to a statement of deficiencies;~~

~~(b) A complete on-site inspection resulting from a complaint investigation; or~~

~~(c) A follow-up compliance survey.~~

~~(4) A licensee with deemed status under WAC 246-327-030, shall pay fees according to this section.~~

WSR 93-21-039
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed October 15, 1993, 3:33 p.m.]

Date of Adoption: October 14, 1993.

Purpose: To incorporate recent amendments to the Washington Administrative Code into PSAPCA regulations.

Citation of Existing Rules Affected by this Order: Amending PSAPCA Regulation I - Section 5.11 and Regulation II - Section 2.07.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 93-18-069 on August 31, 1993.

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

October 14, 1993

Gerald S. Pade

Air Pollution Engineer

AMENDATORY SECTION

REGULATION I SECTION 5.11 ((1994 SURCHARGE FOR BLENDERS)) REGISTRATION OF OXYGENATED GASOLINE BLENDERS

((The Agency shall levy the following registration surcharges to defray the costs of administering the oxygenated gasoline blender registration and field compliance program mandated by WAC 173-492.))

(a) Blenders of oxygenated gasoline shall register with the Agency on an annual basis. Each request for registration shall be on forms supplied by the Agency and shall be accompanied by a fee to compensate for the cost of administering the program. The following fee table, based upon the average monthly sales of gasoline sold during the previous November, December, January and February, shall apply:

((November 1, 1992 to March 1, 1993 Average Monthly Sales:)) Volume (gallons)

Table with 2 columns: Volume (gallons) and Fee (\$). Rows include: less than 100,000 (\$ 500.00), 100,000 or more but less than 1,000,000 (\$ 1,000.00), 1,000,000 or more but less than 15,000,000 (\$ 10,000.00), 15,000,000 or more (\$ 25,000.00)

(b) Upon assessment by the Agency, this registration ((surcharge)) fee is due and payable within 30 days. It shall be deemed delinquent if not fully paid within 90 days and shall be subject to an additional fee equal to 3 times the original fee.

(c) Blenders of oxygenated gasoline shall, upon request by the Agency, submit periodic reports summarizing how the requirements of Section 2.09 of Regulation II were met. Each report shall be submitted on forms supplied by the Agency within 30 days of receipt of forms.

AMENDATORY SECTION

REGULATION II SECTION 2.07 GASOLINE STATIONS

(a) Section 2.07(b) shall apply to:

(1) All gasoline stations ((including any gasoline dispensing facility)) in existence on January 1, 1979 with a total annual gasoline ((output)) throughput greater than 200,000 gallons and total gasoline storage capacity greater than 10,000 gallons; and

(2) All stationary gasoline storage tanks, greater than 1,000 gallons capacity, installed or reconstructed after January 1, 1979.

(b) It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank unless the following conditions are met:

(1) Such stationary storage tank shall be equipped with a permanent submerged fill pipe and "CARB-certified" Stage 1 vapor recovery system that is maintained and operated according to the manufacturer's specifications;

(2) Such transport tank shall be equipped to balance vapors; and

(3) All vapor return lines shall be connected between the transport tank and the stationary storage tank, and the Stage 1 vapor recovery system shall be operating. All vapor return couplings shall have vapor-tight gasket seals and all vapor return ((element)) cam locks shall be in good working order and be locked.

(c) Section 2.07 (d) and (e) shall apply to:

(1) All gasoline stations ((including any gasoline dispensing facility)) in existence on August 2, 1991 located in ozone nonattainment areas with a total annual gasoline ((output)) throughput greater than 600,000 gallons and a total gasoline storage capacity greater than 10,000 gallons; and

(2) All gasoline stations ((including any gasoline dispensing facility)) in existence on August 2, 1991 located in ozone attainment areas with a total annual gasoline ((output)) throughput greater than 840,000 gallons and a total gasoline storage capacity greater than 10,000 gallons; and

(3) All stationary gasoline storage tanks, greater than 1,000 gallons capacity, installed or reconstructed after August 2, 1991.

(d) It shall be unlawful for the owner or operator of a gasoline station to cause or allow the transfer of gasoline from any stationary storage tank into any motor vehicle ((except motorcycles)) fuel tank (except motorcycles) unless all of the following requirements are met:

(1) Each gasoline dispenser shall be equipped with a "CARB-certified" Stage 2 vapor recovery system, approved under Article 6 of Regulation I, and installed in accordance with the schedule in Section 2.07(e);

(2) All vapor return lines shall be connected between the stationary storage tank and the motor vehicle fuel tank;

(3) All Stage 2 vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak-free, vapor-tight, and in good working order;

(4) Whenever a Stage 2 vapor recovery system component 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. The operator shall inspect each nozzle bellows daily;

(5) The owner or operator of each gasoline station utilizing a Stage 2 vapor recovery system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how

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to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of the Department of Ecology's toll-free telephone number for complaints regarding the operation and condition of the vapor recovery nozzles.

(e) The owner or operator of an existing gasoline station shall install a Stage 2 vapor recovery system in accordance with the following schedule(±):

(1) Businesses that own 10 or more gasoline stations in Washington:

(A) At least 50% of facilities with an annual throughput greater than 1,200,000 gallons by May 1, 1993;

(B) The remaining facilities with an annual throughput greater than 1,200,000 gallons by May 1, 1994; and

(C) All other facilities by December 31, 1998. (See Section 2.07(c) of this Regulation.)

(2) Businesses that own 10 or more gasoline stations in King, Pierce, Snohomish, and Clark Counties:

(A) At least 50% of facilities with an annual throughput greater than 840,000 gallons by May 1, 1994;

(B) The remaining facilities with an annual throughput greater than 840,000 gallons by May 1, 1995; and

(C) All other facilities by December 31, 1998. (See Section 2.07(c) of this Regulation.)

(3) Businesses that own fewer than 10 gasoline stations in Washington:

(A) All facilities with an annual throughput greater than 1,200,000 gallons by May 1, 1994; and

(B) All other facilities by December 31, 1998. (See Section 2.07(c) of this Regulation.)

((Table 2.07(e))

Type of Gasoline-Dispensing Facility or Gas Station	Notice of Construction Application by	Stage-2 System Installed by
(1) All new or upgraded facilities with storage tank greater than 4,000 gallons	30 days before installation	5/1/92 or before startup
(2) Existing facility with a throughput of 1,200,000 gallons or more/year and owner has 10 or more WA stations	7/1/92	5/1/93 for 50% of stations
(3) Existing facility with a throughput of 1,200,000 gallons or more per year	7/1/92	5/1/94
(4) Existing facility in ozone nonattainment areas with a throughput of 600,000 gallons or more per year	12/31/96	12/31/98
(5) Existing facility in ozone attainment areas with a throughput of 840,000 gallons or more per year))	12/31/96	12/31/98

NEW SECTION

REGULATION II SECTION 2.09 OXYGENATED GASOLINE

(a) This section shall apply to gasoline intended as a final product for fueling of motor vehicles within King, Pierce, and Snohomish Counties during the months of November, December, January, and February.

(b) It shall be unlawful for any person to sell, make available for sale, or dispense gasoline with an oxygen content less than 2.0% by weight.

(c) It shall be unlawful for any blender to supply gasoline with an oxygen content less than 2.7% by weight, averaged over each 2-month interval (November-December and January-February).

(d) It shall be unlawful for any gasoline station to dispense oxygenated gasoline unless the fuel dispensing system is conspicuously labeled as follows: The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.

**WSR 93-21-047
PERMANENT RULES
BENTON FRANKLIN WALLA WALLA
COUNTIES AIR POLLUTION
CONTROL AUTHORITY**

[Filed October 18, 1993, 2:40 p.m.]

Date of Adoption: October 7, 1993.

Purpose: Establish general and specific regulations governing the control of air contaminant emissions in Benton, Franklin and Walla Walla counties. Bring local regulations up to date and make consistent with current state law, chapter 70.94 RCW.

Citation of Existing Rules Affected by this Order: The existing local regulation 80-7 will be repealed on the effective date of the new Regulation 1.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 93-13-128 on June 22, 1993.

Changes Other than Editing from Proposed to Adopted Version: No changes other than editing from proposed to adopted version.

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

October 13, 1993
David A. Lauer
Control Officer

Reviser's note: The material contained in this filing will appear in the 93-23 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 93-21-049
PERMANENT RULES
YAKIMA COUNTY
CLEAN AIR AUTHORITY**

[Filed October 18, 1993, 2:51 p.m.]

Date of Adoption: October 13, 1993.

Purpose: Establish general and specific regulations governing the control of air contaminant emissions in Yakima County. Bring local regulations up-to-date and make consistent with current state law, chapter 70.94 RCW.

Citation of Existing Rules Affected by this Order: Regulation I of the YCCAA.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 93-15-076 on July 19, 1993.

Changes Other than Editing from Proposed to Adopted Version: Clarification of terms in following subsections 1.03(48), 1.03(49), 4.01(16), 4.01(27), 4.01(29), 4.01(30), 4.01(C), 5.03(D), 5.06(H), 9.04(A), 9.04(E). Reference changed from chapter 70.94 RCW to chapter 173-401 WAC in Sections 6.01 and 6.02(B). Reference to chapter 173-490 WAC added to Section 12.01. Addition of Attachments 1 and 2, maps of Woodsmoke Control Zone and Yakima Urban Area, respectively.

Effective Date of Rule: Thirty-one days after filing.
October 15, 1993
Tom T. Silva, Director
Air Pollution Control Officer

Reviser's note: The material contained in this filing will appear in the 93-23 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-21-052
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed October 18, 1993, 4:45 p.m., effective April 1, 1994]

Date of Adoption: September 10, 1993.

Purpose: To adopt revised energy code requirements for new and remodeled nonresidential buildings.

Citation of Existing Rules Affected by this Order: Amending chapter 51-11 WAC.

Statutory Authority for Adoption: RCW 19.27A.025.

Pursuant to notice filed as WSR 93-08-077 on April 6, 1993; WSR 93-10-004 on April 21, 1993; and WSR 93-16-111 on August 4, 1993.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These requirements increase the energy efficiency of newly constructed nonresidential buildings; require measures that are technically feasible, commercially available, and cost efficient to building owners and tenants; and were adopted by the State Building Code Council by a vote of 13 for and 1 against.

Effective Date of Rule: April 1, 1994.
September 10, 1993
Gene Colin
Chair

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0101 Section 101. Scope and general requirements.

101.1 Title: Chapters 1 through 10 of this Code shall be known as the "Washington State Residential Energy Code" and may be cited as such; and will be referred to herein as "this Code."

101.2 Purpose and Intent: The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of

persons who will or should be especially protected or benefitted by the terms of this Code.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the following three paths of design:

1. A systems analysis approach for the entire building and its energy-using sub-systems which may utilize renewable energy sources, Chapter 4.

2. A component performance approach for various building elements and mechanical systems and components, Chapter 5.

3. A prescriptive requirements approach, Chapter 6.

Compliance with any one of these approaches meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

101.3 Scope: This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for (~~public assembly, educational, business, mercantile, institutional, storage and~~) residential occupancies (~~(, as well as those portions of factory and industrial occupancies designed primarily for human occupancy)~~) by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for efficient use and conservation of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

101.3.1 Exempt Buildings: Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of sections 502 and sections 602 and 605, but shall comply with all other requirements for building mechanical systems, service water heating and lighting systems.

101.3.1.1: Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for space conditioning requirements.

101.3.1.2: Buildings and structures or portions thereof which are neither heated according to the definition of heated space in Chapter 2, nor cooled by a nonrenewable energy source, provided that the nonrenewable energy use for space conditioning complies with requirements of section 101.3.1.1.

101.3.1.3: Greenhouses isolated from any conditioned space and not intended for occupancy.

101.3.2 Application to Existing Buildings: Additions, historic buildings, changes of occupancy or use, and alterations or repairs shall comply with the requirements in the subsections below.

EXCEPTION: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in the opinion of the building official full compliance is physically impossible and/or economically impractical and:

1. The alteration or repair improves the energy efficiency of the building; or
2. The alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

In no case, shall building envelope requirements or mechanical system requirements be less than those requirements in effect at the time of the initial construction of the building.

101.3.2.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.

EXCEPTION: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet shall be approved provided that improvements are made to the existing occupancy to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis or component performance calculations. The nonconforming addition and upgraded, existing occupancy shall have an energy budget or heat loss which is less than or equal to the unimproved existing building, with the addition designed to comply with this Code.

101.3.2.2 Historic Buildings: The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

101.3.2.3 Change of Occupancy or Use:

~~((1. Any Other than Group R Occupancy which is presently unconditioned where the occupancy or use is changed to require conditioning shall be required to be brought into full compliance with this Code.~~

~~2. The use or occupancy of any Other than Group R Occupancies which are presently conditioned may be changed without complying with this code, provided additional heat or cooling is not added.~~

3.) Any Other than Group R Occupancy which is converted to Group R Occupancy shall be brought into full compliance with this Code.

~~((4. Any Group R Occupancy which is converted to Other than Group R Occupancy shall be required to comply with all of the provisions of this code if either new or increased heating or cooling is provided.~~

~~5. All Occupancies, which are converted from a Group R Occupancy or an Other than Group R Occupancy or use, to a new Other than Group R Occupancy or use shall comply with the lighting standards set forth in this code unless the existing lighting is not altered.))~~

101.3.2.4 Alterations and Repairs: All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

101.3.2.5 Building Envelope: The result of the alterations or repairs both:

1. Improves the energy efficiency of the building, and
2. Complies with the overall average thermal transmittance values of the elements of the exterior building envelope in Table 5-1 (~~or 5-2~~) of Chapter 5 or the nominal R-values and glazing requirements of the reference case in Tables 6-1 to 6-6 (~~or 6-7~~).

EXCEPTIONS:

1. Untested storm windows may be installed over existing glazing for an assumed U-value of 0.90, however, where glass and sash are being replaced in Group R Occupancy, glazing with a maximum area weighted average U-value of 0.40 shall be installed where there is an electric resistance space heating system and glazing with a maximum U-value of 0.65 (Climate Zone I) and 0.60 (Climate Zone II) shall be installed where there is any other space heating system.

2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R-value while, for roof/ceilings, maintaining the required space for ventilation. Existing walls and floors without framing cavities need not be insulated. Existing roofs shall be insulated to the requirements of this Code if

- a. The roof is uninsulated or insulation is removed to the level of the sheathing, or
- b. All insulation in the roof/ceiling was previously installed exterior to the sheathing or nonexistent.

101.3.2.6 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with section 503 of this Code.

101.3.2.7 Service Water Heating: Those parts of systems which are altered or replaced shall comply with section 504.

101.3.2.8 ~~((Lighting: Those parts of systems which are altered or replaced in buildings initially constructed subject to the requirements of this Code shall comply with section 505. Other remodels or replacements of lighting systems which are part of a substantial remodel shall comply with sections 505. In addition, remodeling of any size area with or without putting a new ceiling grid or suspension system when reusing existing fixtures and/or adding new ones shall not require compliance with the lighting power budget as long as the installed wattage is maintained or reduced. Remodeling of an entire floor or an entire tenant space that~~

~~includes a new lighting system with or without a new ceiling grid or suspension system shall require compliance of a lighting power budget of section 505. Compliance with switching requirements of section 505.2 is only required when new wiring is being run related to adding fixtures and/or fixtures are being relocated to a new circuit.)~~ Reserved.

101.3.3 Mixed Occupancy: When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where approved by the building official, where minor accessory uses do not occupy more than ten percent of the area of any floor of a building, the major use may be considered the building occupancy.

101.4 Amendments by Local Government: Except as provided in RCW 19.27A.020(7), this Code shall be the maximum and minimum energy code for Group R Occupancy in each town, city and county, no later than July 1, 1991. ~~((This Code shall be the minimum energy code for all other than Group R Occupancies in each town, city and county.))~~

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0201 General definitions.

201.1 Application of Terms: For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

AAMA: American Architectural Manufacturers Association

~~((Accepted analysis methods: Heating/cooling and lighting load calculations performed in accordance with the most current procedures developed by a nationally recognized professional organization and approved by the Building Official.))~~

Addition: See the Washington State Building Code.

Advanced framed ceiling: Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See Standard Framing.)

Advanced framed walls: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

AFUE. Annual fuel utilization efficiency: Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

Air conditioning, comfort: The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

~~((Air transport factor: The ratio of the rate of useful sensible heat removal from the conditioned space to the energy input to the supply and return fan motor(s), expressed in consistent units and under the designated operating conditions.))~~

ASHRAE: American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

ASTM: American Society for Testing and Materials

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. (See **Manual**.)

~~((Basement Wall: The opaque portion of a wall which encloses a basement and is partially or totally below grade.))~~

Below grade walls: Walls or the portion of walls which are entirely below the finish grade or which extend two feet or less above the finish grade.

Building, existing: See the Washington State Building Code.

Boiler capacity: The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

Building envelope: The elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions of Section 101.3.1.

Building official: The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

Building project: A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

~~((Clerestory: A window placed in a wall projecting from a roof plane at sixty degrees or more from the horizontal to admit daylight into the interior of a building. (See Skylight.))~~

Comfort Envelope: The area on a psychrometric chart enclosing all those conditions described in Standard RS-4, Figure No. 1, as being comfortable.

Conditioned space: All spaces which are provided with heated and/or cooled air or which are capable of being maintained at temperatures over fifty degrees F during the heating season, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors).

~~((Continuous air barrier: A system of materials installed during construction that is designed to effectively minimize the transfer of air to or from the conditioned space though [through] unintentional openings in the building envelope.))~~

Cooled space: Space within a building which is provided with a positive cooling supply.

COP - Coefficient of performance: The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See Net Heat Output, Net Heat Removal, Total On-Site Energy Input.)

Deadband: The temperature range in which no heating or cooling is used.

Degree day, heating: A unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal heating load of a building in winter. For any one day when the mean temperature is less than sixty-five degrees F there exist as many degree days as there are Fahrenheit degrees difference in temperature between the mean temperature for the day and sixty-five degrees F.

Door area: Total area of door measured using the rough opening and including the door and frame.

Dwelling unit: See the Washington State Building Code.

EER. Energy efficiency ratio: The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

Efficiency, HVAC system: The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

Emissivity: The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

Energy: The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See **New energy**.)

Energy, recovered: (See **Recovered energy**.)

Exterior envelope: (See **Building envelope**.)

Floor over unconditioned space: A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

F-Value: The perimeter heat loss factor expressed in Btu/hr•ft•°F.

Glazing: All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

Glazing area: Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than fifty percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

Gross conditioned floor area: The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

Gross exterior wall area: The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system; includes opaque wall, window and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, window areas including sash, and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces.

Gross floor area: The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

Gross roof/ceiling area: The sum of the areas of the roof/ceiling assembly, consisting of the total interior surface area of all elements, including skylights, which enclose a conditioned space.

Guest room: See the Washington State Building Code.

Heat: The form of energy that is transferred by virtue of a temperature difference.

Heat storage capacity: The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

Heated space: Space within a building which is provided with a positive heating supply. Finished living space within a basement or registers or heating devices designed to supply heat to a basement space shall automatically define that space as heated space. (See **Positive Heating Supply**.)

HSPF. Heating season performance factor: The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in the December 27, 1979, Federal Register, Vol 44, No. 24, IOCFR. 430. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

Humidistat: A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

HVAC: Heating, ventilating and air conditioning.

HVAC system components: HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See **HVAC system equipment**.)

HVAC system efficiency: (See **Efficiency, HVAC system**.)

HVAC system equipment: HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance

with common industry usage, apply either to HVAC system equipment or HVAC system components.)

Illumination: The density of the luminous flux incident on a surface; it is the quotient of the luminous flux by the area of the surface when the latter is uniformly illuminated.

Infiltration: The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

Insulation baffle: A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

Manual: Capable of being operated by personal intervention. (See **Automatic**.)

Net heat output: The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

Net heat removal: The total heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

New energy: Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **energy**.)

Nominal R-value: The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

Nonrenewable energy sources: All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

Occupancy: See the Washington State Building Code.

Opaque envelope areas: All exposed areas of a building envelope which enclose conditioned space, except openings for windows, skylights, doors, glazing and building service systems.

Open blown: Loose fill insulation pneumatically installed in an unconfined attic space.

Outdoor air: Air taken from the outdoors and, therefore, not previously circulated through the system.

Packaged terminal air conditioner: A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-10.)

Packaged terminal heat pump: A factory-selected combination of heating and cooling components, assemblies or sections intended for application in an individual room or zone. (For the complete technical definition, see Standard RS-21.)

Permeance (perm): The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour • ft² • inches of HG). Permeance may be measured using ASTM E-96-72 or other approved dry cup method as specified in RS-1.

Pool cover: A vapor-retardant cover which lies on or at the surface of the pool.

Positive cooling supply: Mechanical cooling deliberately supplied to a space, such as through a supply register. Also, mechanical cooling indirectly supplied to a space through uninsulated surfaces of space cooling components, such as evaporator coil cases and cooling distribution systems which are capable of maintaining air temperatures within the space of eighty-five degrees F, or lower, at the exterior design conditions specified in Section 302.1. To be considered exempt from inclusion in this definition, such surfaces shall comply with the insulation requirements of this Code.

Positive heating supply: Heat deliberately supplied to a space by design, such as a supply register, radiator or heating element. Also, heat indirectly supplied to a space through uninsulated surfaces of service water heaters and space heating components, such as furnaces, boilers and heating and cooling distributions systems which are capable of maintaining air temperature within the space of fifty degrees F, or higher, at the exterior design conditions specified in Section 302.1. To be considered exempt from inclusion in this definition, such surfaces shall comply with the insulation requirements of this Code.

Power: In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

Public facility rest room: A rest room used by the transient public on a regular (rather than casual) basis. Examples include rest rooms in service stations, airports, train terminals and convention halls. Rest rooms incorporated with private guest rooms in hotels, motels or dormitories and rest room facilities intended for the use of employees and not usually used by the general public are not considered public facility rest rooms.

Radiant slab: A slab on grade containing heated pipes, ducts, or electric heating cables that constitute a radiant slab or portion thereof for a complete or partial heating of the structure.

Readily accessible: See the Washington State Mechanical Code.

Recooling: The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

Recovered energy: Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

Reheat: The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

Renewable energy sources: Renewable energy sources of energy (excluding minerals) are derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

Reset: Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

Roof/ceiling assembly: A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed exterior ambient conditions to and encloses a conditioned space. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including skylights.

~~((**Room air conditioner:** A packaged assembly designed as a unit primarily for mounting in a window or through a wall, or as a console, and designed to provide free delivery of conditioned air to an enclosed space, room or zone. It includes a prime source of refrigeration for cooling and dehumidification and means for circulating and cleaning air, and may also include means for ventilating and heating.))~~

Sequence: A consecutive series of operations.

Service systems: All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

Service water heating: Supply of hot water for domestic or commercial purposes other than comfort heating.

~~((**Service water heating demand:** The maximum design rate of energy withdrawal from a service water heating system in a designated period of time (usually an hour or a day).))~~

Shaded: Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

Shall: Denotes a mandatory code requirement.

Single family: One and two family residential dwelling units with no more than two units in a single building.

Skylight: A glazing surface that has a slope of less than sixty degrees from the horizontal plane.

Slab-on-grade, exterior: Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

Slab-below-grade: Any portion of a slab floor in contact with the ground which is more than twenty-four inches below the final elevation of the nearest exterior grade.

Solar energy source: Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

Standard framing: All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See Advanced framed ceiling, Advanced framed walls, Intermediate framed wall.)

Substantial contact: A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

~~((**Substantially remodeled or rehabilitated:** Any alteration or restoration of a building or structure within any twelve month period, the cost of which exceeds sixty percent~~

~~of the current replacement value of the particular building or structure.))~~

System: A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

Tapering: Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

~~((**Terminal element:** The means by which the transformed energy from a system is finally delivered; i.e. registers, diffusers, lighting fixtures, faucets and similar elements.))~~

Thermal by-pass: An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

Thermal conductance (C): Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions ($\text{Btu/hr} \cdot \text{ft}^2 \cdot \text{°F}$).

Thermal resistance (R): The reciprocal of thermal conductance ($\text{hr} \cdot \text{ft}^2 \cdot \text{°F/Btu}$).

Thermal transmittance (U): The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ($\text{Btu/hr} \cdot \text{ft}^2 \cdot \text{°F}$). The U-value applies to the fractional combinations of different materials used in series along the heat flow path.

Thermal transmittance, overall (U^o): The overall (average) heat transmission of a gross area of the exterior building envelope ($\text{Btu/hr} \cdot \text{ft}^2 \cdot \text{°F}$). The U^o-value applies to the combined effect of the time rate of heat flows through the various parallel paths, such as windows, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

Thermostat: An automatic control device actuated by temperature and designed to be responsive to temperature.

Total on-site energy input: The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

Transmission coefficient: The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

U-Value: See thermal transmittance.

Uniform Building Code: The Washington State Uniform Building Code as modified by the Washington State Building Code Council.

Uniform Mechanical Code: The Washington State Uniform Mechanical Code as modified by the Washington State Building Code Council.

Unitary cooling and heating equipment: One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and

may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Unitary heat pump: One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Vapor retarder: A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also complies with this Code.

Vaulted ceilings: All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

Ventilation: The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

Ventilation air: That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

Walls (exterior): Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

~~(Water chilling package of absorption: A factory designed and prefabricated assembly (not necessarily shipped as a single package) of one or more condensers, evaporators (water coolers), absorbers and generators with interconnections and accessories used for chilling water.~~

~~Water chilling package, centrifugal or rotary: A factory designed and prefabricated assembly (not necessarily shipped as one package) or one or more centrifugal or rotary compressors, condensers and water coolers (evaporators) with interconnections and accessories used for chilling water.~~

~~Water chilling package, reciprocating: A factory designed and prefabricated assembly, self contained or condenserless, of one or more reciprocating compressors, condenser (self contained only), water coolers (evaporator) and interconnections and accessories used for chilling water. The condenser may be air, evaporatively or water cooled.)~~

Zone: A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0401 Scope.

401.1 General: This chapter establishes design criteria in terms of total energy use by a building, including all of its systems. Analysis of design for all Group R Occupancy

shall comply with section 402.1 to 402.6. (~~Analysis of design for other buildings shall comply with sections 402.2 to 402.6.)~~)

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0503 Building mechanical systems.

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct construction.

EXCEPTION: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment, and computer rooms may be exempted from the requirements of this section when approved by the building official.

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than one hundred fifty percent of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is fifty-six thousand Btu/h or less may exceed the one hundred fifty percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than the sum of seventy-eight percent plus one percent for every five thousand Btu/h that the space heating equipment output exceeds the design heating load of the dwelling unit.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Each temperature control zone shall include thermostatic controls installed and operated to sequence the use of heating and cooling energy to satisfy the thermal and/or humidity requirement of the zone. Controls shall prevent reheating (heating air that is cooler than system mixed air), recooling (cooling air that is warmer than the system mixed air), mixing or simultaneous supply of warm air (warmer than system return air mixed air) and cold air (cooler than system mixed air), or other simultaneous operation of heating and

cooling systems to one zone. For the purposes of this section, system mixed air is defined as system return air mixed with the minimum ventilation air requirement by section 303.

EXCEPTIONS:

1. Variable air volume systems designed to reduce the air supply to each zone during periods of occupancy to the larger of the following:
 - a. Thirty percent or less of the peak supply volume.
 - b. The minimum allowed to meet ventilation requirements of section 303.
 - c. 0.5 cfm/ft² of zone conditioned area before reheating, recooling or mixing takes place. Consideration shall be given to supply air temperature reset control.
2. The energy for reheating, or providing warm air in mixing systems, is provided entirely from recovered energy that would otherwise be wasted, or from renewable energy sources. In addition, the system shall comply with section 503.7 without exception.
3. Areas where specific humidity levels are required to satisfy process needs.
4. Where special pressurization relationships or cross-contamination requirements are such that variable air volume systems are impractical, supply air temperatures shall be reset by representative building load or outside air temperature.

503.4 HVAC Equipment Performance Requirements:

503.4.1 Equipment Components:

503.4.1.1: The requirements of this section apply to equipment and mechanical component performance for heating, ventilating and air-conditioning systems. Equipment efficiency levels are specified. Data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies shall be based on the standard rating conditions in Tables 5-4, 5-5 or 5-6 as appropriate.

503.4.1.2: Where components from more than one manufacturer are assembled into systems regulated under this section, compliance for each component shall be as specified in sections 503.4.2 through 503.4.6 of this Code.

503.4.2: HVAC System Heating Equipment Heat Pump-heating Mode. Heat pumps whose energy input is entirely electric shall have a coefficient of performance (COP) heating, not less than the values in Table 5-7. Heat Pumps with supplementary backup heat other than electricity shall meet the requirements of Table 5-7.

503.4.2.1: These requirements apply to, but are not limited to, unitary (central) heat pumps (air source and water source) in the heating mode, water source (hydronic) heat pumps as used in multiple-unit hydronic HVAC systems, and heat pumps in the packaged terminal air-conditioner in the heating mode.

503.4.2.3 Supplementary Heater: The heat pump shall be installed with a control to prevent supplementary backup heater operation when the operating load can be met by the heat pump compression cycle alone.

503.4.2.4 Heat Pump Controls: Requirements for heat pump controls are listed in section 503.8.3.5 of this Code.

503.4.3 HVAC System Combustion Equipment: For Group R Occupancy, all gas, oil, and propane central heating systems shall have a minimum AFUE of 0.78*. All other Group R Occupancy heating equipment fueled by gas, oil, or propane shall be equipped with an intermittent ignition device, or shall comply with the efficiencies as required in the 1987 National Appliances Energy Conservation Act (Public Law 100-12). ~~((For all Other Occupancies, all gas and oil-fired central heating plants shall have a minimum combustion efficiency of not less than that shown in Table 5-3.))~~

* HVAC Heating system efficiency trade-offs shall be made using Chapters 4 or 6 of this Code.

503.4.4 Packaged and Unitary HVAC System Equipment, Electrically Operated, Cooling Mode: HVAC system equipment as listed below, whose energy input in the cooling mode is entirely electric, shall have an energy efficiency ratio (EER) or a seasonal energy efficiency ratio (SEER) cooling not less than values in Table 5-8.

503.4.4.1: These requirements apply to, but are not limited to, unitary (central) and packaged terminal heat pumps (air source and water source); packaged terminal air conditioners.

~~((EXCEPTION: These requirements do not apply to equipment used for refrigerated food or florists' and nurseries' coolers.))~~

503.4.5 ~~((Applied HVAC System Components, Electrically Operated, Cooling Mode: HVAC System components, as listed in Table 5-9, whose energy input is entirely electric, shall have an energy efficiency ratio (EER) or a Coefficient of Performance (COP) cooling not less than the values in Table 5-9.))~~ Reserved.

503.4.6 ~~((HVAC System Equipment - Heat Operated, Cooling Mode, Efficiency Limitation, Equipment: Heat-operated cooling equipment shall have a COP cooling not less than the values in Table 5-10.))~~ Reserved.

503.5 ~~((Transport Energy:~~

~~503.5.1 All air Systems: The air transport factor for each all air system shall be not less than 5.5. The factor shall be based on design system air flow for constant volume systems. The factor for variable air volume systems may be based on average conditions of operation. Energy for transfer of air through heat recovery devices shall not be included in determining the factor; however, such energy shall be included in the evaluation of the effectiveness of the heat recovery system.~~

$$\text{Air Transport Factor} = \frac{\text{Space Sensible Heat Removal}^*}{\text{Supply + Return Fan(s) Power Input}^*}$$

*Expressed in Btu/h or watts

~~503.5.2 Other Systems: Air and water, all water and unitary systems employing chilled, hot, dual temperature or condenser water transport systems to space terminals shall not require greater transport energy (including central and terminal fan power and pump power) than an equivalent all-air system providing the same space sensible heat removal and having an air transport factor not less than 5.5.))~~ Reserved.

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503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Each fan system shall be designed to use up to and including one hundred percent of the fan system capacity for cooling with outdoor air automatically whenever its use will result in lower usage of new energy. Activation of economizer cycle shall be controlled by sensing outdoor air enthalpy or outdoor air dry-bulb temperature alone or alternate means approved by the building official.

EXCEPTIONS: Cooling with outdoor air is not required under any one or more of the following conditions:

1. The fan system capacity is less than three thousand five hundred cfm or total cooling capacity is less than ninety thousand Btu/h.
2. The quality of the outdoor air is so poor as to require extensive treatment of the air and approval by the building official.
3. The need for humidification or dehumidification requires the use of more energy than is conserved by the outdoor air cooling on an annual basis.
4. The use of outdoor air cooling may affect the operation of other systems so as to increase the overall energy consumption of the building.
5. When energy recovered from an internal/external zone heat recovery system exceeds the energy conserved by outdoor air cooling on an annual basis.
6. When all space cooling is accomplished by a circulating liquid which transfers space heat directly or indirectly to a heat rejection device such as a cooling tower without use of a refrigeration system.
7. When the use of one hundred percent outside air will cause coil frosting, controls may be added to reduce the quantity of outside air. However, the intent of this exception is to use one hundred percent air in lieu of mechanical cooling when less energy usage will result and this exception applies only to direct expansion systems when the compressor is running.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special (~~occupancies~~) uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 (~~Other Types of Buildings or Occupancies: At least one thermostat for regulation of space temperature shall be provided for:~~

~~1. Each separate system.~~

~~2. Each separate zone as defined in Chapter 2. As a minimum, each floor of a building shall be considered as a separate zone. In a multistory building where the perimeter system offsets only the transmission losses of the exterior wall, an entire side of uniform exposure may be zoned separately. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each floor.) Reserved.~~

503.8.3.4 Control Setback and Shut-off:

1. Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of nonuse or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

~~2. (~~Other Buildings and Occupancies. Each HVAC system shall be equipped with a readily accessible, automatic means of shutting off or reducing the energy used for HVAC during periods of non-use or alternate uses of the building spaces or zones served by the system. The following are examples that meet this requirement:~~~~

~~a. Manually adjustable automatic timing devices.~~

~~b. Automatic control systems.) Reserved.~~

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The

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automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Duct Construction: All duct work shall be constructed in accordance with Standards RS-15, RS-16, RS-17, RS-18, RS-19 or RS-20, as applicable, and the Uniform Mechanical Code.

503.10.1: High-pressure and medium-pressure ducts shall be leak tested in accordance with the applicable standards in Chapter 7 of this Code with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2: When low-pressure supply air ducts are located outside of the conditioned space, all HVAC ductwork seams and joints, both longitudinal and transverse, shall be taped and sealed with products approved by the building official only. Ductwork joints shall be mechanically fastened with a minimum of three fasteners per joint for a cylindrical duct. Use Table 5- 11 for duct insulation requirements.

503.10.3: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.11 Piping Insulation: All piping installed to serve buildings (and within) shall be thermally insulated in accordance with Table 5-12. For service hot water systems see section 504.7. If water pipes are outside of conditioned space then the pipe insulation requirement shall be R-3 minimum for nonrecirculating hot and cold water pipes. For recirculating service hot and cold water pipes use Table 5-12 for pipe sizes and temperatures.

EXCEPTION: Piping insulation is not required within unitary HVAC equipment.

503.11.1 Other Insulation Thickness: Insulation thickness in Table 5-12 is based on insulation having thermal resistance in the range of 4.0 to 4.6 per inch of thickness on a flat surface at a mean temperature of seventy-five degrees F. Minimum insulation thickness shall be increased for materials having R-values less than 4.0 per inch, or may be reduced for materials having R-values greater than 4.6 per inch.

a. For materials with thermal resistance greater than R = 4.6 per inch, the minimum insulation thickness may be reduced as follows:

$$\frac{4.6 \times (\text{Table 5-12 Thickness})}{\text{Actual Resistance}} = \text{New Minimum Thickness}$$

b. For materials with thermal resistance less than R = 4.0 per inch, the minimum insulation thickness shall be increased as follows:

$$\frac{4.0 \times (\text{Table 5-10 Thickness})}{\text{Actual Resistance}} = \text{New Minimum Thickness}$$

c. Additional insulation with vapor barriers shall be provided to prevent condensation where required by the building official.

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0505 ((Electrical power and lighting)) Reserved.

~~((505.1 General: Electrical distribution and lighting systems shall be designed for efficient distribution and use of electrical energy from the service entrance to and at the points of use as provided herein.~~

~~505.2 Lighting Switching: Switching for building lighting systems shall be designed and installed to permit efficient use of energy and to permit maximum flexibility in the use of the installed lighting. The following mandatory requirements represent the minimum lighting controls to be installed in any building. Additional controls should be provided where deemed appropriate and where the installation of such controls can significantly reduce energy consumption.~~

~~a. All lighting controls, except automatic controls or those for special purpose applications which require trained operators or those which would pose a safety problem or a security hazard, shall be installed so as to be readily accessible to personnel occupying or using the lighting space.~~

~~b. The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that provided by a twenty ampere circuit loaded to no more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently.~~

~~c. All lighted spaces enclosed by walls or ceiling height partitions and with floor area less than four hundred square feet shall be provided an individual lighting control or an occupant-sensing automatic control.~~

~~d. All lighted spaces with floor area greater than four hundred square feet shall be provided with controls to permit reducing the lighting by not more than one half or occupant-sensing automatic controls.~~

~~e. All building areas greater than two hundred square feet where natural lighting is available shall be provided with individual controls or daylight or occupant-sensing automatic controls which permit control of lights independent of general area lighting. Either individual controls shall be provided for each row of luminaires parallel to a window wall or controls shall be provided to reduce the lighting in at least two steps to not more than one half and to completely off in the natural lighting area. For office and school occupancies, at a minimum, lighting serving a zone within~~

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twelve feet of a window wall or the zone between an interior wall and the window wall of less than twelve feet shall comply with this provision. For retail occupancies, at least the row of luminaires nearest the window shall comply with this provision.

f. All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

g. All exterior building lighting including facade lighting, parking lots, driveways, walkways shall be furnished with automatic controls to reduce or turn off all lights during periods of non use or daylight hours, except those required for safety and security. Sign lights shall be exempt from this provision.

505.3 Lighting Power Budget: A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

EXCEPTION: — One and two family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of section 505.3.

505.3.1 Budget Development: The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.

505.3.2 Building Interiors: The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot, specified in Table 5-13.

For special conditions when approved by the building official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.

The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.

EXCEPTIONS:

1. Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be reduced by the following percentages:

a. For occupant sensing devices, energy savings of thirty percent shall be allowed for any single space up to four hundred ft² and enclosed by

ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.

b. For daylighting controls, energy savings of thirty percent for continuous dimming and twenty percent for stepped controls shall be allowed for any daylight space.

c. For lumen maintenance controls, energy savings of ten percent shall be allowed for any space.

d. For daylighting controls with occupant sensing devices, energy savings of forty four percent shall be allowed for any single space up to four hundred ft² within daylight spaces, and enclosed by ceiling height partitions.

e. For occupant sensing devices with lumen maintenance controls, energy savings of thirty seven percent shall be allowed for any single space up to four hundred ft² and enclosed by ceiling height partitions.

505.3.2.1: Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:

A. Stage lighting, entertainment, or audiovisual presentations where the lighting is an essential technical element for the function performed.

B. Lighting for medical and dental tasks.

C. Lighting in areas specifically designed for visually handicapped people.

D. For restaurant occupancies, lighting for kitchens and food preparation areas.

505.3.4 Building Exteriors: The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per ft² of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.)

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0528 Equation 4—((Other than Group R Occupancy)) Reserved.

TARGET U_o

$$U_o = \frac{U_w A_w + U_f A_f + U_c A_c + F_s P_s}{A_w + A_f + A_c + P_s}$$

Where:

U_o — the target combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area.

U_w — the thermal transmittance value of the opaque above grade wall area found in Table 5-2.

A_w — opaque above grade wall area.

U_f — the thermal transmittance value of the floor area found in Table 5-2.

A_f — floor area over unconditioned space.

U_c — the thermal transmittance value of the ceiling area found in Table 5-2.

A_c — ceiling area.

F_s — concrete slab component F-value found in Table 5-2.

P_s — lineal ft. of concrete slab perimeter

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0529 Equation 5—(~~Other than Group R Occupancy~~) Reserved.

PROPOSED U_o

$$\frac{U_w A_w + U_{BGW} A_{BGW} + U_G A_G + U_F A_F + U_{RC} A_{RC} + U_{CC} A_{CC} + U_D A_D + F_s P_s}{U_o}$$

$$P_s \frac{A_w + A_{BGW} + A_G + A_F + A_{RC} + A_{CC} + A_D +$$

Where:

~~U_o — the combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area.~~

~~U_w — the thermal transmittance of the opaque wall area.~~

~~U_{BGW} — the thermal transmittance value of the below grade opaque wall area.~~

~~A_{BGW} — opaque below grade wall area.~~

~~A_w — opaque wall area.~~

~~U_G — the thermal transmittance of the glazing (window or skylight) area.~~

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~~A_G = glazing area, including windows in exterior doors.~~

~~U_F = the thermal transmittance of the floor area.~~

~~A_F = floor area over unconditioned space.~~

~~U_{RC} = the thermal transmittance of the roof/ceiling area.~~

~~A_{RC} = roof/ceiling area.~~

~~U_{CC} = the thermal transmittance of the cathedral ceiling area.~~

~~A_{CC} = cathedral ceiling area.~~

~~U_D = thermal transmittance value of opaque door area.~~

~~A_D = opaque door area.~~

~~F_S = concrete slab component F-factor.~~

~~P_S = lineal ft. of concrete slab perimeter.~~

~~NOTE: Where more than one type of wall, window, roof/ceiling, door, and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:~~

~~$$U_{W1}A_{W1} + U_{W2}A_{W2} + U_{W3}A_{W3} + \dots \text{etc.}$$~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0531 Table 5-2—Reserved.

~~COMPONENT REQUIREMENTS FOR OTHER THAN GROUP R OCCUPANCIES~~

~~BUILDINGS OF THREE CONDITIONED STORIES OR LESS~~

Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab on Grade¹	Installed U_s	Installed R-Value	F-Value
I.	0.035	0.25	0.05	7	0.035	7	0.56
H.	0.035	0.20	0.05	10	0.035	10	0.54

~~¹Insulation shall be water resistant material manufactured for this use.~~

~~BUILDINGS OVER THREE CONDITIONED STORIES~~

Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab on Grade¹	Installed U_s	Installed R-Value	F-Value
I.	0.08	0.30	0.08	7	0.08	7	0.56
H.	0.06	0.25	0.08	10	0.06	10	0.54

~~¹Insulation shall be water resistant material manufactured for this use.~~

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AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0532 Table 5-3—Reserved.

~~OTHER THAN GROUP R OCCUPANCY HVAC SYSTEM
HEATING EQUIPMENT—GAS AND OIL FIRED
MINIMUM STEADY STATE COMBUSTION EFFICIENCY~~

~~Furnaces of Capacity of — All Other
225,000 Btu/h and less — Commercial/
Boilers of Capacities of — Industrial Furnace
300,000 Btu/h and less — and Boilers~~

Types of Equipment	Percent¹	Percent²
Forced-air furnaces and low-pressure steam or hot-water boilers	74	75
Gravity central furnaces	69	
All other vented heating equipment	69	

~~¹—Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.~~

~~²—Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input.~~

~~Stack losses are:~~

- ~~Loss due to sensible heat in dry flue gas.~~
- ~~Loss due to incomplete combustion.~~
- ~~Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.~~

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AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0538 Table 5-9—Reserved.

~~MINIMUM EFFICIENCY FOR ELECTRIC HVAC COMPONENTS^{1,2}~~

~~WATER CHILLING PACKAGES~~

~~CONDENSING MEANS~~

TYPE OF COMPONENT	COMPRESSOR TYPE	AIR		WATER		EVAPORATIVE	
		EER	COP	EER	COP	EER	COP
Condenser Included	Centrifugal or rotary	8.00	2.34	13.80	4.04		
	Reciprocating	8.40	2.36	12.00	3.51		
Condenserless	Reciprocating	9.90	2.90	12.00	3.51		
Compressor and condenser units							
65,000 Btu/hr (19,000 watts) Positive and over ² displacement							
		9.50	2.78	12.50	3.66	12.50	3.66

~~HYDRONIC HEAT PUMPS~~

Water source under 65,000 Btu/hr (19,000 watts)							
	Centrifugal or rotary			9.00	2.64		
Water source 65,000 Btu/hr (19,000 watts) and over							
	Centrifugal or rotary			9.40	2.75		

¹When tested at the standard rating conditions specified in Table 5-6.

²Ratings in accordance with Standard RS-14 as applicable.

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AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0539 Table 5-10—Reserved.

~~—HVAC SYSTEM HEAT OPERATED COOLING EQUIPMENT~~

HEAT SOURCE	MINIMUM COP
Direct-Fired (gas, oil)	0.48
Indirect-Fired (steam, hot water)	0.68
Minimum COP =	Net-Cooling-Output
	Total heat input¹

~~¹ electrical auxiliary inputs excluded~~

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AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0540 Table 5-11.

INSULATION OF DUCTS

DUCT LOCATION	CLIMATE ZONE	INSULATION TYPES MECHANICALLY COOLED	INSULATION TYPES HEATING ONLY	GROUP R- OCCUPANCY HEATING OR COOLING DUCTS
On roof or on exterior of building	I	C, V ² and W	C and W	E and W
	II	D, V ² and W	D and W	D and W
Attic, garage, crawlspace, in walls ¹ , in floor/ceiling ¹	I	B and V ²	B	E
	II	C and V ²	C	E
Within the conditioned space or in heated basements		None Required	None Required	None Required
In cement slab or in ground		A	B	B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out of package thickness.

- A. 0.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2.
- B. 2 inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 1.5 inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.
- C. 3 inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 2 inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.
- D. 4 inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 3 inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10.
- E. 3.5 inch 0.60 lb/cu. ft. mineral or glass fiber blanket. 2.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-8.
- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

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**TABLE 5-11
INSULATION OF DUCTS**

<u>DUCT LOCATION</u>	<u>CLIMATE ZONE</u>	<u>GROUP R OCCUPANCY HEATING OR COOLING DUCTS</u>
<u>On roof or on exterior of building</u>	I II	E and W D and W
<u>Attic, garage, crawl space, in walls¹, in floor/ceiling¹</u>	I II	E E
<u>Within the conditioned space or in heated basement</u>		None Required
<u>In cement slab or in ground</u>		B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out-of-package thickness.

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2.
- B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.
- C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.
- D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10.
- E. 3.5 inch 0.60 lb/cu.ft. mineral or glass fiber blanket. 2.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-8.
- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

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AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0542 Table 5-13—Reserved.

~~LIGHTING POWER BUDGET¹~~

GROUP OCCUPANCY	DESCRIPTION	LIGHTING POWER BUDGET³ (Watts/ft²)
A	Assembly w/stage	1.1
	Stage lighting	Exempt
	Assembly w/o stage; other than B and E	1.1
B	Gasoline service station	1.7
	Storage garages	0.3
	Office buildings	1.7
	Wholesale stores	2.0
	Police and fire stations	1.7
	Retail stores:	
	 less than 6000 ft²	4.0
	 6000 to 20,000 ft²	3.0
	 over 20,000 ft²	2.0
	Drinking and dining establishments	1.05
	Food preparation task light	Exempt
	Aircraft hangars—storage	0.7
	Process plants⁴	1.0
Factories and work shops⁴	1.7	
Storage structures	0.7	
B	Schools and daycare centers	1.7
	Audio-visual presentation lighting	Exempt
H	Storage structures	0.7
	Handling areas	1.7
	Paint shops	2.5
	Auto repair shops	1.7
	Aircraft repair hangars	1.7
I	Institutions	1.7
	Administrative support areas	1.7
	Diagnostic, treatment, food service task lighting	Exempt
R	Dwelling units	Exempt
	Food preparation task lighting	Exempt

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~~¹ Watts/ft² of room may be increased by two percent per foot of height above 20 feet.~~

~~² Emergency exit lighting is exempt from interior lighting budget.~~

~~³ Lighting that is part of machines or equipment is exempt from this budget.~~

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0605 (~~(Building envelope requirements for other than Group R occupancies)~~) Reserved.

~~((605.1 Opaque Envelope Criteria: Roof/ceilings, exterior walls, floors over unconditioned space, below grade walls, and slab on grade floors enclosing heated spaces shall be insulated to not less than the nominal R-value specified for roof/ceilings, exterior walls, floors over unconditioned space, below grade walls, and slab on grade floors, respectively, in Table 6-7. Roof/ceilings enclosing mechanically cooled spaces shall be insulated to not less than the nominal R-value specified for roof/ceilings in Table 6-7.~~

~~605.2 Glazing Criteria: All glazing shall be, at a minimum, double glazing. Insulating glass with at least one-half inch air space or approved storm sash will be considered as complying. The total glazing area shall not exceed the percentage of gross exterior wall area specified in Table 6-7.~~

~~EXCEPTION: Single glazing in doors may be installed provided that the glazing area is doubled for the purpose of demonstrating compliance with the glazing area requirements.~~

~~605.3 Air Leakage: All buildings shall comply with the air leakage requirement of section 502.4.)~~

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0606 (~~(Building mechanical systems requirements for other than Group R occupancies)~~) Reserved. (~~(All building mechanical systems shall comply with the requirements of section 503.)~~)

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0607 (~~(Service water heating requirement for other than Group R occupancies)~~) Reserved. (~~(All service water heating systems shall comply with the requirements of section 504.)~~)

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0608 (~~(Electrical power and lighting requirements for other than Group R occupancies)~~) Reserved. (~~(All electrical power and lighting systems shall comply with the requirements of section 505.)~~)

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0631 Table 6-7—Reserved.

TABLE 6-7 OTHER THAN GROUP R OCCUPANCIES PRESCRIPTIVE REQUIREMENTS

COMPONENT	ZONE I	ZONE II
SPACE CONDITIONING SYSTEM TYPE	ANY	ANY
ROOF/CEILINGS	R-30	R-30
EXTERIOR WALLS	R-11	R-11
FLOORS OVER UNCONDITIONED SPACE	R-11	R-11
BELOW GRADE WALLS	R-4	R-5
SLAB ON GRADE FLOORS ¹	R-7	R-10
GLAZING TYPE	Double ²	Double ²
MAXIMUM TOTAL GLAZING AREA (% of Gross Exterior Wall Area)	32%	22%

¹ Insulation shall be a water-resistant material, manufactured for intended use, and installed to manufacturer's specifications.

² 'Double' denotes a minimum air space between glazings of 1/2 inch.

**CHAPTER 11
ADMINISTRATION AND ENFORCEMENT**

NEW SECTION

WAC 51-11-1100 Title. Chapters 11 through 20 of this Code shall be known as the "Washington State Nonresidential Energy Code" and may be cited as such; and will be referred to hereafter as "this Code."

NEW SECTION

WAC 51-11-1110 Purpose and intent. The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy. It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Code. This Code is not intended to abridge any safety or health requirement required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope.

NEW SECTION

WAC 51-11-1120 Scope. This Code sets forth minimum requirements for the design of new or altered buildings and structures or portions thereof that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage, factory, and industrial occupancies by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for efficient use and conservation of energy.

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NEW SECTION**WAC 51-11-1130 Application to existing buildings.**

Additions, alterations or repairs, changes of occupancy or use, and historic buildings that do not comply with the requirements for new buildings, shall comply with the requirements in Sections 1130 through 1134.

Exception: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of Sections 1130 through 1134 where in the opinion of the building official full compliance is physically impossible and/or economically impractical and the alteration or repair improves the energy efficiency of the building.

In no case shall energy code requirements be less than those requirements in effect at the time of the initial construction of the building.

NEW SECTION**WAC 51-11-1131 Additions to existing buildings.**

Additions to existing buildings or structures may be constructed without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.

Exception: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet may be approved provided that improvements are made to the existing building to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis per Section 1141.4 or component performance calculations per Sections 1330 through 1334. The nonconforming addition and upgraded, existing building shall have an energy budget or target UA and SHGC that are less than or equal to the unimproved existing building, with the addition designed to comply with this Code.

NEW SECTION**WAC 51-11-1132 Alterations and repairs.**

Alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without the use of the exception in Section 1130. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

1132.1 Building Envelope: Alterations or repairs shall comply with nominal R-values and glazing requirements in Table 13-1 or 13-2.

Exceptions:

1. Storm windows installed over existing glazing.
2. Glass replaced in existing sash and frame provided that glazing is of equal or lower U-factor.
3. For solar heat gain coefficient compliance, glazing with a solar heat gain coefficient equal to or lower than that of the other existing glazing.
4. Existing roof/ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Sections 1311 and 1313.
5. Existing walls and floors without framing cavities, provided that any new cavities added to existing walls and floors comply with Exception 4.
6. Where the roof membrane is being replaced and

- a. The roof sheathing or roof insulation is not exposed; or
- b. If there is existing roof insulation below the deck.

In no case shall the energy efficiency of the building be decreased.

1132.2 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with Chapter 14 of this Code.

1132.3 Lighting and Motors: Tenant improvements, alterations or repairs where 60 percent or more of the fixtures are new shall comply with Sections 1531 and 1532. Where less than 60 percent of the fixtures are new, the installed lighting wattage shall be maintained or reduced. Where 60 percent or more of the lighting fixtures in a suspended ceiling are new, and the existing insulation is on the suspended ceiling, the roof/ceiling assembly shall be insulated according to the provisions of Chapter 13 Section 1311.2.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections 1513.1 through 1513.5. Where a new lighting panel with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall comply with Section 1513.6.

Those motors which are altered or replaced shall comply with Section 1511.

NEW SECTION**WAC 51-11-1133 Change of occupancy or use.**

Changes of occupancy or use shall comply with the following requirements:

a. Any unconditioned space that is altered to become conditioned space shall be required to be brought into full compliance with this Code.

b. Any Group R occupancy which is converted to other than a Group R occupancy shall be required to comply with all of the provisions of Sections 1130 through 1132 of this Code.

NEW SECTION

WAC 51-11-1134 Historic buildings. The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

NEW SECTION

WAC 51-11-1140 Enforcement. The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code. Fees may be assessed for enforcement of this Code and shall be as set forth in the fee schedule adopted by the jurisdictions.

NEW SECTION**WAC 51-11-1141 Plans and specifications.**

1141.1 General: If required by the building official, plans and specifications shall be submitted in support of an application for a building permit. If required by the building official, plans and specifications shall be stamped and authenticated by a registered design professional currently licensed in the state of Washington. All plans and specifications, together with supporting data, shall be submitted to the building official prior to issuance of a building permit.

1141.2 Details: The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems as herein governed including, but not limited to: Design criteria; exterior envelope component materials, U-factors of the envelope systems, R-values of insulating materials; U-factors and shading coefficients of glazing; area weighted U-factor calculations; efficiency, economizer, size and type of apparatus and equipment; fan system horsepower; equipment and systems controls; lighting fixture schedule with wattages and controls narrative; and other pertinent data to indicate compliance with the requirements of this Code.

1141.3 Alternate Materials and Method of Construction: The provisions of this Code are not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the building official as meeting the intent of this Code. The building official may approve any such alternate provided the proposed alternate meets or exceeds the provisions of this Code and that the material, method, design or work offered is for the purpose intended, at least the equivalent of that prescribed in this Code, in quality, strength, effectiveness, fire-resistance, durability, safety, and energy efficiency. The building official may require that sufficient evidence of proof be submitted to substantiate any claims that may be made regarding performance capabilities.

1141.4 Systems Analysis Approach for the Entire Building: In lieu of using Chapters 12 through 20, compliance may be demonstrated using the systems analysis option in RS-29. When using systems analysis, the proposed building shall provide equal or better conservation of energy than the standard design as defined in RS-29. If required by the building official, all energy comparison calculations submitted under the provisions of RS-29 shall be stamped and authenticated by an engineer or architect licensed to practice by the state of Washington.

NEW SECTION**WAC 51-11-1142 Materials and equipment.**

1142.1 Identification: All materials and equipment shall be identified in order to show compliance with this Code.

1142.2 Maintenance Information: Maintenance instructions shall be furnished for any equipment which requires preventive maintenance for efficient operation. Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. Such label may be limited to identifying, by title or publication number, the operation and

maintenance manual for that particular model and type of product.

NEW SECTION**WAC 51-11-1143 Inspections.**

1143.1 General: All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. No work shall be done on any part of the building or structure beyond the point indicated in each inspection without first obtaining the approval of the building official.

1143.2 Required Inspections: The building official, upon notification, shall make the inspection required in this Section, in addition to or as part of those inspections required in Section 305(e) of the Uniform Building Code. Inspections may be conducted by special inspection pursuant to Section 306(b) and 306(c) of the Uniform Building Code. Where applicable, inspections shall include at least:

1143.2.1 Envelope

a. Wall Insulation Inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

b. Glazing Inspection: To be made after glazing materials are installed in the building.

c. Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.

d. Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

1143.2.2 Mechanical

a. Mechanical Equipment Efficiency and Economizer: To be made after all equipment and controls required by this Code are installed and prior to the concealment of such equipment or controls.

b. Mechanical Pipe and Duct Insulation: To be made after all pipe and duct insulation is in place, but before concealment.

1143.2.3 Lighting and Motors

a. Lighting Equipment and Controls: To be made after the installation of all lighting equipment and controls required by this Code, but before concealment of the lighting equipment.

b. Motor Inspections: To be made after installation of all equipment covered by this Code, but prior to concealment.

1143.3 Re-inspection: The building official may require a structure to be re-inspected. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

NEW SECTION

WAC 51-11-1144 Violations. It shall be a violation of this Code for any person, firm, or corporation to erect or construct any building, or remodel or rehabilitate any existing building or structure in the state, or allow the same to be done, contrary to any of the provisions of this Code.

NEW SECTION

WAC 51-11-1150 Conflicts with other codes. In case of conflicts among Codes enumerated in RCW 19.27.031 (1), (2), (3) and (4) and this Code, the first named Code shall govern. The duct insulation requirements in this Code or a local jurisdiction's energy code, whichever is more stringent, supersede the requirements in the Uniform Mechanical Code.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

NEW SECTION**WAC 51-11-1160 Severability and liability.**

1161 Severability: If any provision of this Code or its application to any person or circumstance is held invalid, the remainder of this Code or the application of the provision to other persons or circumstances is not affected.

1162 Liability: Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of any city or county or its officers, employees or agents for any injury or damage resulting from the failure of a building to conform to the provisions of this Code.

CHAPTER 12 DEFINITIONS

NEW SECTION

WAC 51-11-1201 Scope. The following definitions will apply to Chapters 11 through 20.

NEW SECTION

WAC 51-11-1210 Application of terms. For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the Codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

AAMA: American Architectural Manufacturers Association.

ADDITION: See the Washington State Building Code.

ADVANCED FRAMED CEILING: Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See **Standard Framing** and Section 2007.2 of this Code.)

ADVANCED FRAMED WALLS: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10

insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See **Standard Framing** and Section 2005.2 of this Code.)

AFUE - ANNUAL FUEL UTILIZATION EFFICIENCY: Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

AIR CONDITIONING, COMFORT: The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

ARI: Air Conditioning and Refrigeration Institute.

ASHRAE: American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

ASTM: American Society for Testing and Materials.

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. (See **Manual**.)

BELOW GRADE WALLS: Walls or the portion of walls which are entirely below the finished grade or which extend two feet or less above the finish grade.

BOILER CAPACITY: The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

BUILDING ENVELOPE: The elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

BUILDING, EXISTING: See the Washington State Building Code.

BUILDING OFFICIAL: The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

BUILDING PROJECT: A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

CONDITIONED FLOOR AREA: (See **Gross Conditioned Floor Area**.)

CONDITIONED SPACE: A cooled space, heated space (fully heated), heated space (semi-heated), or indirectly conditioned space.

COOLED SPACE: An enclosed space within a building that is cooled by a cooling system whose sensible capacity

- a. exceeds 5 Btu/(h•ft²), or
- b. is capable of maintaining space dry bulb temperature of 90 degrees F or less at design cooling conditions.

COP - COEFFICIENT OF PERFORMANCE: The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See **Net Heat Output, Net Heat Removal, Total On-Site Energy Input.**)

DAYLIGHTED ZONE:

- a. Under overhead glazing: The area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.
- b. At vertical glazing: The area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

DAYLIGHT SENSING CONTROL (DS): A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

DEADBAND: The temperature range in which no heating or cooling is used.

DESIGN COOLING CONDITIONS: The cooling outdoor design temperature from the 0.5 percent column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

DESIGN HEATING CONDITIONS: The heating outdoor design temperature from the 0.6 percent column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

DOOR AREA: Total area of door measured using the rough opening and including the door and frame.

DOOR: All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

DWELLING UNIT: See the Washington State Building Code.

EER - ENERGY EFFICIENCY RATIO: The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

ECONOMIZER, AIR: A ducting arrangement and automatic control system that allows a cooling supply fan system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

ECONOMIZER, WATER: A system by which the supply air of a cooling system is cooled directly, indirectly, or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

EFFICIENCY, HVAC SYSTEM: The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

EMISSIVITY: The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

ENERGY: The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (Kwh) or British thermal units (Btu). (See **New energy.**)

ENERGY, RECOVERED: (See **Recovered energy.**)

EXTERIOR ENVELOPE: (See **Building envelope.**)

FACADE AREA: Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

FLOOR OVER UNCONDITIONED SPACE: A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

F-FACTOR: The perimeter heat loss factor expressed in Btu/h•ft °F.

F-VALUE: (See **F-Factor.**)

GLAZING: All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

GLAZING AREA: Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than fifty percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

GROSS CONDITIONED FLOOR AREA: The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

GROSS EXTERIOR WALL AREA: The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system; includes opaque wall, vertical glazing and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, vertical glazing areas, and door areas, where such surfaces are exposed to exterior ambient condi-

tions and enclose a conditioned space including interstitial areas between two such spaces. (See **Below Grade Wall**.)

GROSS FLOOR AREA: The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces, pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

GROSS ROOF/CEILING AREA: A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

GUEST ROOM: See the Washington State Building Code.

HEAT: The form of energy that is transferred by virtue of a temperature difference.

HEAT STORAGE CAPACITY: The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

HEATED SPACE (FULLY HEATED): An enclosed space within a building, including adjacent connected spaces separated by an un-insulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

- a. capable of maintaining a space dry-bulb temperature of 45 degrees F or greater at design heating conditions; or
- b. 8 Btu/(h•ft²) or greater in Climate Zone 1 and 12 Btu/(h•ft²) or greater in Climate Zone 2.

HEATED SPACE (SEMI-HEATED): An enclosed space within a building, including adjacent connected spaces separated by an un-insulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

- a. whose output capacity is 3 Btu/(h•ft²) or greater in Climate Zone 1 and 5 Btu/(h•ft²) or greater in Climate Zone 2; and
- b. is not a Heated Space (Fully Heated).

HSPF - HEATING SEASON PERFORMANCE FACTOR: The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

HUMIDISTAT: A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

HVAC: Heating, ventilating and air conditioning.

HVAC SYSTEM COMPONENTS: HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See **HVAC system equipment**.)

HVAC SYSTEM EFFICIENCY: (See **Efficiency, HVAC system**.)

HVAC SYSTEM EQUIPMENT: HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

INDIRECTLY CONDITIONED SPACE: An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See **Heated Space, Cooled Space and Unconditioned Space**.)

INFILTRATION: The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

INSULATION BAFFLE: A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

INSULATION POSITION:

- a. **Exterior Insulation Position:** A wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.
- b. **Integral Insulation Position:** A wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.
- c. **Interior Insulation Position:** A wall not meeting either of the above definitions; particularly a wall

having most of its mass external to the insulation layer.

IPLV - INTEGRATED PART-LOAD VALUE: A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air-conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

LUMINAIRE: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

MANUAL: Capable of being operated by personal intervention. (See **Automatic**.)

NFPA: National Fire Protection Association.

NFRC: National Fenestration Rating Council.

NET HEAT OUTPUT: The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

NET HEAT REMOVAL: The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

NEW ENERGY: Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **Energy**.)

NOMINAL R-VALUE: The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

NONRENEWABLE ENERGY SOURCES: All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

NONRESIDENTIAL: All buildings and spaces in the Uniform Building Code (UBC) occupancies other than Group R.

OCCUPANCY: See the Washington State Uniform Building Code.

OCCUPANCY SENSOR: A device that detects occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

OPAQUE ENVELOPE AREAS: All exposed areas of a building envelope which enclose conditioned space, except openings for doors, glazing and building service systems.

OPEN BLOWN: Loose fill insulation pneumatically installed in an unconfined attic space.

OUTDOOR AIR (OUTSIDE AIR): Air taken from the outdoors and, therefore, not previously circulated through a building.

OVERHEAD GLAZING: A glazing surface that has a slope of less than sixty degrees from the horizontal plane.

PACKAGED TERMINAL AIR CONDITIONER: A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-10.)

PERMEANCE (PERM): The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour•ft²• inches of HG). Permeance may be measured using ASTM E-96-72 or other approved dry cup method as specified in RS-1.

POOL COVER: A vapor-retardant cover which lies on or at the surface of the pool.

POWER: In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

PROCESS ENERGY: Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

RADIANT FLOOR: A floor assembly, on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

READILY ACCESSIBLE: See the Washington State Mechanical Code.

RECOOLING: The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

RECOVERED ENERGY: Energy utilized which would otherwise be wasted (i.e., not contribute to a desired end use) from an energy utilization system.

REHEAT: The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

RENEWABLE ENERGY SOURCES: Renewable energy sources (excluding minerals) derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

RESET: Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

ROOF/CEILING ASSEMBLY: (See **Gross Roof/Ceiling Area**.)

SEER - SEASONAL ENERGY EFFICIENCY RATIO: The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total

electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

SEMI-HEATED SPACE: Sub-category of **Heated Space**. (See **Heated Space**.)

SEQUENCE: A consecutive series of operations.

SERVICE SYSTEMS: All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

SERVICE WATER HEATING: Supply of hot water for domestic or commercial purposes other than comfort heating.

SHADED: Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

SHADING COEFFICIENT: The ratio of solar heat gain occurring through non-opaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8-inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter 26 of Standard RS-27, listed in Chapter 17 of this Code.

SHALL: Denotes a mandatory Code requirement.

SKYLIGHT: (See **Overhead Glazing**.)

SLAB-BELOW-GRADE: Any portion of a slab floor in contact with the ground which is more than twenty-four inches below the final elevation of the nearest exterior grade.

SLAB-ON-GRADE, EXTERIOR: Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

SOLAR ENERGY SOURCE: Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

SOLAR HEAT GAIN COEFFICIENT (SHGC): The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted, or convected into the space.

SPLIT SYSTEM: Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

STANDARD FRAMING: All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See **Advanced framed ceiling**, **Advanced framed walls**, **Intermediate framed wall**.)

SUBSTANTIAL CONTACT: A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

SYSTEM: A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

TAPERING: Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

THERMAL BY-PASS: An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

THERMAL CONDUCTANCE (C): Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions ($\text{Btu}/\text{h}\cdot\text{ft}^2\cdot^\circ\text{F}$).

THERMAL RESISTANCE (R): The reciprocal of thermal conductance ($\text{h}\cdot\text{ft}^2\cdot^\circ\text{F}/\text{Btu}$).

THERMAL TRANSMITTANCE (U): The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ($\text{Btu}/\text{h}\cdot\text{ft}^2\cdot^\circ\text{F}$).

THERMAL TRANSMITTANCE, OVERALL (U_o): The overall (average) heat transmission of a gross area of the exterior building envelope ($\text{Btu}/\text{h}\cdot\text{ft}^2\cdot^\circ\text{F}$). The U_o -factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as glazing, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

THERMOSTAT: An automatic control device actuated by temperature and designed to be responsive to temperature.

TOTAL ON-SITE ENERGY INPUT: The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

TRANSMISSION COEFFICIENT: The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

U-FACTOR: (See **Thermal Transmittance**.)

U-VALUE: (See **U-Factor**.)

UNCONDITIONED SPACE: Space within a building that is not a conditioned space. (See **Conditioned Space**.)

UNIFORM BUILDING CODE: The Washington State Uniform Building Code as modified by the Washington State Building Code Council.

UNIFORM MECHANICAL CODE: The Washington State Uniform Mechanical Code as modified by the Washington State Building Code Council.

UNIFORM PLUMBING CODE (UPC): The Washington State Uniform Plumbing Code as modified by the Washington State Building Code Council.

UNITARY COOLING AND HEATING EQUIPMENT: One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

UNITARY HEAT PUMP: One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

VAPOR RETARDER: A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also meets this definition.

VAULTED CEILINGS: All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

VENTILATION: The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

VENTILATION AIR: That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

VERTICAL GLAZING: A glazing surface that has a slope of sixty degrees or greater from the horizontal plane.

WALLS (EXTERIOR): Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

ZONE: A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

CHAPTER 13 BUILDING ENVELOPE

NEW SECTION

WAC 51-11-1301 Scope. Conditioned buildings or portions thereof shall be constructed to provide the required thermal performance of the various components according to the requirements of this chapter. Unless otherwise approved

by the building official, all spaces shall be assumed to be at least semi-heated.

Exception:

1. Greenhouses isolated from any conditioned space and not intended for occupancy.
2. As approved by the building official, spaces not assumed to be at least semi-heated.
3. Unconditioned Group M occupancy accessory to Group R occupancy.

NEW SECTION

WAC 51-11-1302 Space heat type. For the purpose of determining building envelope requirements, the following two categories comprise all space heating types:

Electric Resistance: Space heating systems which use electric resistance elements as the primary heating systems including baseboard, radiant, and forced air units where the total electric resistance heat capacity exceeds one watt per square foot of the gross conditioned floor area.

Exception: Heat pumps and terminal electric resistance heating in variable air volume distribution systems.

Other: All other space heating systems including gas, solid fuel, oil, and propane space heating systems and those systems listed in the exception to electric resistance.

NEW SECTION

WAC 51-11-1303 Climate zones. All buildings shall comply with the requirements of the appropriate climate zone as defined herein.

ZONE 1: Climate Zone 1 shall include all counties not included in Climate Zone 2.

ZONE 2: Climate Zone 2 shall include: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

NEW SECTION

WAC 51-11-1312 Glazing and doors.

1312.1 Standard Procedure for Determination of Glazing and Door U-Factors: U-Factors for glazing and doors shall be determined, certified and labeled in accordance with RS-31 by a certified independent agency licensed by the National Fenestration Rating Council (NFRC). Compliance shall be based on Model Size AA or BB. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Unlabeled glazing and doors shall be assigned the default U-factor in Section 2006.

1312.2 Solar Heat Gain Coefficient and Shading Coefficient: Solar Heat Gain Coefficient (SHGC), shall be determined, certified and labelled in accordance with the National Fenestration Rating Council (NFRC) Standard by a certified, independent agency, licensed by the NFRC.

Exception: Shading coefficients (SC) shall be an acceptable alternate for compliance with solar heat gain coefficient requirements. Shading coefficients for glazing shall be taken from Chapter 27 of RS-27 or from the manufacturer's test data.

NEW SECTION**WAC 51-11-1313 Moisture control.**

1313.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as required by this section.

Exception: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

1313.2 Roof/Ceiling Assemblies: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve inches shall be provided with a vapor retarder. Roof/ceiling assemblies without a vented airspace, where neither the roof deck nor the roof structure are made of wood, shall provide a continuous vapor retarder with taped seams.

Exception: Vapor retarders need not be provided where all of the insulation is installed between the roof membrane and the structural roof deck.

1313.3 Walls: Walls separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.4 Floors: Floors separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.5 Crawl Spaces: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve inches minimum at the joints and shall extend to the foundation wall.

Exception: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of three and one-half inches.

NEW SECTION**WAC 51-11-1314 Air leakage.**

1314.1 Building Envelope: The requirements of this section shall apply to building elements separating conditioned from unconditioned spaces. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors, and roofs; and all other openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.

1314.2 Glazing and Doors: Doors and operable glazing separating conditioned from unconditioned space shall be weatherstripped. Fixed windows shall be tight fitting with glass retained by stops with sealant or caulking all around.

Exception: Openings that are required to be fire resistant.

1314.3 Building Assemblies Used as Ducts or Plenums: Building assemblies used as ducts or plenums shall be sealed, caulked, and gasketed to limit air leakage.

NEW SECTION**WAC 51-11-1320 Prescriptive building envelope option.**NEW SECTION

WAC 51-11-1321 General. This section establishes building envelope design criteria in terms of prescribed requirements for building construction.

NEW SECTION

WAC 51-11-1322 Opaque envelope. Roof/ceilings, opaque exterior walls, opaque doors, floors over unconditioned space, below grade walls, slab on grade floors, and radiant floors enclosing conditioned spaces shall be insulated according to Section 1311 and Tables 13-1 or 13-2. Compliance with nominal R-values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only. Nominal R-values shall not include the thermal transmittance of other building materials or air films.

Exceptions:

1. Opaque smoke vents are not required to meet insulation requirements.
2. The perimeter edge of an above grade floor slab which penetrates the exterior wall may be left uninsulated provided that the wall insulation is increased by R-2 above that required in Tables 13-1 and 13-2.

NEW SECTION

WAC 51-11-1323 Glazing. Glazing shall comply with Section 1312 and Tables 13-1 or 13-2. All glazing shall be, at a minimum, double glazing.

Exceptions:

1. Vertical glazing located on the street level story of a retail occupancy provided the glazing is double-glazed with a minimum 1/2 inch airspace and does not exceed 75 percent of the gross exterior wall area of the street level story which does not exceed 20 feet in height. When this exception is utilized, separate calculations shall be performed for these sections of the building envelope and these values shall not be averaged with any others for compliance purposes. The 75 percent area may be exceeded on the street level, if the additional glass area is provided from allowances from other areas of the building.
2. Single glazing for ornamental, security, or architectural purposes shall be included in the percentage of the total glazing area, U-factor calculation and SHGC as allowed in the Tables 13-1 or 13-2. The maximum area allowed for the total of all single glazing is one percent of the gross exterior wall floor area.

1323.1 Area: The percentage of total glazing (vertical and overhead) area relative to the gross exterior wall area shall not be greater than the appropriate value from Tables 13-1 or 13-2 for the vertical glazing U-factor, overhead glazing U-factor and solar heat gain coefficient selected.

1323.2 U-Factor: The area-weighted average U-factor of vertical glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and solar heat gain coefficient. The area-weighted average U-factor of overhead glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and solar heat gain coefficient. U-factors for glazing shall be determined in accordance with Section 1312.

1323.3 Solar Heat Gain Coefficient: The area-weighted average solar heat gain coefficient of vertical glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and U-factor. The area-weighted average solar heat gain coefficient of overhead glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and U-factor.

NEW SECTION

WAC 51-11-1330 Component performance building envelope option.

NEW SECTION

WAC 51-11-1331 General. Buildings or structures whose design heat loss rate (UA_p) and solar heat gain coefficient ($SHGC_p$) are less than or equal to the target heat loss rate (UA_t) and solar heat gain coefficient ($SHGC_t$) shall be considered in compliance with this section. The stated U-factor, F-factor or allowable area of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, floor over conditioned space, slab on grade floor, radiant floor or opaque floor may be increased and the U-factor or F-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors, F-factors or allowable areas specified in this section.

Exception: For buildings or structures utilizing the other space heat type (including heat pumps and VAV) compliance path, for the gross opaque wall, opaque door and glazing (vertical and overhead) area only, compliance may also be shown using the ENVSTD diskette version 2.1 or later of RS-9 with the following additional requirements:

1. Only the Exterior Wall Requirements portion of RS-32 may be used under this exception.
2. Overhead glazing shall be added to vertical glazing, and shall be input as 1/4 north, 1/4 east, 1/4 south and 1/4 west facing.
3. Lighting loads shall be determined according to Table 15-1.
4. Equipment loads shall be determined from Table 3-1 of RS-29.

NEW SECTION

WAC 51-11-1332 Component U-factors. The U-factors for typical construction assemblies are included in Chapter 20. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 20, values shall be calculated in accordance with Chapters 19-27 in RS-27 listed in Chapter 17, using the framing factors listed in Chapter 20. For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory measurements according to acceptable methods of test.
2. Standard RS-25, listed in Chapter 17, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter 22 of RS-27, listed in Chapter 17.
4. Effective framing/cavity R-values as provided in Table 20-5A.

When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

NEW SECTION

WAC 51-11-1333 UA Calculations. The target UA_t and the proposed UA_p shall be calculated using Equations 13-1 and 13-2 and the corresponding areas and U-factors from Table 13-1 or 13-2. For the target UA_t calculation, the overhead glazing shall be located in roof/ceiling area and the remainder of the glazing allowed per Table 13-1 or 13-2 shall be located in the wall area.

**CHAPTER 14
BUILDING MECHANICAL SYSTEMS**

NEW SECTION

WAC 51-11-1401 Scope. This section covers the determination of requirements, system and component performance, control requirements and duct construction.

Exception: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment, and rooms designed to comply with the special construction and fire protection requirements of NFPA 75, "Standard for the Protection of Electronic Computer/Data Processing Equipment" may be exempt from the requirements of this section when approved by the building official. Exemptions shall be specific on a case-by-case basis and allowed only to the extent necessary to accommodate the special applications.

NEW SECTION

WAC 51-11-1402 Mechanical ventilation. The minimum requirements for ventilation shall comply with the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC).

NEW SECTION

WAC 51-11-1410 General requirements. The building mechanical system shall comply with Sections 1411 through 1415, Sections 1440 through 1442 and Sections 1450 through 1454, and with one of the following paths:

- a. Simple Systems (Packaged Unitary Equipment) Sections 1420 through 1424.
- b. Complex Systems Sections 1430 through 1438.
- c. Systems Analysis. See Section 1141.4.

**FIGURE 14A
Mechanical Systems Compliance Paths**

Section Number	Subject	Simple Systems Path	Complex Systems Path	Systems Analysis Option
1410	General Requirements	X	X	X
1411	HVAC Equipment Performance Requirements	X	X	X
1412	Controls	X	X	X
1413	Air Economizers	X	X	X
1414	Ducting Systems	X	X	X
1415	Piping Systems	X	X	X
1420	Simple Systems (Packaged Unitary Equipment)	X		
1421	System Type	X		
1422	Controls	X		
1423	Economizers	X		
1424	Separate Air Distribution Systems	X		
1430	Complex Systems		X	
1431	System Type		X	
1432	Controls		X	
1433	Economizers		X	
1434	Separate Air Distribution Systems		X	
1435	Simultaneous Heating and Cooling		X	
1436	Heat Recovery		X	
1437	Electric Motor Efficiency		X	
1438	Variable Flow Systems		X	
RS-29	Systems Analysis			X
1440	Service Water Heating	X	X	X
1441	Water Heater Installation	X	X	X
1442	Shut Off Controls	X	X	X
1450	Heated Pools	X	X	X
1451	General	X	X	X
1452	Pool Water Heaters	X	X	X
1453	Controls	X	X	X
1454	Pool Covers	X	X	X

PERMANENT

NEW SECTION

WAC 51-11-1411 HVAC Equipment performance requirements.

1411.1 General: Equipment shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1 through 14-3.

1411.2 Rating Conditions: Cooling equipment shall be rated at ARI test conditions and procedures when available. Where no applicable procedures exist, data shall be furnished by the equipment manufacturer.

1411.3 Combination Space and Service Water Heating: Equipment whose listed principal function is service water heating and which is used to provide additional functions

(e.g., space heating) as part of a combination system, shall comply with minimum performance requirements for the principal function category.

1411.4 Packaged Electric Heating and Cooling Equipment: Packaged electric equipment providing both heating and cooling with a total cooling capacity greater than 20,000 Btu/h shall be a heat pump.

NEW SECTION

WAC 51-11-1413 Air Economizers.

1413.1 Operation: Air economizers shall be of automatically modulating outside and return air dampers to provide 100

percent of the design supply air as outside air to reduce or eliminate the need for mechanical cooling.

1413.2 Control: Air economizers shall be controlled by a control system capable of determining if outside air can meet part or all of the building's cooling loads.

1413.3 Integrated Operation: Building Heating Energy: Air economizers shall be capable of providing partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load. Controls shall not preclude the economizer operation when mechanical cooling is required simultaneously.

Exception: Economizers on individual, direct expansion, cooling systems with capacities not greater than 75,000 Btu/h may include controls that limit simultaneous operation of the economizer and mechanical cooling for the purpose of preventing ice formation on cooling coils.

NEW SECTION

WAC 51-11-1415 Piping systems.

1415.1 Insulation: Piping shall be thermally insulated in accordance with Table 14-6.

Exception: Piping installed within unitary HVAC equipment.

Water pipes outside the conditioned space shall be insulated in accordance with Washington State Plumbing Code (chapter 51-26 WAC).

NEW SECTION

WAC 51-11-1420 Simple systems (packaged unitary equipment).

NEW SECTION

WAC 51-11-1421 System type. To qualify as a simple system, systems shall be one of the following:

- a. Air cooled, constant volume packaged equipment, which provide heating, cooling or both, and require only external connection to duct work and energy services.
- b. Air cooled, constant volume split systems, which provide heating, cooling or both, with cooling capacity of 54,000 Btu/h or less.
- c. Heating only systems which have a capacity of less than 5,000 cfm or which have a minimum outside air supply of less than 70 percent of the total air circulation.

All other systems shall comply with Sections 1430 through 1438.

NEW SECTION

WAC 51-11-1422 Controls. In addition to the control requirements in Section 1412, where separate heating and cooling equipment serve the same temperature zone, thermostats shall be interlocked to prevent simultaneous heating and cooling.

NEW SECTION

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on packaged roof top fan-cooling units having a supply capacity of greater than 1,900 cfm or a total cooling capacity greater than 54,000 Btu/h.

The total capacity of all units without economizers shall not exceed 240,000 Btu/h per building.

NEW SECTION

WAC 51-11-1424 Separate air distribution systems Zones with special process temperature requirements and/or humidity requirements shall be served by separate air distribution systems from those serving zones requiring only comfort conditions.

NEW SECTION

WAC 51-11-1430 Complex systems.

NEW SECTION

WAC 51-11-1431 System type. All systems not qualifying for Sections 1420 through 1424 (Simple Systems) including field fabricated and constructed of system components, shall comply with Sections 1430 through 1438. Simple systems may also comply with Sections 1430 through 1438.

1431.1 Field-Assembled Equipment and Components: Field assembled equipment and components from more than one manufacturer shall show compliance with this section and Section 1411 through calculations of total on-site energy input and output. The combined component efficiencies as measured per Section 1411.2, shall be in compliance with the requirements of Section 1411.1.

Total on-site energy input to the equipment shall be determined by combining the energy inputs to all components, elements, and accessories such as compressor(s), internal circulating pump(s), purge devices, viscosity control heaters, and controls.

NEW SECTION

WAC 51-11-1432 Controls.

1432.1 Setback and Shut-off: Systems that serve zones with different uses, as defined in Table 15-1

1. shall be served by separate systems, or
2. shall include isolation devices and controls to shut off or set back the supply of heating and cooling to each zone independently.

Exception: Isolation or separate systems are not required for zones expected to operate continuously or expected to be inoperative only when all other zones are inoperative.

1432.2 Systems Temperature Reset Controls

1432.2.1 Air Systems for Multiple Zones: Systems supplying heated or cooled air to multiple zones shall include controls which automatically reset supply air temperatures based on representative building loads or by outside air temperature.

Temperature shall be reset by at least 25 percent of the design supply-air-to-room-air temperature difference.

Exception: Where specified humidity levels are required to satisfy process needs, such as computer rooms or museums.

1432.2.2 Hydronic Systems: Systems with a design capacity of 600,000 Btu/h or greater supplying heated water to comfort conditioning systems shall include controls which automatically reset supply water temperatures by representative building loads (including return water temperature) or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-to-return water temperature differences.

NEW SECTION

WAC 51-11-1433 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on the following systems:

- a. Packaged roof top fan-cooling units with a supply capacity of greater than 1,900 cfm or a total cooling capacity greater than 54,000 Btu/h.
- b. Other individual fan-cooling units with a supply capacity of greater than 2,800 cfm or a total cooling capacity greater than 84,000 Btu/h.

The total capacity of all units without economizers shall not exceed 240,000 Btu/h per building.

Exceptions:

1. Systems with air or evaporatively cooled condensers and that either one of the following can be demonstrated to the satisfaction of the enforcing agency:
 - a. Special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
 - b. The use of outdoor air cooling affects the operation of other systems (such as humidification, dehumidification, and super-market refrigeration systems) so as to increase the overall building energy consumption.
2. Systems for which at least 75 percent of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
3. A water economizer system, which is capable of cooling supply air by indirect evaporation. Such a system shall be designed and capable of being controlled to provide 100 percent of the expected system cooling load at outside air temperatures of 50 degrees F dry-bulb/45 degrees F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside air temperatures.

NEW SECTION

WAC 51-11-1434 Separate air distribution systems. Zones with special process temperature requirements and/or humidity requirements shall be served by separate air distribution systems from those serving zones requiring only comfort conditions; or shall include supplementary control provisions so that the primary systems may be specifically controlled for comfort purposes only.

Exception: Zones requiring only comfort heating or comfort cooling that are served by a system primarily used for process temperature and humidity control provided that:

1. The total supply air to those comfort zones is no more than 25 percent of the total system supply air, or
2. The total conditioned floor area of the zones is less than 1,000 ft².

NEW SECTION

WAC 51-11-1435 Simultaneous heating and cooling. Systems which provide heating and cooling simultaneously to a zone are prohibited. Zone thermostatic and humidistatic controls shall be capable of operating in sequence the supply of heating and cooling energy to the zone. Such controls shall prevent:

- a. Reheating for temperature control.
- b. Recooling for temperature control.
- c. Mixing or simultaneous supply of air that has been previously mechanically heated and air that has been previously cooled, either by economizer systems, for all air in excess of that required by the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13) or by mechanical refrigeration.
- d. Other simultaneous operation of heating and cooling systems to the same zone.

Exceptions:

1. Variable air volume systems which have fan-powered terminal units on the perimeter zones controlled to utilize plenum heat prior to new energy being used for morning warm-up; and which, during periods of occupancy, are designed to reduce the air supply to each zone to a minimum before reheating, recooling, or mixing takes place. The minimum volume of air from the main supply duct shall be no greater than the minimum required to meet ventilation requirements of the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).
2. Zones having special pressurization relationships or cross-contamination requirements.
3. Where at least 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered or site-solar energy source.
4. Zones where specific humidity levels are required.
5. Zones with a peak supply air quantity of 300 cfm or less.

NEW SECTION

WAC 51-11-1436 Heat recovery. Fan systems which have both a capacity of 5,000 cfm or greater and which have a minimum outside air supply of 70 percent or greater of the total air circulation shall have a heat recovery system with at least 50 percent recovery effectiveness. Fifty percent heat recovery effectiveness shall mean an increase in the outside air supply temperature at design heating conditions of one half the difference between the outdoor design air temperature and 65 degrees F. Provision shall be made to bypass or control the heat recovery system to permit air economizer operation as required by Section 1433. Heat recovery energy may be provided from any site-recovered or site-solar source.

Exceptions:

1. Laboratory systems equipped with both variable air volume supply and variable air volume or two-speed exhaust fume hoods.
2. Systems serving spaces heated to less than 60 degrees F.
3. Systems which can be shown to use as much energy with the addition of heat recovery equipment as without it.
4. Systems exhausting toxic, flammable, paint exhaust or corrosive fumes making the installation of heat recovery equipment impractical.
5. Type I commercial kitchen hoods.

NEW SECTION

WAC 51-11-1437 Electric motor efficiency. Design A & B squirrel-cage, T-frame induction permanently wired polyphase motors of 1 hp or more having synchronous speeds of 3,600, 1,800 and 1,200 rpm shall have a nominal full-load motor efficiency no less than the corresponding values for energy efficient motors provided in Table 14-4.

Exceptions:

1. Motors used in systems designed to use more than one speed of a multi-speed motor.
2. Motors used as a component of the equipment meeting the minimum equipment efficiency requirements of Section 1411 and Tables 14-1 and 14-2 provided that the motor input is included when determining the equipment efficiency.
3. Motors that are an integral part of specialized process equipment.
4. Where the motor is integral to a listed piece of equipment for which no complying motor has been approved.

NEW SECTION

WAC 51-11-1438 Variable flow systems. For fans and pumps greater than 10 horsepower, where the application involves variable flow, there shall be variable frequency drives or variable flow devices installed. Acceptable variable flow devices include variable inlet vanes, variable blade pitch, and variable fan geometry. Throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.

NEW SECTION

WAC 51-11-1440 Service water heating.

NEW SECTION

WAC 51-11-1441 Water heater installation. Electric water heaters in unconditioned spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

NEW SECTION

WAC 51-11-1442 Shut off controls. Systems designed to maintain usage temperatures in hot water pipes, such as circulating hot water systems or heat traced pipes shall be equipped with automatic time switches or other controls to turn off the system during periods of non-use.

NEW SECTION

WAC 51-11-1450 Heated pools.

NEW SECTION

WAC 51-11-1451 General. The requirements in this section apply to "general and limited use pools" as defined in the Washington Water Recreation Facilities Regulations (chapter 246-260 WAC).

NEW SECTION

WAC 51-11-1452 Pool water heaters. Pool water heaters using electric resistance heating as the primary source of heat are prohibited for pools over 2,000 gallons.

NEW SECTION

WAC 51-11-1453 Controls. All pool heaters shall be equipped with readily accessible ON/OFF switch to allow shutting off the operation of the heater without adjusting the thermostat setting. Controls shall be provided to allow the water temperature to be regulated from the maximum design temperature down to 65 degrees F.

CHAPTER 15 LIGHTING AND MOTORS

NEW SECTION

WAC 51-11-1501 Scope. Interior and exterior lighting and electric motors shall comply with the requirements of this chapter.

NEW SECTION

WAC 51-11-1510 General requirements. Lighting and motors shall comply with Sections 1511 through 1513. Lighting systems shall comply with one of the following paths:

- a. Prescriptive Standards:
Interior Section 1521, or
Exterior Section 1522.
- b. Component Performance:
Interior Section 1531, or
Exterior Section 1532.
- c. Systems Analysis. See Section 1141.4.

The compliance path selected for interior and exterior lighting need not be the same. However, interior and exterior lighting cannot be traded.

Figure 15A

Lighting and Motor Compliance Options

Figure 15A
Lighting and Motor Compliance Options

Section Number	Subject	Prescriptive Option	Lighting Power Allowance Option	Systems Analysis Option
1510	General Requirements	X	X	X
1511	Electric Motors	X	X	X
1512	Exempt Lighting	X	X	X
1513	Lighting Controls	X	X	X
1520	Prescriptive Lighting Option	X		
1521	Prescriptive Interior Lighting Requirements	X		
1522	Prescriptive Exterior Lighting Requirements	Sec. 1532		
1530	Lighting Power Allowance Option		X	
1531	Interior Lighting Power Allowance		X	
1532	Exterior Lighting Power Allowance		X	
RS-29	Systems Analysis			X

PERMANENT

NEW SECTION

WAC 51-11-1511 Electric motors. All permanently wired polyphase motors of 1 hp or more, which are not part of an HVAC system, shall comply with Section 1437.

Exceptions:

1. Motors that are an integral part of specialized process equipment.
2. Where the motor is integral to a listed piece of equipment for which no complying motor has been approved.

NEW SECTION

WAC 51-11-1512 Exempt lighting.

1512.1 Exempt Spaces: The following rooms, spaces, and areas, are exempt from the lighting power requirements in Sections 1520 and 1530 but shall comply with all other requirements of this chapter.

1. Areas in which medical or dental tasks are performed.
2. High risk security areas or any area identified by safety officials as requiring additional lighting.
3. Spaces designed for primary use by the visually impaired, hard of hearing (lip-reading) or by senior citizens.
4. Food preparation areas.
5. Outdoor manufacturing, greenhouses, and processing areas.
6. Electrical/mechanical equipment rooms.
7. Outdoor athletic facilities.
8. Inspection and restoration areas in galleries and museums.

1512.2 Exempt Lighting Equipment: The following lighting equipment and tasks are exempt from the lighting requirements of Section 1520 and need not be included when calculating the installed lighting power under Section 1530 but shall comply with all other requirements of this chapter. All other lighting in areas that are not exempted by Section

1512.2, where exempt tasks and equipment are used, shall comply with all of the requirements of this chapter.

1. Special lighting needs for research.
2. Emergency lighting that is automatically OFF during normal building operation.
3. Lighting for signs, and ballasted lighting for walkways and pathways.
4. Lighting that is part of machines, equipment or furniture.
5. Lighting that is used solely for indoor plant growth during the hours of 10:00 p.m. to 6:00 a.m.
6. Lighting for theatrical productions, television broadcasting (including sports facilities), audio-visual presentations, and special effects lighting for stage areas and dance floors in entertainment facilities.
7. Lighting for art exhibits, nonretail displays, portable plug in display fixtures, and show case lighting.
8. Exterior lighting for public monuments.

NEW SECTION

WAC 51-11-1520 Prescriptive lighting option.

NEW SECTION

WAC 51-11-1521 Prescriptive interior lighting requirements. Spaces for which the Unit Lighting Power Allowance in Table 15-1 is 0.8 watts per square foot or greater may use unlimited numbers of lighting fixtures and lighting energy, provided that the installed lighting fixtures are one- or two- lamp (but not three- or more lamp) non-lensed, fluorescent fixtures fitted with type T-5, T-6, T-8 or PL type lamps from 5 to 50 watts and electronic ballasts.

Exception: Up to a total of 5 percent of installed lighting fixtures need not be ballasted and may use any type of lamp.

NEW SECTION

WAC 51-11-1522 Prescriptive exterior lighting requirements. See section 1532.

NEW SECTION

WAC 51-11-1530 Component performance lighting option. The installed lighting wattage shall not exceed the lighting power allowance. Lighting wattage includes lamp and ballast wattage. Wattage for fluorescent lamps and ballasts shall be tested per ANSI Standard C82.2-1984.

The wattage used for any unballasted fixture shall be the maximum UL listed wattage for that fixture regardless of the lamp installed. The wattage used for track lighting shall be the maximum of actual luminaire wattage or 50 watts per lineal foot of track.

No credit towards compliance with the lighting power allowances shall be given for the use of any controls, automatic or otherwise.

NEW SECTION

WAC 51-11-1531 Interior lighting power allowance. The interior lighting power allowance shall be calculated by multiplying the gross interior floor area, in square feet, by the appropriate unit lighting power allowance, in watts per square foot, for the use as specified in Table 15-1. Accessory uses, including corridors, lobbies and toilet facilities shall be included with the primary use.

If multiple uses are intended, the lighting power allowance for each type of use shall be separately calculated and summed to obtain the interior lighting power allowance.

In cases where a lighting plan for only a portion of a building is submitted, the interior lighting power allowance shall be based on the gross floor area covered by the plan. Plans submitted for common areas only, including corridors, lobbies and toilet facilities shall use the lighting power allowance for common areas in Table 15-1.

When insufficient information is known about the specific use of the space, the allowance shall be based on the apparent intended use of the space.

**CHAPTER 16
(RESERVED)**

**CHAPTER 17
STANDARDS**

NEW SECTION

WAC 51-11-1701 Scope. The following standards will apply to Chapters 11 through 20.

The standards and portions thereof, which are referred to in various parts of this Code shall be part of the Washington State Energy Code and are hereby declared to be a part of this Code.

CODE
STANDARD
NO.

TITLE AND SOURCE

- RS-1 through RS-8 (**Reserved**)
- RS-9 ASHRAE/IES Standard 90.1-1989, Efficient Design of Buildings Except New Low-Rise Residential Buildings.
- RS-10 through RS-17 (**Reserved**)
- RS-18 SMACNA Duct Metal and Flexible Construction Standards, 1st Edition.
- RS-19 through RS-24 (**Reserved**)
- RS-25 Thermal Bridges in Sheet Metal Construction from Appendix E of RS-9.
- RS-26 Super Good Cents Technical Reference.
- RS-27 1993 ASHRAE Fundamentals Handbook.
- RS-28 1992 ASHRAE HVAC Systems and Equipment Handbook.
- RS-29 Commercial Building Design by Systems Analysis.
- RS-30 Title 10, Code of Federal Regulations (CFR), Part 430 (March 14, 1988).
- RS-31 National Fenestration Rating Council (NFRC) Standard 100-91.

ACCREDITED AUTHORITATIVE AGENCIES

ANSI refers to the American National Standards Institute Inc., 1430 Broadway, New York, NY 10018

ARI refers to the Air Conditioning and Refrigeration Institute, 4301 North Fairfax Drive, Suite 425, Arlington, VA 22203

ASHRAE refers to the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329

ASTM refers to the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

CTI refers to the Cooling Tower Institute, P.O. Box 73383 Houston TX 77273

NFRC refers to National Fenestration Rating Council, 1300 Spring Street, Suite 120, Silver Spring, MD 20910

SMACNA refers to the Sheet Metal and Air Conditioning Contractors National Association, Inc., 4201 Lafayette Center Drive, Chantilly, VA 22021-1209.

**CHAPTER 18
(RESERVED)**

**CHAPTER 19
(RESERVED)**

**CHAPTER 20
DEFAULT HEAT-LOSS COEFFICIENTS**

NEW SECTION

WAC 51-11-2000 Default heat-loss coefficients (Reserved.)

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NEW SECTION

WAC 51-11-2001 General.

2001.1 Scope: The following defaults will apply to Chapters 11 through 20. This chapter includes tables of seasonal average heat-loss coefficients for specified nominal insulation. The heat-loss coefficients may also be used for heating system sizing.

2001.2 Description: These coefficients were developed primarily from data and procedures from Standard RS-27, and taken specifically from Standard RS-26, listed in Chapter 17.

Coefficients not contained in this chapter may be computed using the procedures listed in these references if the assumptions in the following sections and Standard RS-26, listed in Chapter 17, are used, along with data from the sources referenced above.

2001.3 Air Films: Default R-values used for air films shall be as follows:

R-Value	Condition
0.17	All exterior surfaces
0.61	Interior horizontal surfaces, heat flow up
0.72	Interior horizontal surfaces, heat flow down
0.68	Interior vertical surfaces

2001.4 Compression of Insulation: Insulation which is compressed shall be rated in accordance with Table 20-A or reduction in value may be calculated in accordance with the procedures in Standard RS-27 listed in Chapter 17.

TABLE 20-A

R-value of Fiberglass Batts Compressed within Various Depth Cavities

Insulation R-Value at Standard Thickness												
R-Value	38	30	22	21	19	15	13	11	8	5	3	
Standard Thickness	12"	9-1/2"	6-3/4"	5-1/2"	6-1/4"	3-1/2"	3-5/8"	3-1/2"	2-1/2"	1-1/2"	1-1/2"	3/4"
Nominal Lumber Sizes	Actual Depth of Cavity	Insulation R-Values when Installed in a Confined Cavity										
2" x 12"	11-1/4"	37	--	--	--	--	--	--	--	--	--	--
2" x 10"	9-1/4"	32	30	--	--	--	--	--	--	--	--	--
2" x 8"	7-1/4"	27	26	--	--	--	--	--	--	--	--	--
2" x 6"	5-1/2"	--	21	20	21	18	--	--	--	--	--	--
2" x 4"	3-1/2"	--	--	14	--	13	15	13	11	--	--	--
2" x 3"	2-1/2"	--	--	--	--	--	--	9.8	--	--	--	--
2" x 2"	1-1/2"	--	--	--	--	--	--	6.3	6.0	5.7	5.0	--
2" x 1"	3/4"	--	--	--	--	--	--	--	--	--	3.2	3.0

NEW SECTION

WAC 51-11-2002 Below grade walls and slabs.

2002.1 General: Table 20-1 lists heat-loss coefficients for below-grade walls and floors.

Coefficients for below-grade walls are given as U-factors (Btu/h•ft²•°F of wall area). Coefficients for below-grade slabs are listed as F-factors (Btu/h•ft•°F per lineal foot of slab perimeter).

Below-grade wall U-factors are only valid when used with the accompanying below-grade slab F-factor, and vice versa.

2002.2 Component Description: All below-grade walls are assumed to be eight inch concrete. The wall is assumed to extend from the slab upward to the top of the mud sill for the distance specified in Table 20-1, with six inches of concrete wall extending above grade.

Interior insulation is assumed to be fiberglass batts placed in the cavity formed by 2x4 framing on twenty-four inch centers with one-half inch of gypsum board as the interior finish material. Exterior insulation is assumed to be applied directly to the exterior of the below-grade wall from the top of the wall to the footing. The exterior case does not assume any interior framing or sheetrock.

In all cases, the entire wall surface is assumed to be insulated to the indicated nominal level with the appropriate framing and insulation application. Coefficients are listed for wall depths of two, three and one-half, and seven feet below grade. Basements shallower than two feet should use on-grade slab coefficients.

Heat-loss calculations for wall areas above grade should use above-grade wall U-factors, beginning at the mudsill.

2002.3 Insulation Description: Coefficients are listed for the following four configurations:

1. Uninsulated: No insulation or interior finish.

2. Interior insulation: Interior 2x4 insulated wall without a thermal break between concrete wall and slab.
3. Interior insulation with thermal break: Interior 2x4 insulated wall with R-5 rigid board providing a thermal break between the concrete wall and the slab.
4. Exterior insulation: Insulation applied directly to the exterior surface of the concrete wall.

TABLE 20-1
Default Wall U-Factors and
Slab F-Factors for Basements

	Below Grade Wall U-factor	Below Grade Slab F-factor
2-Foot Depth Below Grade		
Uninsulated	0.350	0.59
R-11 Interior	0.066	0.68
R-11 Interior w/tb	0.070	0.60
R-19 Interior	0.043	0.69
R-19 Interior w/tb	0.045	0.61
R-10 Exterior	0.070	0.60
R-12 Exterior	0.061	0.60
3.5-Foot Depth Below Grade		
Uninsulated	0.278	0.53
R-11 Interior	0.062	0.63
R-11 Interior w/tb	0.064	0.57
R-19 Interior	0.041	0.64
R-19 Interior w/tb	0.042	0.57
R-10 Exterior	0.064	0.57
R-12 Exterior	0.057	0.57
7-Foot Depth Below Grade		
Uninsulated	0.193	0.46
R-11 Interior	0.054	0.56
R-11 Interior w/tb	0.056	0.42
R-19 Interior	0.037	0.57
R-19 Interior w/tb	0.038	0.43
R-10 Exterior	0.056	0.42
R-12 Exterior	0.050	0.42

NEW SECTION

WAC 51-11-2003 On-grade slab floors.

2003.1 General: Table 20-2 lists heat-loss coefficients for unheated and heated on-grade slab floors, in units of Btu/h•°F per lineal foot of perimeter.

2003.2 Component Description: All on-grade slab floors are assumed to be six inch concrete poured directly onto the

earth. The bottom of the slab is assumed to be at grade line. Monolithic and floating slabs are not differentiated.

Soil is assumed to have a conductivity of 0.75 Btu/h•ft²•°F. Slabs two feet or more below grade should use basement coefficients.

2003.3 Insulation Description: Coefficients are provided for the following three configurations:

Two Foot (or Four Foot) vertical: Insulation is applied directly to the slab exterior, extending downward from the top of the slab to a depth of two feet (or four feet) below grade.

Two Foot (or Four Foot) horizontal: Insulation is applied directly to the underside of the slab, and run horizontally from the perimeter inward for two feet (or four feet). The slab edge is exposed in this configuration.

Fully insulated slab: Insulation extends from the top of the slab, along the entire perimeter, and completely covers the area under the slab. Thicker perimeter insulation covers the slab edge and extends two feet under the slab.

TABLE 20-2
Default F-Factors for On-Grade Slabs

Insulation type	R-0	R-5	R-10	R-15
Unheated Slab				
Uninsulated slab	0.73	--	--	--
2-ft Horizontal (No thermal break)	--	0.70	0.70	0.69
4-ft Horizontal (No thermal break)	--	0.67	0.64	0.63
2-ft Vertical	--	0.58	0.54	0.52
4-ft vertical	--	0.54	0.48	0.45
Fully insulated slab	--	--	0.36	--
Heated Slab				
Uninsulated slab	0.84	--	--	--
Fully insulated slab	--	0.74	0.55	0.44
R-5 Center (With perimeter insulation)	--	--	0.66	0.62
R-10 Center (With perimeter insulation)	--	--	--	0.51
3-ft Vertical	--	--	0.78	--

NEW SECTION

WAC 51-11-2004 Floors over unconditioned space.

2004.1 General: Tables 20-3, 20-4 and 20-4a list heat loss coefficients for floors over unconditioned spaces in units of Btu/h•ft²•°F.

They are derived from procedures listed in Standard RS-27, listed in Chapter 17, assuming an average outdoor temperature of 45 degrees F, an average indoor temperature of 65 degrees F, and a crawl space area of 1350 ft² and one hundred feet of perimeter. The crawl space is assumed to be two and one-half feet high, with twenty-four inches below grade and six inches above grade.

2004.2 Category Description: Four configurations are considered: vented crawl space, unvented crawl space, heated plenum crawl space and exposed floor.

Vented crawl spaces: Assumed to have three air-changes per hour, with at least one ft² of net-free ventilation in the foundation for every three hundred ft² of crawl space floor area. The crawl space is not actively heated.

Floors over unheated areas, such as garages, may only use those values which have R-0 perimeter insulation.

Unvented crawl spaces: Assumed to have 1.5 air changes per hour, with less than one ft² of net-free ventilation in the foundation for every three hundred ft² of crawl space floor area. The crawl space is not actively heated. Floors over unheated basements may only use those values which have R-0 perimeter insulation.

Heated-plenum crawl spaces: Assumed to have 0.25 air-changes per hour, with no foundation vents. Heated supply air from central furnace is blown into a crawl space and allowed to enter the living space unducted via holes cut into the floor.

Exposed floors: Assumes no buffer space, and a covering of one-half inch of T1-11 on the exterior of the cavity exposed to the outside air or rigid insulation below a concrete floor, such as over parking garages.

2004.3 Construction Description: Floors are assumed to be either joisted floors framed on sixteen inch centers, or post and beam on four by eight foot squares. Insulation is assumed to be installed under the subflooring between the joists or beams with no space between the insulation and the subfloor. Insulation is assumed to be uncompressed. Exposed floors also include concrete with continuous rigid insulation assumed.

Perimeter insulation is assumed to extend from the top of the rim joist to the crawl space floor and then inward along the ground (on top of the ground cover) for at least twenty-four inches.

Floor coverings are assumed to be light carpet with rubber pad.

TABLE 20-3
Default U-Factors for Floors
Over Crawlspace or Unheated Basement

Nominal R-value		U-Factor	
Floor	Perimeter	Post & Beam	Joists
0	0	0.112	0.134
	11	0.100	0.116
	19	0.098	0.114
	30	0.093	0.107
11	0	0.052	0.056
	11	0.048	0.052
19	0	0.038	0.041
	11	0.036	0.038
22	0	0.034	0.037
	11	0.033	0.035
25	0	0.032	0.034
	11	0.031	0.033
30	0	0.028	0.029
	11	0.027	0.028
38	0	0.024	0.025
	11	0.024	0.024

TABLE 20-4
Default U-factors for Floors Over
Heated Plenum Crawlspace

Nominal R-value	U-factor
11	0.085
19	0.075
30	0.069

TABLE 20-4a
Exposed Floors

Nominal R-value	U-factor		
	Concrete	Wood Joist	Metal Joist
R-11	0.077	0.088	0.14
R-15	0.059	0.076	0.12
R-19	0.048	0.062	0.11
R-21	0.043	0.057	0.11
R-25	0.037	0.051	0.10
R-30	0.031	0.040	0.09
R-38	0.025	0.034	0.08

NEW SECTION

WAC 51-11-2005 Above grade walls.

2005.1 General: Table 20-5, 20-5a and 20-5b list heat-loss coefficients for the opaque portion of above-grade wood stud frame walls, metal stud frame walls and concrete masonry walls (Btu/h•ft²•°F). They are derived from procedures listed in Standard RS-27, listed in Chapter 17.

2005.2 Framing Description: For wood stud frame walls, three framing types are considered, and defined as follows:

Standard: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use three studs and each opening is framed using two studs. Headers consist of double 2X or single 4X material with an air space left between the header and the exterior sheathing. Interior partition wall/exterior wall intersections use two studs in the exterior wall.

Standard framing weighting factors:

- Studs and plates 0.19
- Insulated cavity 0.77
- Headers 0.04

Intermediate: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and each opening is framed by two studs. Headers consist of double 2X material with R-10 insulation between the header and

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exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Intermediate framing weighting factors:

Studs and plates	0.18
Insulated cavity	0.78
Headers	0.04

Advanced: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Advanced Framing Weighting Factors:

Studs and plates	0.13
Insulated cavity	0.83
Headers	0.04

2005.3 Component Description: For wood stud frame walls, default coefficients for three types of walls are listed: Single-stud walls, strap walls, and double-stud walls.

Single-Stud Wall: Assumes either 2x4 or 2x6 studs framed on sixteen or twenty-four inch centers. Headers are solid for 2x4 walls and double 2x for 2x6 walls, with either dead-air or rigid-board insulation in the remaining space.

Strap Wall: Assumes 2x6 studs framed on sixteen or twenty-four inch centers. 2x3 or 2x4 strapping is run horizontally along the interior surface of the wall to provide additional space for insulation.

Double-Stud Wall: Assumes an exterior structural wall and a separate interior, nonstructural wall. Insulation is placed in both wall cavities and in the space between the two walls. Stud spacing is assumed to be on twenty-four inch centers for both walls.

TABLE 20-5
Default U-factors for Above-Grade Walls

2 x 4 Single Wood Stud: R-11 Batt

R-value of foam Board	Siding Material/Framing Type			
	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	.088	.084	.094	.090
1	.080	.077	.085	.082
2	.074	.071	.078	.075
3	.069	.066	.072	.070
4	.064	.062	.067	.065
5	.060	.058	.063	.061
6	.056	.055	.059	.057
7	.053	.052	.055	.054
8	.051	.049	.052	.051
9	.048	.047	.050	.049
10	.046	.045	.047	.046
11	.044	.043	.045	.044
12	.042	.041	.043	.042

NOTE:

Nominal Batt R-value:
R-11 at 3.5-inch thickness

Installed Batt R-value:
R-11 in 3.5-inch cavity

2 x 4 Single Wood Stud: R-13 Batt

NOTE:

Nominal Batt R-value:
R-13 at 3.63-inch thickness

Installed Batt R-value:
R-12.7 in 3.5-inch cavity

Siding Material/Framing Type				
		Lapped Wood		T1-11
R-value of foam Board	STD	ADV	STD	ADV
0	.082	.078	.088	.083
1	.075	.072	.080	.076
2	.069	.066	.073	.070
3	.065	.062	.068	.065
4	.060	.058	.063	.061
5	.057	.055	.059	.057
6	.053	.052	.056	.054
7	.051	.049	.052	.051
8	.048	.047	.050	.048
9	.046	.045	.047	.046
10	.044	.043	.045	.044
11	.042	.041	.043	.042
12	.040	.039	.041	.040

2 x 4 Single Wood Stud: R-15 Batt

NOTE:

Nominal Batt R-value:
R-15 at 3.5-inch thickness

Installed Batt R-value:
R-15 in 3.5-inch cavity

Siding Material/Framing Type				
		Lapped Wood		T1-11
R-value of foam Board	STD	ADV	STD	ADV
0	.076	.071	.081	.075
1	.069	.065	.073	.069
2	.064	.061	.068	.069
3	.060	.057	.063	.059
4	.056	.053	.059	.056
5	.053	.051	.055	.052
6	.050	.048	.052	.050
7	.047	.046	.049	.047
8	.045	.044	.047	.045
9	.043	.042	.044	.043
10	.041	.040	.042	.041
11	.039	.038	.041	.039
12	.038	.037	.039	.038

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2 x 6 Single Wood Stud: R-19 Batt

Siding Material/Framing Type						
Lapped Wood				T1-11		
R-value of foam Board	STD	INT	ADV	STD	INT	ADV
0	.062	.058	.055	.065	.061	.058
1	.058	.055	.052	.060	.057	.055
2	.054	.052	.050	.056	.054	.051
3	.051	.049	.047	.053	.051	.049
4	.048	.046	.045	.050	.048	.046
5	.046	.044	.043	.048	.046	.044
6	.044	.042	.041	.045	.044	.042
7	.042	.040	.039	.043	.042	.040
8	.040	.039	.038	.041	.040	.039
9	.038	.037	.035	.039	.038	.037
10	.037	.036	.035	.038	.037	.036
11	.036	.035	.034	.036	.035	.035
12	.034	.033	.033	.035	.034	.033

NOTE:

Nominal Batt R-value:
R-19 at 6-inch thickness

Installed Batt R-value:
R-18 in 5.5-inch cavity

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2 x 6 Single Wood Stud: R-21 Batt

Siding Material/Framing Type						
Lapped Wood				T1-11		
R-value of foam Board	STD	INT	ADV	STD	INT	ADV
0	.057	.054	.051	.060	.056	.053
1	.054	.051	.048	.056	.053	.050
2	.050	.048	.045	.052	.050	.047
3	.048	.045	.043	.049	.047	.045
4	.045	.043	.041	.047	.045	.043
5	.043	.041	.040	.044	.042	.041
6	.041	.039	.038	.042	.041	.039
7	.039	.038	.036	.040	.039	.037
8	.038	.036	.035	.039	.037	.036
9	.036	.035	.034	.037	.036	.035
10	.035	.034	.033	.036	.035	.033
11	.033	.033	.032	.034	.033	.032
12	.032	.031	.031	.033	.032	.031

NOTE:

Nominal Batt R-value:
R-21 at 5.5-inch thickness

Installed Batt R-value:
R-21 in 5.5-inch cavity

2 x 6 Single Wood Stud: R-22 Batt

NOTE:

Nominal Batt R-value:
R-22 at 6.75-inch thickness

Installed Batt R-value:
R-22 in 5.5-inch cavity

Siding Material/Framing Type						
R-value of foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	.059	.055	.052	.062	.058	.054
1	.055	.052	.049	.057	.054	.051
2	.052	.049	.047	.054	.051	.048
3	.049	.046	.044	.050	.048	.046
4	.046	.044	.042	.048	.046	.044
5	.044	.042	.041	.045	.043	.042
6	.042	.040	.039	.043	.042	.040
7	.040	.039	.037	.041	.040	.038
8	.038	.037	.036	.039	.038	.037
9	.037	.036	.035	.038	.037	.035
10	.035	.034	.033	.036	.035	.034
11	.034	.033	.032	.035	.034	.033
12	.033	.032	.031	.034	.033	.032

2 x 6 Single Wood Stud: R-11 Batt

NOTE:

Nominal Batt R-value:
R-22 at 7-inch thickness

Installed Batt R-value:
R-18.9 in 5.5-inch cavity

Siding Material/Framing Type						
R-value of foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	.060	.057	.054	.063	.059	.056
1	.056	.053	.051	.059	.056	.053
2	.053	.050	.048	.055	.052	.050
3	.050	.048	.046	.052	.049	.047
4	.047	.045	.044	.049	.047	.045
5	.045	.043	.042	.046	.045	.043
6	.043	.041	.040	.044	.043	.041
7	.041	.040	.038	.042	.041	.039
8	.039	.038	.037	.040	.039	.038
9	.038	.037	.036	.039	.038	.036
10	.036	.035	.034	.037	.036	.035
11	.035	.034	.033	.036	.035	.034
12	.034	.033	.032	.034	.034	.033

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2 x 8 Single Stud: R-25 Batt

NOTE:

Nominal Batt R-value:
R-25 at 8-inch thickness

Installed Batt R-value:
R-23.6 in 7.25-inch cavity

Siding Material/Framing Type						
R-value of foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	.051	.047	.045	.053	.049	.046
1	.048	.045	.043	.049	.046	.044
2	.045	.043	.041	.047	.044	.042
3	.043	.041	.039	.044	.042	.040
4	.041	.039	.037	.042	.040	.038
5	.039	.037	.036	.040	.038	.037
6	.037	.036	.035	.038	.037	.036
7	.036	.035	.033	.037	.035	.034
8	.035	.033	.032	.035	.034	.033
9	.033	.032	.031	.034	.033	.032
10	.032	.031	.030	.033	.032	.031
11	.031	.030	.029	.032	.031	.030
12	.030	.029	.028	.031	.030	.029

2 x 6: Strap Wall

R-19 + R-11 Batts
R-19 + R-8 Batts

Siding Material/Frame Type			
Lapped Wood		T1-11	
STD	ADV	STD	ADV
.036	.035	.038	.036
.041	.039	.042	.040

2 x 6 + 2 x 4: Double Wood Stud

Batt Configuration		Interior
Exterior	Middle	
R-19	-----	R-11
R-19	-----	R-19
R-19	R-8	R-11
R-19	R-11	R-11
R-19	R-11	R-19
R-19	R-19	R-19

Siding Material/Frame Type			
Lapped Wood		T1-11	
STD	ADV	STD	ADV
.040	.037	.041	.038
.034	.031	.035	.032
.029	.028	.031	.029
.027	.026	.028	.027
.024	.023	.025	.023
.021	.020	.021	.020

2 x 4 + 2 x 4: Double Wood Stud

Batt Configuration		
Exterior	Middle	Interior
R-11	-----	R-11
R-19	-----	R-11
R-11	R-8	R-11
R-11	R-11	R-11
R-13	R-13	R-13
R-11	R-19	R-11

Sliding Material/Frame Type			
Lapped Wood		T1-11	
STD	ADV	STD	ADV
.050	.046	.052	.048
.039	.037	.043	.039
.037	.035	.036	.036
.032	.031	.033	.032
.029	.028	.029	.028
.026	.026	.027	.026

Log Walls

NOTE:
 R-value of wood:
 R-1.25 per inch thickness.
 Average wall thickness
 90% average log diameter

Average Log Diameter	U-factor
6-inch	0.148
8-inch	0.111
10-inch	0.089
12-inch	0.074
14-inch	0.063
16-inch	0.056

Stress Skin Panel

NOTE:
 R-value of expanded:
 polystyrene: R-3.85/inch

 Framing: 6%:
 Spline: 8%

Panel Thickness	U-factor
3 1/2-inch	.071
5 1/2-inch	.048
7 1/4-inch	.037
9 1/4-inch	.030
11 1/4-inch	.025

No thermal bridging between interior and exterior splines

Metal Stud Walls: The nominal R-values in Table 20-5a may be used for purposes of calculating metal stud wall section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter 22 of RS-27.

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TABLE 20-5a
 Default U-Factors and Effective R-Values for Metal Stud Walls

OVERALL ASSEMBLY U-FACTORS FOR METAL STUD WALLS

Nominal Wall Thickness	Nominal Insulation R-Value	Overall Assembly U-Factors	
		16" O.C.	24" O.C.
4 inch	R-11	0.14	0.13
4 inch	R-13	0.13	0.12
4 inch	R-15	0.12	0.11
6 inch	R-19	0.11	0.10
6 inch	R-21	0.11	0.09
8 inch	R-25	0.10	0.09

EFFECTIVE R-VALUES FOR METAL STUD AND INSULATED CAVITY ONLY

Cavity		Insulation		
Nominal Depth	Actual Depth	Nominal R-Value	Effective R-value	
			16" O.C.	24" O.C.
4 inch	3-1/2 "	R-11	5.5	6.6
4 inch	3-1/2"	R-13	6.0	7.2
4 inch	3-1/2"	R-15	6.4	7.8
6 inch	5-1/2"	R-19	7.1	8.6
6 inch	5-1/2"	R-21	7.4	9.0
8 inch	7-1/4"	R-25	7.8	9.6

Concrete Masonry Walls: The nominal R-values in Table 20-5b may be used for purposes of calculating concrete masonry wall section U-factors in lieu of the ASHRAE isothermal planes calculation method as provided in Chapter 22 of RS-27.

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TABLE 20-5b
Default U-Factors for Concrete and Masonry Walls

8" CONCRETE MASONRY

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.40	0.23	0.24	0.43
R-5 Interior Insulation, Wood Furring	0.14	0.11	0.12	0.15
R-6 Interior Insulation, Wood Furring	0.14	0.11	0.11	0.14
R-10.5 Interior Insulation, Wood Furring	0.11	0.09	0.09	0.11
R-8 Interior Insulation, Metal Clips	0.11	0.09	0.09	0.11
R-6 Exterior Insulation	0.12	0.10	0.10	0.12
R-10 Exterior Insulation	0.08	0.07	0.07	0.08
Korfil Hi-R, Exposed Both Sides	0.11	0.09	0.09	0.12

12" CONCRETE MASONRY

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.35	0.17	0.18	0.33
R-5 Interior Insulation, Wood Furring	0.14	0.10	0.10	0.13
R-6 Interior Insulation, Wood Furring	0.13	0.09	0.10	0.13
R-10.5 Interior Insulation, Wood Furring	0.11	0.08	0.08	0.10
R-8 Interior Insulation, Metal Clips	0.10	0.08	0.08	0.09
R-6 Exterior Insulation	0.11	0.09	0.09	0.11
R-10 Exterior Insulation	0.08	0.06	0.06	0.08
Korfil Hi-R, Exposed Both Sides	0.11	0.08	0.09	0.12

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8" CLAY BRICK

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.50	0.31	0.32	0.56
R-5 Interior Insulation, Wood Furring	0.15	0.13	0.13	0.16
R-6 Interior Insulation, Wood Furring	0.15	0.12	0.12	0.15
R-10.5 Interior Insulation, Wood Furring	0.12	0.10	0.10	0.12
R-8 Interior Insulation, Metal Clips	0.11	0.10	0.10	0.11
R-6 Exterior Insulation	0.12	0.11	0.11	0.13
R-10 Exterior Insulation	0.08	0.08	0.08	0.09

6" CONCRETE POURED OR PRECAST

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Concrete, Both Sides	NA	NA	NA	0.61
R-5 Interior Insulation, Wood Furring	NA	NA	NA	0.16
R-6 Interior Insulation, Wood Furring	NA	NA	NA	0.15
R-10.5 Interior Insulation, Wood Furring	NA	NA	NA	0.12
R-8 Interior Insulation, Metal Clips	NA	NA	NA	0.12
R-6 Exterior Insulation	NA	NA	NA	0.13
R-10 Exterior Insulation	NA	NA	NA	0.09

Notes for Default Table 20-5b

1. Grouted cores at 40" x 48" on center vertically and horizontally in partial grouted walls.
2. Interior insulation values include 1/2" gypsum board on the inner surface
3. Furring and stud spacing is 16" on center. Insulation is assumed to fill furring space and is not compressed.
4. Intermediate values may be interpolated using this table. Values not contained in this table may be computed using the procedures listed in RS-27.

Heat Capacity

	Partial Grout	Solid Grout
8" CMU	9.65	15.0
12" CMU	14.5	23.6
8" Brick	10.9	16.4
6" Concrete	NA	14.4

NEW SECTION

WAC 51-11-2007 Ceilings.

2007.1 General: Table 20-7 lists heat-loss coefficients for the opaque portion of exterior ceilings below vented attics, vaulted ceilings, and roof decks in units of Btu/h•ft²•°F of ceiling.

They are derived from procedures listed in RS-27, listed in Chapter 17. Ceiling U-factors are modified for the buffering effect of the attic, assuming an indoor temperature of 65 degrees F and an outdoor temperature of 45 degrees F.

2007.2 Component Description: The three types of ceilings are characterized as follows:

Ceilings Below a Vented Attic: Attic insulation is assumed to be blown-in, loose-fill fiberglass with a K-value of 2.6 (h•ft²•°F)/Btu per inch. Full bag count for specified R-value is assumed in all cases. Ceiling dimensions for flat ceiling calculations are forty-five by thirty feet, with a gabled roof having a 4/12 pitch. The attic is assumed to vent naturally at the rate of three air changes per hour through soffit and ridge vents. A void fraction of 0.002 is assumed for all attics with insulation baffles. Standard-framed, un baffled attics assume a void fraction of 0.008.

Attic framing is either standard or advanced. Standard framing assumes tapering of insulation depth around the perimeter with resultant decrease in thermal resistance. An increased R-value is assumed in the center of the ceiling due to the effect of piling leftover insulation. Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. Advanced framing does not change from the default value.

U-factors for flat ceilings below vented attics with standard framing may be modified with the following table:

Roof Pitch	U-Factor for Standard Framing	
	R-30	R-38
4/12	0.036	0.031
5/12	0.035	0.030
6/12	0.034	0.029
7/12	0.034	0.029
8/12	0.034	0.028
9/12	0.034	0.028
10/12	0.033	0.028
11/12	0.033	0.027
12/12	0.033	0.027

Vented scissiors truss attics assume a ceiling pitch of 2/12 with a roof pitch of either 4/12 or 5/12. Unbaffled standard framed scissiors truss attics are assumed to have a void fraction of 0.016.

Vaulted Ceilings: Insulation is assumed to be fiberglass batts installed in roof joist cavities. In the vented case, at least 1.5-inches between the top of the batts and the underside of the roof sheathing is left open for ventilation in each cavity. A ventilation rate of three air changes per hour is assumed. In the unvented or dense pack case, the ceiling cavity is assumed to be fully packed with insulation, leaving no space for ventilation.

Roof Decks: Rigid insulation is applied to the top of roof decking with no space left for ventilation. Roofing materials are attached directly on top of the insulation. Framing members are often left exposed on the interior side.

**TABLE 20-7
Default U-factors for Ceilings**

Ceilings Below Vented Attics	Standard Frame	Advanced Frame
	Baffled	
Flat Ceiling		
R-19	0.049	0.047
R-30	0.036	0.032
R-38	0.031	0.026
R-49	0.027	0.020
R-60	0.025	0.017
Scissiors Truss		
R-30 (4/12 roof pitch)	0.043	0.031
R-38 (4/12 roof pitch)	0.040	0.025
R-49 (4/12 roof pitch)	0.038	0.020
R-30 (5/12 roof pitch)	0.039	0.032
R-38 (5/12 roof pitch)	0.035	0.026
R-49 (5/12 roof pitch)	0.032	0.020

Vaulted Ceilings	16" O.C.	24" O.C.
Vented		
R-19 2x10 joist	0.049	0.048
R-30 2x12 joist	0.034	0.033
R-38 2x14 joist	0.027	0.027
Unvented		
R-30 2x10 joist	0.034	0.033
R-38 2x12 joist	0.029	0.027
R-21 + R-21 2x12 joist	0.026	0.025

Roof Deck	U-factor
R-15 Rigid Insulation	0.063
R-21 Rigid Insulation	0.045
R-25 Rigid Insulation	0.038
R-30 Rigid Insulation	0.032
R-38 Rigid Insulation	0.025
R-50 Rigid Insulation	0.019

NEW SECTION

WAC 51-11-2008 (Reserved.)

NEW SECTION

WAC 51-11-2009 Mass.

2009.1 General: Table 20-10 lists default mass-values. All calculations are based on standard ASHRAE values for heat-storage capacity as listed in RS-27, Chapter 22.

Thermal capacity of furniture is ignored, as is heat storage beyond the first four inches of mass thickness. All mass is assumed to be in direct contact with the conditioned space. Concrete separated from the heated volume by other materials must multiply the listed concrete mass value by the result of the following formula:

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$$\ln(R\text{-value}) \times (-0.221) + 0.5$$

Where:

- Ln = Natural log
- R-value = R-value of material covering concrete

Note: All default values for covered concrete slabs have been adjusted according to this procedure.

2009.2 Mass Description: Mass is divided into two types: structural, and additional.

Structural Mass: Includes heat-storage capacity of all standard building components of a typical structure, including floors, ceilings, and interior and exterior walls in Btu/ft²•°F of floor area. It also assumes exterior wall, interior wall, and ceiling surface area approximately equals three times the floor area.

Additional Mass: Includes any additional building material not part of the normal structure, which is added specifically to increase the building's thermal-storage capability. This category includes masonry fireplaces, water or trombe walls, and extra layers of sheetrock. Coefficients are in Btu/ft²•°F of surface area of material exposed to conditioned space. The coefficient for water is Btu/°F gallon.

2009.3 Component Description: Light frame assumes one inch thick wood flooring with five-eighths inch sheetrock on ceilings and interior walls, and walls consisting of either five-eighths inch sheetrock or solid logs. Slab assumes a four inch concrete slab on or below grade, with five-eighths inch sheetrock on exterior and interior walls and ceiling, and with separate values for interior or exterior wall insulation. Adjustments for slab covering is based on R-value of material. Additional mass values are based on the density multiplied by the specific heat of the material adjusted for listed thickness.

**TABLE 20-10
DEFAULT MASS VALUES**

Structural Mass M-value floor area	Btu/ft ² • °F
Light Frame:	
Joisted/post & beam floor, sheetrock walls and ceilings	3.0
Joisted/post & beam floor, log walls, sheetrock ceilings	4.0
Slab With Interior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	10.0
Slab, hardwood floor covering, sheetrock walls and ceilings	7.0
Slab, carpet and pad, sheetrock walls and ceilings	5.0
Slab With Exterior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	12.0
Slab, hardwood floor covering, sheetrock walls and ceilings	9.0
Slab, carpet and pad, sheetrock walls and ceilings	7.0
Additional Mass M-Value:	
Btu/ft ² • °F surface area	
Gypsum wallboard, 1/2-inch thickness	0.54
Gypsum wallboard, 5/8-inch thickness	0.68
Hardwood floor	1.40
Concrete/Brick, 4 inch-thickness	10.30
Concrete/Brick, 6 inch-thickness	15.40
Btu/°F • gallon	
Water, 1 gallon	8.0

NEW SECTION

WAC 51-11-1310 General requirements. The building envelope shall comply with Sections 1311 through 1314.

1310.1 Conditioned Spaces: The building envelope for conditioned spaces shall also comply with one of the following paths:

- a. Prescriptive Building Envelope Option Sections 1320 through 1323.
- b. Component Performance Building Envelope Option Sections 1330 through 1334.
- c. Systems Analysis. See Section 1141.4.

1310.2 Semi-Heated Spaces: All spaces shall be considered conditioned spaces, and shall comply with the requirements in Section 1310.1 unless they meet the following criteria for semi-heated spaces. The installed heating equipment output, in Climate Zone 1, shall be 3 Btu/(h•ft²) or greater but not greater than 8 Btu/(h•ft²) and in Climate Zone 2, shall be 5 Btu/(h•ft²) or greater but not greater than 12 Btu/(h•ft²). Heating shall be controlled by a thermostat mounted not lower than the heating unit and capable of preventing heating above 44 degrees space temperature. For semi-heated spaces, the only prescriptive, component performance, or systems analysis building envelope requirement shall be that:

Climate Zone 1

- a. U=0.10 maximum for the roof assembly, or

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- b. continuous R-9 insulation installed entirely outside of the roof structure, or
- c. R-11 insulation installed inside or within a wood roof structure, or
- d. R-19 insulation installed inside or within a metal roof structure.

Climate Zone 2

- a. U=0.07 maximum for the roof assembly, or
- b. continuous R-14 insulation installed entirely outside of the roof structure, or
- c. R-19 insulation installed inside or within a wood roof structure, or
- d. R-25 insulation installed inside or within a metal roof structure.

Figure 13A
Building Envelope Compliance Options

Section Number	Subject	Prescriptive Option	Component Performance Option	Systems Analysis Option
1310	General Requirements	X	X	X
1311	Insulation	X	X	X
1312	Glazing and Doors	X	X	X
1313	Moisture Control	X	X	X
1314	Air Leakage	X	X	X
1320	Prescriptive Building Envelope Option	X		
1321	General	X		
1322	Opaque Envelope	X		
1323	Glazing	X		
1330	Component Performance Building Envelope Option		X	
1331	General		X	
1332	Component U-Factors		X	
1333	UA Calculations		X	
1334	Solar Heat Gain Coefficient		X	
RS-29	Systems Analysis			X

NEW SECTION

WAC 51-11-1311 Insulation.

1311.1 Installation Requirements: All insulation materials shall be installed according to the manufacturer’s instructions to achieve proper densities, maintain clearances, and maintain uniform R-values. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

1311.2 Roof/Ceiling Insulation: Open-blown or poured loose-fill insulation may be used in attic spaces where the slope of the ceiling is not more than three feet in twelve and there is at least thirty inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

Where lighting fixtures are recessed into a suspended or exposed grid ceiling, the roof/ceiling assembly shall be insulated in a location other than directly on the suspended ceiling.

Exception: Type IC rated recessed lighting fixtures.

Where installed in wood framing, faced batt insulation shall be face stapled.

1311.3 Wall Insulation: Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. When installed in wood framing, faced batt insulation shall be face stapled.

Above grade exterior insulation shall be protected.

1311.4 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is not more than twenty-four inches on center. Installed insulation shall not block the airflow through foundation vents.

1311.5 Slab-On-Grade Floor: Slab-on-grade insulation installed inside the foundation wall shall extend downward from the top of the slab a minimum distance of twenty-four inches or to the top of the footing, whichever is less. Insulation installed outside the foundation shall extend downward a minimum of twenty-four inches or to the frostline, whichever is greater. Above grade insulation shall be protected.

Exception: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

1311.6 Radiant Floors (on or below grade): Slab-on-grade insulation shall extend downward from the top of the slab a minimum distance of thirty-six inches or downward to the top of the footing and horizontal for an aggregate of not less than thirty-six inches.

If required by the building official where soil conditions warrant such insulation, the entire area of a radiant floor shall be thermally isolated from the soil. Where a soil gas control system is provided below the radiant floor, which results in increased convective flow below the radiant floor, the radiant floor shall be thermally isolated from the sub-floor gravel layer.

NEW SECTION

WAC 51-11-1334 Solar heat gain coefficient. Solar heat gain coefficient shall comply with Section 1323.3.

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EQUATION 13-1:

Target UA_t

$$UA_t = U_{rat}A_{rat} + U_{ograt}A_{ograt} + U_{ort}A_{ort} + U_{ogort}A_{ogort} + U_{wt}A_{wt} + U_{dt}A_{dt} + U_{vgt}A_{vgt} + U_nA_n + F_{st}P_{st} + U_{bgwt}A_{bgwt}$$

UA_t = The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.

Where:

U_{rat} = The thermal transmittance value for roofs over attics found in Table 13-1 or 13-2.

U_{ograt} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.

U_{ort} = The thermal transmittance value for other roofs found in Table 13-1 or 13-2.

U_{ogort} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.

U_{wt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.

U_{vgt} = The thermal transmittance value for vertical glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.

U_{dt} = The thermal transmittance value for opaque doors found in Table 13-1 or 13-2.

U_{ft} = The thermal transmittance value for floors over unconditioned space found in Table 13-1 or 13-2.

F_{st} = The F-factor for slab-on-grade and radiant slab floors found in Table 13-1 or 13-2.

U_{bgwt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.

A_{dt} = The proposed opaque door area, A_d

A_{ft} = The proposed floor over unconditioned space area, A_f .

P_{st} = The proposed lineal feet of slab-on-grade and radiant slab floor perimeter, P_s .

A_{bgwt} = The proposed below grade wall area, A_{bgw}
and;

if the total amount of glazing area as a percent of gross exterior wall area does not exceed the maximum allowed in Table 13-1 or 13-2:

A_{rat} = The proposed roof over attic area, A_{ra} .

A_{ograt} = The proposed overhead glazing area in roofs over attics, A_{ogra} .

A_{ort} = The proposed other roof area, A_{or} .

A_{ogort} = The proposed overhead glazing area in other roofs, A_{ogor} .

A_{wt} = The proposed opaque above grade wall area, A_w .

A_{vgt} = The proposed vertical glazing area, A_{vg} .

or;

if the total amount of glazing area as a percent of gross exterior wall area exceeds the maximum allowed in Table 13-1 or 13-2:

A_{rat} = The greater of:
the proposed roof over attic area, and
the gross roof over attic area minus A_{ograt} .

A_{ograt} = The lesser of:
proposed overhead glazing area in roofs over attics, and
the maximum allowed glazing area from Table 13-1 or 13-2.

A_{ort} = The greater of:
the proposed other roof area, and
the gross other roof area minus A_{ogort} .

A_{ogort} = The lesser of:
the proposed overhead glazing area in other roofs, and
the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} .

A_{wt} = The greater of:
proposed opaque above grade wall area, and
the gross exterior above grade wall area minus A_{dt} minus A_{vgt} .

A_{vgt} = The lesser of:
the proposed vertical glazing area, and
the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt}
minus A_{ogort} .

EQUATION 13-2

Proposed UA_p

$$UA_p = U_{ra}A_{ra} + U_{or}A_{or} + U_{og}A_{og} + U_wA_w + U_dA_d + U_{vg}A_{vg} + U_fA_f + F_sP_s + U_{bgw}A_{bgw}$$

Where:

UA_p = The combined proposed specific heat transfer of the gross exterior wall, floor, and roof/ceiling assembly area.

U_{ra} = The thermal transmittance of the roof over attic area.
 A_{ra} = Opaque roof over attic area.

U_{or} = The thermal transmittance of the other roof area.
 A_{or} = Opaque other roof area.

U_{og} = The thermal transmittance for the overhead glazing
 A_{og} = Overhead glazing area.

U_w = The thermal transmittance of the opaque wall area.
 A_w = Opaque above grade wall area (not including opaque doors).

U_{vg} = The thermal transmittance of the vertical glazing area.
 A_{vg} = Vertical glazing area.

U_d = Thermal transmittance value of opaque door area.
 A_d = Opaque door area.

U_f = The thermal transmittance of the floor over unconditioned space area.
 A_f = Floor area over unconditioned space.

F_s = Slab-on-grade or radiant floor component F-factor.
 P_s = Lineal feet of slab-on-grade or radiant floor perimeter.

U_{bgw} = The thermal transmittance value of the below grade wall area.
 A_{bgw} = Below grade wall area as defined in Tables 13-1 or 13-2.

NOTE: Where more than one type of wall, window, roof/ceiling, door, and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

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**TABLE 13-1
BUILDING ENVELOPE REQUIREMENTS
FOR CLIMATE ZONE 1**

MINIMUM INSULATION R-VALUES OR MAXIMUM COMPONENT U-FACTORS FOR ZONE 1

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade ⁵
1. Electric resistance heat	R-38 or U=0.031	R-30 or U=0.034	R-19 or U=0.062 ³	U=0.60	R-30 or U=0.029	R-10 or F=0.54
2. All others including Heat pumps and VAV	R-30 or U=0.036	R-21 or U=0.050	R-11 or U=0.14	U=0.60	R-19 or U=0.056	R-10 or F=0.54

**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS FOR ZONE 1**

Glazing

Maximum Glazing Area as % of Wall	0% to 15%		>15% to 20%		>20% to 30%		>30% to 40%					
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴			
	VG	OG		VG	OG		VG	OG				
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.65	0.50	1.25	0.45

Footnotes

- Below Grade Walls:** Below grade walls shall be insulated either on the interior or the exterior. Below grade walls insulated on the exterior shall use a minimum of R-10 insulation. Below grade walls insulated on the interior shall use opaque wall values. No insulation is required for those portions of below grade walls and footings that are more than ten feet below grade. Below grade walls, however, shall not be included in the gross exterior wall area unless insulated to the levels given above.
- Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft² • °F, then the U-factor may be increased to 0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 12. Individual walls with heat capacities less than 9.0 Btu/ft² • °F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the following:

Maximum Glazing Area as % of Wall	0 to 15 %		Max. SHGC ⁴	>15% to 20 %		Max. SHGC ⁴	>20% to 25 %		
	Maximum U-Factor			Maximum U-Factor			Maximum U-Factor		
	VG	OG	VG	OG	VG	OG			
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.75	1.40	1.0	0.65	1.30	0.80	0.60	1.30	0.65

- Metal Stud Walls:** For metal stud construction U=0.11.
- SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC. (See Section 1210 for definition of Shading Coefficient).
- Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F-0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F-0.78 maximum.

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**TABLE 13-2
BUILDING ENVELOPE REQUIREMENTS
FOR CLIMATE ZONE 2**

MINIMUM INSULATION R-VALUES OR MAXIMUM COMPONENT U-FACTORS FOR ZONE 2

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade
1. Electric resistance heat	R-38 or U=0.031	R-30 or U=0.034	R-24 or U=0.044 ³	U=0.60	R-30 or U=0.029	R-10 or F=0.54
2. All others including Heat pumps and VAV	R-38 or U=0.031	R-25 or U=0.040	R-19 or U=0.11	U=0.60	R-21 or U=0.047	R-10 or F=0.54

**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS FOR ZONE 2**

Glazing

Maximum Glazing Area as % of Wall	0% to 15%		>15% to 20%		>20% to 25%		>25% to 30%					
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴			
	VG	OG		VG	OG		VG	OG				
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.60	0.50	1.25	0.50

Footnotes

- Below Grade Walls:** Below grade walls shall be insulated either on the interior or the exterior. Below grade walls insulated on the exterior shall use a minimum of R-12 insulation. Below grade walls insulated on the interior shall use opaque wall values. No insulation is required for those portions of below grade walls and footings that are more than ten feet below grade. Below grade walls, however, shall not be included in the gross exterior wall area unless insulated to the levels given above.
- Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft² • °F, then the U-factor may be increased to 0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 12. Individual walls with heat capacities less than 9.0 Btu/ft² • °F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the following:

Maximum Glazing Area as % of Wall	0 to 5 %		Max. SHGC ⁴	>5% to 7 %		Max. SHGC ⁴	>7% to 10 %		
	Maximum U-Factor			Maximum U-Factor			Maximum U-Factor		Max. SHGC ⁴
	VG	OG	VG	OG	VG	OG			
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0
2. All others including Heat pumps and VAV	0.75	1.40	0.85	0.60	1.30	0.70	0.50	1.25	0.45

- Metal Stud Walls:** For metal stud construction U=0.10.
- SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC. (See Section 1210 for definition of Shading Coefficient).
- Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F-0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F-0.78 maximum.

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NEW SECTION**WAC 51-11-1412 Controls.**

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

Exceptions:

1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.
2. Buildings complying with Section 1141.4, if in the proposed building energy analysis, heating and cooling thermostat setpoints are set to the same temperature between 70 degrees F and 75 degrees F inclusive, and assumed to be constant throughout the year.
3. Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shut-Off: HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of non-use or alternate use of the spaces served by the system. The automatic controls shall have a minimum seven-day clock and be capable of being set for seven different day types per week.

Exceptions:

1. Systems serving areas which require continuous operation at the same temperature setpoint.
2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped with dampers which close automatically when the system is off or upon power failure. Stair shaft and elevator shaft smoke relief openings shall be equipped with normally open dampers. These dampers shall remain closed in normal operation until activated by the fire alarm system or other approved smoke detection system.

Exceptions:

1. Systems serving areas which require continuous operation.
2. Combustion air intakes.

1412.5 Heat Pump Controls: Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start-up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators).

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

Exceptions:

1. Boilers.

2. Radiant heaters.

1412.7 Balancing: Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

NEW SECTION**WAC 51-11-1414 Ducting systems.**

1414.1 Sealing: Duct work which is designed to operate at pressures above 1/2 inch water column static pressure shall be sealed in accordance with RS-18. Extent of sealing required is as follows:

1. Static pressure: 1/2 inch to 2 inches; seal transverse joints.
2. Static pressure: 2 inches to 3 inches; seal all transverse joints and longitudinal seams.
3. Static pressure: Above 3 inches; seal all transverse joints, longitudinal seams and duct wall penetrations.

1414.2 Insulation: Ducts and plenums that are constructed as part of the building envelope shall meet the requirements of Chapter 13. Other ducts and plenums shall be thermally insulated per Table 14-5.

Exceptions:

1. Within the HVAC equipment.
2. Exhaust air ducts not subject to condensation.
3. Exposed ductwork within a space that serves that space only.

NEW SECTION

WAC 51-11-1454 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

TABLE 14-1
Standard Rating Conditions and Minimum Performance for
Air Cooled Unitary Air Conditioners, Heat Pumps, Packaged Terminal Air Conditioners,
Warm Air Furnaces, Duct Furnaces and Unit Heaters

PERMANENT

Equipment Type & Rating	Category	Sub-category & Rating Conditions	Minimum Rating		Standard
			Steady State	Seasonal or Part Load	
Air Conditioners and Heat Pumps Cooling Ratings	≤ 65,000 Btu/h Cooling Capacity	Split Systems Single Package	(N/A) (N/A)	10.0 SEER 9.7 SEER	ARI 210/240 -1989
	> 65,000 and ≤ 135,000 Btu/h Cooling Capacity	All Unitary	8.9 EER	8.3 IPLV	
	> 135,000 and ≤ 760,000 Btu/h ¹ Cooling Capacity	Standard Ratings:	95°F db	80°F db	ARI 360 -1986
		Air Conditioners	8.5 EER	7.5 IPLV	
		Heat Pumps	8.5 EER	7.5 IPLV	
> 760,000 Btu/h ¹ Cooling Capacity	Air Conditioners Heat Pumps	8.2 EER 8.7 EER	7.5 IPLV 7.5 IPLV		
Packaged Term. Air Conditioners & Heat Pumps Cooling Ratings	All Capacities	Air Conditioners and Heat Pumps Standard/Low Temp	10.0 - (0.16 x Cap/1000) ³ EER 95°F	12.2 - (0.20 x Cap/1000) ^{2,3} EER 82°F	ARI 310 -1990
Heat Pump Heating Ratings	≤ 65,000 Btu/h Cooling Capacity	Split Systems Single Package		6.8 HSPF 6.6 HSPF	ARI 210/240 -1989
	> 65,000 and ≤ 135,000 Btu/h Cooling Capacity	All Unitary	3.0 COP	2.0 COP	
	> 135,000 Btu/h Cooling Capacity	Standard Ratings:	47°F db/43°F wb	17°F db/15°F wb	ARI 365 -1986
		Standard Ratings	2.9 COP 47 °F	2.0 COP 17 °F	
Packaged Term. Heat Pumps Heating Ratings	All Capacities	Heat Pumps Standard Ratings	2.9 - (0.026x Cap/1000) ³ EER 47°F db/	43°F wb	ARI 380 -1990
Warm Air Furnaces & Combination Furnace/A.C.	< 225,000 Btu/h	Gas and Oil Fired Seasonal Ratings	80% E _t ⁴	78% AFUE ⁵	DOE 10CFR Part430 AppD
	≥ 225,000 Btu/h	Gas, Max Rating ⁶	80% E _t ⁴	(N/A)	ANSI Z21.47 -1983
		Gas, Min Rating ⁶	78% E _t ⁴	(N/A)	
≥ 225,000 Btu/h	Oil, Max Rating ⁶	81% E _t ⁴	(N/A)	UL 727 -1986	
	Oil, Min Rating ⁶	81% E _t ⁴	(N/A)		
Warm-Air Duct Furnaces and Unit Heaters	All Size Gas Duct Furnaces	Max Rated Capacity ⁶	78% E _t ⁴	(N/A)	ANSI Z83.9
		Min Rated Capacity ⁶	75% E _t ⁴	(N/A)	-1986
	All Size Gas Unit Heaters	Max Rated Capacity ⁶	78% E _t ⁴	(N/A)	ANSI Z83.8
		Min Rated Capacity ⁶	74% E _t ⁴	(N/A)	-1985
All Size Oil Unit Heaters	Max Rated Capacity ⁶	81% E _t ⁴	(N/A)	UL 731	
	Min Rated Capacity ⁶	81% E _t ⁴	(N/A)	-1988	

- For units that have a heating section, deduct 0.2 from all required EER's and IPLV's.
- For multi-capacity equipment the minimum performance shall apply to each step provided Multi-capacity refers to manufacturer publ rating for more than one capacity mode allowed by the product's controls.
- Capacity (Cap) means the rated cooling capacity of the product in Btu/h in accordance with the cited ARI standard. If the unit's capacity is less than 7,000 Btu/h, use 7,000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.
- These values apply to non-NAECA equipment. See referenced standard for definition of Thermal efficiency (E_t), (100% flue losses)
- To be consistent with National Appliance Energy Conservation Act (NAECA) of 1987 (Public Law 100-12). These values apply to **furnace and combination units covered by NAECA.**
- Minimum and maximum ratings as provided for and allowed by the unit's controls.

TABLE 14-2
Standard Rating Conditions and Minimum Performance for
Water and Evaporatively Cooled Unitary Air Conditioners, Heat Pumps, Water Source and Ground Source
Heat Pumps, Condensing Units, and Water Chilling Packages

Equipment Type & Rating	Category	Sub-category & Rating Conditions	Minimum Rating		Standard
			Steady State	Seasonal or Part Load	
Evaporatively Cooled A/Cs & Heat Pumps Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ :	9.3 EER	8.5 IPLV	ARI 210/240 -1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Outdoor Conditions: 95°F db/75°F wb	10.5 EER	9.7 IPLV	CTI 201 -1986
Water Source Heat Pump Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water:	9.3 EER 85°F ewt ²	10.2 EER 75°F ewt ²	ARI 320 -1986
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water:	10.5 EER 85°F ewt ²	(NA)	CTI 201 -1986
Ground Water Heat Pump Cooling Ratings	<135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water:	11.0 EER 70°F ewt ²	11.5 EER 50°F ewt ²	ARI 325 -1985
Water Cooled Unitary Air Conditioners Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water:	9.3 EER 85°F ewt ²	8.3 IPLV 75°F ewt ²	ARI 210/240 -1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water:	10.5 EER 85°F ewt ²	(NA)	CTI 201 -1986
Water/Evap Cooled Air Cond. and Heat Pumps Cooling Ratings	>135,000 Btu/h Cooling Capacity	Standard Conditions ¹ :	9.6 EER	9.0 IPLV	ARI 360 -1986 CTI 201 -1986
Air and Water/Evap Cooled Condensing Units Cooling Ratings ³	>135,000 Btu/h Cooling Capacity	Air Cooled	9.9 EER	11.0 IPLV	ARI 365 -1987
		Water/Evap Cooled	12.9 EER	12.9 IPLV	CTI 201 -1986
Air and Water Cooled Water Chilling Packages Cooling Ratings	<150 Tons	Water Cooled	3.8 COP	3.9 IPLV	ARI 550-90 ARI 590-86pN CTI 201
	≥150 and <300 Tons		4.2 COP	4.5 IPLV	
	≥300 Tons		5.2 COP ⁴	5.3 IPLV ⁴	
	<150 Tons	Air Cooled with Condenser	2.7 COP	2.8 IPLV	-1986
≥150 Tons		2.5 COP	2.5 IPLV		
All Capacities	Air Cooled Condenserless	3.1 COP	3.2 IPLV		
Water & Ground-Water Source Heat Pumps Heating Ratings	<135,000 Btu/h Cooling Capacity	Water Source Standard Conditions ¹ :	3.8 COP 70°F ewt ²	(N/A) (N/A)	ARI 320 -1986
		Ground Water Source Standard Conditions ¹ :	3.4 COP 70°F ewt ²	3.0 COP 50°F ewt ²	ARI 325 -1985

1. Standard Indoor Conditions: 80°F dry bulb and 67°F wet bulb.
2. ewt: Entering Water Temperature for water cooled heat pumps and air conditioners.
3. Condensing unit requirements are based on single - number rating defined in paragraph 5.1.3.2 of ARI Standard 365.
4. These requirements are reduced to 4.7 COP and 4.8 IPLV, where refrigerants with ozone depletion factors of 0.05 or less are used. No reduction is allowed for standard design systems analyzed under RS-29.

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TABLE 14-3
Standard Rating Conditions and Minimum Performance,
Gas- and Oil-Fired Boilers

Reference	Category	Rating Condition	Minimum Performance
DOE Test Procedure 10 CFR, Part 430 AppN	Gas-Fired <300,000 Btu/h	Seasonal Rating	AFUE 80% ^{1,3}
	Oil-Fired <300,000 Btu/h	Seasonal Rating	AFUE 80% ¹
ANSI Z21.13-87 H.I. Htg. Boiler Std. 86 ASME PTC4.1-64 U.L. 795-73	Gas-Fired ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady-State	E _c ⁴ 80%
		2. Min. Rated Capacity ² Steady-State	E _c ⁴ 80%
U.L. 726-75 H.I. Htg. Boiler Std. 86 ASME PTC4.1-64	Oil-Fired ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady-State	E _c ⁴ 83%
		2. Min. Rated Capacity ² Steady-State	E _c ⁴ 83%
H.I. Htg. Boiler Std. 86 ASME PTC4.1-64	Oil-Fired (Residual) ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady-State	E _c ⁴ 83%
		2. Min. Rated Capacity ² Steady-State	E _c ⁴ 83%

1. To be consistent with National Appliance Energy Conservation Act of 1987 (P.L. 100-12).
2. Provided and allowed by the controls.
3. Except for gas-fired steam boilers for which minimum AFUE is 75%.
4. E_c = combustion efficiency, 100% - flue losses. See reference document for detailed information.

TABLE 14-4
Energy Efficient Electric Motors
Minimum Nominal Full-Load Efficiency

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5
7.5	87.5	88.5	88.5	88.5	89.5	89.5
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

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TABLE 14-5
Duct Insulation

Duct Location	Insulation R-Value
Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7 ¹
Not within conditioned space: in concrete, in ground	R-5.3
Supply air ducts within conditioned space with HVAC equipment supply air temperature < 55 or > 105° F	R-3.3

Note: Requirements apply to both supply and return ducts, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

1. With approved weatherproof barrier.

INSULATION TYPES: Minimum densities and out of package thickness. Nominal R-values are for the insulation as installed and do not include air film resistance.

INSTALLED:

- R-3.3 1.0 inch 1.5 to 3 lb/cu.ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-3.3.
- R-5.3 2.0 inch 0.75 lb/cu.ft. mineral or glass fiber blanket, 1.5 inch 1.5 to 3 lb/cu.ft. duct liner, mineral or glass fiber blanket, 1.5 inch 3 to 7 lb/cu.ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.3.
- R-7 3-inch 0.75 lb/cu./ft. mineral or glass fiber blanket, 2-inch 1.5 to 3 lb/cu.ft. duct liner, mineral or glass fiber blanket, 2-inch 3 to 7 lb/cu.ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.

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TABLE 14-6
Minimum Pipe Insulation (inches)¹

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu • in./ (h • ft ² • °F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	> 1 to 2	> 2 to 4	> 4 to 6	> 6
Heating systems (Steam, Steam Condensate, and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5
Domestic and Service Hot Water Systems								
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine, and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

1. Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu • in./ (h • ft² • °F)), the minimum thickness shall be determined in accordance with the following equation:

$$T = PR[1 + t/PR]^{K/k} - 1]$$

Where

- T = Minimum insulation thickness for material with conductivity K, inches.
- PR = Pipe actual outside radius, inches.
- t = Insulation thickness from Table 14-6, inches
- K = conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, Btu • in./ (h • ft² • °F)
- k = the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, Btu • in./ (h • ft² • °F)

2. Runouts to individual terminal units not exceeding 12 ft. in length.

NEW SECTION

WAC 51-11-1513 Lighting controls.

1513.1 Local Control and Accessibility: Each space, enclosed by walls or ceiling-height partitions, shall be provided with lighting controls located within that space. The lighting controls, whether one or more, shall be capable of turning off all lights within the space. The controls shall be readily accessible, at the point of entry/exit, to personnel occupying or using the space.

Exceptions: The following lighting controls may be centralized in remote locations:

1. Lighting controls for spaces which must be used as a whole.
2. Automatic controls.
3. Controls requiring trained operators.
4. Controls for safety hazards and security.

1513.2 Area Controls: The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that which is provided by a twenty ampere circuit loaded to not more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.

Exceptions:

1. Industrial or manufacturing process areas, as may be required for production.
2. Areas less than five percent of footprint for footprints over 100,000 square feet.

1513.3 Daylight Zone Control: All daylighted zones, as defined in Chapter 12, both under overhead glazing and adjacent to vertical glazing, shall be provided with individual controls, or daylight- or occupant-sensing automatic controls which control the lights independent of general area lighting

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1513.4 Display, Exhibition, and Specialty Lighting Controls: All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

1513.5 Automatic Shut-Off Controls, Exterior: Exterior lighting not intended for 24-hour continuous use shall be automatically switched by timer, photocell, or a combination of timer and photocell. Automatic time switches must also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

1513.6 Automatic Shut-Off Controls, Interior: Office buildings greater than 25,000 sq. ft. and all school classrooms shall be equipped with separate automatic controls to shut off the lighting during unoccupied hours. Automatic controls may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

Exceptions:

1. Areas that must be continuously illuminated, or illuminated in a manner requiring manual operation of the lighting.
2. Emergency lighting systems.
3. Switching for industrial or manufacturing process facilities as may be required for production.

1513.6.1 Occupancy Sensors: Occupancy sensors shall be capable of automatically turning off all the lights in an area, no more than 30 minutes after the area has been vacated.

1513.6.2 Automatic Time Switches: Automatic time switches shall have a minimum 7 day clock and be capable of being set for 7 different day types per week and incorporate an automatic holiday "shut-off" feature, which turns off all loads for at least 24 hours and then resumes normally scheduled operations. Automatic time switches shall also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

Automatic time switches shall incorporate an over-ride switching device which:

- a. is readily accessible;
- b. is located so that a person using the device can see the lights or the areas controlled by the switch, or so that the area being illuminated is annunciated; and
- c. is manually operated;
- d. allows the lighting to remain on for no more than two hours when an over-ride is initiated; and
- e. controls an area not exceeding 5,000 square feet or 5 percent of footprint for footprints over 100,000 square feet, whichever is greater.

NEW SECTION

WAC 51-11-1532 Exterior lighting power allowance.

The exterior lighting power allowance shall be the sum of the calculated allowances for parking, outdoor areas and building exteriors. The lighting allowance for covered parking, open parking and outdoor areas shall be 0.20 watts per square foot. The lighting allowance for building exteriors shall be calculated either by multiplying the building facade area by 0.25 watts per square foot or multiplying the building perimeter in feet by 7.5 watts per linear foot.

Exception: Group M occupancy accessory to Group R occupancy.

TABLE 15-1
Unit Lighting Power Allowance (LPA)

Use ¹	LPA ² (watts/sq. ft.)
Painting, welding, carpentry, machine shops	2.3
Barber shops, beauty shops	2.0
Hotel banquet/conference/exhibition hall ^{3,4}	2.0
Laboratories	2.0
Aircraft repair hangars	1.5
Cafeterias, fast food establishments ⁵	1.5
Factories, workshops, handling areas	1.5
Gas stations, auto repair shops ⁶	1.5
Institutions	1.5
Libraries ⁵	1.5
Nursing homes	1.5
Wholesale stores (pallet rack shelving)	1.5
Mall concourses	1.4
Schools buildings, school classrooms, day care centers	1.35
Laundries	1.3
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) ^{5,7,11}	1.2
Police and fire stations ⁸	1.2
Atria (atriums)	1.0
Assembly spaces ⁹ , auditoriums, gymnasias ⁹ , theaters	1.0
Process plants	1.0
Restaurants/bars ⁵	1.0
Retail A ¹⁰	1.0
Retail B ¹⁰ , Retail banking	1.5
Locker and/or shower facilities	0.8
Warehouses ¹¹ , storage areas	0.5
Aircraft storage hangars	0.4
Parking garages	See Section 1532
Plans Submitted for Common Areas Only⁷	
Common area, corridors, lobbies (except mall concourse)	0.8
Toilet facilities and washrooms	0.8

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Footnotes for Table 15-1

1. In cases in which a use is not mentioned specifically, the *Unit Power Allowance* shall be determined by the building official. This determination shall be based upon the most comparable use specified in the table. See Section 1512 for exempt areas.
2. The watts per square foot may be increased, by two percent per foot of ceiling height above twenty feet, unless specifically directed otherwise by subsequent footnotes.
3. Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
4. For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
5. Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
6. Includes pump area under canopy.
7. In cases in which a lighting plan is submitted for only a portion of a floor, a *Unit Lighting Power Allowance* of 1.35 may be used for usable office floor area and 0.80 watts per square foot shall be used for the common areas, which may include elevator space, lobby area and rest rooms. Common areas, as herein defined do not include mall concourses.
8. For the fire engine room, the *Unit Lighting Power Allowance* is 1.0 watts per square foot.
9. For indoor sport tournament courts with adjacent spectator seating, the *Unit Lighting Power Allowance* for the court area is 2.6 watts per square foot.
10. For both *Retail A* and *Retail B*, light for free-standing display, building showcase illumination and display window illumination installed within two feet of the window are exempt.

Retail A allows a *Unit Lighting Power Allowance* of 1.0 watts per square foot. Ceiling mounted adjustable tungsten halogen and HID merchandise display illuminaries are exempt.

Retail B allows a *Unit Lighting Power Allowance* of 1.5 watts per square foot, including all ceiling mounted merchandise display luminaries.
11. Provided that a floor plan, indicating rack location and height, is submitted, the square footage for a warehouse may be defined, for computing the interior *Unit Lighting Power Allowance*, as the floor area not covered by racks plus the vertical face area (access side only) of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.

NEW SECTION

WAC 51-11-2006 Default U-factors for glazing and doors.

2006.1 Untested Glazing and Doors: Untested glazing and doors shall be assigned the following U-factors:

TABLE 20-6

Default U-Factors for Vertical Glazing, Overhead Glazing and Opaque Doors

Vertical Glazing

	U-Factor
Single	1.45
Double	0.90
1/2 Inch Air, Fixed	0.75
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.60
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.50

Overhead Glazing

	U-Factor	
	Any Frame	Vinyl/Wood Frame
Single	2.15	2.15
Double	1.45	1.00
Low-e ^(0.40) or Argon	1.40	0.95
Low-e ^(0.40) + Argon	1.30	0.85
Low-e ^(0.20) Air	1.30	0.90
Low-e ^(0.20) + Argon	1.25	0.80
Triple	1.25	0.80

Opaque Doors

	U-Factor
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

NOTES:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: fixed), the default is only allowed for that operator type.
- Where a frame type is listed (i.e.: wood/vinyl), the default is only allowed for that frame type.
- Wood/Vinyl frame includes reinforced vinyl and aluminum-clad wood.

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 principle 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 no 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, 1411 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 1438 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 input per square foot of conditioned floor area per year at the building site. Buildings which use electricity as the only fuel source comparisons may be expressed in kWh. When converting electricity in kWh to kBtu a multiplier of 3.413 kWh/kBtu shall be used.

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.

PERMANENT

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 and control mode for occupied and unoccupied hours.

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

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

Exception: Proposed designs having an area of 25,000 square feet or less are exempt from the full-year energy analysis described in section 2.3(b). 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 ft²/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/ft² 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 Equation 13-1 and U-factor values in Table 13-1 or 13-2. The glazing solar heat gain coefficient (SHGC) or shading coefficient of the standard building shall be the lesser of 0.65 and the SHGC required by Table 13-1 or 13-2 for the vertical or overhead 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 Equation 13-1 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 design shall use the maximum glazing areas listed in Tables 13-1 or 13-2 for the appropriate use. The distribution of vertical glazing in the gross wall area of the standard design shall be equal to the distribution of vertical glazing in the proposed design or shall constitute an equal percentage of gross wall area on all sides of the standard building. The distribution of overhead glazing in the gross roof/ceiling area of the standard design shall be equal to the distribution of overhead glazing in the

proposed design. The distribution of doors in the gross opaque wall area of the standard design shall be identical to the distribution of doors in the proposed design.

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 1438, 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 through 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 or 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 chapter 51-13 WAC.

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 Consumption¹

Building Type	Occupancy Density² Sq. Ft./Person (Btu/h·sq. ft)	Receptacle Power Density³ Watts/Sq. Ft. (Btu/h·sq. ft.)	Service Hot Water Quantities⁴ 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.

TABLE 3-2a
Assembly Occupancy¹

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.

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TABLE 3-2b
Health Occupancy¹

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.

PERMANENT

TABLE 3-2c
Hotel/Motel Occupancy¹

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.

PERMANENT

TABLE 3-2d
Light Manufacturing Occupancy¹

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.

PERMANENT

TABLE 3-2e
Office Occupancy¹

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.

PERMANENT

TABLE 3-2f
Parking Garage Occupancy¹

PERMANENT

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)				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 90.1-1989 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 3-2g
Restaurant Occupancy¹

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.

PERMANENT

TABLE 3-2h
Retail Occupancy¹

PERMANENT

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 Occupancy¹

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			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.

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TABLE 3-2j
Warehouse Occupancy¹

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 Buildings³

Use	System #	Remarks
1. Assembly		
a. Churches (any size)	1	
b. ≤ 50,000 ft ² or ≤ 3 floors	1 or 3	Note 2
c. > 50,000 ft ² or > 3 floors	3	
2. Health		
a. Nursing Home (any size)	2	
b. ≤ 15,000 ft ²	1	
c. > 15,000 ft ² and ≤ 50,000 ft ²	4	Note 3
d. > 50,000 ft ²	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 ²	1	
b. > 20,000 ft ² and either ≤ 3 floors or ≤ 75,000 ft ²	4	
c. > 75,000 ft ² or > 3 floors	5	
6. Restaurant	1 or 3	Note 2
7. Retail		
a. ≤ 50,000 ft ²	1 or 3	Note 2
b. > 50,000 ft ²	4 or 5	Note 2
8. Schools		
a. ≤ 75,000 ft ² or ≤ 3 floors	1	
b. > 75,000 ft ² 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 Buildings¹

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 Buildings¹

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, heat recovery if required by Section 1436.

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TABLE 3-3 (cont.)
HVAC System Descriptions for Prototype Buildings¹

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, heat recovery if required by Section 1436.	No economizer, if not required by Section 1433.

**Numbered 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 70 percent. Recovery effectiveness shall be 0.50.
5. If a warehouse is not intended to be mechanically cooled, both the standard and proposed designs shall 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° F 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-DOE	ADM Associates 3299 Ramos Circle Sacramento, CA 95827 916-363-8383
Micro-Axcess 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
ADM.2	ADM Associates 3299 Ramos Circle Sacramento, CA 95827 916-363-8383
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

**WSR 93-21-053
PERMANENT RULES
DEPARTMENT OF LICENSING**
[Filed October 18, 1993, 4:48 p.m.]

Date of Adoption: October 5, 1993.

Purpose: For the implementation and administration of the bail bond agents law, a new chapter to Title 18 RCW (chapter 260, Laws of 1993).

Statutory Authority for Adoption: Section 13, chapter 260, Laws of 1993.

Pursuant to notice filed as WSR 93-18-100 on September 1, 1993.

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

October 18, 1993

M. C. Collins
Assistant Director

**Chapter 308-19 WAC
BAIL BOND AGENCIES AND BAIL BOND AGENTS**

WAC

PART A
GENERAL

308-19-010	Promulgation—Authority.
308-19-020	Organization.
308-19-030	Definitions.

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PART B
LICENSING APPLICATION AND FEES

- 308-19-100 Bail bond agency applications—Conditions
- 308-19-110 Bail bond branch office license—Conditions
- 308-19-120 Bail bond agency, branch office and agent license applications—Conditions.
- 308-19-130 Bail bond agency, branch office and bail bond agent fees.
- 308-19-140 Expiration and renewal of licenses.
- 308-19-150 Bail bond agent—Termination of services.
- 308-19-160 Inactive license.

PART C
OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES

- 308-19-200 Filing of licenses.
- 308-19-210 Change of office location.
- 308-19-220 Licensee's responsibilities.
- 308-19-230 Complaint notification.
- 308-19-240 Records.
- 308-19-250 Inspection and audit.

PART D
PRELICENSE TRAINING AND EXAMINATION REQUIREMENTS

- 308-19-300 Minimum prelicense training and testing requirements.

PART A
GENERAL

NEW SECTION

WAC 308-19-010 Promulgation—Authority. The director of the Department of Licensing, state of Washington, pursuant to the authority vested in the director by Chapter 260, Laws of 1993, does hereby promulgate the following rules and regulations relating to the licensing of bail bond agencies and bail bond agents.

NEW SECTION

WAC 308-19-020 Organization. The Department of Licensing administers the Washington bail bond license law, Chapter 260, Laws of 1993. Submissions and requests for information regarding bail bond agency licenses and bail bond agent licenses may be sent in writing to the Bail Bond Program, Business and Professions Division, Department of Licensing, P.O. Box 9649, Olympia, Washington 98507-9649.

NEW SECTION

WAC 308-19-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under Chapter 260, Laws of 1993 unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal partner" means the partner who is the qualified agent of a bail bond agency and who exercises operational control over the agency.

PART B
LICENSING APPLICATION AND FEES

NEW SECTION

WAC 308-19-100 Bail bond agency applications—Conditions. Any person desiring to obtain a bail bond agency license must substantiate the experience requirements in Chapter 260, Laws of 1993, Section 4 or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

- (1) Pay a fee or fees as prescribed by WAC 308-19-130.
- (2) If the applicant is the qualified agent of a corporation, he or she shall furnish a copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualified agent of a foreign corporation, he or she shall furnish a copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply, qualify and furnish their addresses.

(3) When an agency license is issued to a sole proprietorship, the owner shall act as the qualified agent of the agency without the payment of additional license fees. When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the qualified agent of the agency without the payment of additional fees.

(3) When an agency license is issued to a sole proprietorship, the owner shall act as the qualified agent of the agency without the payment of additional license fees. When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the qualified agent of the agency without the payment of additional fees.

NEW SECTION

WAC 308-19-110 Bail bond branch office license—Conditions. A licensed bail bond agency desiring to establish a branch office must apply and obtain a bail bond branch office license and pay the required fee. Each branch office shall have a licensed qualified agent.

NEW SECTION

WAC 308-19-120 Bail bond agency, branch office and agent license applications—Conditions. Any person desiring to obtain a bail bond agency, bail bond branch office or bail bond agent license shall make application on a form prescribed by the director and pay a fee as prescribed by WAC 308-19-130.

NEW SECTION

WAC 308-19-130 Bail bond agency, branch office and bail bond agent fees. The following fees for a one-year period shall be charged by Business and Professions Division of the Department of Licensing:

Title of Fee	Fee
Bail bond agency/branch office:	
Application	\$800.00

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License renewal	600.00
Late renewal with penalty	900.00
Certification of records	25.00
Bail bond agent:	
Original license	200.00
License renewal	150.00
Late renewal with penalty	250.00
Certification of records	25.00

NEW SECTION

WAC 308-19-140 Expiration and renewal of licenses.

Licenses issued to bail bond agents expire on their respective birthdates. However, if an application for the bail bond agent license is received by the Department of Licensing within ninety days from the applicant's birthdate, the license issued shall not expire until the next birthdate. Licenses issued to bail bond agencies expire on December 31 each year. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-19-130 must be paid.

If the application for a license renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

A license shall be cancelled if an application for a renewal of that license is not received by the director within one year from the date of expiration. A person may obtain a new license by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

NEW SECTION

WAC 308-19-150 Bail bond agent—Termination of services. A person licensed as a bail bond agent may perform duties and activities as licensed only under the direction and supervision of a licensed qualified agent and as a representative of a bail bond agency. This relationship may be terminated unilaterally by either the agency or the agent. Notice of such termination shall be by the agency's qualified agent to the director without delay and such notice shall be accompanied by, and include the surrender of, the agent's license held by the agency. Notice of termination shall be provided by signature of the agency's qualified agent on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the qualified agent shall complete and submit an affidavit of lost license on a form approved by the department.

NEW SECTION

WAC 308-19-160 Inactive license. (1) Any license issued under Chapter 260, Laws of 1993 and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to Chapter 260, Laws of 1993.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any examination and education requirements.

(4) The provisions of Chapter 260, Laws of 1993 relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

**PART C
OFFICE REQUIREMENTS AND LICENSEE'S
RESPONSIBILITIES**

NEW SECTION

WAC 308-19-200 Filing of licenses. Licenses of all bail bond agency and bail bond agents shall be on file in the office located at the address appearing on the license.

NEW SECTION

WAC 308-19-210 Change of office location. The qualified agent of a bail bond agency shall notify the department of any change of location and mailing address of the agency office within ten working days by filing a completed change of address form approved or provided by the department.

NEW SECTION

WAC 308-19-220 Licensee's responsibilities. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing Chapter 260, Laws of 1993.

NEW SECTION

WAC 308-19-230 Complaint notification. Every licensee shall notify in writing, within twenty days after service or knowledge thereof, the office of the Bail Bond Program, Business and Professions Division, Department of Licensing of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

NEW SECTION

WAC 308-19-240 Records. The following requirements and prohibitions apply to all records and documents required to be maintained by Chapter 260, Laws of 1993, or in these rules:

- (1) They shall be maintained in accordance with generally accepted accounting practices.
- (2) No person shall make any false or misleading statement, or make false or misleading entry, or willfully fail

to make any entry required to be maintained or made, in any such record or document.

(3) No person shall willfully fail to produce any such record or document for inspection by the department.

(4) The minimum records the qualified agent or principal partner of a bail bond agency shall be required to keep are:

- (a) Bank trust account records;
- (b) Duplicate receipt book or receipt journal;
- (c) Prenumbered checks;
- (d) Check register or cash disbursement journal;
- (e) Validated bank deposit slips;
- (f) Reconciled bank monthly statement (client liability vs bank statement);

(g) All cancelled checks;

(h) All voided checks;

(i) Client's information file which indicates client's name, dates of transactions, amount received, amount disbursed, current balance, check number, receipt number, and item(s) covered;

(j) A transaction folder or file containing a copy of all agreements and related correspondence for each transaction;

(k) Records or description of all collaterals, securities, or monetary instruments received or held in the bail bond business transactions and

(l) Records of training and/or continuing education for each bail bond agents employed in that agency.

(m) Records of exoneration of all bail bond transactions which include: (i) Court, citation or case number (ii) date of issuance of the bail (iii) the defendant's name, address and telephone number (iv) amount of the bond (v) name of the court (vii) date of exoneration of the bond.

(n) The above records shall be maintained for a minimum period of three years.

(5) All funds and monetary instruments received by the agency from the customers or clients in the business transactions shall be deposited into the trust account within three working days of receipt.

NEW SECTION

WAC 308-19-250 Inspection and audit. All records required to be maintained by a qualified agent of a bail bond agency by Chapter 260, Laws of 1993, or these rules, together with any other business or other types of records of a licensee which may be related to the bail bond activity, together with any personal property which may be the subject of, or related to, a bail bond business transaction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the Department of Licensing, for the purposes of determining compliance or noncompliance with the provisions of Chapter 260, Laws of 1993, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public (or members and guests) then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in section (1) above, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

PART D PRELICENSE TRAINING AND EXAMINATION REQUIREMENTS

NEW SECTION

WAC 308-19-300 Minimum training and examination requirements. (1) The training and examination requirements for bail bond agent license applicants under Chapter 260, Laws of 1993, Section 7, shall include, as a minimum:

(a) Four hours of training in the following subjects:

(i) Bail bond licensing laws;

(ii) Court procedures relating to bail bonds;

(iii) Criminal procedure, RCW 10;

(iv) Contracts and bail bond agreements;

(v) Preparation of promissory notes, mortgages, deeds of trust, assignments and other documents affecting property

(vi) Care and storage of personal property;

(vii) Forfeiture of collateral, judgements and collection

(viii) Washington Insurance Code, RCW 48;

(ix) Laws relating to notary publics, RCW 42.44;

(x) Contact with clients, courts and law enforcement;

(xi) Sexual harassment.

(b) A licensed qualified agent shall certify on each bail bond agent's license application that the training required in this section has been completed.

(2) The examination requirement for bail bond agency or qualified bail bond agent license applicants under Chapter 260, Laws of 1993, Section 4(a), shall include, as a minimum:

(a) All of the subjects as listed in section (1)(a) above, and

(b) As a minimum, the following subjects:

(i) Recordkeeping and filing;

(ii) Business licensing, taxation and related reporting and recordkeeping requirements.

(iii) Personnel management;

(iv) Laws relating to employment;

(v) The Americans with Disabilities Act;

(3) The examination for bail bond agency or qualified bail bond agent license applicants shall consist of a minimum of fifty questions covering the subjects listed above in (2)(a) and (b). A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of fourteen days before reexamination.

(4) The director will certify training and examination programs for bail bond qualified agents and bail bond agents license applications.

WSR 93-21-070
PERMANENT RULES
WILDLIFE COMMISSION

[Order 617—Filed October 20, 1993, 8:05 a.m., effective April 16, 1994]

Date of Adoption: October 1, 1993.

Purpose: To establish the 1994-95 Washington game fish seasons, catch limits, and regulations, and to repeal existing 1992-94 game fish regulations.

Citation of Existing Rules Affected by this Order: See repealers shown below; and amending WAC 232-12-001, 232-12-619, and 232-28-619.

Statutory Authority for Adoption: RCW 77.04.055 and 77.12.040.

Pursuant to notice filed as WSR 93-13-140 on June 23, 1993.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-001 differs from the proposed version filed with the code reviser in the following specifics:

The proposal to allow use of internal combustion engines as part of the selective fishery regulations was dropped, allowing the regulation to remain as it exists presently in the current regulation providing for electric motors on waters on an exception basis. Public input opposed the allowance of internal combustion motors except on a water-by-water basis.

The regulation proposal for bass and walleye catch-and-release exceptions required language clarification as requested by the public. The additional language provided for under item 17 in definition of terms fish in possession is as follows: Bass or walleye may be caught, retained, and released alive from a livewell until a daily catch limit is in possession.

The adopted version of WAC 232-12-619 differs from the proposed version filed with the code reviser in the following specifics:

The regulation proposal for bass and walleye catch-and-release exceptions required language clarification as requested by the public. The additional language provided for in the statewide box under daily catch limit will be: Bass or walleye may be caught, retained, and released alive from a livewell until a daily catch limit is in possession.

The adopted version of WAC 232-28-619 differs from the proposed version filed with the code reviser in the following specifics:

The statewide regulation to standardize lakes, ponds and reservoirs open seasons was amended to include an additional season of September 1, 1994, to March 31, 1995. Many letters were received from the Winthrop/Leavenworth area requesting reconsideration of not removing fall seasons starting in September each year. To accommodate public preference and to establish a standard season encompassing fall fisheries, ice fisheries, and early spring fisheries, this additional season was proposed and adopted.

An addition to the statewide regulation to standardize catch and size limits for trout in rivers, streams, and beaver ponds was made to include a catch limit of five for eastern brook trout as part of the combined daily trout limit. Concerns that the eight-inch minimum size limit for trout in rivers, streams, and beaver ponds will unnecessarily restrict harvest of stunted populations of eastern brook trout,

especially in Eastern Washington streams prompted this change.

The statewide regulation for bass catch and size limits was adopted with a reduction in the number of lakes in Region 4 proposed for the 12-15" slot limit. Public testimony presented requested consideration for the use of slot limits only on an as-needed, water-by-water basis.

The proposal to allow use of internal combustion engines as part of the selective fishery regulations was dropped, allowing the regulation to remain as it exists presently in the current regulation providing for electric motors on waters on an exception basis. Public input opposed the allowance of internal combustion motors.

The statewide proposal to close steelhead fisheries no later than March 15 in depressed wild winter-run stocks that have commingled early return hatchery fish—Washougal and East Fork Lewis rivers was amended to provide an additional season of April 15 through May 31 for steelhead only. The additional season would apply to the lower section of both rivers. Implementation of the additional season would: Allow for protection of steelhead spawning and passage for the lower river sections from March 15 to April 15. This represents about half of the lower river spawn timing being closed to fishing. It also allows fish heading to upper reaches unencumbered passage through the area; provides recreational opportunity. Based on public testimony and documentation, a very valuable sport fishery would be lost on large numbers of bright and public accessible summer steelhead by closing the total river during April and May. By opening the lower river sections to this additional season, a fishery is provided where public accessibility is at its maximum and water conditions are ideal for both the fish and steelhead anglers; and this season would also reduce targeting on smolts by allowing only steelhead fishing to occur during the additional season.

Proposal Option A allowing for eight standard stream seasons for steelhead was adopted. This was the Department of Wildlife's preferred option. It allows for flexibility to manage, and meet resource needs while providing for standardization of seasons. The following bodies of water were modified to reinstate the steelhead closing date of April 15, which is the current and preferred regulation of the department: Mill Creek (Walla Walla County), Touchet River, Tucannon River, and Walla Walla River.

A language change to clarify wild steelhead release regulations was implemented on the Methow and Similkameen rivers. The intent of the language is to maintain wild steelhead release regulations during the June through March seasons.

An amendment to move the closing date of March 31 to March 15 on that portion of the Green (Duwamish) River from SR 167 Freeway Bridge to the Tacoma Headworks Dam was adopted. Also, the exemption from wild steelhead release from July 1 - January 31 was changed to July 1 - November 30, which aligns the exemption ending date with the standard wild steelhead release requirements ending date November 30.

A language clarification was implemented on the Cedar River replacing the language "fishing unlawful between 7:00 p.m. and 5:00 a.m." with "night fishing closure".

PERMANENT

Indian Heaven Wilderness Lakes trout catch limit of 5 was amended to a trout catch limit of 3. As alpine lakes, a reduced catch limit will fit with the shorter growing season, yet allow for some harvest.

Language was revised under marine and Columbia River waters to accommodate the intent of the statewide regulation for Dolly Varden/Bull Trout season: All waters statewide, are closed year around to fishing for or retaining Dolly Varden/Bull Trout.

The season for Spectacle Lake (Okanogan County) was adopted as March 1 - July 31, 1994, rather than April 30 - September 30, to provide quality fishing opportunity earlier in the year.

Technical revisions have been made throughout the adopted version of the WACs to use consistent terminology, clarify obvious conflicts and ambiguities, supply obvious omissions and to correct or provide more specific statement of dates, limits, restricted and closed areas, and to correct typographical errors.

Effective Date of Rule: April 16, 1994.

October 19, 1993
Curt Smitch
Director
for Dean A. Lydig
Chair, Wildlife Commission

AMENDATORY SECTION (Amending Order 524, filed 12/16/91, effective 4/16/92)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless the context clearly requires otherwise:

(1) Snagging, gaffing, or spearing means: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices.

(2) A valid license, permit, tag, stamp or punchcard means: A license, permit, tag, stamp, or punchcard that was issued to the bearer for the current season by the commission and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(3) Hook means: One single, double, or treble hook.

(4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.

(5) Falconry means: Possession, control, or use of a raptor for the purpose of hunting and free flight training.

(6) Anadromous game fish means:

(a) Steelhead trout, *Oncorhynchus mykiss*

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(7) Handgun means: Any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(8) ~~((A)) Lure or fly~~ means: A manufactured article ((with no more than three hooks attached, utilized for attraction or enticement of game fish)) constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. A lure or fly may not have more than three hooks attached. When fishing with a lure or fly, fish may be released until the catch limit is retained.

(9) Bait means: ~~((A natural substance, fresh or processed, utilized for attraction or enticement of wildlife and game fish.))~~ Any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(10) Steelhead means: A searun rainbow trout over twenty inches in length.

(11) Possession limit means: A two-day catch limit of game fish allowed to be retained in the field or in transit.

(12) Selective fishery regulations: Only artificial flies or lures with a barbless 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.

(13) Fly fishing means: In waters designated as "fly fishing only" an angler may use: A dry fly, bucktail fly, wet fly, nymph or streamer with not more than one, single-pointed barbless hook; a conventional fly line at least twenty-five feet in length, with a back-up line of any kind behind the fly line. 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. When fishing with a lure or fly, fish may be released until the catch limit is retained.

(14) Boat fishing: Fishing while in or on a boat, raft, or any other floating device.

(15) Catch-and-release: A type of angling where none of the fish caught are retained by the angler.

(16) 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.

(17) Fish in possession: Any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily catch limit is in possession.

(18) 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.

(19) 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).

(20) 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).

(21) 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.

(22) 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.

(23) 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.

(24) 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."

(25) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends 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.

AMENDATORY SECTION (Amending Order 600, filed 4/30/93, effective 5/31/93)

WAC 232-12-619 ((1992-94)) 1994-95 Washington game fish regulations. These regulations are effective from April 16, ((1992-94)) 1994, to April 15, ((1994)) 1995, 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 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)) 1994-95 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.

STATE-WIDE REGULATIONS:

LAKES, PONDS, & RESERVOIRS, AND RIVERS, STREAMS & BEAVER PONDS:

STATE-WIDE REGULATIONS APPLY TO ALL WATERS, UNLESS WATERS ARE MODIFIED UNDER EXCEPTIONS TO REGIONAL REGULATIONS.

OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS: YEAR AROUND, unless specified otherwise under Exceptions - Regional Regulations.

RIVERS, STREAMS AND BEAVER PONDS: JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under Exceptions - Regional Regulations.

Note: Dates set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years are as follows: April 30, 1994, April 25, 1995, April 27, 1996, and April 26, 1997

Waters managed under April through October seasons are listed under the Exceptions - Regional Regulations.

<u>GAME FISH SPECIES</u>	<u>DAILY CATCH LIMIT</u>	<u>MINIMUM SIZE LIMIT</u>
<u>BASS</u>	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily catch limit is in possession.	None

GRASS CARP....It is unlawful to fish for or retain grass carp.

<u>TROUT*</u> <u>(See listing below for species included.)</u>	<u>A combined total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds (except Eastern Brook Trout).</u>	<u>None in Lakes, Ponds, and Reservoirs.</u>
	<u>No more than two of the combined trout daily catch limit of 5 may be Steelhead. Wild Steelhead Release June 1- November 30.</u>	<u>Eight inches in Rivers, Streams, and Beaver Ponds.</u>

<u>EASTERN BROOK TROUT</u> <u>(Salvelinus fontinalis)</u>	<u>Five - to be considered part of the combined trout daily catch limit.</u>	<u>None</u>
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The daily catch limit for trout caught in either lakes or streams is a combined total and must not exceed five.

State-wide:

Dolly Varden/Bull Trout:

All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the Exceptions - Regional Regulations, Dolly Varden/Bull Trout count as part of the combined trout daily catch limit of five (above).

<u>WALLEYE</u>	<u>Five, not more than one over twenty-four inches</u> <u>Walleye may be caught, retained, and released alive from a livewell until a daily catch limit is in possession.</u>	<u>Eighteen inches</u>
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<u>WHITEFISH</u>	<u>Fifteen</u>	<u>None</u>
<u>ALL OTHER GAME FISH</u>	<u>No Limit</u>	<u>None</u>
<u>BULLFROGS</u>	<u>Ten</u>	<u>None</u>

*TROUT: Game fish species managed as "Trout" include the following:

- Brook Trout
- Brown Trout
- Cutthroat Trout
- Dolly Varden/Bull Trout: Note: (See Dolly Varden/Bull Trout entry above).
- Golden Trout
- Kokanee (Silver Trout)
- Lake Trout (Mackinaw)
- Landlocked Atlantic Salmon
- Rainbow Trout
- Steelhead: Note: (See Steelhead entry above).

*Note: When fishing with bait, all trout equal to or greater than the minimum size 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.

Where use of bait is prohibited, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained.

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.

AMENDATORY SECTION (Amending Order 524, filed 12/16/91, effective 4/16/92)

WAC 232-28-619 ((1992-94)) 1994-95 Washington game fish seasons and catch limits. Region I.

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

All state-wide ((and Region I)) regulations (((given below))) apply to all Region I waters unless specifically exempted or amended by ((special)) Exceptions - Region I regulations (listed for separate waters and categories of waters).

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

((Region I regulations. Open seasons:

Note: All waters are closed year around to the taking of Dolly Varden/bull trout and grass carp.

All waters in Lincoln and Whitman counties: Year around season, unless specified otherwise under special regulations.

Lakes, ponds, and reservoirs in other Region I counties: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds in other Region I counties: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations.

PERMANENT

(For Columbia River reservoirs, see page . . .)

Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH SPECIES	CATCH LIMITS	DAILY	MINIMUM
		SIZE LIMITS	POSSESSION LIMITS
Bass	Five not more than three over fifteen inches	None	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout	It is unlawful to fish for or retain Dolly Varden or bull trout		
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee and steelhead)	Eight, of which not more than two may be over twelve inches if taken from rivers, streams, and beaver ponds	None	One catch limit and (in addition) two steelhead over twenty inches
Walleye	Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	Fifteen	None	One catch limit
All other game fish	No limit	None	No limit
Bullfrogs	Ten	None	One catch limit

*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.

Special regulations. Region I. Basic state wide and regional)) Exceptions - Region I Regulations: State-wide regulations apply to all waters except where modified in special regulations below.

Amber Lake: April ((26, 1992,)) 30 through September 30((-, 1992, and April 25, 1993, through September 30, 1993,)) season((s)). Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch-and-release only, single barbless hooks - ((bait prohibited)), selective fishery regulations.

Alpowa Creek: April ((26, 1992, through June 30, 1992, and April 25, 1993,)) 30 through June 30((-, 1993,)) season((s)).

Asotin Creek, from mouth upstream to SR129 Bridge: Year around season. ((Retaining steelhead over twenty

inches in length is prohibited.)) Closed to fishing for steelhead.

From SR129 Bridge upstream((, South Fork and North Fork from mouth to USFS boundary: Retaining steelhead over twenty inches in length is prohibited)) to the forks: Trout - catch limit - eight. Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from ((USFS boundary upstream and all other tributaries)) mouth upstream to USFS boundary: Trout ((including steelhead)) - catch limit - ((two, minimum length twelve inches. Retaining steelhead over twenty inches in length is prohibited. Bait prohibited)) eight. Closed to fishing for steelhead. Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: April 30 through October 31 season.

Badger Lake: April ((26, 1992, through September 30, 1992, and April 25, 1993,)) 30 through September 30((-, 1993,)) season((s)).

Bayley Lake (Stevens County) ((including inlet stream)): April ((26, 1992, through July 4, 1992, and April 25, 1993,)) 30 through July 4((-, 1993,)) season((s)). Trout - catch limit - ((one)) two, minimum length fourteen inches. ((Only eastern brook trout between twelve inches and sixteen inches or rainbow over sixteen inches may be retained.)) Fly fishing only((-, barbless hook)). Use of motors prohibited.

Additional season. July 5 through October 31 ((season)). Catch-and-release, fly fishing only((-, barbless hook)). Use of motors prohibited. Inlet stream: Closed waters.

((Bead Lake: Year around season.))

Beaver Lake (Columbia County): March 1 through ((October)) July 31 season. Fishing from any floating device prohibited.

((Bergevin Ranch Pond: June 1 through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.))

Big Four Lake: March 1 through ((October)) July 31 season. Trout - catch limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: April 30 through October 31 season.

Black Lake (Stevens County): April 30 through October 31 season.

Blue Creek (Walla Walla County): April ((26, 1992, through June 30, 1992, and April 25, 1993,)) 30 through June 30((-, 1993,)) season((s)).

Blue Lake (Columbia County): March 1 through ((October)) July 31 season. Fishing from any floating device prohibited.

((Blue Lake (Pend Oreille County): Year around season.

Bonnie Lake: Year around season.))

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. April 30 through October 31 season.

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Burbank Slough: ~~((Year around season:))~~ Fishing from any floating device prohibited.

Caldwell Lake: April 30 through October 31 season. Trout - catch limit - two ~~((over))~~ minimum length twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: ~~((June 1 through October 31 season. Trout - minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

~~((Casey Pond (Walla Walla County): Year around season:))~~

Carl's Lake: April 30 through October 31 season.

Cedar Lake (Stevens County): April 30 through October 31 season.

Chapman Lake: April ~~((26, 1992, through November 15, 1992, and April 25, 1993,))~~ 30 through ((November 15, 1993,)) October 31 season((s)). Trout - catch limit - ~~((sixteen))~~ ten, at least ~~((eight))~~ five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: ~~((Trout - minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

~~((Clear Lake: April 26, 1992, through September 30, 1992, and April 25, 1993, through September 30, 1993, seasons:))~~

Columbia River and impoundments and all connecting sloughs—see regulations page . . .

Colville River, from mouth to bridge at Town of Valley: Year around season.

From Valley upstream and tributaries: ~~((June 1 through October 31 season. Trout - minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

~~((Cooks Lake (Pend Oreille County): Year around season:))~~

Conger Pond: April 30 through October 31 season.

Coppei Creek: April ~~((26, 1992, through June 30, 1992, and April 25, 1993,))~~ 30 through June 30((, 1993,)) season((s)).

Cottonwood Creek (Asotin County): Closed to ~~((the taking of))~~ fishing for steelhead ((over twenty inches)).

Cottonwood Creek (Lincoln County), outside city limits of Davenport: April ~~((26, 1992, through September 30, 1992, and April 25, 1993,))~~ 30 through September 30((, 1993,)) season((s)).

Crescent Lake (Pend Oreille County): April 30 through October 31 season.

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

~~((Curlew Lake: Year around season:))~~

~~((Curlew Pond (Walla Walla County): Year around season:))~~

~~((Davis Lake (Pend Oreille County): Trout - catch limit - eight, no more than two over twenty inches:))~~

Davis Lake (Ferry County): April 30 through October 31 season.

Dayton Pond (Columbia County): ~~((March 1 through October 31 season:))~~ Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

Deep Lake (Stevens County): April 30 through October 31 season.

Deer Lake (Columbia County): March 1 through ~~((October))~~ July 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): April ~~((26, 1992, through September 30, 1992, and April 25, 1993,))~~ 30 through September 30((, 1993,)) season((s)).

Deer Lake (Stevens County): April 30 through October 31 season. Trout ~~((catch limit - eight)),~~ no more than two over twenty inches.

Diamond Lake: April 30 through October 31 season.

Downs Lake: April ~~((+))~~ 30 through September 30 season.

Dry Creek (Walla Walla County): April ~~((26, 1992, through June 30, 1992, and April 25, 1993,))~~ 30 through June 30((, 1993,)) season((s)).

~~((Eloika Lake: Year around season:))~~

~~((Evans Pond (Asotin County): Year around season:))~~

Elbow Lake (Stevens County): April 30 through October 31 season.

Ellen Lake (Ferry County): April 30 through October 31 season.

Empire Lake (Ferry County): April 30 through October 31 season.

Fan Lake: April ~~((26, 1992, through September 30, 1992, and April 25, 1993,))~~ 30 through September 30((, 1993,)) season((s)). Internal combustion engines prohibited.

~~((Ferry Lake: Year around season:))~~

Fishhook Pond (Walla Walla County): April 30 through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): April 30 through October 31 season.

Fish Lake (Spokane County): April ~~((26, 1992, through September 30, 1992, and April 25, 1993,))~~ 30 through September 30((, 1993,)) season((s)). Internal combustion engines prohibited.

Fishtrap Lake: April ~~((26, 1992, through September 30, 1992, and April 25, 1993,))~~ 30 through September 30((, 1993,)) season((s)).

Fourth of July Lake: December 1 through March 31 season. Trout ~~((catch limit - five)),~~ no more than two over fourteen inches. Internal combustion engines prohibited.

Frater Lake: April 30 through October 31 season.

Garfield Juvenile Pond (Whitman County): ~~((Year around season-))~~ Juveniles only (under fifteen years old).

~~((Golf Course Pond (Asotin County): Year around season-))~~

Gillette Lake: April 30 through October 31 season.

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout ~~((catch limit two)),~~ minimum length twelve inches, maximum length twenty inches. Retaining steelhead ~~((over twenty inches in length))~~ is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through April ~~((45))~~ 30 season.

Note: Cottonwood Creek is closed to ~~((the taking of))~~ fishing for steelhead ~~((over twenty inches)),~~ Trout ~~((catch limit two)),~~ minimum length twelve inches; selective fishery regulations June 1 through August 31. Only steelhead with missing adipose fins may be possessed September 1 ~~((1992, through April 15, 1993, and September 1, 1993,))~~ through April 15 ~~((1994)).~~ There must be a healed scar in the location of the missing fin.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: ~~((Trout minimum length eight inches; bait prohibited-))~~ Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Headgate Pond: April 30 through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: April 30 through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout ~~((catch limit five)),~~ no more than two over fourteen inches.

Horseshoe Lake (Pend Oreille County): April 30 through October 31 season. Trout - catch limit - ~~((sixteen))~~ ten, at least ~~((eight))~~ five of which must be kokanee. Feeding (chumming) permitted.

~~((J-Line Pond (Walla Walla County): Year around season-))~~

Huff Lake (Pend Oreille County): Closed waters.

Jefferson Park Pond (Walla Walla County): April 30 through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: April 30 through October 31 season.

Kalispell Creek and tributaries: April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((1993,))~~ season(s). ~~((Trout minimum length eight inches; bait prohibited-))~~ Selective fishery regulations.

Kettle River, from the Burlington-Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - catch limit - eight, no more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept. Trout ~~((catch limit two)),~~ minimum length twelve inches.

From Napoleon Bridge upstream: ~~((All tributaries closed. June 1 through October 31 season-))~~ Trout ~~((catch limit two)),~~ minimum length twelve inches; ~~((bait prohibited))~~ selective fishery regulations. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch-and-release only, ~~((barbless hooks, bait prohibited))~~ selective fishery regulations. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: April 30 through October 31 season.

Ledking Lake: April 30 through October 31 season.

Leo Lake: April 30 through October 31 season.

Liberty Lake: April ~~((26, 1992, through September 30, 1992, and April 25, 1993,))~~ 30 through September 30 ~~((1993,))~~ season(s).

Little Lost Lake (Pend Oreille County): April 30 through October 31 season.

Little Spokane River, from mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((1993,))~~ season(s). Additional December 1 through March 31 season for whitefish only.

~~((West Branch and Little Spokane River upstream: June 1 through October 31 season-))~~

Little Twin Lake (Stevens County): April 30 through October 31 season.

Long Lake (Ferry County): April 30 through October 31 season. Fly fishing only.

Long Lake (Spokane River Reservoir): ~~((Year around season-))~~ Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

Loon Lake: April 30 through October 31 season. Trout - catch limit - ~~((eight))~~ ten, of which at least five must be kokanee, no more than two over twenty inches.

Lyons Park Pond (College Place): April 30 through October 31 season. Juveniles only (under fifteen years old).

~~((Marmes Pond (Franklin County): November 1 through March 31 season. Fishing from any floating device prohibited-))~~

Marshal Lake: April 30 through October 31 season.

McDowell Lake (Stevens County): April 30 through October 31 season. Catch-and-release, fly fishing only(~~(barbless hook)~~).

Medical Lake: ~~((May 1))~~ April 30 through ~~((June 14 and September 1 through))~~ September 30 season(~~(s)~~). Trout - catch limit - ~~((one))~~ two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: April ~~((26, 1992, through July 6, 1992, and April 25, 1993, through July 6, 1993, and September 1))~~ 30 through September 30 season(~~(s)~~).

Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to ~~((the taking of))~~ fishing for steelhead ~~((over twenty inches))~~ from September 1 through April 15. Wild steelhead release.

From 9th St. Bridge to ~~((Wilbur))~~ Roosevelt St. Bridge, within city limits of Walla Walla: Closed ~~((year around))~~ waters.

From ~~((Wilbur))~~ Roosevelt St. Bridge to Oregon state line: ~~((June 1 through October 31 season-))~~ Trout - catch limit - five.

Mill Creek Reservoir: ~~((Year around season-))~~ Internal combustion engines prohibited.

~~((Mud Lake (Ferry County): Year around season-))~~

Mill Pond: April 30 through October 31 season.

Mudget Lake: April 30 through October 31 season.

Muskegon Lake: April 30 through October 31 season.

Mystic Lake: April 30 through October 31 season.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): April ~~((26, 1992, through July 15, 1992, and April 25, 1993,))~~ 30 through July 15~~((, 1993,))~~ season(~~(s)~~).

Newman Lake: ~~((Year around season-))~~ Tiger musky - catch limit - one, minimum length thirty-six inches.

Nile Lake: April 30 through October 31 season.

No Name Lake: April 30 through October 31 season.

Pampa Pond (Whitman County): April ~~((26, 1992, through July 15, 1992, and April 25, 1993,))~~ 30 through ~~((July 15, 1993,))~~ September 30 season(~~(s)~~). Fishing from any floating device prohibited.

Parker Lake: April 30 through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31~~((, 1993,))~~ season(~~(s)~~). Juveniles only (under fifteen years old).

Remainder of creek~~((: June 1 through October 31 season. Trout - minimum length eight inches, bait prohibited-))~~ Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: April 30 through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): April 30 through October 31 season.

Potter's Pond: April 30 through October 31 season.

Quarry Pond (Walla Walla County): ~~((March 1 through October 31 season-))~~ Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through ~~((October))~~ July 31 season. Fishing from any floating device prohibited.

~~((Red Lake: Year around season-))~~

Renner Lake: April 30 through October 31 season.

Rigley Lake: April ~~((26, 1992, through May 31, 1992, and April 25, 1993,))~~ 30 through ~~((May 31, 1993, and September 1 through))~~ October 31 season(~~(s)~~). Trout - catch limit - ~~((three over twelve))~~ two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): April ~~((26, 1992, through May 31, 1992, and April 25, 1993,))~~ 30 through ~~((May))~~ October 31~~((, 1993,))~~ season(~~(s)~~). From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): ~~((Year around season-))~~ Trout ~~((catch limit five)),~~ no more than two over twenty inches. Trout - closed March 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Walleye - catch limit - eight, not more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge; in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges; in San Poil arm upstream from mouth of Manilla Creek.

Sacheen Lake: April 30 through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.

~~((Silet Pond (Asotin County): Year around season-))~~

Silver Lake (Spokane County): April 26, 1992, through September 30, 1992, and April 25, 1993, through September 30, 1993, seasons.

Silver Lake, North: April 26, 1992, through June 14, 1992, and April 25, 1993, through June 14, 1993, seasons-))

Sherry Lake: April 30 through October 31 season.

Skookum Lake, North: April 30 through October 31 season.

Skookum Lake, South: April 30 through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - catch limit - six ~~((over))~~ minimum length ten inches, no more than two over twenty inches. Retaining steelhead ~~((over twenty inches in length))~~ is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily catch limit even if licensed by both states.

Spokane River, from the mouth at Lake Roosevelt upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - catch limit - five, no more than two over twenty inches. Walleye - catch limit - eight, no more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: ~~((June 1 through December 31 season-))~~ Year around season. Trout - catch limit - one. 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.

From Monroe Street Dam upstream to ~~((Greene Street Bridge in Spokane))~~ Upriver Dam: Year around season.

From ~~((Greene Street Bridge in Spokane))~~ Upriver Dam upstream to the Idaho/Washington state line: ~~((June 1 through October 31 season-))~~ Trout - catch limit - one, minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: ~~((Year around season. Trout catch limit five-))~~ Channel catfish - catch limit - five. Bass - only bass less than twelve inches or over ~~((seventeen))~~ fifteen inches may be kept. Closed waters: ~~((October 1 through May 31 in the area southwest of Harper Island and posted markers on shore-))~~ March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on the lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through ~~((October))~~ July 31 season. Fishing from any floating device prohibited.

Starvation Lake: April ~~((26, 1992, through May 31, 1992, and April 25, 1993,))~~ 30 through May 31 ~~((, 1993,))~~ season ~~((s)).~~ Additional season June 1 through October 31, catch-and-release only ~~((Single barbless hooks bait prohibited)),~~ selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: ~~((Trout minimum length eight inches; bait prohibited-))~~ Selective fishery regulations.

~~((Sullivan Lake (Pend Oreille County): Year around season-))~~

Summit Lake (Stevens County): April 30 through October 31 season.

Swan Lake (Ferry County): April 30 through October 31 season.

Thomas Lake: April 30 through October 31 season.

Touchet River, from mouth to Highway 12 Bridge at Waitsburg: June 1 through April 15 season. Open only to ~~((the taking of))~~ fishing for steelhead ~~((over twenty inches))~~ from September 1 through April 15. Wild steelhead release.

From Highway 12 Bridge at Waitsburg to Wolf Fork Bridge: June 1 through ~~((August 31))~~ April 15 season. Wild steelhead release. ~~((See page . . . Additional September 1 through April 15 season. Trout (including steelhead) minimum length twenty inches. Wild steelhead release, see page . . .))~~ Open only to fishing for steelhead and brown trout over twenty inches September 1 through April 15.

From Wolf Fork Bridge upstream and all tributaries: ~~((June 1 through October 31 season-))~~ Trout ~~((catch limit two)),~~ minimum length twelve inches ~~((, bait prohibited))~~ selective fishery regulations.

Trout Lake (Ferry County): April 30 through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

Mouth to Highway 261 Bridge: Year around season. Closed to fishing for all trout April 16 through May 31.

From ~~((mouth))~~ the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season. Open only to ~~((the taking of))~~ fishing for steelhead ~~((over twenty inches))~~ and whitefish ~~((September))~~ November 1 through April 15.

From the Highway 12 Bridge ~~((to the Little Tucannon River))~~ upstream to the mouth of Cummings Creek: ~~((June 1 through October 31 season-))~~ Open only to ~~((the taking of))~~ fishing for steelhead ~~((over twenty inches))~~ and whitefish November 1 through April 15. ~~((The Tucannon River is closed to fishing from the mouth of Cummings Creek upstream to the Tucannon Hatchery Bridge.~~

~~From the Little Tucannon River upstream: June 1 through October 31 season. Trout catch limit two; minimum length twelve inches; bait prohibited-))~~

From the mouth of Cummings Creek upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

PERMANENT

From a point four hundred feet upstream of the hatchery intake dam to the mouth of Panjab Creek: Trout - catch limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches may be retained as part of the trout daily catch limit.

From the mouth of Panjab Creek upstream: Closed waters.

Vanes Lake: April 30 through October 31 season.

Waitts Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,)) 30 through ((last day of) February ((1994)) 28 season((s)).

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to ((the taking of)) fishing for all trout April 1 through May 31((, from Highway 12 Bridge at Wallula Junction upstream)) wild steelhead release.

From the Touchet River upstream to state line: June 1 through ((August 31)) April 15 season. ((Additional September 1 through April 15 season;)) Open only to ((the taking of)) fishing for steelhead ((over twenty inches)) November 1 through April 15.

Ward Lake (Ferry County): April 30 through October 31 season.

Watson Lake: March 1 through ((October)) July 31 season. Fishing from any floating device prohibited.

Williams Lake (Spokane County): April ((26, 1992, through September 30, 1992, and April 25, 1993,)) 30 through September 30((, 1993,)) season((s)).

Williams Lake (Stevens County): December 1 through March 31 season.

Yokum Lake: April 30 through October 31 season.

Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

All state-wide ((and Region II)) regulations ((given below)) apply to all Region II waters unless specifically exempted or amended by ((special)) exceptions - Region II regulations (listed for separate waters and categories of waters).

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

((Region II regulations. Open seasons:

Note: All waters are closed year around to the taking of Dolly Varden/ bull trout and grass carp.

All waters in Adams, Franklin, and Grant counties: Year around season, unless specified otherwise under special regulations.

Lakes, ponds, and reservoirs in Douglas and Okanogan counties: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds in Douglas and Okanogan counties: June 1 through October 31 (both, 1992

and 1993), unless specified otherwise under special regulations.)

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River). ((See also Columbia River regulations and Region I, Snake River for other exceptions (For Columbia River reservoirs, see page x-)

Catch, size and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
	Bass	Five not more than three over fifteen inches	None

Dolly Varden/ Bull Trout It is unlawful to fish for or retain Dolly Varden or bull trout

Grass Carp It is unlawful to fish for or retain grass carp

Trout* (including kokanee and steelhead):

All waters in Adams, Franklin, Grant and Grant counties Five, of which not more than twelve inches if taken from rivers, streams, and beaver ponds

— OR —

All waters in Douglas and Okanogan counties Eight, of which not more than twelve inches if taken from rivers, streams, and beaver ponds

Walleye Five Eighteen inches Ten not more than two over twenty four inches

Whitefish Fifteen None One catch limit

All other game fish No limit None No limit

Bullfrogs Ten None One catch limit

*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. When use of bait is prohibited by special regulations, or when artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.

Special)) Exceptions - Region II Regulations. ((Region II. Basic)) State-wide ((and regional)) regulations apply to

all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): ~~((Trout catch limit five.))~~ April 30 through October 31 season. Fly fishing only(~~(, barbless hook)~~).

Alta Lake (Okanogan County): April ~~((26, 1992, through July 31, 1992, and April 25, 1993.))~~ 30 through (July 31, 1993.)) September 30 season(s).

~~((Banks Lake (Grant County): Trout catch limit eight.))~~

Big Twin Lake (Okanogan County): April 30 through October 31 season. Trout - catch limit - one; selective fishery regulations.

~~((Billy Clapp Lake (Grant County): Trout catch limit eight.))~~

~~Black Pine Lake (Okanogan County): Year around season.))~~

Blue Lake (Grant County): April ~~((26, 1992, through September 30, 1992, and April 25, 1993.))~~ 30 through September 30((, 1993.)) season(s). ~~((Trout catch limit eight.))~~

Blue Lake (Sinlahekin, Washington - Okanogan County): April 30 through October 31 season. Trout - catch limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): April 30 through October 31 season. Trout - catch limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek Ponds (Grant County): March 1 through ~~((September 30))~~ July 31 season.

Bonaparte Lake (Okanogan County): ~~((Year around season.))~~ Trout ~~((catch limit eight)),~~ no more than one over twenty inches.

~~((Buck Lake (Okanogan County): Year around season.))~~

Burke Lake (Grant County): March 1 through July 31 season.

~~((Buzzard Lake (Okanogan County): Year around season.))~~

Caliche Lake (lower) (Grant County): March 1 through July 31 season.

Caliche Lake (upper) (Grant County): March 1 through July 31 season.

Campbell Lake (Okanogan County): September 1 through ~~((last day of February))~~ March 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cattail Lake (Grant County): March 1 through July 31 season.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout ~~((catch limit two)),~~ minimum length twelve inches. ~~((Bait prohibited. Wild steelhead release.))~~ Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): April 30 through October 31 season. Trout - catch limit - one. Fly fishing only(~~(, barbless hook)~~).

Cliff Lake (Grant County): March 1 through July 31 season.

Columbia River and impoundments and all connecting sloughs - see regulations, page . . .

Conconully Lake (Okanogan County): April 30 through October 31 season.

Conconully Reservoir (Okanogan County): April 30 through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Cougar Lake (near Winthrop - Okanogan County): September 1 through ~~((last day of February))~~ March 31 season.

Cow Lake (Adams County): Channel catfish - catch limit - five. Bass - only bass less than twelve inches or over ~~((seventeen))~~ fifteen inches may be kept.

Coyote Creek Ponds (Adams County): March 1 through ~~((September 30))~~ July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March 1 through July 31 season. Trout - catch limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through September 30 season. Trout - catch limit - five. Fishing from any floating device prohibited.

~~((Crumbacher Lake (Okanogan County): April 26, 1992, through July 31, 1992, and April 25, 1993, through July 31, 1993, seasons.))~~

Crawfish Lake (Okanogan County): April 30 through October 31 season.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Davis Lake (Okanogan County): September 1 through ~~((last day of February))~~ March 31 season. ~~((Trout catch limit five.))~~

Deadman Lake (Adams County): March 1 through ~~((September 30))~~ July 31 season.

Deep Lake (Grant County): April ~~((26, 1992, through September 30, 1992, and April 25, 1993.))~~ 30 through September 30((, 1993.)) season(s). ~~((Trout catch limit eight.))~~

~~((Dibble Lake (Okanogan County): Year around season.))~~

Dollar Lake (Grant County): March 1 through July 31 season.

Dot Lake (Grant County): March 1 through July 31 season.

Dry Falls Lake: April ~~((26, 1992, through November 30, 1992, and April 25, 1993,))~~ 30 through ~~((November 30, 1993,))~~ October 31 season(s). Trout - catch limit - one. Selective fishery regulations.

~~((Duck Lake, including adjacent Fry Lake (Okanogan County): Year around season.))~~

Dusty Lake (Grant County): March 1 through ~~((September 30))~~ July 31 season.

Ell Lake (Okanogan County): April 30 through October 31 season. Trout - catch limit - one. Selective fishery regulations.

Finnel Lake (Adams County): Channel catfish - catch limit - five. Bass - only bass less than twelve inches or over ~~((seventeen))~~ fifteen inches may be kept.

Fish Lake (Okanogan County): April ~~((26, 1992, through July 31, 1992, and April 25, 1993,))~~ 30 through ~~((July 31, 1993,))~~ September 30 season(s).

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout ~~((catch limit five)),~~ no more than two over fourteen inches. Internal combustion engines prohibited.

Gadwall Lake (Grant County): March 1 through July 31 season.

George Lake (Grant County): March 1 through July 31 season.

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: ~~((Trout minimum length eight inches. Bait prohibited.))~~ Selective fishery regulations.

Green Lake (Okanogan County): ~~((October))~~ December 1 through ~~((April 30))~~ March 31 season. ~~((Trout catch limit five.))~~

Green Lake, lower (Okanogan County): ~~((October))~~ December 1 through ~~((April 30))~~ March 31 season. ~~((Trout catch limit five.))~~

Grimes Lake: June 1 through August 31 season. Trout - catch limit - one. Selective fishery regulations, except electric motors allowed.

Hallin Lake (Adams County): Channel catfish - catch limit - five. Bass - only bass less than twelve inches or over ~~((seventeen))~~ fifteen inches may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through ~~((September 30))~~ July 31 season.

Hourglass Lake (Grant County): March 1 through July 31 season.

Hutchinson Lake (Adams County): March 1 through ~~((September 30))~~ July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): April ~~((26, 1992,))~~ 30 through July 4 ~~((, 1992, and April 25, 1993, through July 4, 1993,))~~ and October 1 through October 31 seasons.

Jasmine Creek: Juveniles only (under fifteen years old)

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. ~~((Trout minimum length eight inches. Bait prohibited.))~~ Selective fishery regulations.

Leader Lake (Okanogan County): April 30 through October 31 season.

Lemna Lake (Grant County): March 1 through July 31 season.

Lenice Lake: April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((, 1993,))~~ season(s). Trout - catch limit - one. Selective fishery regulations.

Lenore Lake (Grant County): Closed: December 1 through ~~((last day of))~~ February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout - catch limit - one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through ~~((May))~~ March 31 season. ~~((Trout catch limit five.))~~

Long Lake (Okanogan County): April ~~((26, 1992,))~~ 30 through ~~((July 31, 1992, and April 25, 1993, through July 31, 1993,))~~ September 30 season(s). ~~((Trout catch limit five.))~~

Lost River (Okanogan County): From one-quarter mile above bridge to ~~((Pasayten Wilderness boundary))~~ mouth of Monument Creek: Trout ~~((catch limit two)),~~ minimum length twelve inches. ~~((Bait prohibited.))~~ Selective fishery regulations.

~~((Lyman Lake (Okanogan County): Year around season.))~~

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Merry Lake: April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((, 1993,))~~

season((s)). Trout - catch limit - one. Selective fishery regulations.

Methow River, from mouth (railroad bridge) upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout (~~(catch limit two)~~), minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout (~~(catch limit two)~~), minimum length twelve inches; (~~(bait prohibited)~~) selective fishery regulations June 1 through September 30. (~~(Wild steelhead release.)~~)

Migraine Lake (Grant County): March 1 through July 31 season.

Mirror Lake: April (~~(26, 1992, through September 30, 1992, and April 25, 1993,)~~) 30 through September 30(~~(, 1993,)~~) season((s. Trout catch limit eight).

~~Mocasin Lake (Okanogan County): Trout catch limit five. Fly fishing only, barbless hook.~~

~~Molson Lake (Okanogan County): Year around season).~~

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - catch limit - five. Only crappie more than ten inches long may be kept. Bluegill - catch limit - five. Only bluegill more than eight inches long may be kept.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: April (~~(26, 1992, through October 31, 1992, and April 25, 1993,)~~) 30 through October 31(~~(, 1993,)~~) season((s)). Trout - catch limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle.

~~((Osoyoos Lake (Okanogan County): Year around season.))~~

Palmer Lake (Okanogan County): (~~(Year around season.)~~) Bass - only bass less than twelve inches or over (~~(seventeen)~~) fifteen inches may be kept. Set lines may be used for burbot. An angler may use no more than one set line having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season. (~~(Trout catch limit five.)~~) Juveniles only (under fifteen years old).

Park Lake: April (~~(26, 1992, through September 30, 1992, and April 25, 1993,)~~) 30 through September 30(~~(, 1993,)~~) season((s)). (~~(Trout catch limit eight. Additional~~

~~season October 1 through October 31, catch and release only, single barbless hook bait prohibited.))~~

Patterson Lake: April 30 through October 31 season.

Pearrygin Lake (Okanogan County): April (~~(26, 1992, through July 31, 1992, and April 25, 1993,)~~) 30 through (~~(July 31, 1993,)~~) September 30 season((s)).

Perch Lake: April (~~(26, 1992, through September 30, 1992, and April 25, 1993,)~~) 30 through September 30(~~(, 1993,)~~) season((s. Trout catch limit eight)).

Pillar Lake (Grant County): March 1 through July 31 season.

Poacher Lake (Grant County): March 1 through July 31 season.

Potholes Reservoir: (~~(Year around season.)~~) Crappie and bluegill - catch limit - twenty-five (species combined).

Proctor Lake (Okanogan County): Trout - catch limit - one. Selective fishery regulations.

Quail Lake: (~~(March 1 through September 30 season.)~~) Catch-and-release (~~(only)~~), fly fishing only(~~(, barbless hook)~~).

Quincy Lake (Grant County): March 1 through July 31 season.

Rat Lake (Okanogan County): (~~(November)~~) December 1 through (~~(May)~~) March 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

~~((Rock Island Ponds (Douglas County): Year around season.))~~

Rocky Ford Creek and Ponds (Grant County): Trout - catch limit - one. Fly fishing only(~~(, barbless hook)~~). Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

Round Lake (Okanogan County): April (~~(26, 1992, through July 31, 1992, and April 25, 1993,)~~) 30 through (~~(July 31, 1993,)~~) September 30 season((s. Trout catch limit five)).

Royal Lake (Adams County): April (~~(26, 1992, through September 30, 1992, and April 25, 1993,)~~) 30 through September 30(~~(, 1993,)~~) season((s)). Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): (~~(Year around season.)~~) Trout (including kokanee) - catch limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through July 31 season.

Salmon Creek, North Fork: (~~(Trout minimum length eight inches. Bait prohibited.)~~) Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: ~~((Trout minimum length eight inches. Bait prohibited.))~~ Selective fishery regulations.

Scabrock Lake (Grant County): March 1 through July 31 season.

Shiner Lake (Adams County): March 1 through ~~((September 30))~~ July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

~~((Sidley Lake: Year around season. Trout catch limit three.))~~

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout ~~((catch limit two)),~~ minimum length twelve inches. ~~((Bait prohibited))~~ Selective fishery regulations June 1 through September 30. ~~((Wild steelhead release.))~~

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. ~~((Trout minimum length eight inches. Bait prohibited.))~~ Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Snake River: See Region I.

Snipe Lake (Grant County): March 1 through July 31 season.

Spectacle Lake (Okanogan County): ~~((April 26, 1992, through July 31, 1992, and April 25, 1993.))~~ March 1 through July 31 ~~((, 1993.))~~ season(s). Possession of fish other than trout is prohibited.

Sprague Lake: ~~((Year around season. Trout catch limit five.))~~ Channel catfish - catch limit - five. Bass - only bass less than twelve inches or over ~~((seventeen))~~ fifteen inches may be kept. Closed waters: ~~((October 1 through May 31 in the area southwest of Harper Island and posted markers on shore.))~~ March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lakes (near Quincy ~~((, Washington))~~) - Grant County): March 1 through July 31 season.

~~((Sullivan Pond (Okanogan County): Year around season.))~~

~~Summit Lake (Okanogan County): Year around season.))~~

Twisp River (Okanogan County), from mouth to War Creek: Trout ~~((catch limit two)),~~ minimum length twelve inches. ~~((Bait prohibited. Wild steelhead release.))~~ Selective fishery regulations.

Vic Meyers (Rainbow) Lake: April ~~((26, 1992, through September 30, 1992, and April 25, 1993.))~~ 30 through

September 30 ~~((, 1993.))~~ season ~~((s. Trout catch limit eight)).~~

Wannacut Lake (Okanogan County): April 30 through October 31 season.

Warden Lake (Grant County): March 1 through July 31 season.

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than 12 inches or over ~~((seventeen))~~ fifteen inches may be kept. Internal combustion engines prohibited.

~~((Wells Ponds (Okanogan County): Year around season.))~~

Whitestone Lake (Okanogan County): ~~((Year around season.))~~ Bass - only bass less than twelve inches or over ~~((seventeen))~~ fifteen inches may be kept.

Widgeon Lake (Grant County): March 1 through July 31 season.

Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

All state-wide ~~((and Region III))~~ regulations ~~((given below))~~ apply to all Region III waters unless specifically exempted or amended by ~~((special))~~ Exceptions - Region III regulations (listed for separate waters and categories of waters).

When fishing or hunting within the boundaries of the Yakima Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakima Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

~~((Region III regulations. Open seasons:))~~

Note: ~~All waters are closed year around to the taking of Dolly Varden/ bull trout and grass carp.~~

Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations and except: In Benton County: Rivers, Streams and Beaver Ponds: Year around ~~((, and all waters lying within the following boundaries: Roza Canal starting at Terrace Heights Drive, easterly to the Yakima/Benton County line, south along that line to the Yakima River, westerly along the Yakima River to Terrace Heights Drive: Year around)).~~

~~((Rivers, streams, and beaver ponds: June 1 through October 31 (both 1992 and 1993), unless specified otherwise under special regulations and except: In Benton County: Year around. (See special regulations for Yakima and Columbia rivers.))~~

Catch, size, and possession limits: ~~The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):~~

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
	LIMITS	LIMITS	LIMITS
Bass	Five not more than three over fifteen inches	None	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout	It is unlawful to fish for or retain Dolly Varden or bull trout		
Grass Carp	It is unlawful to fish for or retain grass carp		
Kokanee*	Eight	None	One catch limit
Trout* (Including steelhead)	Eight, of which not more than two may be over twelve inches if taken from rivers, streams, and beaver ponds	None	One catch limit and (in addition) two steelhead over twenty inches
Walleye	Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	Fifteen	None	One catch limit
All other game fish	No limit	None	No limit
Bullfrogs	Ten	None	One catch limit

*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.

Special regulations. Region III. Basic)) Exceptions - Region III Regulations. State-wide ((and regional)) regulations apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: ((Trout - minimum length eight inches; bait prohibited.)) Selective fishery regulations.

Bachelor Creek: Year around season. Trout - catch limit - five, no minimum length.

Beehive (Lake) Reservoir: April ((26, 1992, through July 4, 1992, and April 25, 1993,)) 30 through ((July 4, 1993,)) October 31 season((s)). From July 5 through October 31 catch-and-release, selective fishery regulations.

((Berglund Lake: Year around season.))

Black Lake (Lower Wheeler Reservoir): April ((26, 1992, through July 4, 1992, and April 25, 1993,)) 30 through ((July 4, 1993,)) October 31 season((s)). From July 5 through October 31 catch-and-release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): ((Year around season.)) Kokanee catch limit - ((thirty three)) sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: ((Trout - minimum length eight inches; bait prohibited.)) Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

((Byron Pond: August 1 through October 31 season.))

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: Year around season. Juveniles only (under fifteen years old).

Chelan Lake: ((Year around season.)) Trout - catch limit - two, minimum length fifteen inches and kokanee - catch limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout ((-catch limit eight)), minimum length eight inches, not more than two over fifteen inches and kokanee - catch limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. ((Trout - minimum length eight inches; bait prohibited.)) Selective fishery regulations.

Chelan River: Year around season. Trout ((-catch limit two)), minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: ((Trout - minimum length eight inches; bait prohibited.)) Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: ((Trout - minimum length eight inches; bait prohibited.)) Selective fishery regulations.

Clear Lake (Chelan County): April ((26, 1992, through July 4, 1992, and April 25, 1993,)) 30 through ((July 4, 1993,)) October 31 season((s)). From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): ((Year around season.)) Trout - catch limit - two, minimum length twelve inches. Kokanee catch limit - sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

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Columbia Park Pond: ~~((Year around season:))~~ Juveniles only (under fifteen years old).

Columbia River and impoundments and all connecting sloughs - see Columbia River regulations page . . .

~~((Dry Lake (near Roses Lake): Year around season:))~~

Eightmile Lake: Trout - catch limit - five, not more than two mackinaw.

North Elton Ponds: ~~((Year around season:))~~ December 1 through March 31 season. Trout - catch limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout ~~((catch limit two)),~~ minimum length twelve inches; ~~((bait prohibited))~~ selective fishery regulations June 1 through November 30. Wild steelhead release.

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): ~~((Year around season:))~~ Trout ~~((catch limit five)),~~ no more than two over fifteen inches.

~~((Freeway Lake: See Rotary Lake:))~~

Gold Creek, ~~((from mouth to Wilderness Boundary))~~ Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake): Closed waters.

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout ~~((catch limit two)),~~ minimum length twelve inches. Wild steelhead release.

From Rock Island Bridge upstream to Leland Creek: ~~((Trout minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): ~~((Year around season:))~~ Trout - catch limit - two, minimum length twelve inches. Kokanee catch limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): ~~((Year around season:))~~ Trout - catch limit - two, minimum length twelve inches. Kokanee catch limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout ~~((catch limit eight)),~~ no more than two over twelve inches, fly fishing only.

Lilly Lake (Chelan County): April ~~((26, 1992, through July 4, 1992, and April 25, 1993,))~~ 30 through ~~((July 4, 1993,))~~ October 31 season~~((s)).~~ From July 5 through October 31 catch-and-release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: ~~((Trout minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: ~~((Trout minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

Mad River, from Pine Flat Campground upstream to Jimmy Creek: ~~((Trout minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

McCabe Pond: ~~((Eight))~~ Five fish catch limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - catch limit - five, no minimum length.

Merritt Lake: Trout - catch limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - catch limit - two. Selective fishery regulations.

Myron Lake: ~~((Year around season:))~~ Trout - catch limit - two. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: ~~((June 1 through March 31 season:))~~ Trout ~~((including steelhead) catch limit two)),~~ minimum length twelve inches, ~~((no more than one over twenty inches. Wild steelhead release))~~ maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: ~~((June 1 through November 30 season. Wild steelhead release. Steelhead over twenty inches catch limit one:))~~ Trout, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: ~~((Trout minimum length eight inches; bait prohibited:))~~ Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - catch limit - five, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): ~~((Year around season-))~~ Kokanee - catch limit - sixteen. Feeding (chumming) permitted.

Roses Lake: December 1 through March 31 season.

~~((Rotary Lake (Freeway Lake): Year around season-))~~

Schaefer Lake: Trout - catch limit - sixteen.

~~((Sorenson Pond: May 15 through September 1 season. Trout catch limit two. Fishing from any floating device prohibited-))~~

Spectacle Lake (Kittitas County): Trout - catch limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout ~~((catch limit two)),~~ minimum length fifteen inches; ~~((bait prohibited))~~ selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: ~~((Trout minimum length eight inches; bait prohibited-))~~ Selective fishery regulations.

Taneum Creek: ~~((Trout minimum length eight inches; bait prohibited-))~~ Selective fishery regulations.

~~((Three Lake: Year around season-))~~

Tieton River: Trout - catch limit - five, no minimum length. Lawful to fish to base~~((s))~~ of ~~((Clear Lake Dam and))~~ Tieton (Rimrock) Dam. Additional December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.

Trapper Lake: Trout - catch limit - two~~((, minimum length twelve inches. Selective fishery regulations))~~.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: April ~~((26, 1992, through July 31, 1992, and April 25, 1993,))~~ 30 through ((July 31, 1993,)) October 31 season((s)). ~~((Additional season))~~ From August 1 through October 31 ~~((, single barbless hooks bait prohibited, and all trout must be released August 1 through October 31-))~~ Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: ~~((Year around season-))~~ Trout - catch limit - ~~((eight))~~ five, of which not more than two may be brown trout.

Wenatchee Lake: ~~((Year around season-))~~ Trout ~~((catch limit two)),~~ minimum length twelve inches. Kokanee catch limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee and under the jurisdiction of the department of

wildlife while those sixteen inches and over will be considered sockeye salmon and under the jurisdiction of department of fisheries.

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout ~~((catch limit two)),~~ minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout ~~((catch limit two)),~~ minimum length twelve inches, maximum length twenty inches. Retaining steelhead ~~((over twenty inches in length))~~ is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: ~~((Trout minimum length eight inches; bait prohibited-))~~ Selective fishery regulations.

Wide Hollow Creek: Trout - catch limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - catch limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below ~~((Wapato))~~ Roza Dam: Year around season. Closed: April 1 through May 31 for trout ((and steelhead)). Trout ((catch limit two)), minimum length twelve inches; ((steelhead catch limit one. Wild steelhead release)) maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.

~~((From Wapato Dam to four hundred feet below Roza Dam: June 1 through March 31 season. Trout catch limit two, minimum length twelve inches; steelhead catch limit one. Wild steelhead release-))~~

From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout ~~((including steelhead))~~: Catch-and-release ~~((only)),~~ selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through ~~((last day of))~~ February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: ~~((Trout minimum length eight inches; bait prohibited-))~~ Selective fishery regulations.

Yakima Sportsmen's Park Ponds: ~~((Year around season-))~~ Juveniles only (under fifteen years old).

Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

All state-wide ~~((and Region IV))~~ regulations ~~((given below))~~ apply to all Region IV waters unless specifically exempted or amended by ~~((special))~~ Exceptions - Region IV

regulations (listed for separate waters and categories of waters).

~~((Region IV regulations. Open seasons:~~

~~Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.~~

~~Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations. Night closure: August 1 through October 31.~~

~~*Note: See wild steelhead release requirement under "trout daily catch limit" below.~~

~~Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):~~

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
Bass	No limit until possession limit retained	Less than twelve inches or over fifteen inches	Five not more than two over fifteen inches. Only bass less than twelve inches or over fifteen inches may be kept
Dolly Varden			
Bull Trout	Counts as part of trout catch limit	Twenty inches	Counts as part of trout possession limit
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout*	Eight, of which no more than two may be locked Atlantic salmon, and steelhead)	None in lakes, ponds, and reservoirs. Eight inches in rivers, streams, and beaver ponds	One catch limit and (in addition) two steelhead over twenty inches
	*Wild steelhead release June 1 through November 30		
Grayling	Catch and release only		
Walleye	Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	Fifteen	None	One catch limit
All other game fish	No limit	None	No limit
Bullfrogs	Ten	None	One catch limit

~~*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released~~

~~until the daily catch limit is retained. 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.~~

~~Special regulations:)) Exceptions Region IV. ((Basic)) Regulations. State-wide ((and regional)) regulations apply to all waters except where modified in special regulations below.~~

~~((Alder Lake (Reservoir): Year around season:))~~

~~American Lake: ((Year around season:)) Feeding (chumming) permitted.~~

~~((Angle Lake: Year around season:))~~

~~Armstrong Lake (Snohomish County): April 30 through October 31 season.~~

~~Baker Lake: ((Trout no more than three over fourteen inches:)) April 30 through October 31 season. Feeding (chumming) permitted. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.~~

~~Ballinger Lake: ((Year around season:)) Bass - only bass less than twelve inches or over fifteen inches may be kept.~~

~~Barnaby Slough: Closed waters.~~

~~((Bass Lake: Year around season:))~~

~~Bearpaw Lake (Whatcom County): April 30 through October 31 season. Trout - catch and possession limit - one, minimum length eighteen inches. Selective fishery regulations.~~

~~((Beaver Lake (Skagit County): Year around season:))~~

~~Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches may be kept.~~

~~Big Bear Creek (tributary of Sammamish River): Closed waters.~~

~~Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.~~

~~Big Lake: ((Year around season:)) Bass - only bass less than twelve inches or over fifteen inches may be kept.~~

~~((Bitter Lake: Year around season:))~~

~~Blackman's Lake: Year around season. Trout catch limit five.~~

~~Boundary Lake: Year around season.~~

~~Bow Lake: Year around season:))~~

~~Bosworth Lake (Snohomish County): April 30 through October 31 season.~~

~~Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.~~

~~Boyle Lake (the inlet and outlet are closed waters): April 30 through October 31 season. Trout - catch limit -~~

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two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): April 30 through October 31 season. Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

~~((Bryant Lake: Year around season.~~

~~Bug Lake: Year around season.))~~

Cain Lake: April 30 through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: ~~((Year around season.))~~ Bass - only bass less than twelve inches or over fifteen inches may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. Additional February 1 through March 31 season: ~~((Selective fishery regulations.))~~ Trout, minimum length fourteen inches. Wild steelhead release.

Cascade Lake (San Juan County): April 30 through October 31 season.

Cascade River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily catch limit, minimum length twenty inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is closed June 1 through September 30.

Cassidy Lake: ~~((Year around season.))~~ Bass - only bass less than twelve inches or over fifteen inches may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River, from its mouth to the Landsburg diversion dam: June ~~((45))~~ 1 through September 1 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. ~~((Bait prohibited.))~~ Selective fishery regulations.

From its mouth to the Landsburg Highway Bridge: Additional December 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. Fishing from any floating device prohibited. ~~((Fishing unlawful between 7:00 p.m. and 5:00 a.m.))~~ Night fishing closure. Wild steelhead release.

From Landsburg diversion dam upstream to Chester Morse Reservoir: Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

~~((Clay Pit Pond: Year around season.))~~

Clear Lake (Pierce County): ~~((September 1 through June 30 season. (Closed July 1 through August 31.))~~ Feeding (chumming) permitted.

~~((Clear Lake (Skagit County): Year around season.))~~

Clogh Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - catch limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((, 1993,))~~ season ~~((s)).~~ Trout - no minimum length. Juveniles only (under fifteen years old).

Cottage Lake (King County): April 30 through October 31 season.

County Line Ponds: Closed Waters.

Crabapple Lake (Snohomish County): April 30 through October 31 season.

~~((Cranberry Lake (Island County): Year around season.~~

~~Dakota Creek: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~Day Creek, mouth to Day Lake: Trout catch limit two, minimum length fourteen inches.))~~

De Coursey Pond: April 30 through October 31 season. Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Deer Lake (Island County): April 30 through October 31 season.

Desire, Lake: ~~((Year around season.))~~ Bass - only bass less than twelve inches or over fifteen inches may be kept.

~~((Diablo Lake: Year around season.~~

~~Deloff Lake: April 26, 1992, through November 30, 1992, and April 25, 1993, through November 30, 1993, seasons.~~

~~Dugalla Bay (Lake): Year around season.))~~

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - catch limit - one, minimum length eighteen inches.

Echo Glen Pond: ~~((Year around season.))~~

Note: No public access. (State corrections facility.)

~~((ECHO Lake (Snohomish County, near Maltby):
September 1 through June 30 season. (Closed July 1
through August 31.)~~

~~Egg Lake (San Juan County): Year around season.)~~

Erie Lake (Skagit County): April 30 through October
31 season.

Fazon Lake: ~~((February 1 through October 31 season:))
Channel catfish - possession limit - two. Bass - only bass
less than twelve inches or over fifteen inches may be kept.
Fishing from any floating device prohibited from first Friday
in October through January 15.~~

~~((Fenwick Lake (King County): Year around season:))~~

Findley Lake: Closed waters.

~~((Finney Creek (Skagit River), from its mouth to falls:
Trout catch limit two, minimum length fourteen inches.))~~

Fisher Slough: From mouth to Highway 530 Bridge:
Year around season. Trout ~~((catch limit two)),~~ minimum
length fourteen inches entire season. Upstream from
Highway 530 Bridge: June 1 through October 31 season.
Trout ~~((catch limit two)),~~ minimum length fourteen
inches.

~~((Fishtrap Creek (Whatcom County): From Kok Road
to Bender Road: June 15 through October 31 season.
Juveniles only (under fifteen years old).))~~

Flowing Lake: ~~((Year around season:))~~ Bass - only bass
less than twelve inches or over fifteen inches may be kept.

Fortson Mill Pond #2: April 30 through October 31
season. Juveniles only (under fifteen years old).

Geneva Lake (King County): April 30 through October
31 season.

Gissberg Ponds: ~~((Year around season:))~~ Closed to
fishing for channel catfish.

Goodwin Lake: ~~((Year around season:))~~ Feeding
(chumming) permitted. Bass - only bass less than twelve
inches or over fifteen inches may be kept.

~~((Green Lake (King County): Year around season.~~

~~Green Lake (Whatcom County): Year around season.))~~

Goss Lake (Island County): April 30 through October
31 season.

Granite Lakes (Skagit County - near Marblemount):
Grayling - catch-and-release only.

Green (Duwamish) River, from its mouth to the First
Avenue Bridge: ~~((Year around season:))~~ June 1 through
February 28 season. Trout ~~((catch limit two)),~~ minimum
length fourteen inches. Exempt from wild steelhead release
July 1 through November 30. It is unlawful to fish with
more than one single hook on sinking artificial lures; or with
leads, weights, or sinkers less than twelve inches above or
below the lure or bait.

From the First Avenue Bridge to Tacoma Headworks
Dam: June ~~((15))~~ 1 through ~~((last day of))~~ February 28
season. Trout ~~((catch limit two)),~~ minimum length
fourteen inches. Exempt from wild steelhead release July 1

through November 30. Fishing from any floating device
prohibited November 1 through ~~((last day of))~~ February
~~((season))~~ 28. Note: Area from the Auburn-Black Diamond
Bridge downstream to the 8th St. N.E. Bridge in Auburn is
closed September 1 through October 15 and area from the
Auburn-Black Diamond Bridge downstream to the Highway
18 Bridge is closed September 1 through October 31.

From the ~~((First Avenue))~~ SR 167 Freeway Bridge to
the Tacoma Headworks Dam: Additional March 1 through
March ~~((31))~~ 15 season. Trout ~~((catch limit two)),~~
minimum length fourteen inches. Wild steelhead release.
Fishing from any floating device prohibited.

Greenwater River, from mouth to Greenwater Lakes:
Trout ~~((catch limit two)),~~ minimum length twelve inches.
~~((Bait prohibited.))~~ Selective fishery regulations.

~~((Haller Lake: Year around season.))~~

Hancock Lake: June 1 through October 31 season. All
tributary streams and the upper third of the outlet are closed
waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): ~~((Year around season:))~~
Bass - only bass less than twelve inches or over fifteen
inches may be kept.

Heart Lake (Skagit County, near Anacortes): April ~~((26,
1992, through July 31, 1992, and April 25, 1993,))~~ 30
through ~~((July))~~ October 31 ~~((, 1993,))~~ season(s).

Howard Lake (Snohomish County): April 30 through
October 31 season.

Hozomeen Lake (Whatcom County): ~~((June))~~ July 1
through October 31 season.

~~((Hummel Lake: Year around season:))~~

Issaquah Creek: Closed waters.

Jennings Park Pond: April 30 through October 31
season. Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern
Pacific Railroad tracks to the Lawson Street footbridge in
Sumas: Juveniles only (under fifteen years old).

~~((K-Mart Lake: Year around season:))~~

Kapowsin Lake: ~~((Year around season:))~~ Bass - only
bass less than twelve inches or over fifteen inches may be
kept.

~~((Keevies Lake: Year around season:))~~

Kathleen Lake: Bass - only bass less than twelve inches
or over fifteen inches may be kept.

Kelsey Creek (tributary of Lake Washington): Closed
waters.

~~((Killarney Lake: Year around season:))~~

Ki Lake (Snohomish County): April 30 through
October 31. Bass - only bass less than twelve inches or over
fifteen inches may be kept.

Kimball Creek (near Snoqualmie): April ~~((26, 1992,
through October 31, 1992, and April 25, 1993,))~~ 30 through

October 31(~~(,1993,)~~) season(~~(s)~~). Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): April 30 through October 31 season. Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

Lake Washington Ship Canal: See Washington, Lake; Union, Lake; Portage Bay and Salmon Bay.

Langlois Lake (King County): April 30 through October 31 season.

Little Bear Creek (tributary of Sammamish River): Closed waters.

~~((Little Cranberry Lake: Year around season.~~

~~Lone Lake: Year around season.~~

~~Lost Lake (Snohomish County): September 1 through June 30 season. (Closed July 1 through August 31.))~~

Loma Lake (Snohomish County): April 30 through October 31 season.

Lucas Slough: Closed waters.

~~((Marcel Lake: Year around season.))~~

Margaret Lake (King County): April 30 through October 31 season.

Marine areas: (See page . . .).

~~((Martha Lake (Warm Beach): Year around season.))~~

Martha Lake (AM) (Snohomish County): April 30 through October 31 season.

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): April 30 through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): April 30 through October 31 season. Juveniles only (under fifteen years old).

~~((Minkler Lake (Skagit County): Year around season.~~

~~Morton Lake: September 1 through June 30 season. (Closed July 1 through August 31.))~~

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

~~((Mud Lake (Skagit County): Year around season.~~

~~Mud Lake (Whateom County, near Deming): Year around season.~~

~~Mudd Lake (Island County): Year around season.))~~

New Mire Creek (tributary of Lake Sawyer): April ((26, 1992, through October 31, 1992, and April 25, 1993,)) 30 through October 31((,1993,)) season((s)). Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

Nisqually River: See Region VI.

~~((Nooksack River, all tributary streams to the Nooksack River system: June 15 through October 31 season.))~~

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June ((15)) 1 through March ((31)) 15 season. Trout ((~~catch limit two~~)), minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March ((31)) 15.

South Fork, from its mouth to source: ~~((June 15 through October 31 season.))~~ Trout ((~~catch limit two~~)), minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

South Fork, from its mouth to Skookum Creek: Additional November 1 through March ((31)) 15 season. Trout ((~~catch limit two~~)), minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

North Creek (tributary of ((Lake)) Sammamish River): Closed waters.

North Lake (King County): April 30 through October 31 season.

Northern State Hospital Pond: April 30 through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: ~~((Year around season.))~~ Bass - only bass less than twelve inches or over fifteen inches may be kept.

Old Fishing Hole Pond (Kent): April 30 through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: April 30 through October 31 season. Internal combustion engines prohibited.

Pass Lake: ~~((Year around season.))~~ Trout - catch limit - one, minimum length eighteen inches. Fly fishing only(~~(, barbless hook)~~).

~~((Peterson Lake: Year around season.))~~

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout ((~~catch limit two~~)), minimum length fourteen inches. ~~((Bait prohibited.))~~ Selective fishing regulations. Additional December 1 through ~~((last day of))~~ February 28 season. Trout ((~~catch limit two~~)), minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: ~~((last day of))~~ February 28 season. Trout ((~~catch limit two~~)), minimum length fourteen inches. Fishing from any floating device prohibited.

Pine Lake (King County): April 30 through October 31 season.

Pipers Creek (Carkeek Creek), from its mouth to ~~((concrete culvert adjacent the Metro plant (including Venema Creek)))~~ its source, including tributaries: Closed waters.

~~((From concrete culvert adjacent the Metro plant to source: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout - no minimum length. Juveniles only (under fifteen years old).~~

~~Pondilla Pond: Year around season.))~~

Portage Bay: ~~((Year around season.))~~ Feeding (chumming) permitted.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

Rapjohn Lake: April 30 through October 31 season.
Bass - only bass less than twelve inches or over fifteen inches may be kept.

Rattlesnake Lake: April 30 through October 31 season.
Selective fishery regulations, except electric motors allowed.

Rattlesnake Lake (King County): April 30 through October 31 season.

Ravensdale Lake: April 30 through October 31 season.
Trout - catch limit - two, minimum length twelve inches. Selective fishery regulations.

Ravensdale Lake (King County): April 30 through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - catch and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Riley Lake (Snohomish County): April 30 through October 31 season.

Rock Creek (below Landsburg): Closed waters.

~~((Roesiger Lake: Year around season.))~~

Ross Lake (Reservoir): July 1 through October 31 season. Trout - catch limit - three, possession limit - six, minimum length thirteen inches. ~~((Bait prohibited.))~~ Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance

indicated. Big Beaver Creek, one-quarter mile (see special ~~((regulation for))~~ Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Salmon Bay, all waters from the Chittenden Locks (in Ballard) upstream (east) to the Fremont Bridge: July 1 through ~~((last day of))~~ February 28 season. Trout - no more than two over twenty inches. Wild steelhead release.

Salmon Bay, from the east end of the north wing wall of the Chittenden Locks to a line approximately one hundred seventy-five feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure near the south shore: December 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length ~~((twelve))~~ fourteen inches. ~~((Wild steelhead release.))~~ It is unlawful to fish with more than one hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait. Fishing from any floating device prohibited. This area is closed March 1 through November 30. See also department of fisheries' regulations.

Samish, Lake: ~~((Year around season.))~~ Feeding (chumming) permitted. Cutthroat - catch limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department of fisheries' rack to the Hickson Bridge: June 1 through March ~~((31))~~ 15 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. December 1 through March ~~((31))~~ 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department of fisheries' salmon rack.

Sammamish Lake: ~~((Year around season.))~~ Trout - no more than ~~((three))~~ two over fourteen inches ~~((or two over twenty inches)).~~ Kokanee may not be kept. ~~((Bass daily catch limit five, not more than three over fifteen inches, no minimum size limit, and possession limit ten, not more than six over fifteen inches.))~~

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: June 1 through August 31 and December 1 through ~~((last day of))~~ February 28 seasons. Trout ~~((catch limit two)),~~ minimum length twenty inches. Wild steelhead release. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June ~~((15))~~ 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. June 15 through October 31 wild steelhead release.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout ~~((catch limit two)),~~ minimum length fourteen inches. ~~((Bait prohibited.))~~ Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

Sawyer, Lake: (~~Year around season~~) Feeding (chumming) permitted.

Sequallitchew Lake: (~~June 1 through October 31 season~~) Contact Ft. Lewis for land use permit.

(~~Serene, Lake: September 1 through June 30 season. (Closed July 1 through August 31.)~~)

Serene Lake (Snohomish County): April 30 through October 31 season.

Shady Lake: June 1 through (~~July 4 and September 1 through~~) October 31 season(s). Trout (~~catch limit four~~), no more than one over (~~twelve~~) fourteen inches.

Shannon, Lake: (~~Trout no more than three over sixteen inches~~) April 30 through October 31 season. Feeding (chumming) permitted.

Shoecraft Lake: (~~Year around season~~) Bass - only bass less than twelve inches or over fifteen inches may be kept.

(~~Silver Lake (Island County): Year around season~~)

Silver Lake (Pierce County): April 30 through October 31 season. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Silver Lake (Whatcom County): April 30 through October 31 season.

Sixteen Lake (Skagit County): April 30 through October 31 season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout (~~catch limit two~~), minimum length fourteen inches. Retaining steelhead (~~over twenty inches in length~~) is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through (~~last day of~~) February 28 season. Trout (~~catch limit two~~), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout (~~catch limit two~~), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout (~~catch limit two~~), minimum length fourteen

inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through (~~last day of~~) February 28 season. Trout (~~catch limit two~~), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through (~~last day of~~) February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout (~~catch limit two~~), minimum length fourteen inches. Wild steelhead release(-) March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through (~~last day of~~) February 28 season. Trout (~~catch limit two~~), minimum length fourteen inches. (~~Wild steelhead release~~) Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to (~~headwaters~~): (~~Trout catch limit two, minimum length fourteen inches. Bait prohibited~~) Quartz Creek: Catch-and-release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through (~~last day of~~) February 28 season. Trout (~~catch limit two~~), minimum length fourteen inches. (~~Wild steelhead release~~) Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout (~~catch limit two~~), minimum length fourteen inches. (~~Bait prohibited~~) Selective fishery regulations. Additional (~~November~~) December 1 through (~~last day of~~) February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) From Puget Sound to Highway 529: Year around season. Trout (~~(catch limit two)~~), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout (~~(catch limit two)~~), minimum length fourteen inches.

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout (~~(catch limit two)~~), minimum length fourteen inches. June 1 through November 30 (~~(bait prohibited)~~) selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout (~~(catch limit two)~~), minimum length ten inches. (~~(Bait prohibited)~~) Selective fishery regulations. Additional November 1 through ((last day of)) February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout (~~(catch limit two)~~), minimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): (~~(Trout catch limit five, minimum length twelve inches. Bait prohibited.)~~) April 30 through October 31 season. Selective fishery regulations. Internal combustion engines prohibited. Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: (~~(Year around season.)~~) Bass - only bass less than twelve inches or over fifteen inches may be kept.

(~~(Squalicum Creek, mouth to outlet of Bug Lake: Additional November 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.)~~)

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Squalicum Lake: (~~(Year around season.)~~) Trout - catch limit - two. Fly fishing only.

(~~(Steilacoom Lake: Year around season.)~~)

Steel Lake (King County): April 30 through October 31 season.

Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: (~~(Year around season.)~~) Feeding (chumming) permitted. Bass - possession limit - one over eighteen inches.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season. Trout (~~(catch limit two)~~), minimum length fourteen inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout (~~(catch limit two)~~), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout (~~(catch limit two)~~), minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through ((last of)) February 28 season. Trout (~~(catch limit two)~~), minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.

(~~(Stitch Lake: Year around season.)~~)

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): April 30 through October 31 season.

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through ((last day of)) February 28 season. Trout (~~(catch limit two)~~), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

(~~(Sunday Lake (Snohomish County): Year around season.)~~)

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: ~~((Year around season-))~~ Bass - only bass less than twelve inches or over fifteen inches may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: ~~((Year around season-))~~ Fishing from any floating device prohibited from first Friday in October ~~((13))~~ through January 15.

Terrell, Lake: ~~((Year around season-))~~ Fishing from any floating device prohibited from first Friday in October ~~((13))~~ through January 15 except fishing from floating dock permitted. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): April 30 through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. This area is closed daily from 5:00 p.m. to 7:00 a.m. This area is closed to all fishing from April 1 through November 30.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.

Tolt River, from its mouth to the USGS trolley cable ~~((at))~~ near the confluence of the North and South Forks: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. June 1 through November 30 ~~((bait prohibited))~~ season. Selective fishery regulations.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout ~~((catch limit two))~~, minimum length ten inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Tradition Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Tye River: Trout ~~((catch limit two))~~, minimum length fourteen inches. ~~((Bait prohibited-))~~ Selective fishery regulations. Additional November 1 through ~~((last day of))~~ February 28 season for whitefish only.

Union, Lake: ~~((Year around season-))~~ Feeding (chumming) permitted.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wagners Lake (Snohomish County): April 30 through October 31 season.

Walker Lake (King County): April 30 through October 31 season.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Fishing from any floating device prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

Wapato Lake: ~~((Year around season-))~~ Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: ~~((Year around season-))~~ Trout - no more than two over twenty inches. Wild steelhead release December 1 through May 31. May 1 through June 30 season: Trout - catch limit - eight, minimum length twelve inches. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under twenty inches will be considered kokanee and under the jurisdiction of the department of wildlife while those twenty inches and over will be considered sockeye salmon and under the jurisdiction of the department of fisheries. ~~((Bass daily catch limit five, not more than three over fifteen inches, no minimum size limit, and possession limit ten, not more than six over fifteen inches-))~~

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((, 1993,))~~ season ~~((s))~~. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: April 30 through October 31 season. Trout - no more than one over fourteen inches. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

PERMANENT

~~((Whistle Lake (Skagit County): Year around season:))~~

~~White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: Trout (~~catch limit two~~), minimum length twelve inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.~~

~~From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release.~~

~~From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish (~~and Dolly Varden (bull trout)~~) only.~~

~~Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.~~

~~Wilderness Lake (King County): April 30 through October 31 season.~~

~~Willow Lake (Whatcom County): July 1 through October 31 season. Trout - catch and possession limit - one, minimum length eighteen inches. Selective fishery regulations.~~

~~((Winter's Lake: Year around season:))~~

~~Wiser Lake: ((Year around season:)) Bass - only bass less than twelve inches or over fifteen inches may be kept.~~

~~((Region IV:~~

~~Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.~~

~~All state wide and Region IV regulations (given below) apply to all Region IV waters unless specifically exempted or amended by special regulations (listed for separate waters and categories of waters):~~

~~Region IV regulations. Open seasons:~~

~~Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.~~

~~Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations. Night closure: August 1 through October 31.~~

~~*Note: See wild steelhead release requirement under "trout daily catch limit" below.~~

~~Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):~~

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
Bass	No limit until possession limit retained	Less than twelve inches or over fifteen inches	Five not more than two over fifteen inches. Only bass less than twelve inches or over fifteen inches may be kept
Dolly Varden/ Bull Trout	Counts as part of trout catch limit	Twenty inches	Counts as part of trout possession limit
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee, land locked Atlantic salmon, and steelhead)	Eight, of which no more than two may be over twelve inches if taken from rivers, streams, and beaver ponds.	None in lakes, ponds, and reservoirs. Eight inches in rivers, streams, and beaver ponds.	One catch limit and (in addition two steelhead over twenty inches
Grayling	Catch and release only		
Walleye	Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	Fifteen	None	One catch limit
All other game fish	No limit	None	No limit
Bullfrogs	Ten	None	One catch limit

~~*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. When use of bait is prohibited by special regulations, or when artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.~~

~~Special regulations. Region IV. Basic state wide and regional regulations apply to all waters except when modified in special regulations below:~~

~~Alder Lake (Reservoir): Year around season.~~

~~American Lake: Year around season. Feeding (chumming) permitted.~~

~~Angle Lake: Year around season.~~

~~Baker Lake: Trout no more than three over fourteen inches. Feeding (chumming) permitted. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.~~

~~Ballinger Lake: Year around season.~~

~~Barnaby Slough: Closed waters.~~

~~Bass Lake: Year around season.~~

~~Bearpaw Lake (Whateom County): Trout catch and possession limit one, minimum length eighteen inches. Selective fishery regulations.~~

~~Beaver Lake (Skagit County): Year around season.~~

~~Big Bear Creek (tributary of Sammamish River): Closed waters.~~

~~Big Beaver Creek, from closed water markers on Ross Lake upstream one quarter mile: Closed waters. Upstream from one quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch and release only, selective fishery regulations.~~

~~Big Lake: Year around season.~~

~~Bitter Lake: Year around season.~~

~~Blackman's Lake: Year around season. Trout catch limit five.~~

~~Boundary Lake: Year around season.~~

~~Bow Lake: Year around season.~~

~~Boxley Creek (North Bend), from its mouth to the falls located at approximately river mile 0.9: Closed waters.~~

~~Boyle Lake (the inlet and outlet are closed waters): Trout catch limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Bridges Lake (the inlet and outlet are closed waters): Trout catch limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Bryant Lake: Year around season.~~

~~Bug Lake: Year around season.~~

~~Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.~~

~~Campbell Lake: Year around season.~~

~~Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout catch limit two, minimum length fourteen inches. Additional February 1 through March 31 season: Selective fishery regulations. Wild steelhead release.~~

~~Cascade River: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~Note: The area from the Rockport Cascade Road Bridge to the mouth is closed June 1 through September 30.~~

~~Cassidy Lake: Year around season.~~

~~Cavanaugh Lake: Feeding (chumming) permitted.~~

~~Cedar River, from its mouth to the Landsburg diversion dam: June 15 through September 1 season. Trout catch~~

~~limit two, minimum length fourteen inches. Bait prohibited.~~

~~From its mouth to the Landsburg Highway Bridge: Additional December 1 through last day of February season. Trout catch limit two, minimum length fourteen inches. Fishing from any floating device prohibited. Fishing unlawful between 7:00 p.m. and 5:00 a.m. Wild steelhead release.~~

~~From Landsburg diversion dam upstream to Chester Morse Reservoir: Closed waters.~~

~~Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.~~

~~Chambers Lake (within Ft. Lewis Military Reservation): Trout catch and release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.~~

~~Chaplain Lake: Closed waters.~~

~~Clay Pit Pond: Year around season.~~

~~Clear Lake (Pierce County): September 1 through June 30 season. (Closed July 1 through August 31.) Feeding (chumming) permitted.~~

~~Clear Lake (Skagit County): Year around season.~~

~~Clough Creek (North Bend): Closed waters.~~

~~Clover Creek, within the boundaries of McChord Air Force Base: Trout catch limit one, minimum length twelve inches. Selective fishery regulations.~~

~~Coal Creek (tributary of Lake Washington): Closed waters.~~

~~Coal Creek, (near Snoqualmie) from Highway 10 downstream: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout no minimum length. Juveniles only (under fifteen years old).~~

~~County Line Ponds: Closed Waters.~~

~~Cranberry Lake (Island County): Year around season.~~

~~Dakota Creek: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~Day Creek, mouth to Day Lake: Trout catch limit two, minimum length fourteen inches.~~

~~De Coursey Pond: Juveniles only (under fifteen years old).~~

~~Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.~~

~~Desire, Lake: Year around season.~~

~~Diablo Lake: Year around season.~~

~~Doloff Lake: April 26, 1992, through November 30, 1992, and April 25, 1993, through November 30, 1993, seasons.~~

~~Dugulla Bay (Lake): Year around season.~~

~~Eagle Lakes (Big and Little): Closed waters.~~

~~Ebey Lake: Fly fishing only. Trout catch limit one, minimum length eighteen inches.~~

~~Echo Glen Pond: Year around season.~~

~~Note: No public access. (State corrections facility.)~~

~~Echo Lake (Snohomish County, near Maltby): September 1 through June 30 season. (Closed July 1 through August 31.)~~

~~Egg Lake (San Juan County): Year around season.~~

~~Fazon Lake: February 1 through October 31 season. Channel catfish possession limit two.~~

~~Fenwick Lake (King County): Year around season.~~

~~Findley Lake: Closed waters.~~

~~Finney Creek (Skagit River), from its mouth to falls: Trout catch limit two, minimum length fourteen inches.~~

~~Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout catch limit two, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout catch limit two, minimum length fourteen inches.~~

~~Fishtrap Creek (Whateom County): From Kok Road to Bender Road: June 15 through October 31 season. Juveniles only (under fifteen years old).~~

~~Flowing Lake: Year around season.~~

~~Fortson Mill Pond #2: Juveniles only (under fifteen years old).~~

~~Gissberg Ponds: Year around season.~~

~~Goodwin Lake: Year around season. Feeding (chumming) permitted.~~

~~Green Lake (King County): Year around season.~~

~~Green Lake (Whateom County): Year around season.~~

~~Green (Duwamish) River, from its mouth to the First Avenue Bridge: Year around season. Trout catch limit two, minimum length fourteen inches. It is unlawful to fish with more than one single hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait.~~

~~From the First Avenue Bridge to Tacoma Headworks Dam: June 15 through last day of February season. Trout catch limit two, minimum length fourteen inches. Fishing from any floating device prohibited November 1 through last day of February season. Note: Area from the Auburn Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.~~

~~From the First Avenue Bridge to the Tacoma Headworks Dam: Additional March 1 through March 31 season. Trout catch limit two, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.~~

~~Greenwater River, from mouth to Greenwater Lakes: Trout catch limit two, minimum length twelve inches. Bait prohibited.~~

~~Haller Lake: Year around season.~~

~~Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.~~

~~Harrison Pond: Closed waters.~~

~~Hart Lake (Pierce County): Year around season.~~

~~Heart Lake (Skagit County, near Anacortes): April 26, 1992, through July 31, 1992, and April 25, 1993, through July 31, 1993, seasons.~~

~~Hozomeen Lake (Whateom County): June 1 through October 31 season.~~

~~Hummel Lake: Year around season.~~

~~Issaquah Creek: Closed waters.~~

~~Jennings Park Pond: Juveniles only (under fifteen years old).~~

~~Johnson Creek (Whateom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).~~

~~K Mart Lake: Year around season.~~

~~Kapowsin Lake: Year around season.~~

~~Keevies Lake: Year around season.~~

~~Kelsey Creek (tributary of Lake Washington): Closed waters.~~

~~Killarney Lake: Year around season.~~

~~Kimball Creek (near Snoqualmie): April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout no minimum length. Juveniles only (under fifteen years old).~~

~~Kings Lake (King County): Closed waters.~~

~~Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): Trout catch limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Lake Washington Ship Canal: See Washington, Lake; Union, Lake; Portage Bay and Salmon Bay.~~

~~Little Bear Creek (tributary of Sammamish River): Closed waters.~~

~~Little Cranberry Lake: Year around season.~~

~~Lone Lake: Year around season.~~

~~Lost Lake (Snohomish County): September 1 through June 30 season. (Closed July 1 through August 31.)~~

~~Lucas Slough: Closed waters.~~

~~Mareel Lake: Year around season.~~

~~Marine areas: (See page . . .).~~

~~Martha Lake (Warm Beach): Year around season.~~

~~May Creek (tributary of Lake Washington): Closed waters.~~

~~Mereer Slough (tributary of Lake Washington): Closed waters.~~

~~Mill Pond (Auburn): Juveniles only (under fifteen years old).~~

~~Minkler Lake (Skagit County): Year around season.~~

~~Morton Lake: September 1 through June 30 season. (Closed July 1 through August 31.)~~

~~Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout catch and release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.~~

~~Mud Lake (Skagit County): Year around season.~~

~~Mud Lake (Whatcom County, near Deming): Year around season.~~

~~Mudd Lake (Island County): Year around season.~~

~~New Mire Creek (tributary of Lake Sawyer): April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Juveniles only (under fifteen years old).~~

~~Newhalem Ponds: Closed waters.~~

~~Nisqually River: See Region VI.~~

~~Nooksack River, all tributary streams to the Nooksack River system: June 15 through October 31 season.~~

~~Nooksack River mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 15 through March 31 season. Trout catch limit two, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 31.~~

~~South Fork, from its mouth to source: June 15 through October 31 season. Trout catch limit two, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.~~

~~From its mouth to Skookum Creek: Additional November 1 through March 31 season. Trout catch limit two, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.~~

~~North Creek (tributary of Lake Sammamish River): Closed waters.~~

~~Northern State Hospital Pond: Juveniles only (under fifteen years old).~~

~~Ohop Lake: Year around season.~~

~~Old Fishing Hole Pond (Kent): Juveniles only (under fifteen years old).~~

~~Padden Lake: Internal combustion engines prohibited.~~

~~Pass Lake: Year around season. Trout catch limit one, minimum length eighteen inches. Fly fishing only, barbless hook.~~

~~Peterson Lake: Year around season.~~

~~Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.~~

~~Pilehuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout catch limit two, minimum length fourteen inches. Bait prohibited. Additional December 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~Pilehuck River, its entire length: Closed March 1 through November 30.~~

~~From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day of February season. Trout catch limit two, minimum length fourteen inches. Fishing from any floating device prohibited.~~

~~Pipers Creek (Carkeek Creek), from its mouth to concrete culvert adjacent the Metro plant (including Venema Creek): Closed waters.~~

~~From concrete culvert adjacent the Metro plant to source: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout no minimum length. Juveniles only (under fifteen years old).~~

~~Pondilla Pond: Year around season.~~

~~Portage Bay: Year around season. Feeding (chumming) permitted.~~

~~Pratt River (tributary to Middle Fork Snoqualmie): Catch and release only, and selective fishery regulations.~~

~~Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout catch limit two, minimum length fourteen inches.~~

~~From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout catch limit two, minimum length fourteen inches. Wild steelhead release.~~

~~Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~Rattlesnake Lake: Selective fishery regulations, except electric motors allowed.~~

~~Ravensdale Lake: Trout catch limit two, minimum length twelve inches. Selective fishery regulations.~~

~~Ridley Lake (Whatcom County): July 1 through October 31 season. Trout catch and possession limit one, minimum length eighteen inches. Selective fishery regulations.~~

~~Roek Creek (below Landsburg): Closed waters.~~

~~Roesiger Lake: Year around season.~~

~~Ross Lake (Reservoir): July 1 through October 31 season. Trout catch limit three, possession limit six, minimum length thirteen inches. Bait prohibited.~~

~~Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek (see special regulation for Big Beaver Creek), Ruby Creek, entire stream. All other tributaries one mile.~~

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Salmon Bay, all waters from the Chittenden Locks (in Ballard) upstream (east) to the Fremont Bridge: July 1 through last day of February season. Trout—no more than two over twenty inches. Wild steelhead release.

Salmon Bay, from the east end of the north wing wall of the Chittenden Locks to a line approximately one hundred seventy five feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure near the south shore: December 1 through last day of February season. Trout—catch limit—two, minimum length twelve inches. Wild steelhead release. It is unlawful to fish with more than one hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait. Fishing from any floating device prohibited. This area is closed March 1 through November 30. See also department of fisheries' regulations.

Samish, Lake: Year around season. Feeding (chumming) permitted.

Samish River, from its mouth to the old Highway 99 Bridge and from the department of fisheries' rack to the Hickson Bridge: June 1 through March 31 season. Trout—catch limit—two, minimum length fourteen inches. December 1 through March 31 wild steelhead release. Note: Closed from Highway 99 Bridge to department of fisheries' salmon rack.

Sammamish Lake: Year around season. Trout—no more than three over fourteen inches or two over twenty inches. Kokanee may not be kept. Bass—daily catch limit—five, not more than three over fifteen inches, no minimum size limit, and possession limit—ten, not more than six over fifteen inches.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: June 1 through August 31 and December 1 through last day of February seasons. Trout—catch limit—two, minimum length twenty inches. Wild steelhead release. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 15 through last day of February season. Trout—catch limit—two, minimum length fourteen inches. June 15 through October 31 wild steelhead release.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout—catch limit—two, minimum length fourteen inches. Bait prohibited.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch and release only, and selective fishery regulations.

Sawyer, Lake: Year around season. Feeding (chumming) permitted.

Sequallitchew Lake: June 1 through October 31 season. Contact Ft. Lewis for land use permit.

Serene, Lake: September 1 through June 30 season. (Closed July 1 through August 31.)

Shady Lake: June 1 through July 4 and September 1 through October 31 seasons. Trout—catch limit—four, no more than one over twelve inches.

Shannon, Lake: Trout—no more than three over sixteen inches. Feeding (chumming) permitted.

Shoecraft Lake: Year around season.

Silver Lake (Island County): Year around season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout—catch limit—two, minimum length fourteen inches. Retaining steelhead over twenty inches in length is prohibited from April 1 through May 31. (See Fisher Slough.)

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through last day of February season. Trout—catch limit—two, minimum length fourteen inches.

From the Gorge Powerhouse to Gorge Dam: Close waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout—catch limit—two, minimum length fourteen inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout—catch limit—two, minimum length fourteen inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch and release only, and selective fishery regulations except lawful to fish from a boat with motor but not while under power.

Skykomish River, from its mouth to mouth of Sultar River: June 1 through last day of February season. Trout—catch limit—two, minimum length fourteen inches. Fishing from any floating device prohibited November 1 through last day of February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout—catch and release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout—catch limit—two, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet a Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day of February season. Trout—catch limit—two, minimum length fourteen inches. Wild steelhead

~~release. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.~~

~~From one thousand feet upstream of Bear Creek Falls to headwaters: Trout catch limit two, minimum length fourteen inches. Bait prohibited.~~

~~Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches. Wild steelhead release. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.~~

~~From Sunset Falls to source: Trout catch limit two, minimum length fourteen inches. Bait prohibited. Additional November 1 through last day of February season for whitefish only.~~

~~Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) From Puget Sound to Highway 529: Year around season. Trout catch limit two, minimum length fourteen inches.~~

~~From Highway 529 upstream (all channels): June 1 through March 31 season. Trout catch limit two, minimum length fourteen inches.~~

~~Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout catch limit two, minimum length fourteen inches. June 1 through November 30 bait prohibited. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls are closed.~~

~~From Snoqualmie Falls, including the North and South Forks: Trout catch limit two, minimum length ten inches. Bait prohibited. Additional November 1 through last day of February season for whitefish only.~~

~~Middle Fork Snoqualmie from mouth to source including all tributaries: Catch and release only, and selective fishery regulations.~~

~~Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout catch limit two, minimum length fourteen inches.~~

~~South Prairie Creek, closed downstream from Page Creek to its mouth.~~

~~Spada Lake (Reservoir): Trout catch limit five, minimum length twelve inches. Bait prohibited. Internal combustion engines prohibited. Note: All tributaries to lake are closed to fishing.~~

~~Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.~~

~~Sportsman's Lake: Year around season.~~

~~Squalicum Creek, mouth to outlet of Bug Lake: Additional November 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~Squalicum Lake: Year around season. Trout catch limit two. Fly fishing only.~~

~~Steilacoom Lake: Year around season.~~

~~Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.~~

~~Stevens, Lake: Year around season. Feeding (chumming) permitted. Bass possession limit one over eighteen inches.~~

~~Stillaguamish River, and all sloughs, downstream of Warm Beach Stanwood Highway: Year around season. Trout catch limit two, minimum length fourteen inches.~~

~~Stillaguamish River, upstream from the Warm Beach Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout catch limit two, minimum length fourteen inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.~~

~~Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout catch limit two, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.~~

~~Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last of February season. Trout catch limit two, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.~~

~~Stitch Lake: Year around season.~~

~~Stuck River: See White River.~~

~~Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches. Note: North and South Forks are closed to fishing.~~

~~Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.~~

~~Sunday Lake (Snohomish County): Year around season.~~

~~Swamp Creek (tributary to Sammamish River): Closed waters.~~

~~Tanwax Lake: Year around season.~~

~~Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.~~

~~Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.~~

~~Taylor River (tributary to the Middle Fork Snoqualmie): Catch and release only, and selective fishery regulations.~~

~~Tennant Lake: Year around season. Fishing from any floating device prohibited from October 13 through January 15.~~

~~Terrell, Lake: Year around season. Fishing from any floating device prohibited from October 13 through January 15 except fishing from floating dock permitted.~~

~~Thornton Creek (tributary to Lake Washington): Closed waters.~~

~~Tibbetts Creek (tributary to Lake Sammamish): Closed waters.~~

~~Tokol Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout catch limit two, minimum length fourteen inches. This area is closed daily from 5:00 p.m. to 7:00 a.m.~~

~~From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing.~~

~~Tolt River, from its mouth to the USGS trolley cable at the confluence of the North and South Forks: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches. June 1 through November 30 bait prohibited.~~

~~From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.~~

~~North Fork above Yellow Creek: Trout catch and release only, selective fishery regulations.~~

~~South Fork above the dam: Trout catch limit two, minimum length ten inches. Bait prohibited.~~

~~Tye River: Trout catch limit two, minimum length fourteen inches. Bait prohibited. Additional November 1 through last day of February season for whitefish only.~~

~~Union, Lake: Year around season. Feeding (chumming) permitted.~~

~~Voight's Creek: Closed waters from mouth to Highway 162 Bridge.~~

~~Wallace River, from its mouth to the first Burlington Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout catch limit two, minimum length fourteen inches. Note: Closed waters from the first Burlington Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.~~

~~From the mouth to mouth of Olney Creek: Additional November 1 through last day of February season. Trout catch limit two, minimum length fourteen inches. Fishing from any floating device prohibited.~~

~~Wapato Lake: Year around season. Juveniles only (under fifteen years old).~~

~~Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: Year around season. Trout no more than two over twenty inches. Wild steelhead release December 1 through May 31. May 1 through June 30 season: Trout catch limit eight, minimum length twelve inches. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around.~~

~~Kokanee/sockeye under twenty inches will be considered kokanee and under the jurisdiction of the department of wildlife while those twenty inches and over will be considered sockeye salmon and under the jurisdiction of the department of fisheries. Bass daily catch limit five, not more than three over fifteen inches, no minimum size limit, and possession limit ten, not more than six over fifteen inches.~~

~~Whateom Creek, mouth to stone bridge at Whateom Falls Park: June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.~~

~~From stone bridge at Whateom Falls Park upstream to Lake Whateom: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout no minimum length. Juveniles only (under fifteen years old).~~

~~Whateom, Lake: Trout no more than one over fourteen inches. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whateom between the Electric Avenue Bridge and the outlet dam.)~~

~~Whistle Lake (Skagit County): Year around season.~~

~~White (Stueck) River, from mouth to Highway 410 Bridge at Buckley: Trout catch limit two, minimum length twelve inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.~~

~~From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish and Dolly Varden (bull trout) only.~~

~~Willow Lake (Whateom County): July 1 through October 31 season. Trout catch and possession limit one, minimum length eighteen inches. Selective fishery regulations.~~

~~Winter's Lake: Year around season.~~

~~Wiser Lake: Year around season.)~~

~~Region V.~~

~~Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.~~

~~All state-wide ((and Region V)) regulations (((given below))) apply to all Region V waters unless specifically exempted or amended by ((special)) Exceptions - Region V regulations (listed for separate waters and categories of waters).~~

~~((Region V regulations. Open seasons:~~

~~Note: All waters are closed year around to the taking of Dolly Varden/ bull trout and grass carp.~~

~~Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.~~

~~Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations.~~

*Note: See wild steelhead release requirement under "trout daily catch limit" below.

(For Columbia River reservoirs, see page x.)

Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
Bass	Five not more than three over fifteen inches	None	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout	It is unlawful to fish for or retain Dolly Varden or bull trout		
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee and steelhead)	Eight, of which not more than two may be over twelve inches if taken from rivers, streams, and beaver ponds.	None in lakes, ponds, and reservoirs. Eight inches in rivers, streams, and beaver ponds.	One catch limit and (in addition) two steelhead over twenty inches
Walleye	Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	Fifteen	None	One catch limit
All other game fish	No limit	None	No limit
Bullfrogs	Ten	None	One catch limit

*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.

Special) Exception - Region V regulations. (Region V. Basic) State-wide (and regional) regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March (31) 15 season. Trout ((catch limit two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Alder Creek: Closed waters.

(Alder Lake (Reservoir): Year around season.)

Battle Ground Lake: April 30 through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): ((Trout catch limit two, minimum length eight inches. Bait prohibited.)) Selective fishery regulations.

Big White Salmon River, from mouth to within four hundred feet of Northwestern Dam: Year around season. Trout ((catch limit two)), minimum length fourteen inches. Wild steelhead release ((May 16 through October 31)).

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout ((catch limit two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Bird Creek: Trout - catch limit - five.

Blockhouse Creek: Trout - catch limit - five.

Bloodgood Creek: Trout - catch limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): April 30 through October 31 season. Catch-and-release only. Selective fishery regulations.

Boman Creek: Trout - catch limit - five.

Butter Creek: Trout ((catch limit two)), minimum length ten inches. ((Bait prohibited.)) Selective fishery regulations.

Canyon Creek: Trout - catch limit - five.

Carlisle Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,)) 30 through ((last day of)) February ((1994)) 28 season((s)). Internal combustion engines prohibited. Bass - minimum length fourteen inches.

((Carp Lake: Year around season.))

Castle Lake: Trout - catch limit - ((two)) one, minimum length ((fourteen)) sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March ((31)) 15 season. Trout ((catch limit two)), minimum length twelve inches.

((Chamberlain Lake: Year around season.))

Chehalis River: See Region VI, page . . .

Chehalis River, South Fork from mouth to highway bridge at Boistfort: June 1 through March 31 season. Trout ((catch limit two)), minimum length fourteen inches.

Cispus River, North Fork: Trout ((catch limit eight)), no more than one over twelve inches.

PERMANENT

Clear Creek (tributary to Muddy River, Skamania County): Trout (~~(-catch limit two)~~), minimum length twelve inches. (~~(Bait prohibited.)~~) Selective fishery regulations.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout (~~(-catch limit two)~~), minimum length twelve inches. (~~(Bait prohibited.)~~) Selective fishery regulations.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through (~~(last day of)~~) February 28 season. Trout (~~(-catch limit two)~~), minimum length fourteen inches.

Coldwater Lake: (~~(Closed waters.)~~) All inlet streams and outlet streams closed waters. Trout - catch limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

Columbia River and impoundments and all connecting sloughs - see regulations page . . .

Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March (~~(3+)~~) 15 season. Trout (~~(-catch limit two)~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - catch limit - (~~(eight)~~) five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release June 1 through May 31. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From Mill Creek to the barrier dam, it is unlawful to (~~(+)~~) fish from any floating device (~~(+)~~) or fish (~~(during night closure, April 1 through September 30; and (3) fish~~) with nonbuoyant artificial lures having more than one single-pointed hook. Night closure April 1 through September 30.

From Mayfield Dam to mouth of Muddy Fork: Year around season.

Cowlitz River, Clear Fork and Muddy Fork: Trout - catch limit - (~~(eight)~~) five, no more than one over twelve inches.

Davis Lake: April (~~(26, 1992, through last day of February 1993 and April 25, 1993,)~~) 30 through (~~(last day of)~~) February (~~(1994)~~) 28 season(~~(s)~~).

Deep River: Year around season. Trout (~~(-catch limit two)~~), minimum length fourteen inches.

Drano Lake: See Columbia River regulations, page . . .

Elochoman River, from mouth to West Fork: June 1 through March (~~(3+)~~) 15 season. Trout - catch limit - (~~(eight)~~) five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

From Beaver Creek Road Bridge to two hundred feet below weir at Beaver Creek hatchery: Closed waters.

From West Fork to source: Closed waters.

Fort Borst Park Lake: April (~~(26, 1992, through last day of February 1993 and April 25, 1993,)~~) 30 through (~~(last day of)~~) February (~~(1994)~~) 28 season(~~(s. Trout catch limit five)~~). Juveniles only (under fifteen years old).

Franz Lake: (~~(Year around season.)~~) Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March (~~(3+)~~) 15 season. Trout (~~(-catch limit two)~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Gobar Creek (tributary to Kalama River): June 1 through March (~~(3+)~~) 15 season. Trout (~~(-catch limit two)~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

(~~(Grant Lake: Year around season.)~~)

Grays River, from mouth to mouth of South Fork: June 1 through March (~~(3+)~~) 15 season. Trout (~~(-catch limit two)~~), minimum length (~~(fourteen)~~) twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout (~~(-catch limit two)~~), minimum length fourteen inches. (~~(Bait prohibited.)~~) Selective fishery regulations.

Green River, from mouth to 2800 Bridge: June (~~(15)~~) 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead (~~(fishing, catch limit two, minimum length twenty inches)~~).

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March (~~(3+)~~) 15 season. Trout (~~(-catch limit two)~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season.

(~~(Hewitt Lake: Year around season.)~~)

Horseshoe Lake: April (~~(26, 1992, through last day of February 1993 and April 25, 1993,)~~) 30 through (~~(last day of)~~) February (~~(1994)~~) 28 season(~~(s)~~).

Horsethief Lake: April 30 through February 28 season.

Icehouse Lake: April 30 through February 28 season.

Indian Heaven Wilderness Lakes: Trout - catch limit - three.

Jewitt Creek: Trout - catch limit - five, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout (~~(-catch limit two)~~), minimum length ten inches. (~~(Bait prohibited.)~~) Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout (~~(-catch limit two)~~), minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) night closure, April 1 through October 31; (3) fly fishing only, from September 1 through October 31 from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (4) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (5) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

Kidney Lake: April 30 through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout (~~(-catch limit two)~~), minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the Yakima Indian Reservation boundary: June 1 through November 30 season. Trout (~~(-catch limit two)~~), minimum length twelve inches. Additional December 1 through March 31 season for whitefish only.

From the Yakima Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: April 30 through February 28 season.

Kress Lake: April (~~(26, 1992, through last day of February 1993 and April 25, 1993,)~~ 30 through (~~(last day of)~~ February (~~(1994)~~ 28 season(~~(s)~~)). Bass - only bass less than twelve inches or over (~~(seventeen)~~ eighteen inches may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through (~~(last day of)~~ February 28 season. Trout (~~(-catch limit two)~~), minimum length fourteen inches.

(~~(Lacamas Lake: April 26, 1992, through March 31, 1993, and April 25, 1993, through March 31, 1994, seasons-)~~)

Lewis River, from mouth to forks: Year around season. Trout (~~(-catch limit two)~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork, from mouth to overhead powerlines below Merwin Dam: Year around season. Trout (~~(-catch limit two)~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout (~~(-catch limit two)~~), minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River strambled between Swift No. 1 powerhouse and Swift No. 2 powerhouse: April (~~(26, 1992, through October 31, 1992, and April 25, 1993,)~~ 30 through October 31(~~(, 1993,)~~) season(~~(s)~~). Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls: Trout (~~(-catch limit two)~~), minimum length twelve inches. (~~(Bait prohibited-)~~) Selective fishery regulations.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: (~~(Year around season-)~~) June 1 through March 15 season. Trout (~~(-catch limit two)~~), minimum length fourteen inches. Wild steelhead release. Night closure (~~(April)~~) June 1 through October 31.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout (~~(-catch limit two)~~), minimum length fourteen inches. Wild steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: April 30 through February 28 season.

Little Klickitat River, within Goldendale city limits: April (~~(26, 1992, through October 31, 1992, and April 25, 1993,)~~ 30 through October 31(~~(, 1993,)~~) season(~~(s)~~). Trout - catch limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout (~~(-catch limit two)~~), minimum length ten inches. (~~(Bait prohibited-)~~) Selective fishery regulations.

Little White Salmon River, from fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

(~~(Locke Lake: Year around season-~~)

~~Long Bell Pond (Cowlitz County): Year around season-)~~

Love Lake: Closed waters.

Mayfield Lake (Reservoir): ~~((Year around season-))~~
Tiger musky - catch limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - catch limit - two, maximum length twelve inches. Fly fishing only, except motors allowed.

Merwin (Lake) Reservoir: ~~((Year around season-))~~
Trout - minimum length six inches.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March ~~((31))~~ 15 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mineral Creek (tributary to Nisqually River): Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Mineral Creek, North Fork: Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Mineral Lake: April ~~((26, 1992, through September 10, 1992, and April 25, 1993-))~~ 30 through September ~~((10, 1993-))~~ 30 season(s).

Muddy River (tributary to N.F. Lewis River): Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: April 30 through February 28 season.

Ohanapecosh Creek (tributary to Cowlitz River): Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Olequa Creek: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Outlet Creek: Trout - catch limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. April 30 through October 31 season. Trout - catch limit - five, minimum length ten inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Plummer Lake: April ~~((26, 1992, through last day of February, 1993, and April 25, 1993-))~~ 30 through ~~((last day of))~~ February ~~((1994))~~ 28 season(s).

~~((Railroad Island Pond: Year around season-))~~

Riffe (Lake) Reservoir: ~~((Year around season-))~~
Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March ~~((31))~~ 15 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

~~((Round Lake: April 26, 1992, through March 31, 1993, and April 25, 1993, through March 31, 1994, seasons-))~~

Rowland Lakes: April ~~((26, 1992, through last day of February 1993 and April 25, 1993-))~~ 30 through ~~((last day of))~~ February ~~((1994))~~ 28 season(s).

~~((Saeajawea Lake: Year around season-))~~

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March ~~((31))~~ 15 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited-))~~ Selective fishery regulations.

Silver Lake: ~~((Year around season-))~~ Bass - minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: June 1 through March ~~((31))~~ 15 season. Trout ~~((catch limit two))~~, minimum length ~~((fourteen))~~ twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - catch limit - ~~((eight))~~ five, no more than one over twelve inches.

Skookumchuck River: See Region VI.

~~((Skookumchuck Slough (Hayse Lake): Year around season-))~~

~~((Sundale Pond: Year around season-))~~

Spearfish Lake: April 30 through February 28 season.

Spring Creek: Trout - catch limit - five.

Swift Reservoir: April 30 through October 31 season.

Swofford Pond: ~~((Year around season-))~~ Bass - possession limit - two. Only bass less than twelve inches or over ~~((seventeen))~~ eighteen inches may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - catch limit - ~~((eight))~~ five, no more than one over twelve inches.

Tilton River, South Fork and East Fork: Trout ~~((catch limit two))~~, minimum length ten inches. ~~((Bait prohibited))~~ Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited))~~ Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June ~~((15))~~ 1 through November 30 season. ~~((Open only to the taking of steelhead over twenty inches))~~ Trout, minimum length twenty inches. Open only to fishing for steelhead.

~~((Toutle River, North Fork, from mouth to the posted deadline below the fish collection facility: June 15 through November 30 season. Wild steelhead release. Open only to the taking of steelhead over twenty inches.))~~

From the mouth of the Green River to the posted deadline below the fish collection facility: ~~((June 15 through November 30 season. It is unlawful to (1) fish during))~~ Night closure~~((;))~~ and ~~((2))~~ it is unlawful to fish with nonbuoyant artificial lures having more than one single-pointed hook.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

Toutle River, South Fork, mouth to ~~((4100 Road Bridge))~~ source (note: All tributaries closed): June ~~((15))~~ 1 through ~~((January 31))~~ November 30 season. Trout, minimum length twenty inches. Open only to ~~((the taking of))~~ fishing for steelhead ~~((over twenty inches. Wild steelhead release. Catch and possession limit two, minimum length twenty inches. Additional February 1 through March 31 season, open on Fridays and Saturdays only. Steelhead catch and possession limit one, minimum length twenty inches. Open only to steelhead fishing)).~~

~~((From))~~ Mouth to 4100 Road Bridge ~~((to source, including all tributaries: Closed waters.))~~ Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.

Trout Creek (tributary to Wind River): Trout ~~((catch limit two))~~, minimum length fourteen inches. ~~((Bait prohibited))~~ Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: April 30 through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River draw-bridge near Vancouver downstream to Lewis River: ~~((Year around season))~~ Trout - catch limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. April 30 through October 31 season. Trout ~~((catch limit five))~~, minimum length ten inches. ~~((Bait prohibited))~~ Selective fishery regulations.

Washougal River, from mouth to bridge at Salmon Falls: ~~((Year around season))~~ June 1 through March 15 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Night closure ~~((April))~~ June 1 through October 31.

Mouth to Mt. Norway Bridge: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North Fork), from mouth to the water intake at the department of wildlife hatchery: Closed waters.

From intake at department of wildlife hatchery to source: ~~((Year around season))~~ June 1 through March 15 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: April 30 through October 31 season. Trout - catch limit - two, minimum length fifteen inches. ~~((Bait prohibited))~~ Selective fishery regulations.

Wind River, Burlington-Northern Railroad bridge to four hundred feet below Shipherd Falls (note: Waters south of the Burlington-Northern Railroad bridge are considered part of the Columbia River): June 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout ~~((catch limit two))~~, minimum length ten inches. ~~((Bait prohibited))~~ Selective fishery regulations.

~~((Wishram Pond: Year around season))~~

Yale Reservoir: Kokanee - catch limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited))~~ Selective fishery regulations.

Yellowjacket Ponds: April 30 through February 28 season. Trout ~~((catch limit eight))~~, no more than one over twelve inches.

Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

PERMANENT

All state-wide ~~((and Region VI))~~ regulations ~~((given below))~~ apply to all Region VI waters unless specifically exempted or amended by ~~((special))~~ Exceptions - Region VI regulations (listed for separate waters and categories of waters).

~~((Region VI regulations. Open seasons:~~

~~Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.~~

~~Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations.~~

~~*Note: See wild steelhead release requirement under "trout daily catch limit" below.~~

~~Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):~~

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
Bass	Five not more than three over fifteen inches	None	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout	Counts as part of trout catch limit	Twenty inches	Counts as part of trout possession limit
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee and locked Atlantic salmon and steelhead)	Eight, of which not more than two may be over twelve inches if taken from rivers, streams, and beaver ponds.	None in lakes, ponds, and reservoirs. Eight inches in rivers, streams, and beaver ponds.	One catch limit and (in addition) two steelhead over twenty inches
Walleye	Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	Fifteen	None	One catch limit
All other game fish	No limit	None	No limit
Bullfrogs	Ten	None	One catch limit

~~*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.~~

~~Special))~~ Exceptions - Region VI regulations. ~~((Region VI. Basic))~~ State-wide ((and regional)) regulations apply to

all waters except where modified in special regulations below. For regulations within Olympic National Park, call (206) 452-4501.

~~((Alder Reservoir: Year around season:))~~

Aberdeen Lake: April 30 through October 31 season.

Aldrich Lake: April 30 through October 31 season.

Aldwell Lake: April 30 through October 31 season.
Trout - catch limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. April ~~((26, 1992, through August 31, 1992, and April 25, 1993,))~~ 30 through ~~((August))~~ October 31 ~~((, 1993,))~~ season~~((s))~~.

~~((Additional season))~~ From September 1 through October 31. Catch-and-release only ~~((single barbless hooks. Bait prohibited))~~. Selective fishery regulations.

Bay Lake: April ~~((26, 1992, through July 5, 1992, and April 25, 1993, through July 5, 1993, and September 1))~~ 30 through ~~((September 30))~~ October 31 season~~((s))~~.

Bear River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds ~~((, all ponds))~~ in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((, 1993,))~~ season~~((s))~~. Trout - no minimum length.

Benson Lake: April 30 through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

~~((Black Lake (Thurston County): Year around season:))~~

Black Lake (Pacific County): April 30 through October 31 season.

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited. Wild cutthroat release.))~~ Selective fishery regulations.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Buck Lake: April 30 through October 31 season.

Burley Creek: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. Wild steelhead release.

Cady Lake: April 30 through October 31 season. Trout - catch limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

South Fork from mouth to National Park boundary: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through ~~((March))~~ July 31 season. Trout ~~((including steelhead) catch limit two over fourteen inches. Possession limit of steelhead is four fish))~~ catch limit - eight, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. WAC 236-16-020 Motorboats—Prohibitions. The operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - catch limit - two, minimum length fourteen inches.

Carney Lake: April ~~((26, 1992, through June 30, 1992, and April 25, 1993,))~~ 30 through June 30 ~~((, 1993,))~~ and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: April 30 through October 31 season.

Cases Pond: Juveniles only (under fifteen years old).

~~((Cattail Lake (on the Bangor Military Base): Year around season.))~~

Cedar Creek (Jefferson County): June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

~~((Chambers Lake: Year around season.))~~

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser logging road #17 (approximately seven miles south of Pe Ell): June 1 through April 15 season. ~~((Trout catch limit two, minimum length twelve inches.))~~ Wild cutthroat release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): ~~((Basic lake regulations apply.))~~ April 30 through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout ~~((catch limit two)),~~ minimum length fourteen inches.

~~((Chinook River: June 1 through August 31 and November 1 through last day of February seasons. Trout catch limit two, minimum length fourteen inches.))~~

Clallam River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

Clara Lake: April 30 through October 31 season.

Clear Lake: April 30 through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

From Snahapish River upstream: Trout ~~((catch limit two)),~~ minimum length fourteen inches.

Cloquallam Creek, from mouth to second bridge on Cloquallum Road: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout ~~((catch limit two)),~~ minimum length twelve inches. Wild cutthroat release.

Columbia River and impoundments and all connecting sloughs—See regulations page . . .

Copalis River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

Coulter Creek: ~~((June 1 through last day of February season.))~~ Trout ~~((catch limit two)),~~ minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

~~((Crocker Lake: Year around season.))~~

Curley Creek: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden ~~((bull trout))~~ Bull Trout.

Deep Creek: ~~((June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.))~~ Closed to fishing for game fish.

Deep Lake: April 30 through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: April 30 through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout ~~((catch limit two)),~~ minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: April 30 through October 31 season.

Devil's Lake: April 30 through October 31 season.

Dewatto River: Trout (~~((catch limit two))~~), minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road: ~~((Additional November))~~ June 1 through ((January 31)) February 28 season. Trout (~~((catch limit two))~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

~~((From mouth to bridge on Dewatto Bay Road: Additional February 1 through last day of February season. Trout catch limit two, minimum length twelve inches. Wild cutthroat release and wild steelhead release.))~~

Dickey River (includes all forks): June 1 through April 30 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

Dosewallips River, from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through ~~((last day of))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

~~((From mouth to U.S. Forest Service Six Mile Bridge: Additional March 1 through March 31 season. Trout catch limit two, minimum length twelve inches. Wild cutthroat release.))~~

~~Duck Lake: Year around season.))~~

Duckabush River, from mouth to the ~~((Forest Service Bridge just beyond the Six Mile Marker))~~ Olympic National Park Boundary: June 1 through ~~((last day of))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

~~((From mouth to falls at the Ranger Hole (access at Interorrem Guard Station): Additional March 1 through March 31 season. Trout catch limit two, minimum length twelve inches. Wild cutthroat release.))~~

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through ~~((last day of))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches. Wild ~~((cutthroat))~~ steelhead release.

From junction of Gray Wolf River upstream to headwaters: Trout (~~((catch limit two))~~), minimum length fourteen inches.

East Twin River: June 1 through ~~((last day of))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

~~((Elbow Lake: Year around season.))~~

Elk River, from the Highway 105 Bridge upstream: June 1 through ~~((last day of))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout (~~((catch limit two))~~), minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approxi-

mately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout (~~((catch limit two))~~), minimum length twelve inches; selective fishery regulations.

~~((Fort Columbia Pond: Year around season.))~~

Failor Lake: April 30 through October 31 season.

Goldsborough Creek: June 1 through ~~((March 31))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through ~~((last day of))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout (~~((catch limit two))~~), minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout (~~((catch limit two))~~), minimum length fourteen inches.

Grass Lake: April 30 through October 31 season.

Grays River: See Region V.

Gray Wolf River: Trout (~~((catch limit two))~~), minimum length fourteen inches. ~~((Bait prohibited.))~~ Selective fishery regulations.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through ~~((last day of))~~ February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - catch limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: April 30 through October 31 season.

Haven Lake: April 30 through October 31 season.

Heins Lake (Kitsap County): Closed waters.

~~((Hewitt Lake: Year around season.))~~

Hicks Lake: April 30 through October 31 season.

Hoh River, from mouth to National Park boundary and in South Fork outside National Park boundary: June 1 through April 15 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

Hoko River: Trout (~~((catch limit two))~~), minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release (~~(only)~~) and fly fishing only.

~~((Holiday Lake: Year around season.))~~

Hoquiam River (includes all forks): June 1 through March 31 season. Trout (~~((catch limit two))~~), minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): April 30 through October 31 season.

Horseshoe Lake (Kitsap County): April 30 through October 31 season.

Howell Lake: April 30 through October 31 season.

Humtulsips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humtulsips Guard Station and Grisdale: June 1 through April 30 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road #2302 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout (~~((catch limit two))~~), minimum length twelve inches. Selective fishery regulations.

~~((Isabella Lake: Year around season.))~~

~~Island Lake (Mason County): Year around season.~~

~~Jackson Lake: Year around season.))~~

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through (~~(last day of)~~) February 28 season. Trout (~~((catch limit two))~~), minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through (~~(last day of)~~) February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through (~~(March 31)~~) February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches. Wild steelhead release.

~~((Kitsap Lake: Year around season.))~~

Kennedy Creek Pond: April 30 through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): (~~((Trout catch limit two, maximum length twelve inches.))~~) April 30 through October 31 season. Selective fishery regulations. Catch-and-release only.

Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through (~~(last day of)~~) February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches. Wild steelhead release.

~~((Long Beach Peninsula, all lakes, ponds, and sloughs (Pacific County): Year around season. Does not include Loomis Lake.))~~

Long Lake (Kitsap County): ((Year around season.)) Bass - only bass less than twelve inches or over fifteen inches may be kept.

Long Lake (Thurston County): April 30 through October 31 season.

Loomis Lake: April 30 through October 31 season.

Lost Lake (Jefferson County): April 30 through October 31 season. Trout - catch limit - two, minimum length fourteen inches.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Lyre River, from mouth to falls near river mile 3: June 1 through (~~(last day of)~~) February 28 season. Trout (~~((catch limit two))~~), minimum length fourteen inches.

Remainder of river: Trout (~~((catch limit two))~~), minimum length twelve inches.

~~((Mason Lake: Year around season.))~~

Maggie Lake: April 30 through October 31 season.

Marine Areas: See page . . .

McAllister Creek: Trout (~~((catch limit two))~~), minimum length fourteen inches.

McDonald Creek (Clallam County): Trout (~~((catch limit two))~~), minimum length fourteen inches.

~~((From mouth to Highway 101 Bridge: Additional November 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.))~~

McIntosh Lake: ((Trout catch limit four, no more than two over fourteen inches.)) April 30 through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout (~~((catch limit two))~~), minimum length fourteen inches.

McLane Creek Pond: April 30 through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: April 30 through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Clallam County): April (~~((26, 1992, through October 31, 1992, and April 25, 1993.))~~) 30 through October 31 (~~((1993.))~~) season(s). Juveniles only (under fifteen years old). Trout - no minimum length.

Mill Creek (Mason County): June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout ~~((catch limit two))~~, minimum length fourteen inches. Area from department of fisheries intake dam downstream to mouth: Closed waters.

Mission Lake: April 30 through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Mooses Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Wild steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Mud Lake (Mason County): April 30 through October 31 season.

Munn Lake: April 30 through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout ~~((catch limit two))~~, minimum length fourteen inches.

Note: Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through ~~((April 30))~~ March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

~~((From the McKenna Highway Bridge to four hundred feet below the LaGrande Powerhouse: Additional March 1 through April 15 season. Catch and release only. Selective fishery regulations.))~~

North River, from Highway 105 Bridge upstream: Trout ~~((catch limit two))~~, minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offutt Lake: April 30 through October 31 season.

Osborne Lake: April 30 through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Palix River (includes all forks): June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Panhandle Lake: April 30 through October 31 season.

Panther Lake: April 30 through October 31 season.

Pattison Lake: April 30 through October 31 season.

Peabody Creek (Clallam County): April ~~((26, 1992, through October 31, 1992, and April 25, 1993,))~~ 30 through October 31 ~~((, 1993,))~~ season ~~((s)).~~ Juveniles only (under fifteen years old). ~~((Trout minimum length eight inches.))~~

Percival Creek: Trout ~~((catch limit two))~~, minimum length fourteen inches.

Pine Lake: April 30 through October 31 season.

Pleasant Lake: ~~((Year around season.))~~ Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: April 30 through October 31 season. Selective fishery regulations, catch-and-release only.

Puget Sound: See marine area regulations, page . . .

Purdy Creek (Mason County): June 1 through August 15 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Pysht River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to ~~((Highway 101 Bridge))~~ upper boundary of Falls View Campground: June 1 through ~~((March 31))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From ~~((electric weir at the Quilcene National Fish Hatchery))~~ the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: ~~((June 1 through March 31 season.))~~ Trout - catch limit - five, no minimum length.

Quillayute River: June 1 through April 30 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Raft River: ~~((June 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.))~~ When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Robbins Lake: April 30 through October 31 season.

Rose Lake: April 30 through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek ~~((Pacific County))~~ Naselle River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Salt Creek: Trout ~~((catch limit two))~~, minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Satsop Lake: April 30 through October 31 season.

Satsop River (includes all forks): Trout ~~((catch limit two))~~, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. ~~((Bait prohibited))~~ Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March ~~((31))~~ 15 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through ~~((January 31))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through ~~((January 31))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

~~((Scott Lake: Year around season.))~~

Sekiu River: Trout ~~((catch limit two))~~, minimum length fourteen inches.

From mouth to forks: Additional November 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: ~~((June 1 through last day of February season.))~~ Trout ~~((catch limit two))~~, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season.

Shoe Lake: April 30 through October 31 season.

Siebert Creek: Trout ~~((catch limit two))~~, minimum length fourteen inches.

~~((From mouth to Highway 101 Bridge: Additional November 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.))~~

Silent Lake: April 30 through October 31 season.

Skokomish River, mouth to forks: June 1 through ~~((March 31))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release. ~~((February 1 through March 31 wild steelhead release.))~~

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth of Church Creek to headwaters: Trout ~~((catch limit two))~~, minimum length twelve inches. ~~((Bait prohibited. Wild cutthroat release.))~~ Selective fishery regulations.

~~((Mouth to cement bridge at Browns Creek: Additional November 1 through last day of February season. Trout catch limit two, minimum length twelve inches. Wild~~

~~cutthroat release. February 1 through last day of February wild steelhead release.~~

~~Mouth to Vance Creek: Additional March 1 through March 31 season. Trout catch limit two, minimum length twelve inches. Wild cutthroat release and wild steelhead release.~~

~~Skokomish River, North Fork, mouth to ((Lake Cushman)) lower dam: June 1 through February 28 season. Trout ((catch limit two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout ((catch limit two, minimum length twelve inches. Bait prohibited. Closed to the taking of Dolly Varden (bull trout)) catch-and-release only. Selective fishery regulations.~~

~~((Mouth to lower dam: Additional November 1 through last day of February season. Trout catch limit two, minimum length twelve inches. Wild cutthroat release. February 1 through last day of February wild steelhead release.))~~

~~Skookum Creek (Mason County): June 1 through ((last day of)) February 28 season. Trout ((catch limit two)), minimum length fourteen inches. Wild steelhead release.~~

~~Skookumchuck Reservoir: June 1 through October 31 season. Trout - catch limit - two, minimum length twelve inches.~~

~~Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout ((catch limit two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.~~

~~From mouth to four hundred feet below the outlet of the PP&L/WDW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout ((catch limit two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Smith Creek (Pacific County near North River): June 1 through ((last day of)) February 28 season. Trout ((catch limit two)), minimum length fourteen inches.~~

~~Snow Creek (includes all tributaries except Crocker Lake): Closed waters.~~

~~Soleduck River, from mouth to National Park boundary: Trout ((catch limit two)), minimum length fourteen inches.~~

~~From mouth to ((Highway 101 Bridge downstream from Snider Creek)) the concrete pump station at the Soleduck Hatchery: Additional November 1 through April 30 season. Trout ((catch limit two)), minimum length fourteen inches.~~

~~From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: Additional November 1 through April 30 season. Trout - minimum length fourteen inches. Wild steelhead release, selective fishery regulations.~~

~~South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).~~

~~((Square Lake: Year around season.~~

~~St. Clair Lake: Year around season.))~~

~~Stevens Creek, mouth to Highway 101 Bridge: June 1 through ((last day of)) February 28 season. Trout ((catch limit two)), minimum length fourteen inches.~~

~~Steves Lake: April 30 through October 31 season.~~

~~Stump Lake: April 30 through October 31 season.~~

~~Suez River (Sooes River): June 1 through ((last day of)) February 28 season. Trout ((catch limit two)), minimum length fourteen inches.~~

~~Summit Lake: April 30 through October 31 season.~~

~~Sutherland Lake: ((Year around season. Trout catch limit eight.)) Feeding (chumming) permitted.~~

~~Sylvia Lake: April 30 through October 31 season.~~

~~Tahuya River: Trout ((catch limit two)), minimum length twelve inches. Wild cutthroat release.~~

~~From mouth to the Bear Creek-Dewatto Road crossing: ((Additional November)) June 1 through ((January 31)) February 28 season. Trout ((catch limit two)), minimum length twelve inches. Wild steelhead and wild cutthroat release.~~

~~((From mouth to bridge on the Haven Lake Road: Additional February 1 through last day of February season. Trout catch limit two, minimum length twelve inches. Wild cutthroat release and wild steelhead release.))~~

~~Tarboo Lake: April 30 through October 31 season.~~

~~Tenas Lake: April 30 through October 31 season.~~

~~Tiger Lake: April 30 through October 31 season.~~

~~Twin Lake: April 30 through October 31 season.~~

~~U Lake: April 30 through October 31 season.~~

~~Uncle John Creek: Closed waters.~~

~~Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.~~

~~From mouth to watershed boundary: Trout ((catch limit two)), minimum length fourteen inches.~~

~~From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through ((March 31)) February 28 season. Trout ((catch limit two)), minimum length fourteen inches. Wild steelhead release.~~

~~Valley Creek (Clallam County): April ((26, 1992, through October 31, 1992, and April 25, 1993,)) 30 through October 31 ((, 1993,)) season(s). Juveniles only (under fifteen years old). ((Trout minimum length eight inches.))~~

~~Vance Creek (Mason County): Trout ((catch limit two)), minimum length fourteen inches. ((Bait prohibited.~~

~~Additional November 1 through last day of February season. Trout catch limit two, minimum length fourteen inches.))~~

~~Vance Creek/Elma Ponds: April 30 through October 31 season.~~

Waddell Creek: See Black River.

Ward Lake: April 30 through October 31 season.

West Twin River: June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Wildberry Lake: April 30 through October 31 season.

Wildcat Lake: April 30 through October 31 season.

Willapa River (includes all forks) upstream from department of wildlife boat launch in South Bend: Trout ~~((catch limit two))~~, minimum length fourteen inches.

From department of wildlife boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through last day of February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through ~~((last day of))~~ February 28 season. Trout ~~((catch limit two))~~, minimum length fourteen inches.

Wishkah River (includes all forks): Trout ~~((catch limit two))~~, minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length twelve inches. Wild cutthroat release. East and West forks: Closed waters.

Wood Lake: April 30 through October 31 season.

Woodland Creek: Trout ~~((catch limit two))~~, minimum length fourteen inches.

Wooten Lake: April 30 through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout ~~((catch limit two))~~, minimum length ~~((fourteen))~~ twelve inches. Wild cutthroat release.

From mouth to road access approximately one-quarter mile above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout ~~((catch limit two))~~, minimum length ~~((fourteen))~~ twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - catch limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

Note: The above described waters lying within the boundaries of Clallam, Jefferson, Grays Harbor, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island are administered from the Region VI office in ~~((Aberdeen))~~ Montesano, telephone (206) ~~((533-9335))~~ 249-6522. The above described waters lying within the boundaries of Island, King, Pierce, San Juan, Skagit, Snohomish, and Whatcom counties are administered from the Region IV office in Mill Creek, telephone (206) 775-1311.

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of wildlife fishing license is required to fish for game fish in marine waters.

Note: The Washington state department of fisheries (WDF) requires persons taking Pacific salmon, food fish, shrimp, and razor clams to possess separate licenses for these species. See WDF regulations pamphlet ~~((or call (206) 753-6600))~~.

Permit requirements: A valid current steelhead fishing permit is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead permit using the words Marine Area and followed by the appropriate marine area code number, see page . . .

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearfishing, gaffing, clubbing, netting, or trapping game fish is unlawful.

MARINE WATERS REGULATIONS
CATCH AND ~~((POSSESSIONS))~~ MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	((POSSESSION LIMITS))
Trout* (Including steelhead)	Two, wild cutthroat release in Marine Areas 12- (Hood Canal) and 13- (South Puget Sound)	Fourteen inches	((One catch limit and (in addition) two steelhead over twenty inches))
Dolly Varden	<u>Wild steelhead release in Marine Areas 1 through 13.</u>	Twenty inches	((Counts as part of trout catch limit)) ((Counts as part of trout possession limit))
	<u>Closed year around to fishing for or retaining Dolly Varden/Bull Trout.</u>		

*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. Where

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artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.

Marine area codes and boundaries.

- (1) Ilwaco—West of the Megler-Astoria Bridge—North to Leadbetter Point.
- (2) Westport-Ocean Shores—From Leadbetter Point north to the Queets River.
- (3) LaPush—From the Queets River north to Cape Alava.
- (4) Neah Bay—From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.
- (5) Sekiu and Pillar Point—From mouth of the Sekiu River east to Low Point, mouth of the Lyre River.
- (6) East Juan de Fuca Strait—From Low Point east to the Partridge Point-Point Wilson Line north to the line from Trial Island (near Victoria, B.C.)—Navigation Buoy BW "R"—Smith Island—The most northeasterly of the Lawson Reef lighted buoys (RB1 QK F1 Bell)—Northwest Island—The Initiative 77 marker on Fidalgo Island.
- (7) San Juan Islands—All marine waters north of the Trial Island Line described under Area 6 to the United States-Canadian boundary.
- (8) Deception Pass, Hope, and Camano Islands—A line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.
- (9) Admiralty Inlet—All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point one hundred ten degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.
- (10) Seattle-Bremerton area—From the Apple Cove Point-Edwards Point Line to the north tip of Vashon Island (east-west).
- (11) Tacoma-Vashon Island—From the north tip of Vashon Island to the Tacoma Narrows Bridge.
- (12) Hood Canal—All waters south of the Hood Canal Bridge.
- (13) South Puget Sound—All waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

Catch, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily catch limits, and minimum size limits(~~(, and possession limits,)~~) for game fish are as follows:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	((POSSESSION LIMITS))
Bass	Five—not more than three over fifteen inches	None	((Ten—not more than six over fifteen inches))

Dolly Varden/ Bull Trout	((It is unlawful to fish for or retain Dolly Varden or bull trout)) <u>Closed year around to fishing for or retaining Dolly Varden/Bull Trout.</u>		
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee and steelhead)	Two	((Twelve)) <u>Eight</u> inches	((One catch limit and (in addition) two steelhead over twenty inches))
Walleye	Five, <u>not more than one over twenty-four inches.</u>	Eighteen inches	((Ten—not more than two over inches))
Whitefish	Fifteen	None	((One catch limit))
All other game fish	No limit	None	((No limit))
Bullfrogs	Ten	None	((One catch limit))

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily catch limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

*Note: When fishing with bait, all trout equal to or greater than the minimum size 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. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. 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.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River, from the Megler-Astoria Bridge to the I-5 Bridge: Year around season. Wild steelhead release and wild cutthroat release see page . . . Closed to ~~((the taking of))~~ fishing for steelhead April 1 through May 15. ~~((Wild steelhead release May 16 through October 31. (Open to the taking of both hatchery and wild steelhead November 1 through March 31.))~~

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake, 100: Year around season. Wild steelhead release. Closed to ~~((the taking of))~~ fishing for steelhead April 1 through June 15. ~~((Wild steelhead release June 16 through December 31, from the I-5 Bridge to boundary markers located six hundred feet below the fish ladder at Bonneville Dam and June 16 through March 31 from Bonneville Dam to the Highway 395 Bridge at Pasco. (Open to the taking of both hatchery and wild steelhead January 1 through March 31 from the I-5 Bridge to the~~

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~~boundary markers located six hundred feet below the fish ladder at Bonneville Dam.))~~

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-61901	1992-94 Washington game fish seasons and catch limits—Lake Desire.
WAC 232-28-61902	1992-94 Washington game fish seasons and catch limits—Pipers Creek.
WAC 232-28-61904	1992-94 Washington game fish seasons and catch limits—Walleye.
WAC 232-28-61905	1992-94 Washington game fish seasons and catch limits—Skykomish River.
WAC 232-28-61906	1992-94 Washington game fish seasons and catch limits—Tokul Creek.
WAC 232-28-61907	1992-94 Washington game fish seasons and catch limits—Bass daily catch limits (region 4).
WAC 232-28-61908	1992-94 Washington game fish seasons and catch limits—Kettle River.
WAC 232-28-61909	1992-94 Washington gamefish seasons and catch limits—Deep Creek.
WAC 232-28-61910	1992-94 Washington game fish seasons and catch limits—Winter steelhead regulations—Cowlitz River.
WAC 232-28-61911	1992-94 Washington game fish seasons and catch limits—Winter steelhead regulations—Big White Salmon River.
WAC 232-28-61912	1992-94 Washington game fish seasons and catch limits—Stan Coffin, H, and Ancient lakes, unnamed pond in desert unit of the Columbia Basin TWN (18N), RGE (26E), SEC (11,14) in Region 2, Bingen Lake in Region 5, and Buck Lake in Region 6.
WAC 232-28-61913	1992-94 Washington game fish seasons and catch limits—Burke and Quincy lakes.
WAC 232-28-61916	1992-94 Washington game fish seasons and catch limits—Steelhead regulations—Marine Areas 1 through 13.
WAC 232-28-61917	1992-94 Washington game fish seasons and catch limits—Region Three regulations—Exceptions.
WAC 232-28-61918	1992-94 Washington game fish seasons and catch limits—Long Beach Peninsula, all lakes, ponds and sloughs (Pacific County).

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- WAC 232-28-61919 1992-94 Washington game fish seasons and catch limits—Mill Creek Pond (Grays Harbor Co.).
- WAC 232-28-61923 1992-94 Washington game fish seasons and catch limits—Channel catfish regulations—Gissberg Ponds.
- WAC 232-28-61924 1992-94 Washington game fish seasons and catch limits—Newman Lake.
- WAC 232-28-61925 1992-94 Washington game fish seasons and catch limits—Spokane River in Region 1.
- WAC 232-28-61926 1992-94 Washington game fish seasons and catch limits—Piper’s Creek in Region 4.
- WAC 232-28-61927 1992-94 Washington game fish seasons and catch limits—Blue Lake in Region 5.
- WAC 232-28-61928 1992-94 Washington game fish seasons and catch limits—Yale Reservoir in Region 5.
- WAC 232-28-61929 1992-94 Washington game fish seasons and catch limits—Tiger musky regulations—Mayfield Lake.
- WAC 232-28-61930 1992-94 Washington game fish seasons and catch limits—Dungeness River in Region 6.
- WAC 232-28-61932 1992-94 Washington game fish seasons and catch limits—Spokane River in Region 1.
- WAC 232-28-61933 1992-94 Washington game fish seasons and catch limits—Coldwater Lake (Cowlitz/Skamania Co.).
- WAC 232-28-61935 1992-94 Washington game fish seasons and catch limits—Green River (Region 4).

Safety standards for process safety management of highly hazardous chemicals, federal-initiated proposed amendments are to make the existing state standards relating to process safety management of highly hazardous chemicals, at-least-as-effective-as the federal final rules by incorporating the Occupational Safety and Health Administration recommendations dated February 11, 1993. The recommendations are in response to state plan change supplements submitted on September 8, 1992, which incorporated additions published in Federal Registers, Volume 57, Number 35, dated February 24, 1992, and corrected by Volume 57, Number 43, dated March 4, 1992.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-07403, 296-62-07411, 296-62-07413, 296-62-07417, 296-62-07423, 296-62-07425, 296-62-07441, 296-62-07445, 296-62-074447, 296-62-07449, 296-67-005, 296-67-285, 296-67-291, and 296-155-174.

Statutory Authority for Adoption: Chapter 49.17 RCW. Pursuant to notice filed as WSR 93-16-108 on August 4, 1993.

Effective Date of Rule: December 1, 1993.

October 20, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07403 Definitions. (1) Action level (AL) is defined as an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air (2.5 µg/m³), calculated as an 8-hour time-weighted average (TWA).

(2) Authorized person means any person authorized by the employer and required by work duties to be present in regulated areas or any person authorized by the WISH Act or regulations issued under it to be in regulated areas.

(3) Director means the director of the department of labor and industries, or authorized representatives.

(4) Employee exposure and similar language referring to the air cadmium level to which an employee is exposed means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(5) Final medical determination is the written medical opinion of the employee’s health status by the examining physician under WAC 296-62-07423(3) through (12) or, if multiple physician review under WAC 296-62-07423(13) or the alternative physician determination under WAC 296-62-07423(14) is invoked, it is the final, written medical finding, recommendation or determination that emerges from that process.

(6) High-efficiency particulate (~~absolute (HEPA) air~~) air (HEPA) filter means a filter capable of trapping and retaining at least 99.97 percent of mono-dispersed particles of 0.3 micrometers in diameter.

(7) Regulated area means an area demarcated by the employer where an employee’s exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed the permissible exposure limit (PEL).

**WSR 93-21-075
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Order 93-06—Filed October 20, 1993, 9:55 a.m., effective December 1, 1993]

Date of Adoption: October 20, 1993.

Purpose: Chapter 296-62 WAC, General occupational health standards and chapter 296-155 WAC, Safety standards for construction work, federal-initiated proposed amendments are made to be at-least-as-effective-as the federal final rule, relating to cadmium, published in Federal Register Volume 58, Number 77, dated April 23, 1993. The proposed rules correct technical and typographical errors previously published in Federal Register Volume 57, Number 178, dated September 14, 1992. The saccharin solution aerosol qualitative fit test protocol, which was deleted from the federal final rule, is reinstated. These corrections are at-least-as-effective-as the federal final rule; and chapter 296-67 WAC,

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07411 Methods of compliance. (1) Compliance hierarchy.

(a) Except as specified in (b), (c), and (d) of this subsection, the employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

(b) Except as specified in (c) and (d) of this subsection, in industries where a separate engineering control air limit (SECAL) has been specified for particular processes (Table I of this subsection), the employer shall implement engineering and work practice controls to reduce and maintain employee exposure at or below the SECAL, except to the extent that the employer can demonstrate that such controls are not feasible.

Table I.—Separate Engineering Control Airborne Limits (SECALs) for Processes in Selected Industries

Industry	Process	SECAL ($\mu\text{g}/\text{m}^3$)
Nickel cadmium battery	Plate making, plate preparation	50
	All other processes	15
Zinc/Cadmium refining*	Cadmium refining, casting, melting, oxide production, sinter plant	50
	Calcine, crushing, milling, blending	50
Pigment manufacture	All other processes	15
	Cadmium oxide charging, crushing, drying, blending	50
Stabilizers*	((blending))	50
	Sinter plant, blast furnace, baghouse, yard area	50
Lead smelting*	Mechanical plating	15

* Processes in these industries that are not specified in this table must achieve the PEL using engineering controls and work practices as required in (a) of this subsection.

(c) The requirement to implement engineering and work practice controls to achieve the PEL or, where applicable, the SECAL does not apply where the employer demonstrates the following:

- (i) The employee is only intermittently exposed; and
- (ii) The employee is not exposed above the PEL on thirty or more days per year (twelve consecutive months).

(d) Wherever engineering and work practice controls are required and are not sufficient to reduce employee exposure to or below the PEL or, where applicable, the SECAL, the employer nonetheless shall implement such controls to reduce exposures to the lowest levels achievable. The employer shall supplement such controls with respiratory protection that complies with the requirements of WAC 296-62-07413 and the PEL.

(e) The employer shall not use employee rotation as a method of compliance.

(2) Compliance program.

(a) Where the PEL is exceeded, the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL by means of engineering and work practice controls, as required by subsection (1) of this section. To the extent that engineering

and work practice controls cannot reduce exposures to or below the PEL, the employer shall include in the written compliance program the use of appropriate respiratory protection to achieve compliance with the PEL.

(b) Written compliance programs shall include at least the following:

(i) A description of each operation in which cadmium is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures, and maintenance practices;

(ii) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to cadmium, as well as, where necessary, the use of appropriate respiratory protection to achieve the PEL;

(iii) A report of the technology considered in meeting the PEL;

(iv) Air monitoring data that document the sources of cadmium emissions;

(v) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(vi) A work practice program that includes items required under WAC 296-62-07415, 296-62-07417, and 296-62-07419;

(vii) A written plan for emergency situations, as specified in WAC 296-62-07415; and

(viii) Other relevant information.

(c) The written compliance programs shall be reviewed and updated at least annually, or more often if necessary, to reflect significant changes in the employer's compliance status.

(d) Written compliance programs shall be provided upon request for examination and copying to affected employees, designated employee representatives, and the director.

(3) Mechanical ventilation.

(a) When ventilation is used to control exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made as necessary to maintain its effectiveness.

(b) Measurements of the system's effectiveness in controlling exposure shall be made as necessary within five working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(c) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the system shall have a high efficiency filter and be monitored to assure effectiveness.

(d) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance of ventilation systems and changing of filters is being conducted.

~~((4) Compliance program. Where employee exposure to cadmium exceeds the PEL and the employer is required under subsection (1) of this section to implement controls to comply with the PEL, prior to the commencement of the job, the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL.))~~

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AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07413 Respirator protection. (1) General. Where respirators are required by this section, the employer shall provide them at no cost to the employee and shall assure that they are used in compliance with the requirements of this section. Respirators shall be used in the following circumstances:

- (a) Where exposure levels exceed the PEL, during the time period necessary to install or implement feasible engineering and work practice controls;
- (b) In those maintenance and repair activities and during those brief or intermittent operations where exposures exceed the PEL and engineering and work practice controls are not feasible or are not required;
- (c) In regulated areas, as prescribed in WAC 296-62-07409;
- (d) Where the employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;
- (e) In emergencies;
- (f) Wherever an employee who is exposed to cadmium at or above the action level requests a respirator;
- (g) Wherever an employee is exposed above the PEL in an industry to which a SECAL is applicable; and
- (h) Wherever an employee is exposed to cadmium above the PEL and engineering controls are not required under WAC 296-62-07411 (1)(c).

(2) Respirator selection.

(a) Where respirators are required under this section, the employer shall select and provide the appropriate respirator as specified in Table 2. The employer shall select respirators from among those jointly approved as acceptable protection against cadmium dust, fume, and mist by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR part 11.

Table 2.—Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half mask, air-purifying respirator equipped with a HEPA ^c filter. ^d
25 x or less	A powered air-purifying respirator ("PAPR") with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.
50 x or less	A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half mask equipped with a HEPA filter, or a supplied air

250 x or less

1000 x or less

>1000 x or unknown concentrations

Fire fighting

respirator with a tight-fitting half mask operated in the continuous flow mode.

A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.

A supplied-air respirator with half mask or full facepiece operated in the pressure demand or other positive pressure mode.

A self-contained breathing apparatus with (~~unknown concentrations~~) a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.

A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

^a Concentrations expressed as multiple of the PEL.

^b Respirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL (10x5 µg/m³=50 µg/m³). A full facepiece respirator is required when eye irritation is experienced.

^c HEPA means High Efficiency Particulate (~~Absolute~~) Air.

^d Fit testing, qualitative or quantitative, is required.

SOURCE: Respiratory Decision Logic, NIOSH, 1987.

(b) The employer shall provide a powered, air-purifying respirator (PAPR) in lieu of a negative pressure respirator wherever:

- (i) An employee entitled to a respirator chooses to use this type of respirator; and
- (ii) This respirator will provide adequate protection to the employee.

(3) Respirator program.

(a) Where respiratory protection is required, the employer shall institute a respirator protection program in accordance with chapter 296-62 WAC, Part E.

(b) The employer shall permit each employee who is required to use an air purifying respirator to leave the regulated area to change the filter elements or replace the respirator whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) The employer shall also permit each employee who is required to wear a respirator to leave the regulated area to wash his or her face and the respirator facepiece whenever

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necessary to prevent skin irritation associated with respirator use.

(d) If an employee exhibits difficulty in breathing while wearing a respirator during a fit test or during use, the employer shall make available to the employee a medical examination in accordance with WAC 296-62-07423 (6)(b) to determine if the employee can wear a respirator while performing the required duties.

(e) No employee shall be assigned a task requiring the use of a respirator if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to continue to function normally while wearing a respirator. If the physician determines the employee must be limited in, or removed from his or her current job because of the employee's inability to wear a respirator, the limitation or removal shall be in accordance with WAC 296-62-07423 (11) and (12).

(4) Respirator fit testing.

(a) The employer shall assure that the respirator issued to the employee is fitted properly and exhibits the least possible facepiece leakage.

(b) For each employee wearing a tight-fitting, air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that do not exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform either quantitative or qualitative fit testing at the time of initial fitting and at least annually thereafter. If quantitative fit testing is used for a negative pressure respirator, a fit factor that is at least 10 times the protection factor for that class of respirators (Table 2 in subsection (2)(a) of this section) shall be achieved at testing.

(c) For each employee wearing a tight-fitting air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. For negative-pressure respirators, a fit factor that is at least 10 times the protection factor for that class of respirators (Table 2 in subsection (2)(a) of this section) shall be achieved during quantitative fit testing.

(d) For each employee wearing a tight-fitting, supplied-air respirator or self-contained breathing apparatus, the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. This shall be accomplished by fit testing an air purifying respirator of identical type facepiece, make, model, and size as the supplied air respirator or self-contained breathing apparatus that is equipped with HEPA filters and tested as a surrogate (substitute) in the negative pressure mode. A fit factor that is at least 10 times the protection factor for that class of respirators (Table 2 in subsection (2)(a) of this section) shall be achieved during quantitative fit testing. A supplied-air respirator or self-contained breathing apparatus with the same type facepiece, make, model, and size as the air purifying respirator with which the employee passed the quantitative fit test may then be used by that employee up to the protection factor listed in Table 2 for that class of respirators.

(e) Fit testing shall be conducted in accordance with WAC 296-62-07445, Appendix C.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07417 Protective work clothing and equipment. (1) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

(a) Coveralls or similar full-body work clothing;

(b) Gloves, head coverings, and boots or foot coverings; and

(c) Face shields, vented goggles, or other appropriate protective equipment that complies with WAC 296-24-078.

(2) Removal and storage.

(a) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with WAC 296-62-07419(1).

(b) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(c) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(d) The employer shall assure that bags or containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance, or disposal shall bear labels in accordance with WAC 296-62-07425((2)) (3).

(3) Cleaning, replacement, and disposal.

(a) The employer shall provide the protective clothing and equipment required by subsection (1) of this section in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this paragraph to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(b) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(c) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(d) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the

release of airborne cadmium in excess of the permissible exposure limit prescribed in WAC 296-62-07405.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07423 Medical surveillance. (1) General.

(a) Scope.

(i) Currently exposed. The employer shall institute a medical surveillance program for all employees who are or may be exposed to cadmium at or above the action level unless the employer demonstrates that the employee is not, and will not be, exposed at or above the action level on thirty or more days per year (twelve consecutive months); and

(ii) Previously exposed. The employer shall also institute a medical surveillance program for all employees who prior to the effective date of this section might previously have been exposed to cadmium at or above the action level by the employer, unless the employer demonstrates that the employee did not prior to the effective date of this section work for the employer in jobs with exposure to cadmium for an aggregated total of more than sixty months.

(b) To determine an employee's fitness for using a respirator, the employer shall provide the limited medical examination specified in subsection (6) of this section.

(c) The employer shall assure that all medical examinations and procedures required by this standard are performed by or under the supervision of a licensed physician, who has read and is familiar with the health effects WAC 296-62-07441, appendix A, the regulatory text of this section, the protocol for sample handling and laboratory selection in WAC 296-62-07451, appendix F and the questionnaire in WAC 296-62-07447, appendix D. These examinations and procedures shall be provided without cost to the employee and at a time and place that is reasonable and convenient to employees.

(d) The employer shall assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees under this section is done in a manner that assures their reliability and that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees under this section is performed in laboratories with demonstrated proficiency for that particular analyte. (See WAC 296-62-07451, appendix F.)

(2) Initial examination.

(a) The employer shall provide an initial (preplacement) examination to all employees covered by the medical surveillance program required in subsection (1)(a) of this section. The examination shall be provided to those employees within thirty days after initial assignment to a job with exposure to cadmium or no later than ninety days after the effective date of this section, whichever date is later.

(b) The initial (preplacement) medical examination shall include:

(i) A detailed medical and work history, with emphasis on: Past, present, and anticipated future exposure to cadmium; any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, and/or musculo-skeletal system dysfunction; current usage of medication with potential nephrotoxic side-effects; and smoking history and current status; and

(ii) Biological monitoring that includes the following tests:

(A) Cadmium in urine (CdU), standardized to grams of creatinine (g/Cr);

(B) Beta-2 microglobulin in urine (β_2 -M), standardized to grams of creatinine (g/Cr), with pH specified, as described in WAC 296-62-07451, appendix F; and

(C) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(c) Recent examination: An initial examination is not required to be provided if adequate records show that the employee has been examined in accordance with the requirements of (b) of this subsection within the past twelve months. In that case, such records shall be maintained as part of the employee's medical record and the prior exam shall be treated as if it were an initial examination for the purposes of subsections (3) and (4) of this section.

(3) Actions triggered by initial biological monitoring:

(a) If the results of the initial biological monitoring tests show the employee's CdU level to be at or below 3 μ g/g Cr, β_2 -M level to be at or below 300 μ g/g Cr and CdB level to be at or below 5 μ g/lwb, then:

(i) For currently exposed employees, who are subject to medical surveillance under subsection (1)(a)(i) of this section, the employer shall provide the minimum level of periodic medical surveillance in accordance with the requirements in subsection (4)(a) of this section; and

(ii) For previously exposed employees, who are subject to medical surveillance under subsection (1)(a)(ii) of this section, the employer shall provide biological monitoring for CdU, β_2 -M, and CdB (~~within~~) one year after the initial biological monitoring and then the employer shall comply with the requirements of subsection (4)(e) of this section.

(b) For all employees who are subject to medical surveillance under subsection (1)(a) of this section, if the results of the initial biological monitoring tests show the level of CdU to exceed 3 μ g/g Cr, the level of β_2 -M to exceed 300 μ g/g Cr, or the level of CdB to exceed 5 μ g/lwb, the employer shall:

(i) Within two weeks after receipt of biological monitoring results, reassess the employee's occupational exposure to cadmium as follows:

(A) Reassess the employee's work practices and personal hygiene;

(B) Reevaluate the employee's respirator use, if any, and the respirator program;

(C) Review the hygiene facilities;

(D) Reevaluate the maintenance and effectiveness of the relevant engineering controls;

(E) Assess the employee's smoking history and status;

(ii) Within thirty days after the exposure reassessment, specified in (b)(~~(iii)~~) (i) of this subsection, take reasonable steps to correct any deficiencies found in the reassessment

that may be responsible for the employee's excess exposure to cadmium; and,

(iii) Within ninety days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of WAC 296-62-07423 (4)(b). After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. If the physician determines that medical removal is not necessary, then until the employee's CdU level falls to or below 3 µg/g Cr, β₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Provide biological monitoring in accordance with subsection (2)(b)(ii) of this section on a semiannual basis; and

(B) Provide annual medical examinations in accordance with subsection (4)(b) of this section.

(c) For all employees who are subject to medical surveillance under subsection (1)(a) of this section, if the results of the initial biological monitoring tests show the level of CdU to be in excess of 15 µg/g Cr, or the level of CdB to be in excess of 15 µg/lwb, or the level of β₂-M to be in excess of 1,500 µg/g Cr, the employer shall comply with the requirements of (b)(i) and (ii) of this subsection. Within ninety days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of subsection (4)(b) of this section. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 15 µg/g Cr; or CdB exceeds 15 µg/lwb; or β₂-M exceeds 1500 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, β₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(i) Periodically reassess the employee's occupational exposure to cadmium;

(ii) Provide biological monitoring in accordance with subsection (2)(b)(ii) of this section on a quarterly basis; and

(iii) Provide semiannual medical examinations in accordance with subsection (4)(b) of this section.

(d) For all employees to whom medical surveillance is provided, beginning on January 1, 1999, and in lieu of (a) through (c) of this subsection:

(i) If the results of the initial biological monitoring tests show the employee's CdU level to be at or below 3 µg/g Cr, β₂-M level to be at or below 300 µg/g Cr and CdB level to be at or below 5 µg/lwb, then for currently exposed employees, the employer shall comply with the requirements of (a)(i) of this subsection and for previously exposed employ-

ees, the employer shall comply with the requirements of (a)(ii) of this subsection;

(ii) If the results of the initial biological monitoring tests show the level of CdU to exceed 3 µg/g Cr, the level of β₂-M to exceed 300 µg/g Cr, or the level of CdB to exceed 5 µg/lwb, the employer shall comply with the requirements of (b)(i) through (iii) of this subsection; and

(iii) If the results of the initial biological monitoring tests show the level of CdU to be in excess of 7 µg/g Cr, or the level of CdB to be in excess of 10 µg/lwb, or the level of β₂-M to be in excess of 750 µg/g Cr, the employer shall: Comply with the requirements of (b)(i) through (ii) of this subsection; and, within ninety days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of subsection (4)(b) of this section. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 7 µg/g Cr; or CdB exceeds 10 µg/lwb; or β₂-M exceeds 750 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, β₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall: periodically reassess the employee's occupational exposure to cadmium; provide biological monitoring in accordance with subsection (2)(b)(ii) of this section on a quarterly basis; and provide semiannual medical examinations in accordance with subsection (4)(b) of this section.

(4) Periodic medical surveillance.

(a) For each employee who is covered under subsection (1)(a)(i) of this section, the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examination shall be provided within one year after the initial examination required by subsection (2) of this section and thereafter at least biennially. Biological sampling shall be provided at least annually, either as part of a periodic medical examination or separately as periodic biological monitoring.

(b) The periodic medical examination shall include:

(i) A detailed medical and work history, or update thereof, with emphasis on: Past, present and anticipated future exposure to cadmium; smoking history and current status; reproductive history; current use of medications with potential nephrotoxic side-effects; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; and as part of the medical and work history, for employees who wear respirators, questions 3-11 and 25-32 in WAC 296-62-07447, Appendix D;

(ii) A complete physical examination with emphasis on: Blood pressure, the respiratory system, and the urinary system;

(iii) A 14 inch by 17 inch, or a reasonably standard sized posterior-anterior chest X-ray (after the initial X-ray, the frequency of chest X-rays is to be determined by the examining physician);

(iv) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV1);

(v) Biological monitoring, as required in subsection (2)(b)(ii) of this section;

(vi) Blood analysis, in addition to the analysis required under this section, including blood urea nitrogen, complete blood count, and serum creatinine;

(vii) Urinalysis, in addition to the analysis required under subsection (2)(b)(ii) of this section, including the determination of albumin, glucose, and total and low molecular weight proteins;

(viii) For males over forty years old, prostate palpation, or other at least as effective diagnostic test(s); and

(ix) Any additional tests deemed appropriate by the examining physician.

(c) Periodic biological monitoring shall be provided in accordance with subsection (2)(b)(ii) of this section.

(d) If the results of periodic biological monitoring or the results of biological monitoring performed as part of the periodic medical examination show the level of the employee's CdU, β_2 -M, or CdB to be in excess of the levels specified in subsection (3)(b) ~~((through))~~ or (c) of this section; or, beginning on January 1, 1999, in excess of the levels specified in subsection (3)(b) or (d) of this section, the employer shall take the appropriate actions specified in subsection (3)(b) through ~~((e))~~ (d) of this section.

(e) For previously exposed employees under subsection (1)(a)(ii) of this section:

(i) If the employee's levels of CdU did not exceed 3 $\mu\text{g/g}$ Cr, CdB did not exceed 5 $\mu\text{g/lwb}$, and β_2 -M did not exceed 300 $\mu\text{g/g}$ Cr in the initial biological monitoring tests, and if the results of the followup biological monitoring required by subsection (3)(a)(ii) of this section ~~((within))~~ one year after the initial examination confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(ii) If the initial biological monitoring results for CdU, CdB, or β_2 -M were in excess of the levels specified in subsection (3)(a) of this section, but subsequent biological monitoring results required by subsection (3)(b) through (e) of this section show that the employee's CdU levels no longer exceed 3 $\mu\text{g/g}$ Cr, CdB levels no longer exceed 5 $\mu\text{g/lwb}$, and β_2 -M levels no longer exceed 300 $\mu\text{g/g}$ Cr, the employer shall provide biological monitoring for CdU, CdB, and β_2 -M ~~((within))~~ one year after these most recent biological monitoring results. If the results of the followup biological monitoring ~~((within one year))~~, specified in this section, confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(iii) However, if the results of the follow-up tests specified in (e)(i) or (ii) of this subsection indicate that the level of the employee's CdU, β_2 -M, or CdB exceeds these same levels, the employer is required to provide annual

medical examinations in accordance with the provisions of (b) of this subsection until the results of biological monitoring are consistently below these levels or the examining physician determines in a written medical opinion that further medical surveillance is not required to protect the employee's health.

(f) A routine, biennial medical examination is not required to be provided in accordance with subsections (3)(a) and (4) of this section if adequate medical records show that the employee has been examined in accordance with the requirements of (b) of this subsection within the past twelve months. In that case, such records shall be maintained by the employer as part of the employee's medical record, and the next routine, periodic medical examination shall be made available to the employee within two years of the previous examination.

(5) Actions triggered by medical examinations.

If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under subsections (2), (3), or (4) of this section, the employer, within thirty days, shall reassess the employee's occupational exposure to cadmium and take the following corrective action until the physician determines they are no longer necessary:

(a) Periodically reassess: The employee's work practices and personal hygiene; the employee's respirator use, if any; the employee's smoking history and status; the respiratory protection program; the hygiene facilities; and the maintenance and effectiveness of the relevant engineering controls;

(b) Within thirty days after the reassessment, take all reasonable steps to correct the deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium;

(c) Provide semiannual medical reexaminations to evaluate the abnormal clinical sign(s) of cadmium toxicity until the results are normal or the employee is medically removed; and

(d) Where the results of tests for total proteins in urine are abnormal, provide a more detailed medical evaluation of the toxic effects of cadmium on the employee's renal system.

(6) Examination for respirator use.

(a) To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in (a)(i) through (iv) of this subsection. This examination shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than ninety days after this section goes into effect, whichever date is later, to any employee without a medical examination within the preceding twelve months that satisfies the requirements of this paragraph.

(i) A detailed medical and work history, or update thereof, with emphasis on: Past exposure to cadmium; smoking history and current status; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; a description of the job for which the respirator is required; and questions 3 through 11 and 25 through 32 in WAC 296-62-07447, appendix D;

(ii) A blood pressure test;

(iii) Biological monitoring of the employee's levels of CdU, CdB and β_2 -M in accordance with the requirements of subsection (2)(b)(ii) of this section, unless such results already have been obtained within the previous twelve months; and

(iv) Any other test or procedure that the examining physician deems appropriate.

(b) After reviewing all the information obtained from the medical examination required in (a) of this subsection, the physician shall determine whether the employee is fit to wear a respirator.

(c) Whenever an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, the employer, as soon as possible, shall provide the employee with a periodic medical examination in accordance with subsection (4)(b) of this section to determine the employee's fitness to wear a respirator.

(d) Where the results of the examination required under (a), (b), or ~~((b))~~ (c) of this subsection are abnormal, medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(7) Emergency examinations.

(a) In addition to the medical surveillance required in subsections (2) through (6) of this section, the employer shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.

(b) The examination shall include the requirements of subsection (4)(b) of this section, with emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure, as identified in WAC 296-62-07441 (2)(b)(i) through (ii) and (4), appendix A.

(8) Termination of employment examination.

(a) At termination of employment, the employer shall provide a medical examination in accordance with subsection (4)(b) of this section, including a chest x-ray, to any employee to whom at any prior time the employer was required to provide medical surveillance under subsection (1)(a) or (7) of this section. However, if the last examination satisfied the requirements of subsection (4)(b) of this section and was less than six months prior to the date of termination, no further examination is required unless otherwise specified in subsection (3) or (5) of this section;

(b) However, for employees covered by subsection (1)(a)(ii) of this section, if the employer has discontinued all periodic medical surveillance under subsection (4)(e) of this section, no termination of employment medical examination is required.

(9) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this standard and appendices;

(b) A description of the affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium;

(c) The employee's former, current, and anticipated future levels of occupational exposure to cadmium;

(d) A description of any personal protective equipment, including respirators, used or to be used by the employee,

including when and for how long the employee has used that equipment; and

(e) Relevant results of previous biological monitoring and medical examinations.

(10) Physician's written medical opinion.

(a) The employer shall promptly obtain a written, signed medical opinion from the examining physician for each medical examination performed on each employee. This written opinion shall contain:

(i) The physician's diagnosis for the employee;

(ii) The physician's opinion as to whether the employee has any detected medical condition(s) that would place the employee at increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity;

(iii) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium;

(iv) Any recommended removal from, or limitation on the activities or duties of the employee or on the employee's use of personal protective equipment, such as respirators;

(v) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(b) The employer promptly shall obtain a copy of the results of any biological monitoring provided by an employer to an employee independently of a medical examination under subsections (2) and (4) of this section, and, in lieu of a written medical opinion, an explanation sheet explaining those results.

(c) The employer shall instruct the physician not to reveal orally or in the written medical opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to cadmium.

(11) Medical removal protection (MRP).

(a) General.

(i) The employer shall temporarily remove an employee from work where there is excess exposure to cadmium on each occasion that medical removal is required under subsection (3), (4), or (6) of this section and on each occasion that a physician determines in a written medical opinion that the employee should be removed from such exposure. The physician's determination may be based on biological monitoring results, inability to wear a respirator, evidence of illness, other signs or symptoms of cadmium-related dysfunction or disease, or any other reason deemed medically sufficient by the physician.

(ii) The employer shall medically remove an employee in accordance with this subsection regardless of whether at the time of removal a job is available into which the removed employee may be transferred.

(iii) Whenever an employee is medically removed under this subsection, the employer shall transfer the removed employee to a job where the exposure to cadmium is within the permissible levels specified in that ~~((paragraph))~~ subsection as soon as one becomes available.

(iv) For any employee who is medically removed under the provisions of (a) of this subsection, the employer shall provide follow-up biological monitoring in accordance with

subsection (2)(b)(ii) of this section at least every three months and follow-up medical examinations semiannually at least every six months until in a written medical opinion the examining physician determines that either the employee may be returned to his/her former job status as specified under (d) through (e) of this subsection or the employee must be permanently removed from excess cadmium exposure.

(v) The employer may not return an employee who has been medically removed for any reason to his/her former job status until a physician determines in a written medical opinion that continued medical removal is no longer necessary to protect the employee's health.

(b) Where an employee is found unfit to wear a respirator under subsection (6)(b) of this section, the employer shall remove the employee from work where exposure to cadmium is above the PEL.

(c) Where removal is based on any reason other than the employee's inability to wear a respirator, the employer shall remove the employee from work where exposure to cadmium is at or above the action level.

(d) Except as specified in (e) of this subsection, no employee who was removed because his/her level of CdU, CdB and/or β_2 -M exceeded the ((mandatory)) medical removal trigger levels in subsection (3) or (4) of this section may be returned to work with exposure to cadmium at or above the action level until the employee's levels of CdU fall to or below 3 $\mu\text{g/g}$ Cr, CdB falls to or below 5 $\mu\text{g/lwb}$, and β_2 -M falls to or below 300 $\mu\text{g/g}$ Cr.

(e) However, when in the examining physician's opinion continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the physician shall fully discuss these matters with the employee, and then in a written determination may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter, the returned employee shall continue to be provided with medical surveillance as if he/she were still on medical removal until the employee's levels of CdU fall to or below 3 $\mu\text{g/g}$ Cr, CdB falls to or below 5 $\mu\text{g/lwb}$, and β_2 -M falls to or below 300 $\mu\text{g/g}$ Cr.

(f) Where an employer, although not required by (a) through (c) of this subsection to do so, removes an employee from exposure to cadmium or otherwise places limitations on an employee due to the effects of cadmium exposure on the employee's medical condition, the employer shall provide the same medical removal protection benefits to that employee under subsection (12) of this section as would have been provided had the removal been required under (a) through (c) of this subsection.

(12) Medical removal protection benefits (MRPB).

(a) The employer shall provide MRPB for up to a maximum of eighteen months to an employee each time and while the employee is temporarily medically removed under subsection (11) of this section.

(b) For purposes of this section, the requirement that the employer provide MRPB means that the employer shall maintain the total normal earnings, seniority, and all other employee rights and benefits of the removed employee, including the employee's right to his/her former job status,

as if the employee had not been removed from the employee's job or otherwise medically limited.

(c) Where, after eighteen months on medical removal because of elevated biological monitoring results, the employee's monitoring results have not declined to a low enough level to permit the employee to be returned to his/her former job status:

(i) The employer shall make available to the employee a medical examination pursuant in order to obtain a final medical determination as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure; and

(ii) The employer shall assure that the final medical determination indicates whether the employee may be returned to his/her former job status and what steps, if any should be taken to protect the employee's health.

(d) The employer may condition the provision of MRPB upon the employee's participation in medical surveillance provided in accordance with this section.

(13) Multiple physician review.

(a) If the employer selects the initial physician to conduct any medical examination or consultation provided to an employee under this section, the employee may designate a second physician to:

(i) Review any findings, determinations, or recommendations of the initial physician; and

(ii) Conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(b) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician provided by the employer conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, multiple physician review upon the employee doing the following within fifteen days after receipt of this notice, or receipt of the initial physician's written opinion, whichever is later:

(i) Informing the employer that he or she intends to seek a medical opinion; and

(ii) Initiating steps to make an appointment with second physician.

(c) If the findings, determinations, or recommendation of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(d) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee, through their respective physicians, shall designate a third physician to:

(i) Review any findings, determinations, or recommendations of the other two physicians; and

(ii) Conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians as the third physician deems necessary to resolve the disagreement among them.

(e) The employer shall act consistently with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement that is consistent with the recommendations of at least one of the other two physicians.

(14) Alternate physician determination. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple physician review provided by subsection (13) of this section, so long as the alternative is expeditious and at least as protective of the employee.

(15) Information the employer must provide the employee.

(a) The employer shall provide a copy of the physician's written medical opinion to the examined employee within two weeks after receipt thereof.

(b) The employer shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within two weeks after receipt thereof.

(c) Within thirty days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under subsection (9) of this section.

(16) Reporting. In addition to other medical events that are required to be reported on the OSHA Form No. 200, the employer shall report any abnormal condition or disorder caused by ~~((exposure to))~~ occupational ~~((factors))~~ exposure to cadmium associated with employment as specified in WAC 296-27-060.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07425 Communication of cadmium hazards to employees. (1) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Hazard Communication Standard, chapter 296-62 WAC, Part C, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(2) Warning signs.

(a) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) Warning signs required by (a) of this subsection shall bear the following information:

DANGER CADMIUM CANCER HAZARD CAN CAUSE LUNG
AND KIDNEY DISEASE AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED IN THIS AREA

(c) The employer shall assure that signs required by this ~~((paragraph))~~ subsection are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(3) Warning labels.

(a) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (b) of this subsection.

(b) The warning labels shall include at least the following information:

DANGER CONTAINS CADMIUM CANCER HAZARD AVOID
CREATING DUST CAN CAUSE LUNG AND KIDNEY DISEASE

(c) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(4) Employee information and training.

(a) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(b) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(c) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(i) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, appendix A;

(ii) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(iii) The engineering controls and work practices associated with the employee's job assignment;

(iv) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(v) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing;

(vi) The purpose and a description of the medical surveillance program required by WAC 296-62-07423;

(vii) The contents of this section and its appendices; and

(viii) The employee's rights of access to records under WAC 296-62-05213.

(d) Additional access to information and training program and materials.

(i) The employer shall make a copy of this section and its appendices readily available without cost to all affected employees and shall provide a copy if requested.

(ii) The employer shall provide to the director, upon request, all materials relating to the employee information and the training program.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07441 Appendix A, substance safety data sheet—Cadmium. (1) Substance identification.

(a) Substance: Cadmium.

(b) 8-Hour, time-weighted-average, permissible exposure limit (TWA PEL):

(c) TWA PEL: Five micrograms of cadmium per cubic meter of air 5 µg/m³, time-weighted average (TWA) for an 8-hour workday.

(d) Appearance: Cadmium metal—soft, blue-white, malleable, lustrous metal or grayish-white powder. Some

cadmium compounds may also appear as a brown, yellow, or red powdery substance.

(2) Health hazard data.

(a) Routes of exposure. Cadmium can cause local skin or eye irritation. Cadmium can affect your health if you inhale it or if you swallow it.

(b) Effects of overexposure.

(i) Short-term (acute) exposure: Cadmium is much more dangerous by inhalation than by ingestion. High exposures to cadmium that may be immediately dangerous to life or health occur in jobs where workers handle large quantities of cadmium dust or fume; heat cadmium-containing compounds or cadmium-coated surfaces; weld with cadmium solders or cut cadmium-containing materials such as bolts.

(ii) Severe exposure may occur before symptoms appear. Early symptoms may include mild irritation of the upper respiratory tract, a sensation of constriction of the throat, a metallic taste and/or a cough. A period of one to ten hours may precede the onset of rapidly progressing shortness of breath, chest pain, and flu-like symptoms with weakness, fever, headache, chills, sweating, and muscular pain. Acute pulmonary edema usually develops within twenty-four hours and reaches a maximum by three days. If death from asphyxia does not occur, symptoms may resolve within a week.

(iii) Long-term (chronic) exposure. Repeated or long-term exposure to cadmium, even at relatively low concentrations, may result in kidney damage and an increased risk of cancer of the lung and of the prostate.

(c) Emergency first aid procedures.

(i) Eye exposure: Direct contact may cause redness or pain. Wash eyes immediately with large amounts of water, lifting the upper and lower eyelids. Get medical attention immediately.

(ii) Skin exposure: Direct contact may result in irritation. Remove contaminated clothing and shoes immediately. Wash affected area with soap or mild detergent and large amounts of water. Get medical attention immediately.

(iii) Ingestion: Ingestion may result in vomiting, abdominal pain, nausea, diarrhea, headache, and sore throat. Treatment for symptoms must be administered by medical personnel. Under no circumstances should the employer allow any person whom he/she retains, employs, supervises, or controls to engage in therapeutic chelation. Such treatment is likely to translocate cadmium from pulmonary or other tissue to renal tissue. Get medical attention immediately.

(iv) Inhalation: If large amounts of cadmium are inhaled, the exposed person must be moved to fresh air at once. If breathing has stopped, perform cardiopulmonary resuscitation. Administer oxygen if available. Keep the affected person warm and at rest. Get medical attention immediately.

(v) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, attempt rescue only after notifying at least one other person of the emergency and putting into effect established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the location of the emergency equipment before the need arises.

(3) Employee information.

(a) Protective clothing and equipment.

(i) Respirators: You may be required to wear a respirator for nonroutine activities; in emergencies; while your employer is in the process of reducing cadmium exposure; through engineering controls; and where engineering controls are not feasible. If respirators are worn in the future, they must have a joint Mine Safety and Health Administration (MSHA) and National Institute for Occupational Safety and Health (NIOSH) label of approval. Cadmium does not have a detectable odor except at levels well above the permissible exposure limits. If you can smell cadmium while wearing a respirator, proceed immediately to fresh air. If you experience difficulty breathing while wearing a respirator tell your employer.

(ii) Protective clothing: You may be required to wear impermeable clothing, gloves, foot gear, a face shield, or other appropriate protective clothing to prevent skin contact with cadmium. Where protective clothing is required, your employer must provide clean garments to you as necessary to assure that the clothing protects you adequately. The employer must replace or repair protective clothing that has become torn or otherwise damaged.

(iii) Eye protection: You may be required to wear splash-proof or dust resistant goggles to prevent eye contact with cadmium.

(b) Employer requirements.

(i) Medical: If you are exposed to cadmium at or above the action level, your employer is required to provide a medical examination, laboratory tests and a medical history according to the medical surveillance provisions under WAC 296-62-07423. (See summary chart and tables in this section, appendix A.) These tests shall be provided without cost to you. In addition, if you are accidentally exposed to cadmium under conditions known or suspected to constitute toxic exposure to cadmium, your employer is required to make special tests available to you.

(ii) Access to records: All medical records are kept strictly confidential. You or your representative are entitled to see the records of measurements of your exposure to cadmium. Your medical examination records can be furnished to your personal physician or designated representative upon request by you to your employer.

(iii) Observation of monitoring: Your employer is required to perform measurements that are representative of your exposure to cadmium and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

(c) Employee requirements. You will not be able to smoke, eat, drink, chew gum or tobacco, or apply cosmetics while working with cadmium in regulated areas. You will also not be able to carry or store tobacco products, gum, food, drinks, or cosmetics in regulated areas because these products easily become contaminated with cadmium from the workplace and can therefore create another source of unnecessary (☹) cadmium exposure. Some workers will

have to change out of work clothes and shower at the end of the day, as part of their workday, in order to wash cadmium from skin and hair. Handwashing and cadmium-free eating facilities shall be provided by the employer and proper hygiene should always be performed before eating. It is also recommended that you do not smoke or use tobacco products, because among other things, they naturally contain cadmium. For further information, read the labeling on such products.

(4) Physician information.

(a) Introduction. The medical surveillance provisions of WAC 296-62-07423 generally are aimed at accomplishing three main interrelated purposes: First, identifying employees at higher risk of adverse health effects from excess, chronic exposure to cadmium; second, preventing cadmium-induced disease; and third, detecting and minimizing existing cadmium-induced disease. The core of medical surveillance in this standard is the early and periodic monitoring of the employee's biological indicators of:

(i) Recent exposure to cadmium;

(ii) Cadmium body burden; and

(iii) Potential and actual kidney damage associated with exposure to cadmium. The main adverse health effects associated with cadmium overexposure are lung cancer and kidney dysfunction. It is not yet known how to adequately biologically monitor human beings to specifically prevent cadmium-induced lung cancer. By contrast, the kidney can be monitored to provide prevention and early detection of cadmium-induced kidney damage. Since, for noncarcinogenic effects, the kidney is considered the primary target organ of chronic exposure to cadmium, the medical surveillance provisions of this standard effectively focus on cadmium-induced kidney disease. Within that focus, the aim, where possible, is to prevent the onset of such disease and, where necessary, to minimize such disease as may already exist. The by-products of successful prevention of kidney disease are anticipated to be the reduction and prevention of other cadmium-induced diseases.

(b) Health effects. The major health effects associated with cadmium overexposure are described below.

(i) Kidney: The most prevalent nonmalignant disease observed among workers chronically exposed to cadmium is kidney dysfunction. Initially, such dysfunction is manifested as proteinuria. The proteinuria associated with cadmium exposure is most commonly characterized by excretion of low-molecular weight proteins (15,000 to 40,000 MW) accompanied by loss of electrolytes, uric acid, calcium, amino acids, and phosphate. The compounds commonly excreted include: beta-2-microglobulin (β_2 -M), retinol binding protein (RBP), immunoglobulin light chains, and lysozyme. Excretion of low molecular weight proteins are characteristic of damage to the proximal tubules of the kidney (Iwao et al., 1980). It has also been observed that exposure to cadmium may lead to urinary excretion of high-molecular weight proteins such as albumin, immunoglobulin G, and glycoproteins (Ex. 29). Excretion of high-molecular weight proteins is typically indicative of damage to the glomeruli of the kidney. Bernard et al., (1979) suggest that damage to the glomeruli and damage to the proximal tubules of the kidney may both be linked to cadmium exposure but they may occur independently of each other. Several studies indicate that the onset of low-molecular weight

proteinuria is a sign of irreversible kidney damage (Friberg et al., 1974; Roels et al., 1982; Piscator 1984; Elinder et al., 1985; Smith et al., 1986). Above specific levels of β_2 -M associated with cadmium exposure it is unlikely that β_2 -M levels return to normal even when cadmium exposure is eliminated by removal of the individual from the cadmium work environment (Friberg, Ex. 29, 1990). Some studies indicate that such proteinuria may be progressive; levels of β_2 -M observed in the urine increase with time even after cadmium exposure has ceased. See, for example, Elinder et al., 1985. Such observations, however, are not universal, and it has been suggested that studies in which proteinuria has not been observed to progress may not have tracked patients for a sufficiently long time interval (Jarup, Ex. 8-661). When cadmium exposure continues after the onset of proteinuria, chronic nephrotoxicity may occur (Friberg, Ex. 29). Uremia results from the inability of the glomerulus to adequately filter blood. This leads to severe disturbance of electrolyte concentrations and may lead to various clinical complications including kidney stones (L-140-50). After prolonged exposure to cadmium, glomerular proteinuria, glucosuria, aminoaciduria, phosphaturia, and hypercalciuria may develop (Exs. 8-86, 4-28, 14-18). Phosphate, calcium, glucose, and amino acids are essential to life, and under normal conditions, their excretion should be regulated by the kidney. Once low molecular weight proteinuria has developed, these elements dissipate from the human body. Loss of glomerular function may also occur, manifested by decreased glomerular filtration rate and increased serum creatinine. Severe cadmium-induced renal damage may eventually develop into chronic renal failure and uremia (Ex. 55). Studies in which animals are chronically exposed to cadmium confirm the renal effects observed in humans (Friberg et al., 1986). Animal studies also confirm problems with calcium metabolism and related skeletal effects which have been observed among humans exposed to cadmium in addition to the renal effects. Other effects commonly reported in chronic animal studies include anemia, changes in liver morphology, immunosuppression and hypertension. Some of these effects may be associated with co-factors. Hypertension, for example, appears to be associated with diet as well as cadmium exposure. Animals injected with cadmium have also shown testicular necrosis (Ex. 8-86B).

(ii) Biological markers. It is universally recognized that the best measures of cadmium exposures and its effects are measurements of cadmium in biological fluids, especially urine and blood. Of the two, CdU is conventionally used to determine body burden of cadmium in workers without kidney disease. CdB is conventionally used to monitor for recent exposure to cadmium. In addition, levels of CdU and CdB historically have been used to predict the percent of the population likely to develop kidney disease (Thun et al., Ex. L-140-50; WHO, Ex. 8-674; ACGIH, Exs. 8-667, 140-50).

The third biological parameter upon which WISHA relies for medical surveillance is beta-2-microglobulin in urine (β_2 -M), a low molecular weight protein. Excess β_2 -M has been widely accepted by physicians and scientists as a reliable indicator of functional damage to the proximal tubule of the kidney (Exs. 8-447, 144-3-C, 4-47, L-140-45, 19-43-A). Excess β_2 -M is found when the proximal tubules can no longer reabsorb this protein in a normal manner. This failure of the proximal tubules is an early stage of a

kind of kidney disease that commonly occurs among workers with excessive cadmium exposure. Used in conjunction with biological test results indicating abnormal levels of CdU and CdB, the finding of excess β_2 -M can establish for an examining physician that any existing kidney disease is probably cadmium-related (Trs. 6/6/90, pp. 82-86, 122, 134). The upper limits of normal levels for cadmium in urine and cadmium in blood are 3 μg Cd/gram creatinine in urine and 5 $\mu\text{gCd/liter}$ whole blood, respectively. These levels were derived from broad-based population studies. Three issues confront the physicians in the use of β_2 -M as a marker of kidney dysfunction and material impairment. First, there are a few other causes of elevated levels of β_2 -M not related to cadmium exposures, some of which may be rather common diseases and some of which are serious diseases (e.g., myeloma or transient flu, Exs. 29 and 8-086). These can be medically evaluated as alternative causes (Friberg, Ex. 29). Also, there are other factors that can cause β_2 -M to degrade so that low levels would result in workers with tubular dysfunction. For example, regarding the degradation of β_2 -M, workers with acidic urine (pH<6) might have β_2 -M levels that are within the "normal" range when in fact kidney dysfunction has occurred (Ex. L-140-1) and the low molecular weight proteins are degraded in acid urine. Thus, it is very important that the pH of urine be measured, that urine samples be buffered as necessary (See WAC 296-62-07451, appendix F.), and that urine samples be handled correctly, i.e., measure the pH of freshly voided urine samples, then if necessary, buffer to Ph>6 (or above for shipping purposes), measure Ph again and then, perhaps, freeze the sample for storage and shipping. (See also WAC 296-62-07451, appendix F.) Second, there is debate over the pathological significance of proteinuria, however, most world experts believe that β_2 -M levels greater than 300 $\mu\text{g/g}$ Cr are abnormal (Elinder, Ex. 55, Friberg, Ex. 29). Such levels signify kidney dysfunction that constitutes material impairment of health. Finally, detection of β_2 -M at low levels has often been considered difficult, however, many laboratories have the capability of detecting excess β_2 -M using simple kits, such as the Phadebas Delphia test, that are accurate to levels of 100 μg β_2 -M/g Cr U (Ex. L-140-1). Specific recommendations for ways to measure β_2 -M and proper handling of urine samples to prevent degradation of β_2 -M have been addressed by WISHA in WAC 296-62-07451, appendix F, in the section on laboratory standardization. All biological samples must be analyzed in a laboratory that is proficient in the analysis of that particular analyte, under WAC 296-62-07423 (1)(d). (See WAC 296-62-07451, appendix F). Specifically, under WAC 296-62-07423 (1)(d), the employer is to assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees is collected in a manner that assures reliability. The employer must also assure that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees is performed in laboratories with demonstrated proficiency for that particular analyte. (See WAC 296-62-07451, appendix F).

(iii) Lung and prostate cancer. The primary sites for cadmium-associated cancer appear to be the lung and the prostate (L-140-50). Evidence for an association between

cancer and cadmium exposure derives from both epidemiological studies and animal experiments. Mortality from prostate cancer associated with cadmium is slightly elevated in several industrial cohorts, but the number of cases is small and there is not clear dose-response relationship. More substantive evidence exists for lung cancer. The major epidemiological study of lung cancer was conducted by Thun et al., (Ex. 4-68). Adequate data on cadmium exposures were available to allow evaluation of dose-response relationships between cadmium exposure and lung cancer. A statistically significant excess of lung cancer attributed to cadmium exposure was observed in this study even when confounding variables such as co-exposure to arsenic and smoking habits were taken into consideration (Ex. L-140-50).

The primary evidence for quantifying a link between lung cancer and cadmium exposure from animal studies derives from two rat bioassay studies; one by Takenaka et al., (1983), which is a study of cadmium chloride and a second study by Oldiges and Glaser (1990) of four cadmium compounds. Based on the above cited studies, the U.S. Environmental Protection Agency (EPA) classified cadmium as "B1", a probable human carcinogen, in 1985 (Ex. 4-4). The International Agency for Research on Cancer (IARC) in 1987 also recommended that cadmium be listed as "2A", a probable human carcinogen (Ex. 4-15). The American Conference of Governmental Industrial Hygienists (ACGIH) has recently recommended that cadmium be labeled as a carcinogen. Since 1984, NIOSH has concluded that cadmium is possibly a human carcinogen and has recommended that exposures be controlled to the lowest level feasible.

(iv) Noncarcinogenic effects. Acute pneumonitis occurs 10 to 24 hours after initial acute inhalation of high levels of cadmium fumes with symptoms such as fever and chest pain (Exs. 30, 8-86B). In extreme exposure cases pulmonary edema may develop and cause death several days after exposure. Little actual exposure measurement data is available on the level of airborne cadmium exposure that causes such immediate adverse lung effects, nonetheless, it is reasonable to believe a cadmium concentration of approximately 1 mg/m^3 over an eight hour period is "immediately dangerous" (55 FR 4052, ANSI; Ex. 8-86B). In addition to acute lung effects and chronic renal effects, long term exposure to cadmium may cause other severe effects on the respiratory system. Reduced pulmonary function and chronic lung disease indicative of emphysema have been observed in workers who have had prolonged exposure to cadmium dust or fumes (Exs. 4-29, 4-22, 4-42, 4-50, 4-63). In a study of workers conducted by Kazantzis et al., a statistically significant excess of worker deaths due to chronic bronchitis was found, which in his opinion was directly related to high cadmium exposures of 1 mg/m^3 or more (Tr. 6/8/90, pp. 156-157). Cadmium need not be respirable to constitute a hazard. Inspirable cadmium particles that are too large to be respirable but small enough to enter the tracheobronchial region of the lung can lead to bronchoconstriction, chronic pulmonary disease, and cancer of that portion of the lung. All of these diseases have been associated with occupational exposure to cadmium (Ex. 8-86B). Particles that are constrained by their size to the extra-thoracic regions of the respiratory system such as the nose and maxillary sinuses can be swallowed through mucociliary clearance and be absorbed into the body

(ACGIH, Ex. 8-692). The impaction of these particles in the upper airways can lead to anosmia, or loss of sense of smell, which is an early indication of overexposure among workers exposed to heavy metals. This condition is commonly reported among cadmium-exposed workers (Ex. 8-86-B).

(c) Medical surveillance. In general, the main provisions of the medical surveillance section of the standard, under WAC 296-62-07423 (1) through (16), are as follows:

- (i) Workers exposed above the action level are covered;
- (ii) Workers with intermittent exposures are not covered;
- (iii) Past workers who are covered receive biological monitoring for at least one year;

(iv) Initial examinations include a medical questionnaire and biological monitoring of cadmium in blood (CdB), cadmium in urine (CdU), and Beta-2-microglobulin in urine (β_2 -M);

(v) Biological monitoring of these three analytes is performed at least annually; full medical examinations are performed biennially;

(vi) Until five years from the effective date of the standard, medical removal is required when CdU is greater than 15 $\mu\text{g}/\text{gram}$ creatinine (g Cr), or CdB is greater than 15 $\mu\text{g}/\text{liter}$ whole blood (lwb), or β_2 -M is greater than 1500 $\mu\text{g}/\text{g}$ Cr, and CdB is greater than 5 $\mu\text{g}/\text{lwb}$ or CdU is greater than 3 $\mu\text{g}/\text{g}$ Cr;

(vii) Beginning five years after the standard is in effect, medical removal triggers will be reduced;

(viii) Medical removal protection benefits are to be provided for up to eighteen months;

(ix) Limited initial medical examinations are required for respirator usage;

(x) Major provisions are fully described under WAC 296-62-07423; they are outlined here as follows:

- (A) Eligibility.
- (B) Biological monitoring.
- (C) Actions triggered by levels of CdU, CdB, and β_2 -M (See Summary Charts and Tables in WAC 296-62-07441(5).)
- (D) Periodic medical surveillance.
- (E) Actions triggered by periodic medical surveillance (See appendix A Summary Chart and Tables in WAC 296-62-07441(5).)

- (F) Respirator usage.
- (G) Emergency medical examinations.
- (H) Termination examination.
- (I) Information to physician.
- (J) Physician's medical opinion.
- (K) Medical removal protection.
- (L) Medical removal protection benefits.
- (M) Multiple physician review.
- (N) Alternate physician review.
- (O) Information employer gives to employee.
- (P) Recordkeeping.
- (Q) Reporting on OSHA form 200.

(xi) The above mentioned summary of the medical surveillance provisions, the summary chart, and tables for the actions triggered at different levels of CdU, CdB and β_2 -M (in subsection (5) of this section, Attachment 1) are included only for the purpose of facilitating understanding of the provisions of WAC 296-62-07423(3) of the final cadmium standard. The summary of the provisions, the summary chart, and the tables do not add to or reduce the requirements in WAC 296-62-07423(3).

(d) Recommendations to physicians.

(i) It is strongly recommended that patients with tubular proteinuria are counseled on: The hazards of smoking; avoidance of nephrotoxins and certain prescriptions and over-the-counter medications that may exacerbate kidney symptoms; how to control diabetes and/or blood pressure; proper hydration, diet, and exercise (Ex. 19-2). A list of prominent or common nephrotoxins is attached. (See subsection (6) of this section, Attachment 2.)

(ii) DO NOT CHELATE; KNOW WHICH DRUGS ARE NEPHROTOXINS OR ARE ASSOCIATED WITH NEPHRITIS.

(iii) The gravity of cadmium-induced renal damage is compounded by the fact there is no medical treatment to prevent or reduce the accumulation of cadmium in the kidney (Ex. 8-619). Dr. Friberg, a leading world expert on cadmium toxicity, indicated in 1992, that there is no form of chelating agent that could be used without substantial risk. He stated that tubular proteinuria has to be treated in the same way as other kidney disorders (Ex. 29).

(iv) After the results of a workers' biological monitoring or medical examination are received the employer is required to provide an information sheet to the patient, briefly explaining the significance of the results. (See subsection (7) of this section.)

(v) For additional information the physician is referred to the following additional resources:

(A) The physician can always obtain a copy of the OSHA final rule preamble, with its full discussion of the health effects, from OSHA's Computerized Information System (OCIS).

(B) The OSHA Docket Officer maintains a record of the OSHA rulemaking. The Cadmium Docket (H-057A), is located at 200 Constitution Ave. NW., Room N-2625, Washington, DC 20210; telephone: ((202-523-7894)) (202) 219-7894.

(C) The following articles and exhibits in particular from that docket (H- 057A):

Exhibit number	Author and paper title
8-447	Lauwerys et. al., Guide for physicians, "Health Maintenance of Workers Exposed to Cadmium," published by the Cadmium Council.
4-67	Takenaka, S., H. Oldiges, H. Konig, D. Hochrainer, G. Oberdorster. "Carcinogenicity of Cadmium Chloride Aerosols in Wistar Rats". JNCI 70:367-373, 1983. (32)
4-68	Thun, M.J., T.M. Schnoor, A.B. Smith, W.E. Halperin, R.A. Lemen. "Mortality Among a Cohort of U.S. Cadmium Production Workers—An Update." JNCI 74(2):325-33, 1985. (8)
4-25	Elinder, C.G., Kjellstrom, T., Hogstedt, C., et al., "Cancer Mortality of Cadmium Workers." Brit. J. Ind. Med. 42:651-655, 1985. (14)

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4-26 Ellis, K.J. et al., "Critical Concentrations of Cadmium in Human Renal Cortex: Dose Effect Studies to Cadmium Smelter Workers." *J. Toxicol. Environ. Health* 7:691-703, 1981. (76)

4-27 Ellis, K.J., S.H. Cohn and T.J. Smith. "Cadmium Inhalation Exposure Estimates: Their Significance with Respect to Kidney and Liver Cadmium Burden." *J. Toxicol. Environ. Health* 15:173-187, 1985.

4-28 Falck, F.Y., Jr., Fine, L.J., Smith, R.G., McClatchey, K.D., Annesley, T., England, B., and Schork, A.M. "Occupational Cadmium Exposure and Renal Status." *Am. J. Ind. Med.* 4:541, 1983. (64)

8-86A Friberg, L., C.G. Elinder, et al., "Cadmium and Health a Toxicological and Epidemiological Appraisal, Volume I, Exposure, Dose, and Metabolism." CRC Press, Inc., Boca Raton, FL, 1986. (Available from the OSHA Technical Data Center)

8-86B Friberg, L., C.G. Elinder, et al., "Cadmium and Health: A Toxicological and Epidemiological Appraisal, Volume II, Effects and Response." CRC Press, Inc., Boca Raton, FL, 1986. (Available from the OSHA Technical Data Center)

L-140-45 Elinder, C.G., "Cancer Mortality of Cadmium Workers", *Brit. J. Ind. Med.*, 42, 651-655, 1985.

L-140-50 Thun, M., Elinder, C.G., Friberg, L., "Scientific Basis for an Occupational Standard for Cadmium, *Am. J. Ind. Med.*, 20; 629-642, 1991.

biological monitoring category C, the employer will perform all of the actions for which there is an X in column C of Table B.

(iii) An employee is assigned the alphabetical category ("A" being the lowest) depending upon the test results of the three biological markers.

(iv) An employee is assigned category A if monitoring results for all three biological markers fall at or below the levels indicated in the table listed for category A.

(v) An employee is assigned category B if any monitoring result for any of the three biological markers fall within the range of levels indicated in the table listed for category B, providing no result exceeds the levels listed for category B.

(vi) An employee is assigned category C if any monitoring result for any of the three biological markers are above the levels listed for category C.

(c) The user of Tables A and B should know that these tables are provided only to facilitate understanding of the relevant provisions of WAC 296-62-07423. Tables A and B are not meant to add to or subtract from the requirements of those provisions.

Table A
Categorization of Biological Monitoring Results
Applicable Through 1998 Only

Biological marker	Monitoring result categories		
	A	B	C
Cadmium in urine (CdU) (µg/g creatinine)	≤3	>3 and ≤15	>15
β ₂ -microglobulin (β ₂ -M) (µg/g creatinine)	≤300	>300 and ≤1500	>1500*
Cadmium in blood (CdB) (µg/liter whole blood)	≤5	>5 and ≤15	>15

* If an employee's β₂-M levels are above 1,500 µg/g creatinine, in order for mandatory medical removal to be required (See WAC 296-62-07441, Appendix A Table B.), either the employee's CdU level must also be >3 µg/g creatinine or CdB level must also be >5 µg/liter whole blood.

Applicable Beginning January 1, 1999

Biological marker	Monitoring result categories		
	A	B	C
Cadmium in urine (CdU) (µg/g creatinine)	≤3	>3 and ≤7	>7
β ₂ -microglobulin (β ₂ -M) (µg/g creatinine)	≤300	>300 and ≤750	>750*
Cadmium in blood (CdB) (µg/liter whole blood)	≤5	>5 and ≤10	>10

* If an employee's β₂-M levels are above 750 µg/g creatinine, in order for mandatory medical removal to be required (See WAC 296-62-07441, Appendix A Table B.), either the employee's CdU level must also be >3 µg/g creatinine or CdB level must also be >5 µg/liter whole blood.

Table B—Actions determined by biological monitoring.

This table presents the actions required based on the monitoring result in Table A. Each item is a separate requirement in citing noncompliance. For example, a medical examination within ninety days for an employee in category B is separate from the requirement to administer a periodic medical examination for category B employees on an annual basis.

(5) Information sheet. The information sheet (subsection (8) of this section, Attachment 3) or an equally explanatory one should be provided to you after any biological monitoring results are reviewed by the physician, or where applicable, after any medical examination.

(6) Attachment 1—Appendix A, summary chart and Tables A and B of actions triggered by biological monitoring.

(a) Summary chart: WAC 296-62-07423(3) Medical surveillance—Categorizing biological monitoring results.

(i) Biological monitoring results categories are set forth in Table A for the periods ending December 31, 1998, and for the period beginning January 1, 1999.

(ii) The results of the biological monitoring for the initial medical exam and the subsequent exams shall determine an employee's biological monitoring result category.

(b) Actions triggered by biological monitoring.

(i) The actions triggered by biological monitoring for an employee are set forth in Table B.

(ii) The biological monitoring results for each employee under WAC 296-62-07423(3) shall determine the actions required for that employee. That is, for any employee in

Table B
Monitoring
result category

	A ¹	B ¹	C ¹
Required actions			
(1) Biological monitoring:			
(a) Annual.	X		
(b) Semiannual		X	
(c) Quarterly			X
(2) Medical examination:			
(a) Biennial	X		
(b) Annual.		X	
(c) Semiannual.			X
(d) Within 90 days		X	X
(3) Assess within two weeks:			
(a) Excess cadmium exposure		X	X
(b) Work practices		X	X
(c) Personal hygiene		X	X
(d) Respirator usage		X	X
(e) Smoking history		X	X
(f) Hygiene facilities		X	X
(g) Engineering controls		X	X
(h) Correct within 30 days		X	X
(i) Periodically assess exposures			X
(4) Discretionary medical removal		X	X
(5) Mandatory medical removal			X ²

¹ For all employees covered by medical surveillance exclusively because of exposures prior to the effective date of this standard, if they are in Category A, the employer shall follow the requirements of WAC 296-62-07423 (3)(a)(ii) and (4)(e)(i). If they are in Category B or C, the employer shall follow the requirements of WAC 296-62-07423 (4)(e)(ii) and (iii).

² See footnote in Table A.

(7) Attachment 2, list of medications.

(a) A list of the more common medications that a physician, and the employee, may wish to review is likely to include some of the following:

- (i) Anticonvulsants: Paramethadione, phenytoin, trimethadone;
- (ii) Antihypertensive drugs: Captopril, methyldopa;
- (iii) Antimicrobials: Aminoglycosides, amphotericin B, cephalosporins, ethambutol;
- (iv) Antineoplastic agents: Cisplatin, methotrexate, mitomycin-C, nitrosoureas, radiation;
- (v) Sulfonamide diuretics: Acetazolamide, chlorthalidone, furosemide, thiazides;
- (vi) Halogenated alkanes, hydrocarbons, and solvents that may occur in some settings: Carbon tetrachloride, ethylene glycol, toluene; iodinated radiographic contrast media; nonsteroidal anti-inflammatory drugs; and
- (vii) Other miscellaneous compounds: Allopurinol, amphetamines, azathioprine, cimetidine, cyclosporine, lithium, methoxyflurane, methysergide, D-penicillamine, phenacetin, phenindione.

(b) A list of drugs associated with acute interstitial nephritis includes:

- (i) Antimicrobial drugs: Cephalosporins, chloramphenicol, colistin, erythromycin, ethambutol, isoniazid, para-aminosalicylic acid, penicillins, polymyxin B, rifampin, sulfonamides, tetracyclines, and vancomycin;
- (ii) Other miscellaneous drugs: Allopurinol, antipyrine, azathioprine, captopril, cimetidine, clofibrate, methyldopa,

phenindione, phenylpropanolamine, phenytoin, probenecid, sulfipyrazone, sulfonamide diuretics, triamterene; and

(iii) Metals: Bismuth, gold. This list ((~~have~~)) has been derived from commonly available medical textbooks (e.g., Ex. 14-18). The list has been included merely to facilitate the physician's, employer's, and employee's understanding. The list does not represent an official OSHA opinion or policy regarding the use of these medications for particular employees. The use of such medications should be under physician discretion.

(8) Attachment 3—Biological monitoring and medical examination results.

Employee _____
Testing _____
Date _____

Cadmium in Urine ___ µg/g Cr—Normal Levels:
≤3 µg/g Cr.

Cadmium in Blood ___ µg/lwb—Normal Levels:
≤5 µg/lwb.

Beta-2-microglobulin in Urine ___ µg/g Cr—Normal Levels: ≤300 µg/g Cr.

Physical Examination Results: N/A ___ Satisfactory

___ Unsatisfactory ___ (see physician again).

Physician's Review of Pulmonary Function Test:

N/A ___ Normal ___

Abnormal ___.

Next biological monitoring or medical examination scheduled for _____

(a) The biological monitoring program has been designed for three main purposes:

- (i) To identify employees at risk of adverse health effects from excess, chronic exposure to cadmium;
- (ii) To prevent cadmium-induced disease(s); and
- (iii) To detect and minimize existing cadmium-induced disease(s).

(b) The levels of cadmium in the urine and blood provide an estimate of the total amount of cadmium in the body. The amount of a specific protein in the urine (beta-2-microglobulin) indicates changes in kidney function. All three tests must be evaluated together. A single mildly elevated result may not be important if testing at a later time indicates that the results are normal and the workplace has been evaluated to decrease possible sources of cadmium exposure. The levels of cadmium or beta-2-microglobulin may change over a period of days to months and the time needed for those changes to occur is different for each worker.

(c) If the results for biological monitoring are above specific "high levels" (cadmium urine greater than 10 micrograms per gram of creatinine µg Cr), cadmium blood greater than 10 micrograms per liter of whole blood (µg/lwb), or beta-2-microglobulin greater than 1000 micrograms per gram of creatinine (µg Cr)), the worker has a much greater chance of developing other kidney diseases.

(d) One way to measure for kidney function is by measuring beta-2-microglobulin in the urine. Beta-2-microglobulin is a protein which is normally found in the blood as it is being filtered in the kidney, and the kidney reabsorbs or returns almost all of the beta-2-microglobulin to

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the blood. A very small amount (less than 300 µg/g Cr in the urine) of beta-2-microglobulin is not reabsorbed into the blood, but is released in the urine. If cadmium damages the kidney, the amount of beta-2-microglobulin in the urine increases because the kidney cells are unable to reabsorb the beta-2-microglobulin normally. An increase in the amount of beta-2-microglobulin in the urine is a very early sign of kidney dysfunction. A small increase in beta-2-microglobulin in the urine will serve as an early warning sign that the worker may be absorbing cadmium from the air, cigarettes contaminated in the workplace, or eating in areas that are cadmium contaminated.

(e) Even if cadmium causes permanent changes in the kidney's ability to reabsorb beta-2-microglobulin, and the beta-2-microglobulin is above the "high levels," the loss of kidney function may not lead to any serious health problems. Also, renal function naturally declines as people age. The risk for changes in kidney function for workers who have biological monitoring results between the "normal values" and the "high levels" is not well known. Some people are more cadmium-tolerant, while others are more cadmium-susceptible.

(f) For anyone with even a slight increase of beta-2-microglobulin, cadmium in the urine, or cadmium in the blood, it is very important to protect the kidney from further damage. Kidney damage can come from other sources than excess cadmium-exposure so it is also recommended that if a worker's levels are "high" he/she should receive counseling about drinking more water; avoiding cadmium-tainted tobacco and certain medications (nephrotoxins, acetaminophen); controlling diet, vitamin intake, blood pressure and diabetes; etc.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07445 Appendix C—Qualitative and quantitative fit testing procedures—(Fit test protocols).

(1) General: The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT). All testing is to be conducted annually.

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece. Respirators of each size must be provided from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use; it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted, maintained and used properly, will provide substantial protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

(i) Position of the mask on the nose;

(ii) Room for eye protection;

(iii) Room to talk; and

(iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

(i) Chin properly placed;

(ii) Adequate strap tension, not overly tightened;

(iii) Fit across nose bridge;

(iv) Respirator of proper size to span distance from nose to chin;

(v) Tendency of respirator to slip; and

(vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or in ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s). Inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine, in accordance with WAC 296-62-07423 (2) and (3), whether

the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall maintain a record of the fit test administered to an employee. The record shall contain at least the following information:

- (i) Name of employee;
- (ii) Type of respirator;
- (iii) Brand, size of respirator;
- (iv) Date of test; and

(v) Where QNFT is used, the fit factor and strip chart recording or other recording of the results of the test. The record shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, without talking, the subject shall breathe slowly and deeply, taking care so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise one. Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds. The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall assure that persons administering QLFTs are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate within the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening. The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one-liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated and shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five-gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; and to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the respirator fit is inadequate. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the respirator fit was inadequate, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxochloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(d) Saccharin solution aerosol protocol.

The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately 12 inches in diameter by 14 inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts # FT 14 and # FT 15 combined, is adequate.

(B) The test enclosure shall have a 3/4-inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in warm water. It can be prepared by putting 1 cc of the fit test solution (see (ii)(E) below) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after 30 squeezes (step (J)), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for 15 minutes before the test.

(B) The fit test uses the same enclosure described in (i) above.

(C) The test subject shall don the enclosure while wearing the respirator selected in (1)(a) of this section. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding 83 grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in (1)(n) of this section.

(I) Every 30 seconds the aerosol concentration shall be replenished using one half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) Quantitative fit test. The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter

in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) Challenge agent means the aerosol, gas or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) Test subject means the person wearing the respirator for quantitative fit testing.

(iv) Normal standing position means standing erect and straight with arms down along the sides and looking straight ahead.

(v) Maximum peak penetration method means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) Average peak penetration method means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ration of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so

that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration;

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07447 Appendix D—Occupational health history interview with reference to cadmium exposure directions.

(To be read by employee and signed prior to the interview.)

Please answer the questions you will be asked as completely and carefully as you can. These questions are asked of everyone who works with cadmium. You will also be asked to give blood and urine samples. The doctor will give your employer a written opinion on whether you are physically capable of working with cadmium. Legally, the doctor cannot share personal information you may tell him/her with your employer. The following information is considered strictly confidential. The results of the tests will go to you, your doctor and your employer. You will also receive an information sheet explaining the results of any biological monitoring or physical examinations performed. If you are just being hired, the results of this interview and examination will be used to:

(1) Establish your health status and see if working with cadmium might be expected to cause unusual problems;

(2) Determine your health status today and see if there are changes over time;

(3) See if you can wear a respirator safely. If you are not a new hire: ((OSHA)) WISHA says that everyone who works with cadmium can have periodic medical examinations performed by a doctor. The reasons for this are:

- (a) If there are changes in your health, either because of cadmium or some other reason, to find them early;
(b) To prevent kidney damage.

Please sign below.

I have read these directions and understand them:

Employee signature

Date

Thank you for answering these questions. (Suggested Format)

Name
Age
Social Security #
Company
Job
Type of Preplacement Exam: [] Periodic [] Termination [] Initial [] Other
Blood Pressure
Pulse Rate

1. How long have you worked at the job listed above?
[] Not yet hired [] Number of months [] Number of years
2. Job Duties etc.

3. Have you ever been told by a doctor that you had bronchitis? [] Yes [] No

If yes, how long ago? [] Number of months [] Number of years

4. Have you ever been told by a doctor that you had emphysema?

[] Yes [] No

If yes, how long ago? [] Number of years [] Number of months

5. Have you ever been told by a doctor that you had other lung problems?

[] Yes [] No

If yes, please describe type of lung problems and when you had these problems

6. In the past year, have you had a cough? [] Yes [] No

If yes, did you cough up sputum? [] Yes [] No

If yes, how long did the cough with sputum production last?

[] Less than 3 months [] 3 months or longer

If yes, for how many years have you had episodes of cough with sputum production lasting this long?

[] Less than one [] 1 [] 2 [] Longer than 2

7. Have you ever smoked cigarettes? [] Yes [] No

8. Do you now smoke cigarettes? [] Yes [] No

9. If you smoke or have smoked cigarettes, for how many years have you smoked, or did you smoke?

[] Less than 1 year [] Number of years

What is or was the greatest number of packs per day that you have smoked?

[] Number of packs

If you quit smoking cigarettes, how many years ago did you quit?

[] Less than 1 year [] Number of years

How many packs a day do you now smoke? [] Number of packs per day

10. Have you ever been told by a doctor that you had a kidney or urinary tract disease or disorder? [] Yes [] No

11. Have you ever had any of these disorders?

Kidney stones [] Yes [] No

Protein in urine [] Yes [] No

Blood in urine [] Yes [] No

Difficulty urinating [] Yes [] No

Other kidney/Urinary disorders [] Yes [] No

Please describe problems, age, treatment, and follow up for any kidney or urinary problems you have had:

12. Have you ever been told by a doctor or other health care provider who took your blood pressure that your blood pressure was high? [] Yes [] No

13. Have you ever been advised to take any blood pressure medication?

[] Yes [] No

14. Are you presently taking any blood pressure medication? [] Yes [] No

15. Are you presently taking any other medication? [] Yes [] No

16. Please list any blood pressure or other medications and describe how long you have been taking each one:

Medicine:

.....

.....

.....

How Long Taken

.....

.....

17. Have you ever been told by a doctor that you have diabetes? (sugar in your blood or urine) [] Yes [] No

If yes, do you presently see a doctor about your diabetes? [] Yes [] No

If yes, how do you control your blood sugar? [] Diet alone

[] Diet plus oral medicine [] Diet plus insulin (injection)

18. Have you ever been told by a doctor that you had:

Anemia [] Yes [] No A low blood count? [] Yes [] No

19. Do you presently feel that you tire or run out of energy sooner than normal or sooner than other people your age? [] Yes [] No

If yes, for how long have you felt that you tire easily? [] Less than 1 year

[] Number of years

20. Have you given blood within the last year? [] Yes [] No

If yes, how many times? [] Number of times

How long ago was the last time you gave blood? [] Less than 1 month

[] Number of months

21. Within the last year have you had any injuries with heavy bleeding?

[] Yes [] No

If yes, how long ago? [] Less than 1 month [] Number of months describe:

.....

.....

22. Have you recently had any surgery? [] Yes [] No If yes, please describe:

.....

.....

23. Have you seen any blood lately in your stool or after a bowel movement?

[] Yes [] No

24. Have you ever had a test for blood in your stool? [] Yes [] No

If yes, did the test show any blood in the stool? [] Yes [] No

What further evaluation and treatment were done?

.....

The following questions pertain to the ability to wear a respirator. Additional information for the physician can be found in The Respiratory Protective Devices Manual.

25. Have you ever been told by a doctor that you have asthma? [] Yes [] No

If yes, are you presently taking any medication for asthma?

Mark all that apply. [] Shots [] Pills [] Inhaler

26. Have you ever had a heart attack? [] Yes [] No

If yes, how long ago? [] Number of years [] Number of months

27. Have you ever had pains in your chest? [] Yes [] No

If yes, when did it usually happen? [] While resting [] While working

[] While exercising [] Activity didn't matter

28. Have you ever had a thyroid problem? [] Yes [] No

29. Have you ever had a seizure or fits? [] Yes [] No

30. Have you ever had a stroke (cerebrovascular accident)? [] Yes [] No

31. Have you ever had a ruptured eardrum or a serious hearing problem?

[] Yes [] No

32. Do you now have a claustrophobia, meaning fear of crowded or closed in spaces or any psychological problems that would make it hard for you to wear a respirator? [] Yes [] No

The following questions pertain to reproductive history.

33. Have you or your partner had a problem conceiving a child?

[] Yes [] No

If yes, specify: [] Self [] Present mate [] Previous mate

34. Have you or your partner consulted a physician for a fertility or other reproductive problem? [] Yes [] No

If yes, specify who consulted the physician: [] Self [] Spouse/partner

[] Self and partner

If yes, specify diagnosis made:

35. Have you or your partner ever conceived a child resulting in a miscarriage, still birth or deformed offspring?

[] Yes [] No

If yes, specify: [] Miscarriage [] Still birth [] Deformed offspring

If outcome was a deformed offspring, please specify type:

.....

.....

PERMANENT

PERMANENT

36. Was this outcome a result of a pregnancy of: Yours with present partner
 Yours with a previous partner
 37. Did the timing of any abnormal pregnancy outcome coincide with present employment? Yes No
 List dates of occurrences:

38. What is the occupation of your spouse or partner?

For Women Only

39. Do you have menstrual periods? Yes No
 Have you had menstrual irregularities? Yes No
 If yes, specify type:

If yes, what was the approximated date this problem began?

Approximate date problem stopped?

For Men Only

40. Have you ever been diagnosed by a physician as having prostate gland problem(s)? Yes No
 If yes, please describe type of problem(s) and what was done to evaluate and treat the problem(s):

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07449 Appendix E—Cadmium in workplace atmospheres.

Method number: ID-189 (OSHA); (ICP/MS) 0009 (WISHA)

Matrix: Air

WISHA permissible exposure limits: 5 µg/m³ (TWA), 2.5 µg/m³ (action level TWA)

Collection procedure: A known volume of air is drawn through a 37-mm diameter filter cassette containing a 0.8 µm mixed cellulose ester membrane filter (MCEF).

Recommended air volume: 960 L

Recommended sampling rate: 2.0 L/min

Analytical procedure: Air filter samples are digested with nitric acid. After digestion, a small amount of hydrochloric acid is added. The samples are then diluted to volume with deionized water and analyzed by either flame atomic absorption spectroscopy (AAS) or flameless atomic absorption spectroscopy using a heated graphite furnace atomizer (AAS-HGA).

Detection limits:

Qualitative: 0.2 µg/m³ for a 200 L sample by Flame AAS, 0.007 µg/m³ for a 60 L sample by AAS-HGA

Quantitative: 0.70 µg/m³ for a 200 L sample by Flame AAS, 0.025 µg/m³ for a 60 L sample by AAS-HGA

Precision and accuracy: (Flame AAS Analysis and AAS-HGA Analysis):

Validation level: 2.5 to 10 µg/m³ for a 400 L air vol, 1.25 to 5.0 µg/m³ for a 60 L air vol CV1 (pooled): 0.010, 0.043

Analytical bias: +4.0%, -5.8%

Overall analytical error: ±6.0%, ±14.2%

Method classification: Validated Date: June, 1992

Inorganic Service Branch II, OSHA Salt Lake Technical Center, Salt Lake City, Utah Commercial manufacturers and products mentioned in this method are for descriptive use only and do not constitute endorsements by USDOL-OSHA. Similar products from other sources can be substituted.

(1) Introduction.

(a) Scope.

This method describes the collection of airborne elemental cadmium and cadmium compounds on 0.8 µm mixed cellulose ester membrane filters and their subsequent analysis by either flame atomic absorption spectroscopy (AAS) or flameless atomic absorption spectroscopy using a heated graphite furnace atomizer (AAS-HGA). It is applicable for both TWA and action level TWA permissible exposure level (PEL) measurements. The two atomic absorption analytical techniques included in the method do not differentiate between cadmium fume and cadmium dust samples. They also do not differentiate between elemental cadmium and its compounds.

(b) Principle.

Airborne elemental cadmium and cadmium compounds are collected on a 0.8 µm mixed cellulose ester membrane filter (MCEF). The air filter samples are digested with concentrated nitric acid to destroy the organic matrix and dissolve the cadmium analytes. After digestion, a small amount of concentrated hydrochloric acid is added to help dissolve other metals which may be present. The samples are diluted to volume with deionized water and then aspirated into the oxidizing air/acetylene flame of an atomic absorption spectrophotometer for analysis of elemental cadmium. If the concentration of cadmium in a sample solution is too low for quantitation by this flame AAS analytical technique, and the sample is to be averaged with other samples for TWA calculations, aliquots of the sample and a matrix modifier are later injected onto a L'vov platform in a pyrolytically-coated graphite tube of a Zeeman atomic absorption spectrophotometer/graphite furnace assembly for analysis of elemental cadmium. The matrix modifier is added to stabilize the cadmium metal and minimize sodium chloride as an interference during the high temperature charring step of the analysis subsection (5)(a) and (b) of this section.

(c) History.

Previously, two (~~(WISHA)~~) OSHA sampling and analytical methods for cadmium were used concurrently WAC 296-62-07449 (5)(c) and (d). Both of these methods also required 0.8 µm mixed cellulose ester membrane filters for the collection of air samples. These cadmium air filter samples were analyzed by either flame atomic absorption spectroscopy (subsection (5)(c) of this section) or inductively coupled plasma/atomic emission spectroscopy (ICP-AES) (subsection (5)(d) of this section). Neither of these two analytical methods have adequate sensitivity for measuring workplace exposure to airborne cadmium at the new lower TWA and action level TWA PEL levels when consecutive samples are taken on one employee and the sample results need to be averaged with other samples to determine a single TWA. The inclusion of two atomic absorption analytical techniques in the new sampling and analysis method for airborne cadmium permits quantitation of sample results over a broad range of exposure levels and sampling periods. The flame AAS analytical technique included in this method is similar to the previous procedure given in the General Metals Method ID-121 (subsection (5)(c) of this section) with some modifications. The sensitivity of the AAS-HGA analytical technique included in this method is adequate to measure exposure levels at 1/10 the action level TWA, or lower, when less than full-shift samples need to be averaged together.

(d) Properties (subsection (5)(e) of this section).

Elemental cadmium is a silver-white, blue-tinged, lustrous metal which is easily cut with a knife. It is slowly oxidized by moist air to form cadmium oxide. It is insoluble in water, but reacts readily with dilute nitric acid. Some of the physical properties and other descriptive information of elemental cadmium are given below:

CAS No	7440-43-9
Atomic Number	48
Atomic Symbol	Cd
Atomic Weight	112.41
Melting Point	321°C
Boiling Point	765°C
Density	8.65 g/mL (25°C)

The properties of specific cadmium compounds are described in reference subsection (5)(e) of this section.

(e) Method performance.

A synopsis of method performance is presented below. Further information can be found in subsection (4) of this section.

(i) The qualitative and quantitative detection limits for the flame AAS analytical technique are 0.04 µg (0.004 µg/mL) and 0.14 µg (0.014 µg/mL) cadmium, respectively, for a 10 mL solution volume. These correspond, respectively, to 0.2 µg/m³ and 0.70 µg/m³ for a 200 L air volume.

(ii) The qualitative and quantitative detection limits for the AAS-HGA analytical technique are 0.44 ng (0.044 ng/mL) and 1.5 ng (0.15 ng/mL) cadmium, respectively, for a 10 mL solution volume. These correspond, respectively, to 0.007 µg/m³ and 0.025 µg/m³ for a 60 L air volume.

(iii) The average recovery by the flame AAS analytical technique of 17 spiked MCEF samples containing cadmium in the range of 0.5 to 2.0 times the TWA target concentration of 5 µg/m³ (assuming a 400 L air volume) was 104.0% with a pooled coefficient of variation (CV¹) of 0.010. The flame analytical technique exhibited a positive bias of +4.0% for the validated concentration range. The overall analytical error (OAE) for the flame AAS analytical technique was ±6.0%.

(iv) The average recovery by the AAS-HGA analytical technique of 18 spiked MCEF samples containing cadmium in the range of 0.5 to 2.0 times the action level TWA target concentration of 2.5 µg/m³ (assuming a 60 L air volume) was 94.2% with a pooled coefficient of variation (CV¹) of 0.043. The AAS-HGA analytical technique exhibited a negative bias of -5.8% for the validated concentration range. The overall analytical error (OAE) for the AAS-HGA analytical technique was ±14.2%.

(v) Sensitivity in flame atomic absorption is defined as the characteristic concentration of an element required to produce a signal of 1% absorbance (0.0044 absorbance units). Sensitivity values are listed for each element by the atomic absorption spectrophotometer manufacturer and have proved to be a very valuable diagnostic tool to determine if instrumental parameters are optimized and if the instrument is performing up to specification. The sensitivity of the spectrophotometer used in the validation of the flame AAS analytical technique agreed with the manufacturer specifications (subsection (5)(f) of this section); the 2 µg/mL cadmium standard gave an absorbance reading of 0.350 abs. units.

(vi) Sensitivity in graphite furnace atomic absorption is defined in terms of the characteristic mass, the number of picograms required to give an integrated absorbance value of 0.0044 absorbance-second (subsection (5)(g) of this section). Data suggests that under stabilized temperature platform furnace (STPF) conditions (see (f)(ii) of this subsection), characteristic mass values are transferable between properly functioning instruments to an accuracy of about twenty percent (subsection (5)(b) of this section). The characteristic mass for STPF analysis of cadmium with Zeeman background correction listed by the manufacturer of the instrument used in the validation of the AAS-HGA analytical technique was 0.35 pg. The experimental characteristic mass value observed during the determination of the working range and detection limits of the AAS-HGA analytical technique was 0.41 pg.

(f) Interferences.

(i) High concentrations of silicate interfere in determining cadmium by flame AAS (subsection (5)(f) of this section). However, silicates are not significantly soluble in the acid matrix used to prepare the samples.

(ii) Interferences, such as background absorption, are reduced to a minimum in the AAS-HGA analytical technique by taking full advantage of the stabilized temperature platform furnace (STPF) concept. STPF includes all of the following parameters (subsection (5)(b) of this section):

- (A) Integrated absorbance;
- (B) Fast instrument electronics and sampling frequency;
- (C) Background correction;
- (D) Maximum power heating;
- (E) Atomization off the L'vov platform in a pyrolytically coated graphite tube;
- (F) Gas stop during atomization;
- (G) Use of matrix modifiers.

(g) Toxicology (subsection (5)(n) of this section).

Information listed within this section is synopsis of current knowledge of the physiological effects of cadmium and is not intended to be used as the basis for WISHA policy. IARC classifies cadmium and certain of its compounds as Group 2A carcinogens (probably carcinogenic to humans). Cadmium fume is intensely irritating to the respiratory tract. Workplace exposure to cadmium can cause both chronic and acute effects. Acute effects include tracheobronchitis, pneumonitis, and pulmonary edema. Chronic effects include anemia, rhinitis/anosmia, pulmonary emphysema, proteinuria and lung cancer. The primary target organs for chronic disease are the kidneys (noncarcinogenic) and the lungs (carcinogenic).

(2) Sampling.

(a) Apparatus.

(i) Filter cassette unit for air sampling: A 37-mm diameter mixed cellulose ester membrane filter with a pore size of 0.8 µm contained in a 37-mm polystyrene two- or three-piece cassette filter holder (part no. MAWP 037 A0, Millipore Corp., Bedford, MA). The filter is supported with a cellulose backup pad. The cassette is sealed prior to use with a shrinkable gel band.

(ii) A calibrated personal sampling pump whose flow is determined to an accuracy of ±5% at the recommended flow rate with the filter cassette unit in line.

(b) Procedure

(i) Attach the prepared cassette to the calibrated sampling pump (the backup pad should face the pump) using flexible tubing. Place the sampling device on the employee such that air is sampled from the breathing zone.

(ii) Collect air samples at a flow rate of 2.0 L/min. If the filter does not become overloaded, a full-shift (at least seven hours) sample is strongly recommended for TWA and action level TWA measurements with a maximum air volume of 960 L. If overloading occurs, collect consecutive air samples for shorter sampling periods to cover the full workshift.

(iii) Replace the end plugs into the filter cassettes immediately after sampling. Record the sampling conditions.

(iv) Securely wrap each sample filter cassette end-to-end with a sample seal.

(v) Submit at least one blank sample. With each set of air samples. The blank sample should be handled the same as the other samples except that no air is drawn through it.

(vi) Ship the samples to the laboratory for analysis as soon as possible in a suitable container designed to prevent damage in transit.

(3) Analysis.

(a) Safety precautions.

(i) Wear safety glasses, protective clothing and gloves at all times.

(ii) Handle acid solutions with care. Handle all cadmium samples and solutions with extra care (see subsection (1)(g) of this section). Avoid their direct contact with work area surfaces, eyes, skin and clothes. Flush acid solutions which contact the skin or eyes with copious amounts of water.

(iii) Perform all acid digestions and acid dilutions in an exhaust hood while wearing a face shield. To avoid exposure to acid vapors, do not remove beakers containing concentrated acid solutions from the exhaust hood until they have returned to room temperature and have been diluted or emptied.

(iv) Exercise care when using laboratory glassware. Do not use chipped pipets, volumetric flasks, beakers or any glassware with sharp edges exposed in order to avoid the possibility of cuts or abrasions.

(v) Never pipet by mouth.

(vi) Refer to the instrument instruction manuals and SOPs (subsection (5)(h) and (i) of this section) for proper and safe operation of the atomic absorption spectrophotometer, graphite furnace atomizer and associated equipment.

(vii) Because metallic elements and other toxic substances are vaporized during AAS flame or graphite furnace atomizer operation, it is imperative that an exhaust vent be used. Always ensure that the exhaust system is operating properly during instrument use.

(b) Apparatus for sample and standard preparation.

(i) Hot plate, capable of reaching 150°C, installed in an exhaust hood.

(ii) Phillips beakers, 125 mL.

(iii) Bottles, narrow-mouth, polyethylene or glass with leakproof caps: used for storage of standards and matrix modifier.

(iv) Volumetric flasks, volumetric pipets, beakers and other associated general laboratory glassware.

(v) Forceps and other associated general laboratory equipment.

(c) Apparatus for flame AAS analysis.

(i) Atomic absorption spectrophotometer consisting of a(an):

Nebulizer and burner head; pressure regulating devices capable of maintaining constant oxidant and fuel pressures; optical system capable of isolating the desired wavelength of radiation (228.8 nm); adjustable slit; light measuring and amplifying device; display, strip chart, or computer interface for indicating the amount of absorbed radiation; cadmium hollow cathode lamp or electrodeless discharge lamp (EDL) and power supply.

(ii) Oxidant: Compressed air, filtered to remove water, oil and other foreign substances.

(iii) Fuel: Standard commercially available tanks of acetylene dissolved in acetone; tanks should be equipped with flash arresters.

Caution: Do not use grades of acetylene containing solvents other than acetone because they may damage the PVC tubing used in some instruments.

(iv) Pressure-reducing valves: Two gauge, two-stage pressure regulators to maintain fuel and oxidant pressures somewhat higher than the controlled operating pressures of the instrument.

(v) Exhaust vent installed directly above the spectrophotometer burner head.

(d) Apparatus for AAS-HGA analysis.

(i) Atomic absorption spectrophotometer consisting of a(an):

Heated graphite furnace atomizer (HGA) with argon purge system pressure-regulating devices capable of maintaining constant argon purge pressure; optical system capable of isolating the desired wavelength of radiation (228.8 nm); adjustable slit; light measuring and amplifying device; display, strip chart, or computer interface for indicating the amount of absorbed radiation (as integrated absorbance, peak area); background corrector: Zeeman or deuterium arc. The Zeeman background corrector is recommended; cadmium hollow cathode lamp or electrodeless discharge lamp (EDL) and power supply; autosampler capable of accurately injecting 5 to 20 µL sample aliquots onto the L'vov Platform in a graphite tube.

(ii) Pyrolytically coated graphite tubes containing solid, pyrolytic L'vov platforms.

(iii) Polyethylene sample cups, 2.0 to 2.5 mL, for use with the autosampler.

(iv) Inert purge gas for graphite furnace atomizer: Compressed gas cylinder of purified argon.

(v) Two gauge, two-stage pressure regulator for the argon gas cylinder.

(vi) Cooling water supply for graphite furnace atomizer.

(vii) Exhaust vent installed directly above the graphite furnace atomizer.

(e) Reagents. All reagents should be ACS analytical reagent grade or better.

(i) Deionized water with a specific conductance of less than 10 µS.

(ii) Concentrated nitric acid, HNO₃.

(iii) Concentrated hydrochloric acid, HCl.

(iv) Ammonium phosphate, monobasic, NH₄H₂PO₄.

(v) Magnesium nitrate, Mg(NO₃)₂ • 6H₂O.

(vi) Diluting solution (4% HNO₃, 0.4% HCl): Add 40 mL HNO₃ and 4 mL HCl carefully to approximately 500 mL deionized water and dilute to 1 L with deionized water.

(vii) Cadmium standard stock solution, 1,000 µg/mL: Use a commercially available certified 1,000 µg/mL cadmium standard or, alternatively, dissolve 1.0000 g of cadmium metal in a minimum volume of 1:1 HCl and dilute to 1 L with 4% HNO₃. Observe expiration dates of commercial standards. Properly dispose of commercial standards with no expiration dates or prepared standards one year after their receipt or preparation date.

(viii) Matrix modifier for AAS-HGA analysis: Dissolve 1.0 g NH₄H₂PO₄ and 0.15 g Mg(NO₃)₂ • 6H₂O in approximately 200 mL deionized water. Add 1 mL HNO₃ and dilute to 500 mL with deionized water.

(ix) Nitric Acid, 1:1 HNO₃/DI H₂O mixture: Carefully add a measured volume of concentrated HNO₃ to an equal volume of DI H₂O.

(x) Nitric acid, 10% v/v: Carefully add 100 mL of concentrated HNO₃ to 500 mL of DI H₂O and dilute to 1 L.

(f) Glassware preparation.

(i) Clean Phillips beakers by refluxing with 1:1 nitric acid on a hot plate in a fume hood. Thoroughly rinse with deionized water and invert the beakers to allow them to drain dry.

(ii) Rinse volumetric flasks and all other glassware with 10% nitric acid and deionized water prior to use.

(g) Standard preparation for flame AAS analysis.

(i) Dilute stock solutions: Prepare 1, 5, 10 and 100 µg/mL cadmium standard stock solutions by making appropriate serial dilutions of 1,000 µg/mL cadmium standard stock solution with the diluting solution described in (e)(vi) of this subsection.

(ii) Working standards: Prepare cadmium working standards in the range of 0.02 to 2.0 µg/mL by making appropriate serial dilutions of the dilute stock solutions with the same diluting solution. A suggested method of preparation of the working standards is given below.

Working standard (µg/mL)	Std solution (µg/mL)	Aliquot (mL)	Final vol. (mL)
0.02	1	10	500
0.05	5	5	500
0.1	10	5	500
0.2	10	10	500
0.5	10	25	500
1	100	5	500
2	100	10	500

Store the working standards in 500-mL, narrow-mouth polyethylene or glass bottles with leak proof caps. Prepare every twelve months.

(h) Standard preparation for AAS-HGA analysis.

(i) Dilute stock solutions: Prepare 10, 100 and 1,000 ng/mL cadmium standard stock solutions by making appropriate ten-fold serial dilutions of the 1,000 µg/mL cadmium standard stock solution with the diluting solution described in (e)(vi) of this subsection.

(ii) Working standards: Prepare cadmium working standards in the range of 0.2 to 20 ng/mL by making appropriate serial dilutions of the dilute stock solutions with

the same diluting solution. A suggested method of preparation of the working standards is given below.

Working standard (ng/mL)	Std solution (ng/mL)	Aliquot (mL)	Final vol. (mL)
0.2	10	2	100
0.5	10	5	100
1	10	10	100
2	100	2	100
5	100	5	100
10	100	10	100
20	1,000	2	100

Store the working standards in narrow-mouth polyethylene or glass bottles with leakproof caps. Prepare monthly.

(i) Sample preparation.

(i) Carefully transfer each sample filter with forceps from its filter cassette unit to a clean, separate 125-mL Phillips beaker along with any loose dust found in the cassette. Label each Phillips beaker with the appropriate sample number.

(ii) Digest the sample by adding 5 mL of concentrated nitric acid (HNO₃) to each Phillips beaker containing an air filter sample. Place the Phillips beakers on a hot plate in an exhaust hood and heat the samples until approximately 0.5 mL remains. The sample solution in each Phillips beaker should become clear. If it is not clear, digest the sample with another portion of concentrated nitric acid.

(iii) After completing the HNO₃ digestion and cooling the samples, add 40 µL (2 drops) of concentrated HCl to each air sample solution and then swirl the contents. Carefully add about 5 mL of deionized water by pouring it down the inside of each beaker.

(iv) Quantitatively transfer each cooled air sample solution from each Phillips beaker to a clean 10-mL volumetric flask. Dilute each flask to volume with deionized water and mix well.

(j) Flame AAS analysis.

Analyze all of the air samples for their cadmium content by flame atomic absorption spectroscopy (AAS) according to the instructions given below.

(i) Set up the atomic absorption spectrophotometer for the air/acetylene flame analysis of cadmium according to the SOP (subsection (5)(h) of this section) or the manufacturer's operational instructions. For the source lamp, use the cadmium hollow cathode or electrodeless discharge lamp operated at the manufacturer's recommended rating for continuous operation. Allow the lamp to warm up ten to twenty minutes or until the energy output stabilizes. Optimize conditions such as lamp position, burner head alignment, fuel and oxidant flow rates, etc. See the SOP or specific instrument manuals for details. Instrumental parameters for the Perkin-Elmer Model 603 used in the validation of this method are given in subsection (6) of this section.

(ii) Aspirate and measure the absorbance of a standard solution of cadmium. The standard concentration should be within the linear range. For the instrumentation used in the validation of this method a 2 µg/mL cadmium standard gives a net absorbance reading of about 0.350 abs. units (see subsection (1)(e)(v) of this section) when the instrument and

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the source lamp are performing to manufacturer specifications.

(iii) To increase instrument response, scale expand the absorbance reading of the aspirated 2 µg/mL working standard approximately four times. Increase the integration time to at least three seconds to reduce signal noise.

(iv) Autozero the instrument while aspirating a deionized water blank. Monitor the variation in the baseline absorbance reading (baseline noise) for a few minutes to insure that the instrument, source lamp and associated equipment are in good operating condition.

(v) Aspirate the working standards and samples directly into the flame and record their absorbance readings. Aspirate the deionized water blank immediately after every standard or sample to correct for and monitor any baseline drift and noise. Record the baseline absorbance reading of each deionized water blank. Label each standard and sample reading and its accompanying baseline reading.

(vi) It is recommended that the entire series of working standards be analyzed at the beginning and end of the analysis of a set of samples to establish a concentration-response curve, ensure that the standard readings agree with each other and are reproducible. Also, analyze a working standard after every five or six samples to monitor the performance of the spectrophotometer. Standard readings should agree within ±10 to 15% of the readings obtained at the beginning of the analysis.

(vii) Bracket the sample readings with standards during the analysis. If the absorbance reading of a sample is above the absorbance reading of the highest working standard, dilute the sample with diluting solution and reanalyze. Use the appropriate dilution factor in the calculations.

(viii) Repeat the analysis of approximately ten percent of the samples for a check of precision.

(ix) If possible, analyze quality control samples from an independent source as a check on analytical recovery and precision.

(x) Record the final instrument settings at the end of the analysis. Date and label the output.

(k) AAS-HGA analysis.

Initially analyze all of the air samples for their cadmium content by flame atomic absorption spectroscopy (AAS) according to the instructions given in (j) of this subsection. If the concentration of cadmium in a sample solution is less than three times the quantitative detection limit (0.04 µg/mL (40 ng/mL) for the instrumentation used in the validation) and the sample results are to be averaged with other samples for TWA calculations, proceed with the AAS-HGA analysis of the sample as described below.

(i) Set up the atomic absorption spectrophotometer and HGA for flameless atomic absorption analysis of cadmium according to the SOP (subsection (5)(i) of this section) or the manufacturer's operational instructions and allow the instrument to stabilize. The graphite furnace atomizer is equipped with a pyrolytically coated graphite tube containing a pyrolytic platform. For the source lamp, use a cadmium hollow cathode or electrodeless discharge lamp operated at the manufacturer's recommended setting for graphite furnace operation. The Zeeman background corrector and EDL are recommended for use with the L'vov platform. Instrumental parameters for the Perkin-Elmer Model 5100 spectrophotometer and Zeeman HGA-600 graphite furnace used in the

validation of this method are given in ((~~WAC 296-62-07443, Appendix B~~)) subsection (7) of this section.

(ii) Optimize the energy reading of the spectrophotometer at 228.8 nm by adjusting the lamp position and the wavelength according to the manufacturer's instructions.

(iii) Set up the autosampler to inject a 5-µL aliquot of the working standard, sample or reagent blank solution onto the L'vov platform along with a 10-µL overlay of the matrix modifier.

(iv) Analyze the reagent blank (diluting solution, (e)(vi) of this subsection) and then autozero the instrument before starting the analysis of a set of samples. It is recommended that the reagent blank be analyzed several times during the analysis to assure the integrated absorbance (peak area) reading remains at or near zero.

(v) Analyze a working standard approximately midway in the linear portion of the working standard range two or three times to check for reproducibility and sensitivity (see subsection (1)(e)(v) and (vi) of this section) before starting the analysis of samples. Calculate the experimental characteristic mass value from the average integrated absorbance reading and injection volume of the analyzed working standard. Compare this value to the manufacturer's suggested value as a check of proper instrument operation.

(vi) Analyze the reagent blank, working standard, and sample solutions. Record and label the peak area (abs-sec) readings and the peak and background peak profiles on the printer/plotter.

(vii) It is recommended the entire series of working standards be analyzed at the beginning and end of the analysis of a set of samples. Establish a concentration-response curve and ensure standard readings agree with each other and are reproducible. Also, analyze a working standard after every five or six samples to monitor the performance of the system. Standard readings should agree within ±15% of the readings obtained at the beginning of the analysis.

(viii) Bracket the sample readings with standards during the analysis. If the peak area reading of a sample is above the peak area reading of the highest working standard, dilute the sample with the diluting solution and reanalyze. Use the appropriate dilution factor in the calculations.

(ix) Repeat the analysis of approximately ten percent of the samples for a check of precision.

(x) If possible, analyze quality control samples from an independent source as a check of analytical recovery and precision.

(xi) Record the final instrument settings at the end of the analysis. Date and label the output.

(l) Calculations.

Note: Standards used for HGA analysis are in ng/mL. Total amount of cadmium from calculations will be in ng (not µg) unless prior conversion is made.

(i) Correct for baseline drift and noise in flame AAS analysis by subtracting each baseline absorbance reading from its corresponding working standard or sample absorbance reading to obtain the net absorbance reading for each standard and sample.

(ii) Use a least squares regression program to plot a concentration-response curve of net absorbance reading (o

peak area for HGA analysis) versus concentration ($\mu\text{g/mL}$ or ng/mL) of cadmium in each working standard.

(iii) Determine the concentration ($\mu\text{g/mL}$ or ng/mL) of cadmium in each sample from the resulting concentration-response curve. If the concentration of cadmium in a sample solution is less than three times the quantitative detection limit ($0.04 \mu\text{g/mL}$ (40 ng/mL) for the instrumentation used in the validation of the method) and if consecutive samples were taken on one employee and the sample results are to be averaged with other samples to determine a single TWA, reanalyze the sample by AAS-HGA as described in (k) of this subsection and report the AAS-HGA analytical results.

(iv) Calculate the total amount (μg or ng) of cadmium in each sample from the sample solution volume (mL):

$$W=(C)(\text{sample vol, mL})(DF)$$

Where: W =Total cadmium in sample
 C =Calculated concentration of cadmium
 DF =Dilution Factor (if applicable)

(v) Make a blank correction for each air sample by subtracting the total amount of cadmium in the corresponding blank sample from the total amount of cadmium in the sample.

(vi) Calculate the concentration of cadmium in an air sample (mg/m^3 or $\mu\text{g/m}^3$) by using one of the following equations:

$$\text{mg/m}^3=W_{bc}/(\text{Air vol sampled, L})$$

$$\mu\text{g/m}^3=(W_{bc})(1,000 \text{ ng}/\mu\text{g})/(\text{Air vol sampled, L})$$

Where: W_{bc} =blank corrected total μg cadmium in the sample.
 ($1 \mu\text{g}=1,000 \text{ ng}$)

(4) Backup data.

(a) Introduction.

(i) The purpose of this evaluation is to determine the analytical method recovery, working standard range, and qualitative and quantitative detection limits of the two atomic absorption analytical techniques included in this method. The evaluation consisted of the following experiments:

(A) An analysis of twenty-four samples (six samples each at 0.1, 0.5, 1 and 2 times the TWA-PEL) for the analytical method recovery study of the flame AAS analytical technique.

(B) An analysis of eighteen samples (six samples each at 0.5, 1 and 2 times the action level TWA-PEL) for the analytical method recovery study of the AAS-HGA analytical technique.

(C) Multiple analyses of the reagent blank and a series of standard solutions to determine the working standard range and the qualitative and quantitative detection limits for both atomic absorption analytical techniques.

(ii) The analytical method recovery results at all test levels were calculated from concentration-response curves and statistically examined for outliers at the ninety-nine percent confidence level. Possible outliers were determined using the Treatment of Outliers test (subsection (5)(j) of this section). In addition, the sample results of the two analytical techniques, at 0.5, 1.0 and 2.0 times their target concentrations, were tested for homogeneity of variances also at the ninety-nine percent confidence level. Homogeneity of the coefficients of variation was determined using the Bartlett's test (subsection (5)(k) of this section). The overall analytical error (OAE) at the ninety-five percent confidence level was

calculated using the equation (subsection (5)(l) of this section):

$$\text{OAE}=\pm[|\text{Bias}|+(1.96)(CV_1(\text{pooled}))(100\%)]$$

(iii) A derivation of the International Union of Pure and Applied Chemistry (IUPAC) detection limit equation (subsection (5)(m) of this section) was used to determine the qualitative and quantitative detection limits for both atomic absorption analytical techniques:

$$C_{ld}=k(sd)/m \quad (\text{Equation 1})$$

Where: C_{ld} =the smallest reliable detectable concentration an analytical instrument can determine at a given confidence level.
 $k=3$ for the Qualitative Detection Limit at the 99.86% Confidence Level
 $=10$ for the Quantitative Detection Limit at the 99.99% Confidence Level.
 sd =standard deviation of the reagent blank (Rbl) readings.
 m =analytical sensitivity or slope as calculated by linear regression.

(iv) Collection efficiencies of metallic fume and dust atmospheres on $0.8\text{-}\mu\text{m}$ mixed cellulose ester membrane filters are well documented and have been shown to be excellent (subsection (5)(k) of this section). Since elemental cadmium and the cadmium component of cadmium compounds are nonvolatile, stability studies of cadmium spiked MCEF samples were not performed.

(b) Equipment.

(i) A Perkin-Elmer (PE) Model 603 spectrophotometer equipped with a manual gas control system, a stainless steel nebulizer, a burner mixing chamber, a flow spoiler and a 10 cm (one-slot) burner head was used in the experimental validation of the flame AAS analytical technique. A PE cadmium hollow cathode lamp, operated at the manufacturer's recommended current setting for continuous operation (4 mA), was used as the source lamp. Instrument parameters are listed in subsection (6) of this section.

(ii) A PE Model 5100 spectrophotometer, Zeeman HGA-600 graphite furnace atomizer and AS-60 HGA autosampler were used in the experimental validation of the AAS-HGA analytical technique. The spectrophotometer was equipped with a PE Series 7700 professional computer and Model PR-310 printer. A PE System 2 cadmium electrodeless discharge lamp, operated at the manufacturer's recommended current setting for modulated operation (170 mA), was used as the source lamp. Instrument parameters are listed in subsection (7) of this section.

(c) Reagents.

(i) J.T. Baker Chem. Co. (Analyzed grade) concentrated nitric acid, 69.0-71.0%, and concentrated hydrochloric acid, 36.5-38.0%, were used to prepare the samples and standards.

(ii) Ammonium phosphate, monobasic, $(\text{NH}_4\text{H}_2\text{PO}_4)$ $\text{NH}_4\text{H}_2\text{PO}_4$ and magnesium nitrate hexahydrate, $\text{Mg}(\text{NO}_3)_2 \cdot 6 \text{H}_2\text{O}$ both manufactured by the Mallinckrodt Chem. Co., were used to prepare the matrix modifier for AAS-HGA analysis.

(d) Standard preparation for flame AAS analysis.

(i) Dilute stock solutions: Prepared 0.01, 0.1, 1, 10 and 100 $\mu\text{g/mL}$ cadmium standard stock solutions by making appropriate serial dilutions of a commercially available 1,000 $\mu\text{g/mL}$ cadmium standard stock solution (RICCA Chemical Co., Lot# A102) with the diluting solution (4% HNO_3 , 0.4% HCl).

(ii) Analyzed standards: Prepared cadmium standards in the range of 0.001 to 2.0 µg/mL by pipetting 2 to 10 mL of the appropriate dilute cadmium stock solution into a 100-mL volumetric flask and diluting to volume with the diluting solution. (See subsection (3)(g)(ii) of this section).

(e) Standard preparation for AAS-HGA analysis.

(i) Dilute stock solutions: Prepared 1, 10, 100 and 1,000 ng/mL cadmium standard stock solutions by making appropriate serial dilutions of a commercially available 1,000 µg/mL cadmium standard stock solution (J.T. Baker Chemical Co., Instra-analyzed, Lot# D22642) with the diluting solution (4% HNO₃, 0.4% HCl).

(ii) Analyzed standards: Prepared cadmium standards in the range of 0.1 to 40 ng/mL by pipetting 2 to 10 mL of the appropriate dilute cadmium stock solution into a 100-mL volumetric flask and diluting to volume with the diluting solution. (See subsection (3)(h)(ii) of this section).

(f) Detection limits and standard working range for flame AAS analysis.

(i) Analyzed the reagent blank solution and the entire series of cadmium standards in the range of 0.001 to 2.0 µg/mL three to six times according to the instructions given in subsection (3)(j) of this section. The diluting solution (4% HNO₃, 0.4% HCl) was used as the reagent blank. The integration time on the PE 603 spectrophotometer was set to 3.0 seconds and a four-fold expansion of the absorbance reading of the 2.0 µg/mL cadmium standard was made prior to analysis. The 2.0 µg/mL standard gave a net absorbance reading of 0.350 abs. units prior to expansion in agreement with the manufacturer's specifications (subsection (5)(f) of this section).

(ii) The net absorbance readings of the reagent blank and the low concentration Cd standards from 0.001 to 0.1 µg/mL and the statistical analysis of the results are shown in Table 1. The standard deviation, sd, of the six net absorbance readings of the reagent blank is 1.05 abs. units. The slope, m, as calculated by a linear regression plot of the net absorbance readings (shown in Table 2) of the 0.02 to 1.0 µg/mL cadmium standards versus their concentration is 772.7 abs. units/(µg/mL).

(iii) If these values for sd and the slope, m, are used in Eqn. 1 ((a)(ii) of this subsection), the qualitative and quantitative detection limits as determined by the IUPAC Method are:

$$C_{ld} = (3)(1.05 \text{ abs. units}) / (772.7 \text{ abs. units}/(\mu\text{g/mL})) = 0.0041 \mu\text{g/mL} \text{ for the qualitative detection limit.}$$

$$C_{ld} = (10)(1.05 \text{ abs. units}) / (772.7 \text{ abs. units}/\mu\text{g/mL}) = 0.014 \mu\text{g/mL} \text{ for the quantitative detection limit.}$$

The qualitative and quantitative detection limits for the flame AAS analytical technique are 0.041 µg and 0.14 µg cadmium, respectively, for a 10 mL solution volume. These correspond, respectively, to 0.2 µg/m³ and 0.70 µg/m³ for a 200 L air volume.

(iv) The recommended Cd standard working range for flame AAS analysis is 0.02 to 2.0 µg/mL. The net absorbance readings of the reagent blank and the recommended working range standards and the statistical analysis of the results are shown in Table 2. The standard of lowest concentration in the working range, 0.02 µg/mL, is slightly greater than the calculated quantitative detection limit, 0.014 µg/mL. The standard of highest concentration in the

working range, 2.0 µg/mL, is at the upper end of the linear working range suggested by the manufacturer (subsection (5)(f) of this section). Although the standard net absorbance readings are not strictly linear at concentrations above 0.5 µg/mL, the deviation from linearity is only about ten percent at the upper end of the recommended standard working range. The deviation from linearity is probably caused by the four-fold expansion of the signal suggested in the method. As shown in Table 2, the precision of the standard net absorbance readings are excellent throughout the recommended working range; the relative standard deviations of the readings range from 0.009 to 0.064.

(g) Detection limits and standard working range for AAS-HGA analysis.

(i) Analyzed the reagent blank solution and the entire series of cadmium standards in the range of 0.1 to 40 ng/mL according to the instructions given in subsection (3)(k) of this section. The diluting solution (4% HNO₃, 0.4% HCl) was used as the reagent blank. A fresh aliquot of the reagent blank and of each standard was used for every analysis. The experimental characteristic mass value was 0.41 pg, calculated from the average peak area (abs-sec) reading of the 5 ng/mL standard which is approximately midway in the linear portion of the working standard range. This agreed within twenty percent with the characteristic mass value, 0.35 pg, listed by the manufacturer of the instrument (subsection (5)(b) of this section).

(ii) The peak area (abs-sec) readings of the reagent blank and the low concentration Cd standards from 0.1 to 2.0 ng/mL and statistical analysis of the results are shown in Table 3. Five of the reagent blank peak area readings were zero and the sixth reading was 1 and was an outlier. The near lack of a blank signal does not satisfy a strict interpretation of the IUPAC method for determining the detection limits. Therefore, the standard deviation of the six peak area readings of the 0.2 ng/mL cadmium standard, 0.75 abs-sec, was used to calculate the detection limits by the IUPAC method. The slope, m, as calculated by a linear regression plot of the peak area (abs-sec) readings (shown in Table 4) of the 0.2 to 10 ng/mL cadmium standards versus their concentration is 51.5 abs-sec/(ng/mL).

(iii) If 0.75 abs-sec (sd) and 51.5 abs-sec/(ng/mL) (m) are used in Eqn. 1 ((a)(iii) of this subsection), the qualitative and quantitative detection limits as determined by the IUPAC method are:

$$C_{ld} = (3)(0.75 \text{ abs-sec}) / (51.5 \text{ abs-sec}/(\text{ng/mL})) = 0.044 \text{ ng/mL} \text{ for the qualitative detection limit.}$$

$$C_{ld} = (10)(0.75 \text{ abs-sec}) / (51.5 \text{ abs-sec}/(\text{ng/mL})) = 0.15 \text{ ng/mL} \text{ for the quantitative detection limit. The qualitative and quantitative detection limits for the AAS-HGA analytical technique are 0.44 ng and 1.5 ng cadmium, respectively, for a 10 mL solution volume. These correspond, respectively, to 0.007 } \mu\text{g/m}^3 \text{ and 0.025 } \mu\text{g/m}^3 \text{ for a 60 L air volume.}$$

(iv) The peak area (abs-sec) readings of the Cd standards from 0.2 to 40 ng/mL and the statistical analysis of the results are given in Table 4. The recommended standard working range for AAS-HGA analysis is 0.2 to 20 ng/mL. The standard of lowest concentration in the recommended working range is slightly greater than the calculated quantitative detection limit, 0.15 ng/mL. The deviation from linearity of the peak area readings of the 20 ng/mL standard, the highest concentration standard in the recommended

working range, is approximately ten percent. The deviations from linearity of the peak area readings of the thirty and forty ng/mL standards are significantly greater than ten percent. As shown in Table 4, the precision of the peak area readings are satisfactory throughout the recommended working range; the relative standard deviations of the readings range from 0.025 to 0.083.

(h) Analytical method recovery for flame AAS analysis.

(i) Four sets of spiked MCEF samples were prepared by injecting 20 µL of 10, 50, 100 and 200 µg/mL dilute cadmium stock solutions on 37 mm diameter filters (part No. AAWP 037 00, Millipore Corp., Bedford, MA) with a calibrated micropipet. The dilute stock solutions were prepared by making appropriate serial dilutions of a commercially available 1,000 µg/mL cadmium standard stock solution (RICCA Chemical Co., Lot # A102) with the diluting solution (4% HNO₃, 0.4% HCl). Each set contained six samples and a sample blank. The amount of cadmium in the prepared sets were equivalent to 0.1, 0.5, 1.0 and 2.0 times the TWA PEL target concentration of 5 µg/m³ for a 400 L air volume.

(ii) The air-dried spiked filters were digested and analyzed for their cadmium content by flame atomic absorption spectroscopy (AAS) following the procedure described in subsection (3) of this section. The 0.02 to 2.0 µg/mL cadmium standards (the suggested working range) were used in the analysis of the spiked filters.

(iii) The results of the analysis are given in Table 5. One result at 0.5 times the TWA PEL target concentration was an outlier and was excluded from statistical analysis. Experimental justification for rejecting it is that the outlier value was probably due to a spiking error. The coefficients of variation for the three test levels at 0.5 to 2.0 times the TWA PEL target concentration passed the Bartlett's test and were pooled.

(iv) The average recovery of the six spiked filter samples at 0.1 times the TWA PEL target concentration was 118.2% with a coefficient of variation (CV1) of 0.128. The average recovery of the spiked filter samples in the range of 0.5 to 2.0 times the TWA target concentration was 104.0% with a pooled coefficient of variation (CV1) of 0.010. Consequently, the analytical bias found in these spiked sample results over the tested concentration range was +4.0% and the OAE was ±6.0%.

(i) Analytical method recovery for AAS-HGA analysis.

(i) Three sets of spiked MCEF samples were prepared by injecting 15 µL of 5, 10 and 20 µg/mL dilute cadmium stock solutions on 37 mm diameter filters (part no. AAWP 037 00, Millipore Corp., Bedford, MA) with a calibrated micropipet. The dilute stock solutions were prepared by making appropriate serial dilutions of a commercially available certified 1,000 µg/mL cadmium standard stock solution (Fisher Chemical Co., Lot# 913438-24) with the diluting solution (4% HNO₃, 0.4% HCl). Each set contained six samples and a sample blank. The amount of cadmium in the prepared sets were equivalent to 0.5, 1 and 2 times the action level TWA target concentration of 2.5 µg/m³ for a 60 L air volume.

(ii) The air-dried spiked filters were digested and analyzed for their cadmium content by flameless atomic absorption spectroscopy using a heated graphite furnace atomizer following the procedure described in subsection (3)

of this section. A five-fold dilution of the spiked filter samples at 2 times the action level TWA was made prior to their analysis. The 0.05 to 20 ng/mL cadmium standards were used in the analysis of the spiked filters.

(iii) The results of the analysis are given in Table 6. There were no outliers. The coefficients of variation for the three test levels at 0.5 to 2.0 times the action level TWA PEL passed the Bartlett's test and were pooled. The average recovery of the spiked filter samples was 94.2% with a pooled coefficient of variation (CV1) of 0.043. Consequently, the analytical bias was -5.8% and the OAE was ±14.2%.

(j) Conclusions.

The experiments performed in this evaluation show the two atomic absorption analytical techniques included in this method to be precise and accurate and have sufficient sensitivity to measure airborne cadmium over a broad range of exposure levels and sampling periods.

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Table 1—Cd Detection Limit Study [Flame AAS Analysis]

STD (µg/mL)	Absorbance reading at 228.8 nm		Statistical analysis
Reagent blank	5	2	n=6.
	4	3	mean=3.50.
	4	3	std dev=1.05. CV=0.30.
0.001	6	6	n=6.
	2	4	mean=5.00.
	6	6	std dev=1.67. CV=0.335.
0.002	5	7	n=6.
	7	3	mean=5.50.
	7	4	std dev=1.76. CV=0.320.
0.005	7	7	n=6.
	8	8	mean=7.33.
	8	6	std dev=0.817. CV=0.111.
0.010	10	9	n=6.
	10	13	mean=10.3.
	10	10	std dev=1.37. CV=0.133.
0.020	20	23	n=6.
	20	22	mean=20.8.
	20	20	std dev=1.33. CV=0.064.
0.050	42	42	n=6.
	42	42	mean=42.5.
	42	45	std dev=1.22. CV=0.029.
0.10	84		n=3.
	80		mean=82.3.
	83		std dev=2.08. CV=0.025.

Table 2—Cd Standard Working Range

STD (µg/mL)	Study [Flame AAS Analysis]		Statistical analysis
	Absorbance reading at 228.8 nm		
Reagent blank	5	2	n=6.
	4	3	mean=3.50.
	4	3	std dev=1.05. CV=0.30.
0.020	20	23	n=6.
	20	22	mean=20.8.
	20	20	std dev=1.33.
0.050	42	42	n=6.
	42	42	mean=42.5.
	42	45	std dev=1.22. CV=0.029.
0.10		84	n=3.
		80	mean=82.3.
		83	std dev=2.08. CV=0.025.
0.20		161	n=3.
		161	mean=160.0.
		158	std dev=1.73. CV=0.011.
0.50		391	n=3.
		389	mean=391.0.
		393	std dev=2.00. CV=0.005.
1.00		760	n=3.
		748	mean=753.3.
		752	std dev=6.11. CV=0.008.
2.00		1416	n=3.
		1426	mean=1414.3.
		1401	std dev=12.6. CV=0.009.

Table 3—Cd Detection Limit Study

STD (ng/mL)	Peak area readings x 10 ³ at 228.8 nm		Statistical analysis
	[AAS-HGA Analysis]		
Reagent blank	0	0	n=6.
	0	1	mean=0.167.
	0	0	std dev=0.41. CV=2.45.
0.1	8	6	n=6.
	5	7	mean=7.7.
	13	7	std dev=2.8. CV=0.366.
0.2	11	13	n=6.
	11	12	mean=11.8.
	12	12	std dev=0.75. CV=0.064.

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0.5	28 33	n=6. mean=28.8. std dev=2.4. CV=0.083.
	26 28	
	28 30	
1.0	52 55	n=6. mean=54.8. std dev=2.0. CV=0.037.
	56 58	
	54 54	
2.0	101 112	n=6. mean=108.8. std dev=3.9. CV=0.036.
	110 110	
	110 110	

Table 4—Cd Standard Working Range

STD (ng/mL)	Study		Statistical analysis
	[AAS-HGA Analysis]		
	Peak area readings x 10 ³ at 228.8 nm		
0.2	11 13	n=6. mean=11.8. std dev=0.75. CV=0.064.	
	11 12		
	12 12		
0.5	28 33	n=6. mean=28.8. std dev=2.4. CV=0.083.	
	26 28		
	28 30		
1.0	52 55	n=6. mean=54.8. std dev=2.0. CV=0.037.	
	56 58		
	54 54		
2.0	101 112	n=6. mean=108.8. std dev=3.9. CV=0.036.	
	110 110		
	110 110		
5.0	247 265	n=6. mean=265.5. std dev=11.5. CV=0.044.	
	268 275		
	259 279		
10.0	495 520	n=6. mean=516.7. std dev=12.7. CV=0.025.	
	523 513		
	516 533		
20.0	950 953	n=6. mean=941.8. std dev=25.6. CV=0.027.	
	951 958		
	949 890		
30.0	1269 1291	n=6. mean=1293. std dev=13.3. CV=0.010.	
	1303 1307		
	1295 1290		
40.0	1505 1567	n=6. mean=1552. std dev=26.6. CV=0.017.	
	1535 1567		
	1566 1572		

Table 5—Analytical Method Recovery
[Flame AAS Analysis]

Test level	0.5x			1.0x			2.0x		
	µg taken	µg found	Percent rec.	µg taken	µg found	Percent rec.	µg taken	µg found	Percent rec.
1.00	1.0715	107.2	107.2	2.00	2.0688	103.4	4.00	4.1504	103.8
1.00	1.0842	108.4	108.4	2.00	2.0174	100.9	4.00	4.1108	102.8
1.00	1.0842	108.4	108.4	2.00	2.0431	102.2	4.00	4.0581	101.5
1.00	*1.0081	*100.8	100.8	2.00	2.0431	102.2	4.00	4.0844	102.1
1.00	1.0715	107.2	107.2	2.00	2.0174	100.9	4.00	4.1504	103.8
1.00	1.0842	108.4	108.4	2.00	2.0045	100.2	4.00	4.1899	104.7
n=	5			6			6		
mean=	107.9			101.6			103.1		
std dev=	0.657			1.174			1.199		
CV ₁ =	0.006			0.011			0.012		
CV ₁ (pooled)=	0.010								

* Rejected as an outlier—this value did not pass the outlier T-test at the 99% confidence level.

Test level 0.1x

µg taken	µg found	Percent rec.
0.200	0.2509	125.5
0.200	0.2509	125.5
0.200	0.2761	138.1
0.200	0.2258	112.9
0.200	0.2258	112.9
0.200	0.1881	94.1

n= 6
mean= 118.2
std dev= 15.1
CV₁= 0.128

Table 6—Analytical Method Recovery
[AAS-HGA analysis]

Test level	0.5x			1.0x			2.0x		
	ng taken	ng found	Percent rec.	ng taken	ng found	Percent rec.	ng taken	ng found	Percent rec.
75	71.23	95.0	150	138.00	92.0	300	258.43	86.1	
75	71.47	95.3	150	138.29	92.2	300	258.46	86.2	
75	70.02	93.4	150	136.30	90.9	300	280.55	93.5	
75	77.34	103.1	150	146.62	97.7	300	288.34	96.1	
75	78.32	104.4	150	145.17	96.8	300	261.74	87.2	
75	71.96	95.9	150	144.88	96.6	300	277.22	92.4	
n=	6			6			6		
mean=	97.9			94.4			90.3		
std dev=	4.66			2.98			4.30		
CV ₁ =	0.048			0.032			0.048		
CV ₁ (pooled)=	0.043								

(6) Instrumental Parameters for Flame AAS Analysis
Atomic Absorption Spectrophotometer
(Perkin-Elmer Model 603)
Flame: Air/Acetylene—lean, blue
Oxidant Flow: 55
Fuel Flow: 32
Wavelength: 228.8 nm
Slit: 4 (0.7 nm)
Range: UV

PERMANENT

PERMANENT

- Signal: Concentration (4 exp)
 Integration Time: 3 sec
- (7) Instrumental Parameters for HGA Analysis
 Atomic Absorption Spectrophotometer
 (Perkin-Elmer Model 5100)
 Signal Type: Zeeman AA
 Slitwidth: 0.7 nm
 Wavelength: 228.8 nm
 Measurement: Peak Area
 Integration Time: 6.0 sec
 BOC Time: 5 sec BOC=Background Offset
 Correction. Zeeman Graphite Furnace
 (Perkin-Elmer Model HGA-600)

Step	Ramp time (sec)	Hold time (sec)	Temp. (°C)	Argon flow (mL/min)	Read (sec)
1) Predry	5	10	90	300	
2) Dry	30	10	140	300	
3) Char	10	20	900	300	
4) Cool Down	1	8	30	300	
5) Atomize	0	5	1600	0	-1
6) Burnout	1	8	2500	300	

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

AMENDATORY SECTION (Amending Order 92-06, filed 8/10/92, effective 9/10/92)

WAC 296-67-005 Definitions. "Atmospheric tank" means a storage tank which has been designed to operate at pressures from atmospheric through 0.5 p.s.i.g. (pounds per square inch gauge, 3.45 Kpa).

"Boiling point" means the boiling point of a liquid at a pressure of 14.7 pounds per square inch absolute (p.s.i.a.) (760 mm.). For the purposes of this part, where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, the 10 percent point of a distillation performed in accordance with the Standard Method of Test for Distillation of Petroleum Products, ASTM D-86-62, may be used as the boiling point of the liquid.

"Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more highly hazardous chemicals, that presents serious danger to employees in the workplace.

"Facility" means the buildings, containers, or equipment which contain a process.

"Highly hazardous chemical" means a substance possessing toxic, reactive, flammable, or explosive properties and specified by WAC 296-67-001 (2)(a).

"Hot work" means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.

"Normally unoccupied remote facility" means a facility which is operated, maintained, or serviced by employees who visit the facility only periodically to check its operation and to perform necessary operating or maintenance tasks. No employees are permanently stationed at the facility.

Facilities meeting this definition are not contiguous with, and must be geographically remote from all other buildings, processes, or persons.

"Process" means any activity involving a highly hazardous chemical including any use, storage, manufacturing, handling, or the on-site movement of such chemicals, or combination of these activities. For purposes of this definition, any group of vessels which are interconnected and separate vessels which are located such that a highly hazardous chemical could be involved in a potential release shall be considered a single process.

"Replacement in kind" means a replacement which satisfies the design specification.

"Trade secret" means any confidential formula, pattern, process, device, information, or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. ((WAC 296-67-293, Appendix D)) Chapter 296-62 WAC, Part C, sets out the criteria to be used in evaluating trade secrets.

AMENDATORY SECTION (Amending Order 92-06, filed 8/10/92, effective 9/10/92)

WAC 296-67-285 Appendix A—List of highly hazardous chemicals, toxics and reactives (mandatory).

This appendix contains a listing of toxic and reactive highly hazardous chemicals which present a potential for a catastrophic event at or above the threshold quantity.

CHEMICAL NAME	CAS*	TQ**
Acetaldehyde	75-07-0	2500
Acrolein (2-Propenal)	107-02-8	150
Acrylyl Chloride	814-68-6	250
Allyl Chloride	107-05-1	1000
Allylamine	107-11-9	1000
Alkylaluminums	Varies	5000
Ammonia, Anhydrous	7664-41-7	10000
Ammonia solutions (((≠)) ≥44% ammonia by weight)	7664-41-7	15000
Ammonium Perchlorate	7790-98-9	7500
Ammonium Permanganate	7787-36-2	7500
Arsine (also called Arsenic Hydride)	7784-42-1	100
Bis(Chloromethyl) Ether	542-88-1	100
Boron Trichloride	10294-34-5	2500
Boron Trifluoride	7637-07-2	250
Bromine	7726-95-6	1500
Bromine Chloride	13863-41-7	1500
Bromine Pentafluoride	7789-30-2	2500
Bromine Trifluoride	7787-71-5	15000
3-Bromopropyne (also called Propargyl Bromide)	106-96-7	100
Butyl Hydroperoxide (Tertiary)	75-91-2	5000
Butyl Perbenzoate (Tertiary)	614-45-9	7500
Carbonyl Chloride (see Phosgene)	75-44-5	100
Carbonyl Fluoride	353-50-4	2500
Cellulose Nitrate (concentration ((≠)) ≥12.6% nitrogen)	9004-70-0	2500
Chlorine	7782-50-5	1500
Chlorine Dioxide	10049-04-4	1000
Chlorine Pentafluoride	13637-63-3	1000
Chlorine Trifluoride	7790-91-2	1000
Chlorodiethylaluminum (also called Diethylaluminum Chloride)	96-10-6	5000
1-Chloro-2,4-Dinitrobenzene	97-00-7	5000
Chloromethyl Methyl Ether	107-30-2	500
Chloropicrin	76-06-2	500
Chloropicrin and Methyl Bromide mixture	None	1500
Chloropicrin and Methyl Chloride mixture	None	1500
Cumene Hydroperoxide	80-15-9	5000

Cyanogen	460-19-5	2500	Ozone	10028-15-6	100
Cyanogen Chloride	506-77-4	500	Pentaborane	19624-22-7	100
Cyanuric Fluoride	675-14-9	100	Peracetic Acid (concentration ((≠)) ≥60% Acetic Acid; also called Peroxyacetic Acid)	79-21-0	1000
Diacetyl Peroxide (Concentration ((≠)) ≥70%)	110-22-5	5000	Perchloric Acid (concentration ((≠)) ≥60% by weight)	7601-90-3	5000
Diazomethane	334-88-3	500	Perchloromethyl Mercaptan	594-42-3	150
Dibenzoyl Peroxide	94-36-0	7500	Perchloryl Fluoride	7616-94-6	5000
Diborane	19287-45-7	100	Peroxyacetic Acid (concentration ((≠)) ≥60% Acetic Acid; also called Peracetic Acid)	79-21-0	1000
Dibutyl Peroxide (Tertiary)	110-05-4	5000	Phosgene (also called Carbonyl Chloride)	75-44-5	100
Dichloro Acetylene	7572-29-4	250	Phosphine (Hydrogen Phosphide)	7803-51-2	100
Dichlorosilane	4109-96-0	2500	Phosphorus Oxychloride (also called Phosphoryl Chloride)	10025-87-3	1000
Diethylzinc	557-20-0	10000	Phosphorus Trichloride	7719-12-2	1000
Diisopropyl Peroxydicarbonate	105-64-6	7500	Phosphoryl Chloride (also called Phosphorus Oxychloride)	10025-87-3	1000
Dilaluroyl Peroxide	105-74-8	7500	Propargyl Bromide	106-96-7	100
Dimethyldichlorosilane	75-78-5	1000	Propyl Nitrate	627-3-4	2500
Dimethylhydrazine, 1,1-	57-14-7	1000	Sarin	107-44-8	100
Dimethylamine, Anhydrous	124-40-3	2500	Selenium Hexafluoride	7783-79-1	1000
2,4-Dinitroaniline	97-02-9	5000	Stibine (Antimony Hydride)	7803-52-3	500
Ethyl Methyl Ketone Peroxide (also Methyl Ethyl Ketone Peroxide; concentration ((≠)) ≥60%)	1338-23-4	5000	Sulfur Dioxide (liquid)	7446-09-5	1000
Ethyl Nitrite	109-95-5	5000	Sulfur Pentafluoride	5714-22-7	250
Ethylamine	75-04-7	7500	Sulfur Tetrafluoride	7783-60-0	250
Ethylene Fluorohydrin	371-62-0	100	Sulfur Trioxide (also called Sulfuric Anhydride)	7446-11-9	1000
Ethylene Oxide	75-21-8	5000	Sulfuric Anhydride (also called Sulfur Trioxide)	7446-11-9	1000
Ethyleneimine	151-56-4	1000	Tellurium Hexafluoride	7783-80-4	250
Fluorine	7782-41-4	1000	Tetrafluoroethylene	116-14-3	5000
Formaldehyde (Formalin)	50-00-0	1000	Tetrafluorohydrazine	10036-47-2	5000
Furan	110-00-9	500	Tetramethyl Lead	75-74-1	1000
Hexafluoroacetone	684-16-2	5000	Thionyl Chloride	7719-09-7	250
Hydrochloric Acid, Anhydrous	7647-01-0	5000	Trichloro (chloromethyl) Silane	1558-25-4	100
Hydrofluoric Acid, Anhydrous	7664-39-3	1000	Trichloro (dichlorophenyl) Silane	27137-85-5	2500
Hydrogen Bromide	10035-10-6	5000	Trichlorosilane	10025-78-2	5000
Hydrogen Chloride	7647-01-0	5000	Trifluorochloroethylene	79-38-9	10000
Hydrogen Cyanide, Anhydrous	74-90-8	1000	Trimethoxysilane	2487-90-3	1500
Hydrogen Fluoride	7664-39-3	1000			
Hydrogen Peroxide (52% by weight or greater)	7722-84-1	7500			
Hydrogen Selenide	7783-07-5	150			
Hydrogen Sulfide	7783-06-4	1500			
Hydroxylamine	7803-49-8	2500			
Iron, Pentacarbonyl	13463-40-6	250			
Isopropylamine	75-31-0	5000			
Ketene	463-51-4	100			
Methacrylaldehyde	78-85-3	1000			
Methacryloyl Chloride	920-46-7	150			
Methacryloyloxyethyl Isocyanate	30674-80-7	100			
Methyl Acrylonitrile	126-98-7	250			
Methylamine, Anhydrous	74-89-5	1000			
Methyl Bromide	74-83-9	2500			
Methyl Chloride	74-87-3	15000			
Methyl Chloroformate	79-22-1	500			
Methyl Ethyl Ketone Peroxide (concentration ((≠)) ≥60%)	1338-23-4	5000			
Methyl Fluoroacetate	453-18-9	100			
Methyl Fluorosulfate	421-20-5	100			
Methyl Hydrazine	60-34-4	100			
Methyl Iodide	74-88-4	7500			
Methyl Isocyanate	624-83-9	250			
Methyl Mercaptan	74-93-1	5000			
Methyl Vinyl Ketone	79-84-4	100			
Methyltrichlorosilane	75-79-6	500			
Nickel Carbonyl (Nickel Tetracarbonyl)	13463-39-3	150			
Nitric Acid (94.5% by weight or greater)	7697-37-2	500			
Nitric Oxide	10102-43-9	250			
Nitroaniline (para Nitroaniline)	100-01-6	5000			
Nitromethane	75-52-5	2500			
Nitrogen Dioxide	10102-44-0	250			
Nitrogen Oxides (NO; NO2; N2O4; N2O3)	10102-44-0	250			
Nitrogen Tetroxide (also called Nitrogen Peroxide)	10544-72-6	250			
Nitrogen Trifluoride	7783-54-2	5000			
Nitrogen Trioxide	10544-73-7	250			
Oleum (65% to 80% by weight; also called Fuming Sulfuric Acid)	8014-94-7	1000			
Osmium Tetroxide	20816-12-0	100			
Oxygen Difluoride (Fluorine Monoxide)	7783-41-7	100			

* Chemical Abstract Service Number.

** Threshold Quantity in Pounds (Amount necessary to be covered by this standard).

AMENDATORY SECTION (Amending Order 92-06, filed 8/10/92, effective 9/10/92)

WAC 296-67-291 Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory). This appendix serves as a nonmandatory guideline to assist employers and employees in complying with the requirements of this section, as well as provides other helpful recommendations and information. Examples presented in this appendix are not the only means of achieving the performance goals in the standard. This appendix neither adds nor detracts from the requirements of the standard.

(1) Introduction to process safety management. The major objective of process safety management of highly hazardous chemicals is to prevent unwanted releases of hazardous chemicals especially into locations which could expose employees and others to serious hazards. An effective process safety management program requires a systematic approach to evaluating the whole process. Using this approach the process design, process technology, operational and maintenance activities and procedures, nonroutine activities and procedures, emergency preparedness plans and procedures, training programs, and other elements which impact the process are all considered in the evaluation. The various lines of defense that have been incorporat-

ed into the design and operation of the process to prevent or mitigate the release of hazardous chemicals need to be evaluated and strengthened to assure their effectiveness at each level. Process safety management is the proactive identification, evaluation and mitigation or prevention of chemical releases that could occur as a result of failures in process, procedures, or equipment. The process safety management standard targets highly hazardous chemicals that have the potential to cause a catastrophic incident. This standard as a whole is to aid employers in their efforts to prevent or mitigate episodic chemical releases that could lead to a catastrophe in the workplace and possibly to the surrounding community. To control these types of hazards, employers need to develop the necessary expertise, experiences, judgment, and proactive initiative within their workforce to properly implement and maintain an effective process safety management program as envisioned in the WISHA standard. This WISHA standard is required by the Clean Air Act amendments as is the Environmental Protection Agency's Risk Management Plan. Employers, who merge the two sets of requirements into their process safety management program, will better assure full compliance with each as well as enhancing their relationship with the local community. While WISHA believes process safety management will have a positive effect on the safety of employees in workplaces and also offers other potential benefits to employers (increased productivity), smaller businesses which may have limited resources available to them at this time, might consider alternative avenues of decreasing the risks associated with highly hazardous chemicals at their workplaces. One method which might be considered is the reduction in the inventory of the highly hazardous chemical. This reduction in inventory will result in a reduction of the risk or potential for a catastrophic incident. Also, employers including small employers may be able to establish more efficient inventory control by reducing the quantities of highly hazardous chemicals on site below the established threshold quantities. This reduction can be accomplished by ordering smaller shipments and maintaining the minimum inventory necessary for efficient and safe operation. When reduced inventory is not feasible, then the employer might consider dispersing inventory to several locations on site. Dispersing storage into locations where a release in one location will not cause a release in another location is a practical method to also reduce the risk or potential for catastrophic incidents.

(2) Employee involvement in process safety management. Section 304 of the Clean Air Act amendments states that employers are to consult with their employees and their representatives regarding the employers efforts in the development and implementation of the process safety management program elements and hazard assessments. Section 304 also requires employers to train and educate their employees and to inform affected employees of the findings from incident investigations required by the process safety management program. Many employers, under their safety and health programs, have already established means and methods to keep employees and their representatives informed about relevant safety and health issues and employers may be able to adapt these practices and procedures to meet their obligations under this standard. Employers who have not implemented an occupational safety and health

program may wish to form a safety and health committee of employees and management representatives to help the employer meet the obligations specified by this standard. These committees can become a significant ally in helping the employer to implement and maintain an effective process safety management program for all employees.

(3) Process safety information. Complete and accurate written information concerning process chemicals, process technology, and process equipment is essential to an effective process safety management program and to a process hazards analysis. The compiled information will be a necessary resource to a variety of users including the team that will perform the process hazards analysis as required under WAC 296-67-017; those developing the training programs and the operating procedures; contractors whose employees will be working with the process; those conducting the prestartup reviews; local emergency preparedness planners; and incurrence and enforcement officials. The information to be compiled about the chemicals, including process intermediates, needs to be comprehensive enough for an accurate assessment of the fire and explosion characteristics, reactivity hazards, the safety and health hazards to workers, and the corrosion and erosion effects on the process equipment and monitoring tools. Current material safety data sheet (MSDS) information can be used to help meet this requirement which must be supplemented with process chemistry information including runaway reaction and over pressure hazards if applicable. Process technology information will be a part of the process safety information package and it is expected that it will include diagrams of the type shown in WAC 296-67-289, Appendix B of this part as well as employer established criteria for maximum inventory levels for process chemicals; limits beyond which would be considered upset conditions; and a qualitative estimate of the consequences or results of deviation that could occur if operating beyond the established process limits. Employers are encouraged to use diagrams which will help users understand the process. A block flow diagram is used to show the major process equipment and interconnecting process flow lines and show flow rates, stream composition, temperatures, and pressures when necessary for clarity. The block flow diagram is a simplified diagram. Process flow diagrams are more complex and will show all main flow streams including valves to enhance the understanding of the process, as well as pressures and temperatures on all feed and product lines within all major vessels, in and out of headers and heat exchangers, and points of pressure and temperature control. Also, materials of construction information, pump capacities and pressure heads, compressor horsepower and vessel design pressures and temperatures are shown when necessary for clarity. In addition, major components of control loops are usually shown along with key utilities on process flow diagrams. Piping and instrument diagrams (P&IDs) may be the more appropriate type of diagrams to show some of the above details and to display the information for the piping designer and engineering staff. The ((P&IDs)) P&IDs are to be used to describe the relationships between equipment and instrumentation as well as other relevant information that will enhance clarity. Computer software programs which do ((P&IDs)) P&IDs or other diagrams useful to the information package, may be used to help meet this requirement. The information

pertaining to process equipment design must be documented. In other words, what were the codes and standards relied on to establish good engineering practice. These codes and standards are published by such organizations as the American Society of Mechanical Engineers, American Petroleum Institute, American National Standards Institute, National Fire Protection Association, American Society for Testing and Materials, National Board of Boiler and Pressure Vessel Inspectors, National Association of Corrosion Engineers, American Society of Exchange Manufacturers Association, and model building code groups. In addition, various engineering societies issue technical reports which impact process design. For example, the American Institute of Chemical Engineers has published technical reports on topics such as two phase flow for venting devices. This type of technically recognized report would constitute good engineering practice. For existing equipment designed and constructed many years ago in accordance with the codes and standards available at that time and no longer in general use today, the employer must document which codes and standards were used and that the design and construction along with the testing, inspection and operation are still suitable for the intended use. Where the process technology requires a design which departs from the applicable codes and standards, the employer must document that the design and construction is suitable for the intended purpose.

(4) Process hazard analysis. A process hazard analysis (PHA), sometimes called a process hazard evaluation, is one of the most important elements of the process safety management program. A PHA is an organized and systematic effort to identify and analyze the significance of potential hazards associated with the processing or handling of highly hazardous chemicals. A PHA provides information which will assist employers and employees in making decisions for improving safety and reducing the consequences of unwanted or unplanned releases of hazardous chemicals. A PHA is directed toward analyzing potential causes and consequences of fires, explosions, releases of toxic or flammable chemicals and major spills of hazardous chemicals. The PHA focuses on equipment, instrumentation, utilities, human actions (routine and nonroutine), and external factors that might impact the process. These considerations assist in determining the hazards and potential failure points or failure modes in a process. The selection of a PHA methodology or technique will be influenced by many factors including the amount of existing knowledge about the process. Is it a process that has been operated for a long period of time with little or no innovation and extensive experience has been generated with its use? Or, is it a new process or one which has been changed frequently by the inclusion of innovative features? Also, the size and complexity of the process will influence the decision as to the appropriate PHA methodology to use. All PHA methodologies are subject to certain limitations. For example, the checklist methodology works well when the process is very stable and no changes are made, but it is not as effective when the process has undergone extensive change. The checklist may miss the most recent changes and consequently the changes would not be evaluated. Another limitation to be considered concerns the assumptions made by the team or analyst. The PHA is dependent on good judgment and the assumptions made during the study need to be documented and understood by

the team and reviewer and kept for a future PHA. The team conducting the PHA need to understand the methodology that is going to be used. A PHA team can vary in size from two people to a number of people with varied operational and technical backgrounds. Some team members may only be a part of the team for a limited time. The team leader needs to be fully knowledgeable in the proper implementation of the PHA methodology that is to be used and should be impartial in the evaluation. The other full or part time team members need to provide the team with expertise in areas such as process technology, process design, operating procedures and practices, including how the work is actually performed, alarms, emergency procedures, instrumentation, maintenance procedures, both routine and nonroutine tasks, including how the tasks are authorized, procurement of parts and supplies, safety and health, and any other relevant subject as the need dictates. At least one team member must be familiar with the process. The ideal team will have an intimate knowledge of the standards, codes, specifications and regulations applicable to the process being studied. The selected team members need to be compatible and the team leader needs to be able to manage the team, and the PHA study. The team needs to be able to work together while benefiting from the expertise of others on the team or outside the team, to resolve issues, and to forge a consensus on the findings of the study and recommendations. The application of a PHA to a process may involve the use of different methodologies for various parts of the process. For example, a process involving a series of unit operations of varying sizes, complexities, and ages may use different methodologies and team members for each operation. Then the conclusions can be integrated into one final study and evaluation. A more specific example is the use of a checklist PHA for a standard boiler or heat exchanger and the use of a hazard and operability PHA for the overall process. Also, for batch type processes like custom batch operations, a generic PHA of a representative batch may be used where there are only small changes of monomer or other ingredient ratios and the chemistry is documented for the full range and ratio of batch ingredients. Another process that might consider using a generic type of PHA is a gas plant. Often these plants are simply moved from site to site and therefore, a generic PHA may be used for these movable plants. Also, when an employer has several similar size gas plants and no sour gas is being processed at the site, then a generic PHA is feasible as long as the variations of the individual sites are accounted for in the PHA. Finally, when an employer has a large continuous process which has several control rooms for different portions of the process such as for a distillation tower and a blending operation, the employer may wish to do each segment separately and then integrate the final results. Additionally, small businesses which are covered by this rule, will often have processes that have less storage volume, less capacity, and less complicated than processes at a large facility. Therefore, WISHA would anticipate that the less complex methodologies would be used to meet the process hazard analysis criteria in the standard. These process hazard analyses can be done in less time and with a few people being involved. A less complex process generally means that less data, ((P&IDs)) P&IDs, and process information is needed to perform a process hazard analysis. Many small businesses have processes that are not unique, such as

cold storage lockers or water treatment facilities. Where employer associations have a number of members with such facilities, a generic PHA, evolved from a checklist or what-if questions, could be developed and used by each employer effectively to reflect his/her particular process; this would simplify compliance for them. When the employer has a number of processes which require a PHA, the employer must set up a priority system of which PHAs to conduct first. A preliminary or gross hazard analysis may be useful in prioritizing the processes that the employer has determined are subject to coverage by the process safety management standard. Consideration should first be given to those processes with the potential of adversely affecting the largest number of employees. This prioritizing should consider the potential severity of a chemical release, the number of potentially affected employees, the operating history of the process such as the frequency of chemical releases, the age of the process and any other relevant factors. These factors would suggest a ranking order and would suggest either using a weighing factor system or a systematic ranking method. The use of a preliminary hazard analysis would assist an employer in determining which process should be of the highest priority and thereby the employer would obtain the greatest improvement in safety at the facility. Detailed guidance on the content and application of process hazard analysis methodologies is available from the American Institute of Chemical Engineers' Center for Chemical Process Safety (see WAC 296-67-293, Appendix D).

(5) Operating procedures and practices. Operating procedures describe tasks to be performed, data to be recorded, operating conditions to be maintained, samples to be collected, and safety and health precautions to be taken. The procedures need to be technically accurate, understandable to employees, and revised periodically to ensure that they reflect current operations. The process safety information package is to be used as a resource to better assure that the operating procedures and practices are consistent with the known hazards of the chemicals in the process and that the operating parameters are accurate. Operating procedures should be reviewed by engineering staff and operating personnel to ensure that they are accurate and provide practical instructions on how to actually carry out job duties safely. Operating procedures will include specific instructions or details on what steps are to be taken or followed in carrying out the stated procedures. These operating instructions for each procedure should include the applicable safety precautions and should contain appropriate information on safety implications. For example, the operating procedures addressing operating parameters will contain operating instructions about pressure limits, temperature ranges, flow rates, what to do when an upset condition occurs, what alarms and instruments are pertinent if an upset condition occurs, and other subjects. Another example of using operating instructions to properly implement operating procedures is in starting up or shutting down the process. In these cases, different parameters will be required from those of normal operation. These operating instructions need to clearly indicate the distinctions between startup and normal operations such as the appropriate allowances for heating up a unit to reach the normal operating parameters. Also the operating instructions need to describe the proper method for increasing the temperature of the unit until the normal

operating temperature parameters are achieved. Computerized process control systems add complexity to operating instructions. These operating instructions need to describe the logic of the software as well as the relationship between the equipment and the control system; otherwise, it may not be apparent to the operator. Operating procedures and instructions are important for training operating personnel. The operating procedures are often viewed as the standard operating practices (SOPs) for operations. Control room personnel and operating staff, in general, need to have a full understanding of operating procedures. If workers are not fluent in English then procedures and instructions need to be prepared in a second language understood by the workers. In addition, operating procedures need to be changed when there is a change in the process as a result of the management of change procedures. The consequences of operating procedure changes need to be fully evaluated and the information conveyed to the personnel. For example, mechanical changes to the process made by the maintenance department (like changing a valve from steel to brass or other subtle changes) need to be evaluated to determine if operating procedures and practices also need to be changed. All management of change actions must be coordinated and integrated with current operating procedures and operating personnel must be oriented to the changes in procedures before the change is made. When the process is shut down in order to make a change, then the operating procedures must be updated before startup of the process. Training in how to handle upset conditions must be accomplished as well as what operating personnel are to do in emergencies such as when a pump seal fails or a pipeline ruptures. Communication between operating personnel and workers performing work within the process area, such as nonroutine tasks, also must be maintained. The hazards of the tasks are to be conveyed to operating personnel in accordance with established procedures and to those performing the actual tasks. When the work is completed, operating personnel should be informed to provide closure on the job.

(6) Employee training. All employees, including maintenance and contractor employees, involved with highly hazardous chemicals need to fully understand the safety and health hazards of the chemicals and processes they work with for the protection of themselves, their fellow employees and the citizens of nearby communities. Training conducted in compliance with WAC 296-62-054, the hazard communication standard, will help employees to be more knowledgeable about the chemicals they work with as well as familiarize them with reading and understanding MSDS. However, additional training in subjects such as operating procedures and safety work practices, emergency evacuation and response, safety procedures, routine and nonroutine work authorization activities, and other areas pertinent to process safety and health will need to be covered by an employer's training program. In establishing their training programs, employers must clearly define the employees to be trained and what subjects are to be covered in their training. Employers in setting up their training program will need to clearly establish the goals and objectives they wish to achieve with the training that they provide to their employees. The learning goals or objectives should be written in clear measurable terms before the training begins. These goals and objectives need to be tailored to each of the

specific training modules or segments. Employers should describe the important actions and conditions under which the employee will demonstrate competence or knowledge as well as what is acceptable performance. Hands-on-training where employees are able to use their senses beyond listening, will enhance learning. For example, operating personnel, who will work in a control room or at control panels, would benefit by being trained at a simulated control panel or panels. Upset conditions of various types could be displayed on the simulator, and then the employee could go through the proper operating procedures to bring the simulator panel back to the normal operating parameters. A training environment could be created to help the trainee feel the full reality of the situation but, of course, under controlled conditions. This realistic type of training can be very effective in teaching employees correct procedures while allowing them to also see the consequences of what might happen if they do not follow established operating procedures. Other training techniques using videos or on-the-job training can also be very effective for teaching other job tasks, duties, or other important information. An effective training program will allow the employee to fully participate in the training process and to practice their skill or knowledge. Employers need to periodically evaluate their training programs to see if the necessary skills, knowledge, and routines are being properly understood and implemented by their trained employees. The means or methods for evaluating the training should be developed along with the training program goals and objectives. Training program evaluation will help employers to determine the amount of training their employees understood, and whether the desired results were obtained. If, after the evaluation, it appears that the trained employees are not at the level of knowledge and skill that was expected, the employer will need to revise the training program, provide retraining, or provide more frequent refresher training sessions until the deficiency is resolved. Those who conducted the training and those who received the training should also be consulted as to how best to improve the training process. If there is a language barrier, the language known to the trainees should be used to reinforce the training messages and information. Careful consideration must be given to assure that employees including maintenance and contract employees receive current and updated training. For example, if changes are made to a process, impacted employees must be trained in the changes and understand the effects of the changes on their job tasks (e.g., any new operating procedures pertinent to their tasks). Additionally, as already discussed the evaluation of the employee's absorption of training will certainly influence the need for training.

(7) Contractors. Employers who use contractors to perform work in and around processes that involve highly hazardous chemicals, will need to establish a screening process so that they hire and use contractors who accomplish the desired job tasks without compromising the safety and health of employees at a facility. For contractors, whose safety performance on the job is not known to the hiring employer, the employer will need to obtain information on injury and illness rates and experience and should obtain contractor references. Additionally, the employer must assure that the contractor has the appropriate job skills, knowledge and certifications (such as for pressure vessel

welders). Contractor work methods and experiences should be evaluated. For example, does the contractor conducting demolition work swing loads over operating processes or does the contractor avoid such hazards? Maintaining a site injury and illness log for contractors is another method employers must use to track and maintain current knowledge of work activities involving contract employees working on or adjacent to covered processes. Injury and illness logs of both the employer's employees and contract employees allow an employer to have full knowledge of process injury and illness experience. This log will also contain information which will be of use to those auditing process safety management compliance and those involved in incident investigations. Contract employees must perform their work safely. Considering that contractors often perform very specialized and potentially hazardous tasks such as confined space entry activities and nonroutine repair activities it is quite important that their activities be controlled while they are working on or near a covered process. A permit system or work authorization system for these activities would also be helpful to all affected employers. The use of a work authorization system keeps an employer informed of contract employee activities, and as a benefit the employer will have better coordination and more management control over the work being performed in the process area. A well run and well maintained process where employee safety is fully recognized will benefit all of those who work in the facility whether they be contract employees or employees of the owner.

(8) Prestartup safety. For new processes, the employer will find a PHA helpful in improving the design and construction of the process from a reliability and quality point of view. The safe operation of the new process will be enhanced by making use of the PHA recommendations before final installations are completed. ((PeDs)) P&IDs are to be completed along with having the operating procedures in place and the operating staff trained to run the process before startup. The initial startup procedures and normal operating procedures need to be fully evaluated as part of the prestartup review to assure a safe transfer into the normal operating mode for meeting the process parameters. For existing processes that have been shutdown for turnaround, or modification, etc., the employer must assure that any changes other than "replacement in kind" made to the process during shutdown go through the management of change procedures. ((PeDs)) P&IDs will need to be updated as necessary, as well as operating procedures and instructions. If the changes made to the process during shutdown are significant and impact the training program, then operating personnel as well as employees engaged in routine and nonroutine work in the process area may need some refresher or additional training in light of the changes. Any incident investigation recommendations, compliance audits or PHA recommendations need to be reviewed as well to see what impacts they may have on the process before beginning the startup.

(9) Mechanical integrity. Employers will need to review their maintenance programs and schedules to see if there are areas where "breakdown" maintenance is used rather than an ongoing mechanical integrity program. Equipment used to process, store, or handle highly hazardous chemicals needs to be designed, constructed, installed, and maintained to

minimize the risk of releases of such chemicals. This requires that a mechanical integrity program be in place to assure the continued integrity of process equipment. Elements of a mechanical integrity program include the identification and categorization of equipment and instrumentation, inspections and tests, testing and inspection frequencies, development of maintenance procedures, training of maintenance personnel, the establishment of criteria for acceptable test results, documentation of test and inspection results, and documentation of manufacturer recommendations as to meantime to failure for equipment and instrumentation. The first line of defense an employer has available is to operate and maintain the process as designed, and to keep the chemicals contained. This line of defense is backed up by the next line of defense which is the controlled release of chemicals through venting to scrubbers or flares, or to surge or overflow tanks which are designed to receive such chemicals, etc. These lines of defense are the primary lines of defense or means to prevent unwanted releases. The secondary lines of defense would include fixed fire protection systems like sprinklers, water spray, or deluge systems, monitor guns, etc., dikes, designed drainage systems, and other systems which would control or mitigate hazardous chemicals once an unwanted release occurs. These primary and secondary lines of defense are what the mechanical integrity program needs to protect and strengthen these primary and secondary lines of defenses where appropriate. The first step of an effective mechanical integrity program is to compile and categorize a list of process equipment and instrumentation for inclusion in the program. This list would include pressure vessels, storage tanks, process piping, relief and vent systems, fire protection system components, emergency shutdown systems, and alarms and interlocks and pumps. For the categorization of instrumentation and the listed equipment the employer would prioritize which pieces of equipment require closer scrutiny than others. Meantime to failure of various instrumentation and equipment parts would be known from the manufacturer's data or the employer's experience with the parts, which would then influence the inspection and testing frequency and associated procedures. Also, applicable codes and standards such as the National Board Inspection Code, or those from the American Society for Testing and Material, American Petroleum Institute, National Fire Protection Association, American National Standards Institute, American Society of Mechanical Engineers, and other groups, provide information to help establish an effective testing and inspection frequency, as well as appropriate methodologies. The applicable codes and standards provide criteria for external inspections for such items as foundation and supports, anchor bolts, concrete or steel supports, guy wires, nozzles and sprinklers, pipe hangers, grounding connections, protective coatings and insulation, and external metal surfaces of piping and vessels, etc. These codes and standards also provide information on methodologies for internal inspection, and a frequency formula based on the corrosion rate of the materials of construction. Also, erosion both internal and external needs to be considered along with corrosion effects for piping and valves. Where the corrosion rate is not known, a maximum inspection frequency is recommended, and methods of developing the corrosion rate are available in the codes. Internal inspections need to cover items such as vessel shell,

bottom and head; metallic linings; nonmetallic linings; thickness measurements for vessels and piping; inspection for erosion, corrosion, cracking and bulges; internal equipment like trays, baffles, sensors, and screens for erosion, corrosion or cracking and other deficiencies. Some of these inspections may be performed by state or local government inspectors under state and local statutes. However, each employer needs to develop procedures to ensure that tests and inspections are conducted properly and that consistency is maintained even where different employees may be involved. Appropriate training is to be provided to maintenance personnel to ensure that they understand the preventive maintenance program procedures, safe practices, and the proper use and application of special equipment or unique tools that may be required. This training is part of the overall training program called for in the standard. A quality assurance system is needed to help ensure that the proper materials of construction are used, that fabrication and inspection procedures are proper, and that installation procedures recognize field installation concerns. The quality assurance program is an essential part of the mechanical integrity program and will help to maintain the primary and secondary lines of defense that have been designed into the process to prevent unwanted chemical releases or those which control or mitigate a release. "As built" drawings, together with certifications of coded vessels and other equipment, and materials of construction need to be verified and retained in the quality assurance documentation. Equipment installation jobs need to be properly inspected in the field for use of proper materials and procedures and to assure that qualified craftsmen are used to do the job. The use of appropriate gaskets, packing, bolts, valves, lubricants, and welding rods need to be verified in the field. Also procedures for installation of safety devices need to be verified, such as the torque on the bolts on ruptured disc installations, uniform torque on flange bolts, proper installation of pump seals, etc. If the quality of parts is a problem, it may be appropriate to conduct audits of the equipment supplier's facilities to better assure proper purchases of required equipment which is suitable for its intended service. Any changes in equipment that may become necessary will need to go through the management of change procedures.

(10) Nonroutine work authorizations. Nonroutine work which is conducted in process areas needs to be controlled by the employer in a consistent manner. The hazards identified involving the work that is to be accomplished must be communicated to those doing the work, but also to those operating personnel whose work could affect the safety of the process. A work authorization notice or permit must have a procedure that describes the steps the maintenance supervisor, contractor representative or other person needs to follow to obtain the necessary clearance to get the job started. The work authorization procedures need to reference and coordinate, as applicable, lockout/tagout procedures, line breaking procedures, confined space entry procedures and hot work authorizations. This procedure also needs to provide clear steps to follow once the job is completed in order to provide closure for those that need to know the job is now completed and equipment can be returned to normal.

(11) Managing change. To properly manage changes to process chemicals, technology, equipment and facilities, one must define what is meant by change. In this process safety

management standard, change includes all modifications to equipment, procedures, raw materials and processing conditions other than "replacement in kind." These changes need to be properly managed by identifying and reviewing them prior to implementation of the change. For example, the operating procedures contain the operating parameters (pressure limits, temperature ranges, flow rates, etc.) and the importance of operating within these limits. While the operator must have the flexibility to maintain safe operation within the established parameters, any operation outside of these parameters requires review and approval by a written management of change procedure. Management of change covers such as changes in process technology and changes to equipment and instrumentation. Changes in process technology can result from changes in production rates, raw materials, experimentation, equipment unavailability, new equipment, new product development, change in catalyst and changes in operating conditions to improve yield or quality. Equipment changes include among others change in materials of construction, equipment specifications, piping prearrangements, experimental equipment, computer program revisions and changes in alarms and interlocks. Employers need to establish means and methods to detect both technical changes and mechanical changes. Temporary changes have caused a number of catastrophes over the years, and employers need to establish ways to detect temporary changes as well as those that are permanent. It is important that a time limit for temporary changes be established and monitored since, without control, these changes may tend to become permanent. Temporary changes are subject to the management of change provisions. In addition, the management of change procedures are used to insure that the equipment and procedures are returned to their original or designed conditions at the end of the temporary change. Proper documentation and review of these changes is invaluable in assuring that the safety and health considerations are being incorporated into the operating procedures and the process. Employers may wish to develop a form or clearance sheet to facilitate the processing of changes through the management of change procedures. A typical change form may include a description and the purpose of the change, the technical basis for the change, safety and health considerations, documentation of changes for the operating procedures, maintenance procedures, inspection and testing, ((PeDs)) P&Ids, electrical classification, training and communications, prestartup inspection, duration if a temporary change, approvals and authorization. Where the impact of the change is minor and well understood, a check list reviewed by an authorized person with proper communication to others who are affected may be sufficient. However, for a more complex or significant design change, a hazard evaluation procedure with approvals by operations, maintenance, and safety departments may be appropriate. Changes in documents such as ((PeDs)) P&Ids, raw materials, operating procedures, mechanical integrity programs, electrical classifications, etc., need to be noted so that these revisions can be made permanent when the drawings and procedure manuals are updated. Copies of process changes need to be kept in an accessible location to ensure that design changes are available to operating personnel as well as to PHA team members when a PHA is being done or one is being updated.

(12) Investigation of incidents. Incident investigation is the process of identifying the underlying causes of incidents and implementing steps to prevent similar events from occurring. The intent of an incident investigation is for employers to learn from past experiences and thus avoid repeating past mistakes. The incidents for which WISHA expects employers to become aware and to investigate are the types of events which result in or could reasonably have resulted in a catastrophic release. Some of the events are sometimes referred to as "near misses," meaning that a serious consequence did not occur, but could have. Employers need to develop in-house capability to investigate incidents that occur in their facilities. A team needs to be assembled by the employer and trained in the techniques of investigation including how to conduct interviews of witnesses, needed documentation and report writing. A multidisciplinary team is better able to gather the facts of the event and to analyze them and develop plausible scenarios as to what happened, and why. Team members should be selected on the basis of their training, knowledge and ability to contribute to a team effort to fully investigate the incident. Employees in the process area where the incident occurred should be consulted, interviewed, or made a member of the team. Their knowledge of the events form a significant set of facts about the incident which occurred. The report, its findings and recommendations are to be shared with those who can benefit from the information. The cooperation of employees is essential to an effective incident investigation. The focus of the investigation should be to obtain facts, and not to place blame. The team and the investigation process should clearly deal with all involved individuals in a fair, open, and consistent manner.

(13) Emergency preparedness. Each employer must address what actions employees are to take when there is an unwanted release of highly hazardous chemicals. Emergency preparedness or the employer's tertiary (third) lines of defense are those that will be relied on along with the secondary lines of defense when the primary lines of defense which are used to prevent an unwanted release fail to stop the release. Employers will need to decide if they want employees to handle and stop small or minor incidental releases. Whether they wish to mobilize the available resources at the plant and have them brought to bear on a more significant release. Or whether employers want their employees to evacuate the danger area and promptly escape to a preplanned safe zone area, and allow the local community emergency response organizations to handle the release. Or whether the employer wants to use some combination of these actions. Employers will need to select how many different emergency preparedness or tertiary lines of defense they plan to have and then develop the necessary plans and procedures, and appropriately train employees in their emergency duties and responsibilities and then implement these lines of defense. Employers at a minimum must have an emergency action plan which will facilitate the prompt evacuation of employees due to an unwanted release of a highly hazardous chemical. This means that the employer will have a plan that will be activated by an alarm system to alert employees when to evacuate and, that employees who are physically impaired, will have the necessary support and assistance to get them to the safe zone as well. The intent of these requirements is to alert and move employees to a

safe zone quickly. Delaying alarms or confusing alarms are to be avoided. The use of process control centers or similar process buildings in the process area as safe areas is discouraged. Recent catastrophes have shown that a large life loss has occurred in these structures because of where they have been sited and because they are not necessarily designed to withstand over-pressures from shockwaves resulting from explosions in the process area. Unwanted incidental releases of highly hazardous chemicals in the process area must be addressed by the employer as to what actions employees are to take. If the employer wants employees to evacuate the area, then the emergency action plan will be activated. For outdoor processes where wind direction is important for selecting the safe route to a refuge area, the employer should place a wind direction indicator such as a wind sock or pennant at the highest point that can be seen throughout the process area. Employees can move in the direction of cross wind to upwind to gain safe access to the refuge area by knowing the wind direction. If the employer wants specific employees in the release area to control or stop the minor emergency or incidental release, these actions must be planned for in advance and procedures developed and implemented. Preplanning for handling incidental releases for minor emergencies in the process area needs to be done, appropriate equipment for the hazards must be provided, and training conducted for those employees who will perform the emergency work before they respond to handle an actual release. The employer's training program, including the hazard communication standard training is to address the training needs for employees who are expected to handle incidental or minor releases. Preplanning for releases that are more serious than incidental releases is another important line of defense to be used by the employer. When a serious release of a highly hazardous chemical occurs, the employer through preplanning will have determined in advance what actions employees are to take. The evacuation of the immediate release area and other areas as necessary would be accomplished under the emergency action plan. If the employer wishes to use plant personnel such as a fire brigade, spill control team, a hazardous materials team, or use employees to render aid to those in the immediate release area and control or mitigate the incident, these actions are covered by WAC 296-62-300, the hazardous waste operations and emergency response (HAZWOPER) standard. If outside assistance is necessary, such as through mutual aid agreements between employers or local government emergency response organizations, these emergency responders are also covered by HAZWOPER. The safety and health protections required for emergency responders are the responsibility of their employers and of the on-scene incident commander. Responders may be working under very hazardous conditions and therefore the objective is to have them competently led by an on-scene incident commander and the commander's staff, properly equipped to do their assigned work safely, and fully trained to carry out their duties safely before they respond to an emergency. Drills, training exercises, or simulations with the local community emergency response planners and responder organizations is one means to obtain better preparedness. This close cooperation and coordination between plant and local community emergency preparedness managers will also aid the employer in complying with the Environmental

Protection Agency's risk management plan criteria. One effective way for medium to large facilities to enhance coordination and communication during emergencies for on-plant operations and with local community organizations is for employers to establish and equip an emergency control center. The emergency control center would be sited in a safe zone area so that it could be occupied throughout the duration of an emergency. The center would serve as the major communication link between the on-scene incident commander and plant or corporate management as well as with the local community officials. The communication equipment in the emergency control center should include a network to receive and transmit information by telephone, radio, or other means. It is important to have a backup communication network in case of power failure or on-communication means fails. The center should also be equipped with the plant layout and community maps, utility drawings including fire water, emergency lighting, appropriate reference materials such as a government agency notification list, company personnel phone list, SARA Title II reports and material safety data sheets, emergency plans and procedures manual, a listing with the location of emergency response equipment, mutual aid information, and access to meteorological or weather condition data and any dispersion modeling data.

(14) Compliance audits. Employers need to select a trained individual or assemble a trained team of people to audit the process safety management system and program. A small process or plant may need only one knowledgeable person to conduct an audit. The audit is to include an evaluation of the design and effectiveness of the process safety management system and a field inspection of the safety and health conditions and practices to verify that the employer's systems are effectively implemented. The audit should be conducted or led by a person knowledgeable in audit techniques and who is impartial towards the facility or area being audited. The essential elements of an audit program include planning, staffing, conducting the audit, evaluation and corrective action, follow-up and documentation. Planning in advance is essential to the success of the auditing process. Each employer needs to establish the format, staffing, scheduling, and verification methods prior to conducting the audit. The format should be designed to provide the lead auditor with a procedure or checklist which details the requirements of each section of the standard. The names of the audit team members should be listed as part of the format as well. The checklist, if properly designed, could serve as the verification sheet which provides the auditor with the necessary information to expedite the review and assure that no requirements of the standard are omitted. This verification sheet format could also identify those elements that will require evaluation or a response to correct deficiencies. This sheet could also be used for developing the follow-up and documentation requirements. The selection of effective audit team members is critical to the success of the program. Team members should be chosen for their experience, knowledge, and training and should be familiar with the processes and with auditing techniques, practice and procedures. The size of the team will vary depending on the size and complexity of the process under consideration. For a large, complex, highly instrumented plant, it may be desirable to have team members with expertise

process engineering and design, process chemistry, instrumentation and computer controls, electrical hazards and classifications, safety and health disciplines, maintenance, emergency preparedness, warehousing or shipping, and process safety auditing. The team may use part-time members to provide for the depth of expertise required as well as for what is actually done or followed, compared to what is written. An effective audit includes a review of the relevant documentation and process safety information, inspection of the physical facilities, and interviews with all levels of plant personnel. Utilizing the audit procedure and checklist developed in the preplanning stage, the audit team can systematically analyze compliance with the provisions of the standard and any other corporate policies that are relevant. For example, the audit team will review all aspects of the training program as part of the overall audit. The team will review the written training program for adequacy of content, frequency of training, effectiveness of training in terms of its goals and objectives as well as to how it fits into meeting the standard's requirements, documentation, etc. Through interviews, the team can determine the employee's knowledge and awareness of the safety procedures, duties, rules, emergency response assignments, etc. During the inspection, the team can observe actual practices such as safety and health policies, procedures, and work authorization practices. This approach enables the team to identify deficiencies and determine where corrective actions or improvements are necessary. An audit is a technique used to gather sufficient facts and information, including statistical information, to verify compliance with standards. Auditors should select as part of their preplanning a sample size sufficient to give a degree of confidence that the audit reflects the level of compliance with the standard. The audit team, through this systematic analysis, should document areas which require corrective action as well as those areas where the process safety management system is effective and working in an effective manner. This provides a record of the audit procedures and findings, and serves as a baseline of operation data for future audits. It will assist future auditors in determining changes or trends from previous audits. Corrective action is one of the most important parts of the audit. It includes not only addressing the identified deficiencies, but also planning, followup, and documentation. The corrective action process normally begins with a management review of the audit findings. The purpose of this review is to determine what actions are appropriate, and to establish priorities, timetables, resource allocations, and requirements and responsibilities. In some cases, corrective action may involve a simple change in procedure or minor maintenance effort to remedy the concern. Management of change procedures need to be used, as appropriate, even for what may seem to be a minor change. Many of the deficiencies can be acted on promptly, while some may require engineering studies or indepth review of actual procedures and practices. There may be instances where no action is necessary and this is a valid response to an audit finding. All actions taken, including an explanation where no action is taken on a finding, needs to be documented as to what was done and why. It is important to assure that each deficiency identified is addressed, the corrective action to be taken noted, and the audit person or team responsible be properly documented by the employer. To control the

corrective action process, the employer should consider the use of a tracking system. This tracking system might include periodic status reports shared with affected levels of management, specific reports such as completion of an engineering study, and a final implementation report to provide closure for audit findings that have been through management of change, if appropriate, and then shared with affected employees and management. This type of tracking system provides the employer with the status of the corrective action. It also provides the documentation required to verify that appropriate corrective actions were taken on deficiencies identified in the audit.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-155-174 Cadmium. (1) Scope. This standard applies to all occupational exposures to cadmium and cadmium compounds, in all forms, in all construction work where an employee may potentially be exposed to cadmium. Construction work is defined as work involving construction, alteration, and/or repair, including but not limited to the following:

- (a) Wrecking, demolition, or salvage of structures where cadmium or materials containing cadmium are present;
- (b) Use of cadmium containing-paints and cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints;
- (c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain cadmium, or materials containing cadmium;
- (d) Cadmium welding; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys;
- (e) Installation of products containing cadmium;
- (f) Electrical grounding with cadmium-welding, or electrical work using cadmium-coated conduit;
- (g) Maintaining or retrofitting cadmium-coated equipment;
- (h) Cadmium contamination/emergency cleanup; and
- (i) Transportation, disposal, storage, or containment of cadmium or materials containing cadmium on the site or location at which construction activities are performed.

(2) Definitions.

(a) Action level (AL) is defined as an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air (2.5 $\mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average (TWA).

(b) Authorized person means any person authorized by the employer and required by work duties to be present in regulated areas or any person authorized by WISHA or regulations issued under it to be in regulated areas.

(c) Competent person, in accordance with WAC 296-155-012(4), means a person designated by the employer to act on the employer's behalf who is capable of identifying existing and potential cadmium hazards in the workplace and the proper methods to control them in order to protect workers, and has the authority necessary to take prompt corrective measures to eliminate or control such hazards. The duties of a competent person include at least the following: Determining prior to the performance of work whether cadmium is present in the workplace; establishing, where necessary, regulated areas and assuring that access to

and from those areas is limited to authorized employees; assuring the adequacy of any employee exposure monitoring required by this standard; assuring that all employees exposed to air cadmium levels above the PEL wear appropriate personal protective equipment and are trained in the use of appropriate methods of exposure control; assuring that proper hygiene facilities are provided and that workers are trained to use those facilities; and assuring that the engineering controls required by this standard are implemented, maintained in proper operating condition, and functioning properly.

(d) Director means the director of the department of labor and industries or authorized representative.

(e) Employee exposure and similar language referring to the air cadmium level to which an employee is exposed means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(f) Final medical determination is the written medical opinion of the employee's health status by the examining physician under subsection (12)(c) through (l) of this section or, if multiple physician review under subsection (12)(m) of this section or the alternative physician determination under subsection (12)(n) of this section is invoked, it is the final, written medical finding, recommendation or determination that emerges from that process.

(g) High-efficiency particulate (~~absolute (HEPA) air~~) air (HEPA) filter means a filter capable of trapping and retaining at least 99.97 percent of mono-dispersed particles of 0.3 micrometers in diameter.

(h) Regulated area means an area demarcated by the employer where an employee's exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed the permissible exposure limit (PEL).

(i) This section means this cadmium standard.

(3) Permissible exposure limit (PEL). The employer shall assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average exposure (TWA).

(4) Exposure monitoring

(a) General.

(i) Prior to the performance of any construction work where employees may be potentially exposed to cadmium, the employer shall establish the applicability of this standard by determining whether cadmium is present in the workplace and whether there is the possibility that employee exposures will be at or above the action level. The employer shall designate a competent person who shall make this determination. Investigation and material testing techniques shall be used, as appropriate, in the determination. Investigation shall include a review of relevant plans, past reports, material safety data sheets, and other available records, and consultations with the property owner and discussions with appropriate individuals and agencies.

(ii) Where cadmium has been determined to be present in the workplace, and it has been determined that there is a possibility the employee's exposure will be at or above the action level, the competent person shall identify employees potentially exposed to cadmium at or above the action level.

(iii) Determinations of employee exposure shall be made from breathing-zone air samples that reflect the monitored

employee's regular, daily 8-hour TWA exposure to cadmium.

(iv) Eight-hour TWA exposures shall be determined for each employee on the basis of one or more personal breathing-zone air samples reflecting full shift exposure on each shift, for each job classification, in each work area. Where several employees perform the same job tasks, in the same job classification, on the same shift, in the same work area, and the length, duration, and level of cadmium exposures are similar, an employer may sample a representative fraction of the employees instead of all employees in order to meet this requirement. In representative sampling, the employer shall sample the employee(s) expected to have the highest cadmium exposures.

(b) Specific.

(i) Initial monitoring. Except as provided for in (b)(iii) of this subsection, where a determination conducted under (a)(i) of this subsection shows the possibility of employee exposure to cadmium at or above the action level, the employer shall conduct exposure monitoring as soon as practicable that is representative of the exposure for each employee in the workplace who is or may be exposed to cadmium at or above the action level.

(ii) In addition, if the employee periodically performs tasks that may expose the employee to a higher concentration of airborne cadmium, the employee shall be monitored while performing those tasks.

(iii) Where the employer has objective data, as defined in subsection (14)(b) of this section, demonstrating that employee exposure to cadmium will not exceed airborne concentrations at or above the action level under the expected conditions of processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(iv) Where a determination conducted under (a) or (b) of this subsection is made that a potentially exposed employee is not exposed to airborne concentrations of cadmium at or above the action level, the employer shall make a written record of such determination. The record shall include at least the monitoring data developed under (b)(i) through (iii) of this subsection, where applicable, and shall also include the date of determination, and the name and Social Security number of each employee.

(c) Monitoring frequency (periodic monitoring).

(i) If the initial monitoring or periodic monitoring reveals employee exposures to be at or above the action level, the employer shall monitor at a frequency and pattern needed to assure that the monitoring results reflect with reasonable accuracy the employee's typical exposure levels, given the variability in the tasks performed, work practices, and environmental conditions on the job site, and to assure the adequacy of respiratory selection and the effectiveness of engineering and work practice controls.

(ii) If the initial monitoring or the periodic monitoring indicates that employee exposures are below the action level and that result is confirmed by the results of another monitoring taken at least seven days later, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(d) Additional monitoring. The employer also shall institute the exposure monitoring required under (b)(i) and (c) of this subsection whenever there has been a change in

the raw materials, equipment, personnel, work practices, or finished products that may result in additional employees being exposed to cadmium at or above the action level or in employees already exposed to cadmium at or above the action level being exposed above the PEL, or whenever the employer or competent person has any reason to suspect that any other change might result in such further exposure.

(e) Employee notification of monitoring results.

(i) No later than five working days after the receipt of the results of any monitoring performed under this section, the employer shall notify each affected employee individually in writing of the results. In addition, within the same time period, the employer shall post the results of the exposure monitoring in an appropriate location that is accessible to all affected employees.

(ii) Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer shall include in the written notice a statement that the PEL has been exceeded and a description of the corrective action being taken by the employer to reduce employee exposure to or below the PEL.

(f) Accuracy of measurement. The employer shall use a method of monitoring and analysis that has an accuracy of not less than plus or minus 25 percent ($\pm 25\%$), with a confidence level of 95 percent, for airborne concentrations of cadmium at or above the action level and the permissible exposure limit.

(5) Regulated areas.

(a) Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the permissible exposure limit (PEL).

(b) Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the regulated area, including employees who are or may be incidentally in the regulated areas, and that protects persons outside the area from exposure to airborne concentrations of cadmium in excess of the PEL.

(c) Access. Access to regulated areas shall be limited to authorized persons.

(d) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with subsection (7)(b) of this section.

(e) Prohibited activities. The employer shall assure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas, or carry the products associated with any of these activities into regulated areas or store such products in those areas.

(6) Methods of compliance.

(a) Compliance hierarchy.

(i) Except as specified in (a)(ii) of this subsection, the employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

(ii) The requirement to implement engineering controls to achieve the PEL does not apply where the employer demonstrates the following:

(A) The employee is only intermittently exposed; and

(B) The employee is not exposed above the PEL on 30 or more days per year (12 consecutive months).

(iii) Wherever engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, the employer nonetheless shall implement such controls to reduce exposures to the lowest levels achievable. The employer shall supplement such controls with respiratory protection that complies with the requirements of subsection (7) of this section and the PEL.

(iv) The employer shall not use employee rotation as a method of compliance.

(b) Specific operations.

(i) Abrasive blasting. Abrasive blasting on cadmium or cadmium-containing materials shall be conducted in a manner that will provide adequate protection.

(ii) Heating cadmium and cadmium-containing materials. Welding, cutting, and other forms of heating of cadmium or cadmium-containing materials shall be conducted in accordance with the requirements of WAC 296-155-415 and 296-155-420, where applicable.

(c) Prohibitions.

(i) High speed abrasive disc saws and similar abrasive power equipment shall not be used for work on cadmium or cadmium-containing materials unless they are equipped with appropriate engineering controls to minimize emissions, if the exposure levels are above the PEL.

(ii) Materials containing cadmium shall not be applied by spray methods, if exposures are above the PEL, unless employees are protected with supplied-air respirators with full facepiece, hood, helmet, suit, operated in positive pressure mode and measures are instituted to limit overspray and prevent contamination of adjacent areas.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made as necessary to maintain its effectiveness.

(ii) Measurements of the system's effectiveness in controlling exposure shall be made as necessary within five working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(iii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the system shall have a high efficiency filter and be monitored to assure effectiveness.

(iv) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance of ventilation systems and changing of filters is being conducted.

(e) Compliance program.

(i) ~~(Where the PEL is exceeded, the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL by means of engineering and work practice controls, as required by (a) of this subsection.)~~ Where employee exposure to cadmium exceeds the PEL and the employer is required under (a) of this subsection to implement controls to comply with the PEL, prior to the commencement of the job the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL. To the extent that engineering and work practice controls cannot reduce exposures to or below the PEL, the employer shall

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include in the written compliance program the use of appropriate respiratory protection to achieve compliance with the PEL.

(ii) Written compliance programs shall be reviewed and updated as often and as promptly as necessary to reflect significant changes in the employer's compliance status or significant changes in the lowest air cadmium level that is technologically feasible.

(iii) A competent person shall review the comprehensive compliance program initially and after each change.

(iv) Written compliance programs shall be provided upon request for examination and copying to the director, or authorized representatives, affected employees, and designated employee representatives.

(7) Respirator protection.

(a) General. Where respirators are required by this section, the employer shall provide them at no cost to the employee and shall assure that they are used in compliance with the requirements of this section. Respirators shall be used in the following circumstances:

(i) Where exposure levels exceed the PEL, during the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In those maintenance and repair activities and during those brief or intermittent operations where exposures exceed the PEL and engineering and work practice controls are not feasible, or are not required;

(iii) In regulated areas, as prescribed in subsection (5) of this section;

(iv) Where the employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;

(v) In emergencies;

(vi) Wherever an employee who is exposed to cadmium at or above the action level requests a respirator; and

(vii) Wherever an employee is exposed to cadmium above the PEL and engineering controls are not required under (a)(ii) of this subsection.

(b) Respirator selection.

(i) Where respirators are required under this section, the employer shall select and provide the appropriate respirator as specified in Table 1. The employer shall select respirators from among those jointly approved as acceptable protection against cadmium dust, fume, and mist by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

Table 1
Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half-mask, air-purifying respirator equipped with a HEPA ^c filter. ^d

25 x or less

A powered air-purifying respirator ("PAPR") with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.

50 x or less

A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half-mask equipped with a HEPA filter, or a supplied air respirator with a tight-fitting half-mask operated in the continuous flow mode.

250 x or less

A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.

1000 x or less

A supplied-air respirator with half-mask or full facepiece operated in the pressure demand or other positive pressure mode.

>1000 x or unknown concentrations

A self-contained breathing apparatus with (~~unknown concentrations~~) a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.

Fire fighting

A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

Note: ^a Concentrations expressed as multiple of the PEL.
^b Respirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL (10 x 5 µg/m³ = 50 µg/m³). A full facepiece respirator is required when eye irritation is experienced.
^c HEPA means High Efficiency Particulate (~~Absolute~~) Air.
^d Fit testing, qualitative or quantitative, is required.
 Source: Respiratory Decision Logic, NIOSH, 1987.

(ii) The employer shall provide a powered, air-purifying respirator (PAPR) in lieu of a negative pressure respirator wherever:

(A) An employee entitled to a respirator chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(c) Respirator program.

(i) Where respiratory protection is required, the employer shall institute a respirator protection program in accordance with chapter 296-62 WAC, Part E.

(ii) The employer shall permit each employee who is required to use an air purifying respirator to leave the regulated area to change the filter elements or replace the respirator whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall also permit each employee who is required to wear a respirator to leave the regulated area to wash his or her face and the respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(iv) If an employee exhibits difficulty in breathing while wearing a respirator during a fit test or during use, the employer shall make available to the employee a medical examination in accordance with subsection (12)(f)(ii) of this section to determine if the employee can wear a respirator while performing the required duties.

(v) No employee shall be assigned a task requiring the use of a respirator if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to continue to function normally while wearing a respirator. If the physician determines the employee must be limited in, or removed from his or her current job because of the employee's inability to wear a respirator, the limitation or removal shall be in accordance with subsection (12)(k) and (l) of this section.

(d) Respirator fit testing.

(i) The employer shall assure that the respirator issued to the employee is fitted properly and exhibits the least possible facepiece leakage.

(ii) For each employee wearing a tight-fitting, air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that do not exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform either quantitative or qualitative fit testing at the time of initial fitting and at least annually thereafter. If quantitative fit testing is used for a negative pressure respirator, a fit factor that is at least 10 times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved at testing.

(iii) For each employee wearing a tight-fitting air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. For negative-pressure respirators, a fit factor that is at least ten times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved during quantitative fit testing.

(iv) For each employee wearing a tight-fitting, supplied-air respirator or self-contained breathing apparatus, the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. This shall be accomplished by fit testing an air purifying respirator of identical type facepiece, make, model, and size as the supplied air respirator or self-contained breathing apparatus that is equipped with HEPA filters and tested as a surrogate

(substitute) in the negative pressure mode. A fit factor that is at least 10 times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved during quantitative fit testing. A supplied-air respirator or self-contained breathing apparatus with the same type facepiece, make, model, and size as the air purifying respirator with which the employee passed the quantitative fit test may then be used by that employee up to the protection factor listed in Table 1 in (b)(i) of this subsection for that class of respirators.

(v) Fit testing shall be conducted in accordance with WAC 296-62-07445. Appendix C.

(8) Emergency situations. The employer shall develop and implement a written plan for dealing with emergency situations involving substantial releases of airborne cadmium. The plan shall include provisions for the use of appropriate respirators and personal protective equipment. In addition, employees not essential to correcting the emergency situation shall be restricted from the area and normal operations halted in that area until the emergency is abated.

(9) Protective work clothing and equipment

(a) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, head coverings, and boots or foot coverings; and

(iii) Face shields, vented goggles, or other appropriate protective equipment that complies with WAC 296-155-215.

(b) Removal and storage.

(i) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with subsection (10)(a) of this section.

(ii) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium-contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(iii) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(iv) The employer shall assure that containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance or disposal shall bear labels in accordance with subsection (13)((b)) (c) of this section.

(c) Cleaning, replacement, and disposal.

(i) The employer shall provide the protective clothing and equipment required by (a) of this subsection in a clean

and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this subsection to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(ii) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(iii) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(iv) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the permissible exposure limit prescribed in subsection (3) of this section.

(v) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium, and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

(10) Hygiene areas and practices.

(a) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-155-140.

(b) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(c) Showers and handwashing facilities.

(i) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL shower during the end of the work shift.

(ii) The employer shall assure that employees who are exposed to cadmium above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(d) Lunchroom facilities.

(i) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 µg/m³.

(ii) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

(11) Housekeeping.

(a) All surfaces shall be maintained as free as practicable of accumulations of cadmium.

(b) All spills and sudden releases of material containing cadmium shall be cleaned up as soon as possible.

(c) Surfaces contaminated with cadmium shall, wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of cadmium becoming airborne.

(d) HEPA-filtered vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(e) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found not to be effective.

(f) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the dust cloud created by the compressed air.

(g) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closely impermeable containers. These bags and containers shall be labeled in accordance with subsection (13)(b) of this section.

(12) Medical surveillance.

(a) General.

(i) Scope.

(A) Currently exposed—The employer shall institute a medical surveillance program for all employees who are currently exposed at or above the action level and all employees who perform the following tasks, operations, or jobs: Electrical grounding with cadmium-welding; cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints; electrical work using cadmium-coated conduit; use of cadmium containing paints; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys; fusing of (~~reinforcing~~) reinforced steel by cadmium welding; maintaining or retrofitting cadmium-coated equipment; and, wrecking or demolition where cadmium is present. A medical surveillance program will not be required if the employer demonstrates that the employee:

(I) Is not currently exposed by the employer to airborne concentrations of cadmium at or above the action level on 3 or more days per year (twelve consecutive months); and

(II) Is not currently exposed by the employer in those tasks on 30 or more days per year (twelve consecutive months).

(B) Previously exposed—The employer shall also institute a medical surveillance program for all employees who might previously have been exposed to cadmium by the employer prior to the effective date of this section in tasks specified under (a)(i)(A) of this subsection, unless the employer demonstrates that the employee did not in those years prior to the effective date of this section work in those tasks for the employer with exposure to cadmium for an aggregated total of more than 12 months.

(ii) To determine an employee's fitness for using a respirator, the employer shall provide the limited medical examination specified in (f) of this subsection.

(iii) The employer shall assure that all medical examinations and procedures required by this section are performed by or under the supervision of a licensed physician, who has read and is familiar with the health effects WAC 296-62-07441, Appendix A, the regulatory text of this section, the

protocol for sample handling and lab selection in WAC 296-62-07451, Appendix F, and the questionnaire of WAC 296-62-07447, Appendix D.

(iv) The employer shall provide the medical surveillance required by this section, including multiple physician review under (m) of this subsection without cost to employees, and at a time and place that is reasonable and convenient to employees.

(v) The employer shall assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is done in a manner that assures their reliability and that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is performed in laboratories with demonstrated proficiency to perform the particular analysis. (See WAC 296-62-07451, Appendix F.)

(b) Initial examination.

(i) For employees covered by medical surveillance under (a)(i) of this subsection, the employer shall provide an initial medical examination. The examination shall be provided to those employees within 30 days after initial assignment to a job with exposure to cadmium or no later than 90 days after the effective date of this section, whichever date is later.

(ii) The initial medical examination shall include:

(A) A detailed medical and work history, with emphasis on: Past, present, and anticipated future exposure to cadmium; any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, and/or musculo-skeletal system dysfunction; current usage of medication with potential nephrotoxic side-effects; and smoking history and current status; and

(B) Biological monitoring that includes the following tests:

(I) Cadmium in urine (CdU), standardized to grams of creatinine (g/Cr);

(II) Beta-2 microglobulin in urine (B₂-M), standardized to grams of creatinine (g/Cr), with pH specified, as described in WAC 296-62-07451, Appendix F; and

(III) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(iii) Recent examination: An initial examination is not required to be provided if adequate records show that the employee has been examined in accordance with the requirements of (b)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained as part of the employee's medical record and the prior exam shall be treated as if it were an initial examination for the purposes of (c) and (d) of this subsection.

(c) Actions triggered by initial biological monitoring.

(i) If the results of the biological monitoring tests in the initial examination show the employee's CdU level to be at or below 3 µg/g Cr, B₂-M level to be at or below 300 µg/g Cr and CdB level to be at or below 5 µg/lwb, then:

(A) For employees who are subject to medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide the minimum level of periodic medical surveillance in accordance with the requirements in (d)(i) of this subsection; and

(B) For employees who are subject to medical surveillance under (a)(i)(B) of this subsection because of prior but not current exposure, the employer shall provide biological monitoring for CdU, B₂-M, and CdB (~~within~~) one year after the initial biological monitoring and then the employer shall comply with the requirements of (d)(vi) of this subsection.

(ii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to exceed 3 µg/g Cr, the level of B₂-M to be in excess of 300 µg/g Cr, or the level of CdB to be in excess of 5 µg/lwb, the employer shall:

(A) Within two weeks after receipt of biological monitoring results, reassess the employee's occupational exposure to cadmium as follows:

(I) Reassess the employee's work practices and personal hygiene;

(II) Reevaluate the employee's respirator use, if any, and the respirator program;

(III) Review the hygiene facilities;

(IV) Reevaluate the maintenance and effectiveness of the relevant engineering controls;

(V) Assess the employee's smoking history and status;

(B) Within 30 days after the exposure reassessment, specified in (c)(ii)(A) of this subsection, take reasonable steps to correct any deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium; and

(C) Within 90 days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. If the physician determines that medical removal is not necessary, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(I) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a semiannual basis; and

(II) Provide annual medical examinations in accordance with (d)(ii) of this subsection.

(iii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to be in excess of 15 µg/g Cr, or the level of CdB to be in excess of 15 µg/lwb, or the level of B₂-M to be in excess of 1,500 µg/g Cr, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 15 µg/g Cr; or CdB exceeds 15 µg/lwb; or B₂-M exceeds 1500 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove

the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(iv) For all employees to whom medical surveillance is provided, beginning on January 1, 1999, and in lieu of (c)(iii) of this subsection, whenever the results of initial biological monitoring tests show the employee's CdU level to be in excess of 7 µg/g Cr, or B₂-M level to be in excess of 750 µg/g Cr, or CdB level to be in excess of 10 µg/lwb, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 7 µg/g Cr; or CdB exceeds 10 µg/lwb; or B₂-M exceeds 750 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(d) Periodic medical surveillance.

(i) For each employee who is covered by medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examination shall be provided within one year after the

initial examination required by (b) of this subsection and thereafter at least biennially. Biological sampling shall be provided at least annually either as part of a periodic medical examination or separately as periodic biological monitoring.

(ii) The periodic medical examination shall include:

(A) A detailed medical and work history, or update thereof, with emphasis on: Past, present, and anticipated future exposure to cadmium; smoking history and current status; reproductive history; current use of medications with potential nephrotoxic side-effects; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; and as part of the medical and work history, for employees who wear respirators, questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A complete physical examination with emphasis on: Blood pressure, the respiratory system, and the urinary system;

(C) A 14 inch by 17 inch, or a reasonably standard sized posterior-anterior chest x-ray (after the initial x-ray, the frequency of chest x-rays is to be determined by the examining physician);

(D) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV1);

(E) Biological monitoring, as required in (b)(ii)(B) of this subsection;

(F) Blood analysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including blood urea nitrogen, complete blood count, and serum creatinine;

(G) Urinalysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including the determination of albumin, glucose, and total and low molecular weight proteins;

(H) For males over 40 years old, prostate palpation, or other at least as effective diagnostic test(s); and

(I) Any additional tests or procedures deemed appropriate by the examining physician.

(iii) Periodic biological monitoring shall be provided in accordance with (b)(ii)(B) of this subsection.

(iv) If the results of periodic biological monitoring or the results of biological monitoring performed as part of the periodic medical examination show the level of the employee's CdU, B₂-M, or CdB to be in excess of the levels specified in (c)(ii) and (iii) of this subsection; or, beginning on January 1, 1999, in excess of the levels specified in (c)(ii) or (iv) of this subsection, the employer shall take the appropriate actions specified in (c)(~~(iii) and~~) (ii) through (iv) of this subsection, respectively.

(v) For previously exposed employees under (a)(i)(B) of this subsection:

(A) If the employee's levels of CdU did not exceed 3 µg/g Cr, CdB did not exceed 5 µg/lwb, and B₂-M did not exceed 300 µg/g Cr in the initial biological monitoring tests, and if the results of the follow-up biological monitoring required by (c)(i)(B) of this subsection (~~(within)~~) one year after the initial examination confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(B) If the initial biological monitoring results for CdU, CdB, or B₂-M were in excess of the levels specified in (c)(i) of this subsection, but subsequent biological monitoring

results required by (c)(ii) through (iv) of this subsection show that the employee's CdU levels no longer exceed 3 µg/g Cr, CdB levels no longer exceed 5 µg/lwb, and B₂-M levels no longer exceed 300 µg/g Cr, the employer shall provide biological monitoring for CdU, CdB, and B₂-M (~~within~~) one year after these most recent biological monitoring results. If the results of the follow-up biological monitoring (~~within one year,~~) specified in this section, confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(C) However, if the results of the follow-up tests specified in (d)(v)(A) or (B) of this subsection indicate that the level of the employee's CdU, B₂-M, or CdB exceeds these same levels, the employer is required to provide annual medical examinations in accordance with the provisions of (d)(ii) of this subsection until the results of biological monitoring are consistently below these levels or the examining physician determines in a written medical opinion that further medical surveillance is not required to protect the employee's health.

(vi) A routine, biennial medical examination is not required to be provided in accordance with (c)(i) and (d) of this subsection if adequate medical records show that the employee has been examined in accordance with the requirements of (d)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained by the employer as part of the employee's medical record, and the next routine, periodic medical examination shall be made available to the employee within two years of the previous examination.

(e) Actions triggered by medical examinations. If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under (b), (c), or (d) of this subsection, the employer shall take the following steps and continue to take them until the physician determines that they are no longer necessary.

(i) Periodically reassess: The employee's work practices and personal hygiene; the employee's respirator use, if any; the employee's smoking history and status; the respiratory protection program; the hygiene facilities; the maintenance and effectiveness of the relevant engineering controls; and take all reasonable steps to correct the deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium.

(ii) Provide semiannual medical reexaminations to evaluate the abnormal clinical sign(s) of cadmium toxicity until the results are normal or the employee is medically removed; and

(iii) Where the results of tests for total proteins in urine are abnormal, provide a more detailed medical evaluation of the toxic effects of cadmium on the employee's renal system.

(f) Examination for respirator use.

(i) To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in (f)(i)(A) through (D) of this subsection. This examination shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than 90 days after this section goes into effect, whichever date is later, to any employee without

a medical examination within the preceding 12 months that satisfies the requirements of this section.

(A) A detailed medical and work history, or update thereof, with emphasis on: Past exposure to cadmium; smoking history and current status; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculo-skeletal system dysfunction; a description of the job for which the respirator is required; and questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A blood pressure test;

(C) Biological monitoring of the employee's levels of CdU, CdB and B₂-M in accordance with the requirements of (b)(ii)(B) of this subsection, unless such results already have been obtained within the twelve months; and

(D) Any other test or procedure that the examining physician deems appropriate.

(ii) After reviewing all the information obtained from the medical examination required in (f)(i) of this subsection, the physician shall determine whether the employee is fit to wear a respirator.

(iii) Whenever an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, the employer, as soon as possible, shall provide the employee with a periodic medical examination in accordance with (d)(ii) of this subsection to determine the employee's fitness to wear a respirator.

(iv) Where the results of the examination required under (f)(i) (~~(e)~~) (ii), or (iii) of this subsection are abnormal, medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(g) Emergency examinations.

(i) In addition to the medical surveillance required in (b) through (f) of this subsection, the employer shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.

(ii) The examination shall include the requirements of (d)(ii), of this subsection, with emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure, as identified in Appendix A, WAC 296-62-07441 (2)(b)(i) and (ii) and (4).

(h) Termination of employment examination.

(i) At termination of employment, the employer shall provide a medical examination in accordance with (d)(ii) of this subsection, including a chest x-ray where necessary, to any employee to whom at any prior time the employer was required to provide medical surveillance under (a)(i) or (g) of this subsection. However, if the last examination satisfied the requirements of (d)(ii) of this subsection and was less than six months prior to the date of termination, no further examination is required unless otherwise specified in (c) or (e) of this subsection;

(ii) In addition, if the employer has discontinued all periodic medical surveillance under (d)(~~(v)~~) (v) of this subsection, no termination of employment medical examination is required.

(i) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and appendices;
 (ii) A description of the affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium;
 (iii) The employee's former, current, and anticipated future levels of occupational exposure to cadmium;
 (iv) A description of any personal protective equipment, including respirators, used or to be used by the employee, including when and for how long the employee has used that equipment; and

(v) Relevant results of previous biological monitoring and medical examinations.

(j) Physician's written medical opinion.

(i) The employer shall promptly obtain a written, signed, medical opinion from the examining physician for each medical examination performed on each employee. This written opinion shall contain:

(A) The physician's diagnosis for the employee;

(B) The physician's opinion as to whether the employee has any detected medical condition(s) that would place the employee at increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity;

(C) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium;

(D) Any recommended removal from, or limitation on the activities or duties of the employee or on the employee's use of personal protective equipment, such as respirators;

(E) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(ii) The employer shall promptly obtain a copy of the results of any biological monitoring provided by an employer to an employee independently of a medical examination under (b) and (d) of this subsection, and, in lieu of a written medical opinion, an explanation sheet explaining those results.

(iii) The employer shall instruct the physician not to reveal orally or in the written medical opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to cadmium.

(k) Medical removal protection (MRP).

(i) General.

(A) The employer shall temporarily remove an employee from work where there is excess exposure to cadmium on each occasion that medical removal is required under (c), (d), or (f) of this subsection and on each occasion that a physician determines in a written medical opinion that the employee should be removed from such exposure. The physician's determination may be based on biological monitoring results, inability to wear a respirator, evidence of illness, other signs or symptoms of cadmium-related dysfunction or disease, or any other reason deemed medically sufficient by the physician.

(B) The employer shall medically remove an employee in accordance with (k) of this subsection regardless of whether at the time of removal a job is available into which the removed employee may be transferred.

(C) Whenever an employee is medically removed under (k) of this subsection, the employer shall transfer the removed employee to a job where the exposure to cadmium is within the permissible levels specified in ~~(that paragraph)~~ subsection (12) of this section as soon as one becomes available.

(D) For any employee who is medically removed under the provisions of (k)(i) of this subsection, the employer shall provide follow-up medical examinations semiannually until, in a written medical opinion, the examining physician determines that either the employee may be returned to his/her former job status or the employee must be permanently removed from excess cadmium exposure.

(E) The employer may not return an employee who has been medically removed for any reason to his/her former job status until a physician determines in a written medical opinion that continued medical removal is no longer necessary to protect the employee's health.

(ii) Where an employee is found unfit to wear a respirator under (f)(ii) of this subsection, the employer shall remove the employee from work where exposure to cadmium is above the PEL.

(iii) Where removal is based upon any reason other than the employee's inability to wear a respirator, the employer shall remove the employee from work where exposure to cadmium is at or above the action level.

(iv) Except as specified in (k)(v) of this subsection, no employee who was removed because his/her level of CdU, CdB and/or B₂-M exceeded the trigger levels in (c) or (d) of this subsection may be returned to work with exposure to cadmium at or above the action level until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB fall to or below 5 µg/lwb, and B₂-M fall to or below 300 µg/g Cr.

(v) However, when in the examining physician's opinion continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the physician shall fully discuss these matters with the employee, and then in a written determination may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter and until such time as the employee's biological monitoring results have decreased to levels where he/she could have been returned to his/her former job status, the returned employee shall continue medical surveillance as if he/she were still on medical removal. Until such time, the employee is no longer subject to mandatory medical removal. Subsequent questions regarding the employee's medical removal shall be decided solely by a final medical determination.

(vi) Where an employer, although not required by this section to do so, removes an employee from exposure to cadmium or otherwise places limitations on an employee due to the effects of cadmium exposure on the employee's medical condition, the employer shall provide the same medical removal protection benefits to that employee under (l) of this subsection as would have been provided had the removal been required under (k) of this subsection.

(l) Medical removal protection benefits.

(i) The employer shall provide medical removal protection benefits to an employee for up to a maximum of 18

months each time, and while the employee is temporarily medically removed under (k) of this subsection.

(ii) For purposes of this section, the requirement that the employer provide medical removal protection benefits means that the employer shall maintain the total normal earnings, seniority, and all other employee rights and benefits of the removed employee, including the employee's right to his/her former job status, as if the employee had not been removed from the employee's job or otherwise medically limited.

(iii) Where, after 18 months on medical removal because of elevated biological monitoring results, the employee's monitoring results have not declined to a low enough level to permit the employee to be returned to his/her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section in order to obtain a final medical determination as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure; and

(B) The employer shall assure that the final medical determination indicates whether the employee may be returned to his/her former job status and what steps, if any, should be taken to protect the employee's health.

(iv) The employer may condition the provision of medical removal protection benefits upon the employee's participation in medical surveillance provided in accordance with this section.

(m) Multiple physician review.

(i) If the employer selects the initial physician to conduct any medical examination or consultation provided to an employee under this section, the employee may designate a second physician to:

(A) Review any findings, determinations, or recommendations of the initial physician; and

(B) Conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician provided by the employer conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, multiple physician review upon the employee doing the following within fifteen (15) days after receipt of this notice, or receipt of the initial physician's written opinion, whichever is later:

(A) Informing the employer that he or she intends to seek a medical opinion; and

(B) Initiating steps to make an appointment with a second physician.

(iii) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(iv) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee, through their respective physicians, shall designate a third physician to:

(A) Review any findings, determinations, or recommendations of the other two physicians; and

(B) Conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians as the third physician deems necessary to resolve the disagreement among them.

(v) The employer shall act consistently with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement that is consistent with the recommendations of at least one of the other two physicians.

(n) Alternate physician determination. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple physician review provided by (m) of this subsection, so long as the alternative is expeditious and at least as protective of the employee.

(o) Information the employer must provide the employee.

(i) The employer shall provide a copy of the physician's written medical opinion to the examined employee within five working days after receipt thereof.

(ii) The employer shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within five working days after receipt thereof.

(iii) Within 30 days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under (i) of this subsection.

(p) Reporting. In addition to other medical events that are required to be reported on the OSHA Form No. 200, the employer shall report any abnormal condition or disorder caused by occupational exposure to cadmium associated with employment as specified in Chapter (V)(E) of the Bureau of Labor Statistics Recordkeeping Guidelines for Occupational Injuries and Illnesses.

(13) Communication of cadmium hazards to employees

(a) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Hazard Communication Standard, chapter 296-62 WAC, Part C, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(b) Warning signs.

(i) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(ii) Warning signs required by (b)(i) of this subsection shall bear the following information:

Danger, Cadmium, Cancer Hazard, Can Cause Lung and
Kidney Disease, Authorized Personnel Only, Respirators
Required in This Area

(iii) The employer shall assure that signs required by this paragraph are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(c) Warning labels.

(i) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing,

equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (c)(ii) of this subsection.

(ii) The warning labels shall include at least the following information:

Danger, Contains Cadmium, Cancer Hazard, Avoid Creating Dust, Can Cause Lung and Kidney Disease

(iii) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(d) Employee information and training.

(i) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(ii) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(iii) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(A) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, Appendix A;

(B) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(C) The engineering controls and work practices associated with the employee's job assignment;

(D) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(E) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing;

(F) The purpose and a description of the medical surveillance program required by subsection (12) of this section;

(G) The contents of this section and its appendices; and

(H) The employee's rights of access to records under chapter 296-62 WAC, Part B.

(iv) Additional access to information and training program and materials.

(A) The employer shall make a copy of this section and its appendices readily available to all affected employees and shall provide a copy without cost if requested.

(B) Upon request, the employer shall provide to the director or authorized representative, all materials relating to the employee information and the training program.

(e) Multi-employer workplace. In a multi-employer workplace, an employer who produces, uses, or stores cadmium in a manner that may expose employees of other employers to cadmium shall notify those employers of the potential hazard in accordance with WAC 296-62-05409 of the hazard communication standard.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and keep an accurate record of all air monitoring for cadmium in the workplace.

(ii) This record shall include at least the following information:

(A) The monitoring date, shift, duration, air volume, and results in terms of an 8-hour TWA of each sample taken, and if cadmium is not detected, the detection level;

(B) The name, Social Security number, and job classification of all employees monitored and of all other employees whose exposures the monitoring result is intended to represent, including, where applicable, a description of how it was determined that the employee's monitoring result could be taken to represent other employee's exposures;

(C) A description of the sampling and analytical methods used and evidence of their accuracy;

(D) The type of respiratory protective device, if any, worn by the monitored employee and by any other employee whose exposure the monitoring result is intended to represent;

(E) A notation of any other conditions that might have affected the monitoring results;

(F) Any exposure monitoring or objective data that were used and the levels.

(iii) The employer shall maintain this record for at least thirty (30) years, in accordance with WAC 296-62-05207.

(iv) The employer shall also provide a copy of the results of an employee's air monitoring prescribed in subsection (4) of this section to an industry trade association and to the employee's union, if any, or, if either of such associations or unions do not exist, to another comparable organization that is competent to maintain such records and is reasonably accessible to employers and employees in the industry.

(b) Objective data for exemption from requirement for initial monitoring.

(i) For purposes of this section, objective data are information demonstrating that a particular product or material containing cadmium or a specific process, operation, or activity involving cadmium cannot release dust or fumes in concentrations at or above the action level even under the worst-case release conditions. Objective data can be obtained from an industry-wide study or from laboratory product test results from manufacturers of cadmium-containing products or materials. The data the employer uses from an industry-wide survey must be obtained under workplace conditions closely resembling the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

(ii) The employer shall maintain the record for at least 30 years of the objective data relied upon.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee covered by medical surveillance under (a)(i) of this subsection.

(ii) The record shall include at least the following information about the employee:

(A) Name, Social Security number, and description of duties;

(B) A copy of the physician's written opinions and of the explanation sheets for biological monitoring results;

(C) A copy of the medical history, and the results of any physical examination and all test results that are required

to be provided by this section, including biological tests, x-rays, pulmonary function tests, etc., or that have been obtained to further evaluate any condition that might be related to cadmium exposure;

(D) The employee's medical symptoms that might be related to exposure to cadmium; and

(E) A copy of the information provided to the physician as required by subsection (12)(i) of this section.

(iii) The employer shall assure that this record is maintained for the duration of employment plus thirty (30) years, in accordance with WAC 296-62-05207.

(iv) At the employee's request, the employer shall promptly provide a copy of the employee's medical record, or update as appropriate, to a medical doctor or a union specified by the employee.

(d) Training. The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification records shall be prepared at the completion of training and shall be maintained on file for one (1) year beyond the date of training of that employee.

(e) Availability.

(i) Except as otherwise provided for in this section, access to all records required to be maintained by (a) through (d) of this subsection shall be in accordance with the provisions of WAC 296-62-052.

(ii) Within 15 days after a request, the employer shall make an employee's medical records required to be kept by (c) of this subsection available for examination and copying to the subject employee, to designated representatives, to anyone having the specific written consent of the subject employee, and after the employee's death or incapacitation, to the employee's family members.

(f) Transfer of records. Whenever an employer ceases to do business and there is no successor employer or designated organization to receive and retain records for the prescribed period, the employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to cadmium.

(b) Observation procedures. When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with that clothing and equipment and shall assure that the observer uses such clothing and equipment and complies with all other applicable safety and health procedures.

(16) Dates.

(a) Effective date. This section shall become effective on June 14, 1993.

(b) Start-up dates. All obligations of this section commence on the effective date except as follows:

(i) Exposure monitoring. Except for small businesses (nineteen or fewer employees), initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible and in any event no later than 60 days after the

effective date of this section. For small businesses, initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible and in any event no later than 120 days after the effective date of this section.

(ii) The permissible exposure limit (PEL). Except for small businesses, as defined under (b)(i) of this subsection, the employer shall comply with the PEL established by subsection (3) of this section as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, the employer shall comply with the PEL established by subsection (3) of this section as soon as possible and in any event no later than 150 days after the effective date of this section.

(iii) Regulated areas. Except for small businesses, as defined under (b)(i) of this subsection, regulated areas required to be established by subsection (5) of this section shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later than 90 days after the effective date of this section. For small businesses, regulated areas required to be established by subsection (5) of this section shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later than 150 days after the effective date of this section.

(iv) Respiratory protection. Except for small businesses, as defined under (b)(i) of this subsection, respiratory protection required by subsection (7) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, respiratory protection required by subsection (7) of this section shall be provided as soon as possible and in any event no later than 150 days after the effective date of this section.

(v) Compliance program. Except for small businesses, as defined under (b)(i) of this subsection, written compliance programs required by subsection (6)(b) of this section shall be completed and available as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, written compliance programs required by subsection (6)(b) of this section shall be completed and available as soon as possible and in any event no later than 180 days after the effective date of this section.

(vi) Methods of compliance. Except for small businesses, as defined under (b)(i) of this subsection, the engineering controls required by subsection (6)(a) of this section shall be implemented as soon as possible and in any event no later than 120 days after the effective date of this section. For small businesses, the engineering controls required by subsection (6)(a) of this section shall be implemented as soon as possible and in any event no later than 240 days after the effective date of this section. Work practice controls shall be implemented as soon as possible. Work practice controls that are directly related to engineering controls to be implemented shall be implemented as soon as possible after such engineering controls are implemented.

(vii) Hygiene and lunchroom facilities. Except for small businesses, as defined under (b)(i) of this subsection, handwashing facilities, showers, change rooms and eating facilities required by subsection (10) of this section, whether permanent or temporary, shall be provided as soon as possible and in any event no later than 60 days after the effective date of this section. For small businesses,

handwashing facilities, showers, change rooms and eating facilities required by subsection (10) of this section, whether permanent or temporary, shall be provided as soon as possible and in any event no later than 120 days after the effective date of this section.

(viii) Employee information and training. Except for small businesses, as defined under (b)(i) of this subsection, employee information and training required by subsection (13)(d) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, employee information and training required by subsection (13)(d) of this section shall be provided as soon as possible and in any event no later than 180 days after the effective date of this section.

(ix) Medical surveillance. Except for small businesses, as defined under (b)(i) of this subsection, initial medical examinations required by subsection (12) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, initial medical examinations required by subsection (12) of this section shall be provided as soon as possible and in any event no later than 180 days after the effective date of this section.

(17) Appendices.

(a) WAC 296-62-07445, Appendix C, is a part of this standard, and compliance with its contents is mandatory.

(b) Except where portions of WAC 296-62-07441, 296-62-07443, 296-62-07447, 296-62-07449, and 296-62-07451, Appendices A, B, D, E, and F, respectively, to this section are expressly incorporated in requirements of this section, these appendices are purely informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

WSR 93-21-088
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-17—Filed October 20, 1993, 11:45 a.m.]

Date of Adoption: October 20, 1993.

Purpose: To ensure compliance by the state of Washington with provisions governing financial assistance to local school districts and other subgrantees of Chapter I Migrant of the Elementary and Secondary school improvement amendments of 1988 and accompanying federal rules and regulations, particularly 34 CFR parts 200, 201 and 203 and 74.60-61 and Appendix 76.

Citation of Existing Rules Affected by this Order: Amending WAC 392-164-105 through 392-164-430.

Statutory Authority for Adoption: RCW 28A.300.070.

Pursuant to notice filed as WSR 93-17-103 on August 18, 1993.

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

October 20, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with provisions governing financial assistance to local school districts and other subgrantee's of Chapter 1 Migrant of the ~~((Education Consolidation and Improvement Act of 1981))~~ Elementary and Secondary School Improvement amendments of 1988 and accompanying federal rules and regulations, particularly 34 CFR Parts ~~((201, 204))~~ 200, 201, and 203 and 74.60-61 and Appendix ~~((G to part 74))~~ 76.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-115 Accountability. Nothing in this chapter shall be construed to relieve a local school district or other subgrantee of its responsibility to comply also with all applicable federal statutes, rules, and regulations including but not limited to provisions of time and effort found in OMB Circular A-87, attachment B, Paragraph (B)(10).

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-120 Chapter 1 Migrant—Definition. As used in this chapter, the term "Chapter 1 Migrant" means that part of Public Law ~~((97-35))~~ 100-97 and subsequent amendments, commonly referred to as Chapter 1 of the ~~((Education Consolidation and Improvement Act of 1981))~~ Elementary and Secondary School Improvement amendments of 1988, which provide financial assistance to state educational agencies to meet special educational needs of migratory children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-165 Preschool children—Definition. As used in this chapter, "preschool children" means children who are:

(1) Below the age and grade level at which the state provides free public education; and

(2) Of the age or grade level at which they can benefit from an organized ~~((instructional))~~ educational program provided in a school or instructional setting: *Provided*, That such children shall not be younger than three years of age.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-185 Object of expenditure—Definition. As used in this chapter, the term "object of expenditure" means an article purchased or a service obtained, coded appropriately on the program budget matrix (FORM SPI F-1000B~~((—CH-4))~~) and referred to for accounting purposes as the third field of uniform expenditure classification.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-190 Activity—Definition. As used in this chapter, the term "activity(ies)," when used in the context of budgeting provisions, means a specific line of work carried on by the school district or other subgrantee coded appropriately on the program budget matrix (FORM SPI F-1000B(~~—CH. 1~~)) and referred to for accounting purposes as the second field of uniform expenditure classification.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-205 (~~(Definition—)~~)Service model—Definition. As used in this chapter, the term "service model" means the location, time and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Migrant instructional and/or support services. Permissible models are those described in the annual application instructions.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-164-225 Academic instruction—Definition. As used in this chapter, the term "academic instruction" means reading, oral language development, language arts, mathematics, basic and advanced skills; *Provided*, That other areas of basic education instruction identified in RCW 28A.150.220, Basic Education Act, may be included if appropriate to the state and local plans approved pursuant to WAC 392-164-285.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-230 Greatest need of special assistance—Definition. As used in this chapter, the term "greatest need of special assistance" means those eligible migratory children, as defined in WAC 392-164-170, who have been identified on the basis of established selection criteria, including objective measurement of educational achievement, as demonstrated by written and oral tests if reasonable, as in the greatest need of special assistance.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-235 Consultation with parents and teachers of participating children—Definition. As used in this chapter, the term "consultation with parents and teachers of participating children" means:

- (1) Establishment by the local school district of a parent advisory council;
- (2) Active solicitation of parent involvement in the planning, (~~(operation)~~) design, and evaluation of the migrant education program, including discussion of program revenues and expenditures; and
- (3) Similar involvement of teachers of children being served.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-240 Definition—Participating children. As used in this chapter, the term "participating children" means those eligible migratory children in greatest need of special assistance, as determined on the basis of established selection criteria, who are selected to receive services in the Chapter 1 Migrant program.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-255 Application required. Each local school district or other subgrantee that seeks an allocation of federal funds under Chapter 1 Migrant shall submit an annual application by November 30 on forms provided by the superintendent of public instruction. No application submitted after November 30 will be considered for the current school year.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-260 Substance of annual application. The local school district's or other subgrantee's annual application shall include:

(1) A description of the Chapter 1 Migrant education project to be conducted, (~~(including)~~) based on local needs assessment will include the following:

- (a) The services and types of programs to be provided.
- (b) The number of children to be served in total and for each service.
- (c) The types and number of staff to be employed.
- (d) Advanced skills which include reasoning, analysis, interpretation, problem-solving, and decision making as they relate to particular subjects.

(e) Desired outcomes expressed in measurable terms for all aspects of the migrant program including support services and early childhood.

(f) A separate summary of the project components designed to meet unmet needs of currently migratory children expected to be served.

(2) An appropriate budget displayed on FORM SPI F-1000B(~~—CH. 1~~).

(3) The assurances in section 556(b)(2) through (b)(5) of Chapter 1 of the (~~(Education Consolidation and Improvement Act)~~) Elementary and Secondary School Improvement Amendments of 1988.

(4) The assurances in section 436(b)(2) and (b)(3) of the General Education Provisions Act.

(5) The state-developed assurances included in the application.

(6) Services, site, and use of facilities and equipment to be purchased.

(7) A description of the local school district's or other subgrantee's plan for involving parents of migratory children in the planning, implementation, and evaluation of the project.

(8) Descriptive outcomes for all migrant children in terms of advanced skills.

(9) A description of how the district will remediate the unmet needs of currently migratory children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-265 Basis of project planning and funding. The local school district or other subgrantee and the superintendent of public instruction shall consider the following factors in project planning and approval for funding.

(1) An operating agency's project shall:

(a) Satisfy the provisions of the approved state plan submitted by the superintendent of public instruction to the secretary of education;

(b) Be planned and implemented based on the number and specific needs of participating, eligible migratory students;

(c) Be of sufficient size and scope as determined pursuant to WAC 392-164-275 to meet the needs of the eligible migratory students to be served;

(d) Be funded in relationship to:

(i) The migrant student records and transfer system (MSRTS) reports on full-time equivalent migratory students to determine the number and status of migratory students enrolled on the MSRTS as compared to previous years' enrollment and with other local school districts and operating agencies within Washington state;

(ii) Data contained in the report of services filed with the superintendent of public instruction to determine continuity of services and projected number of participants versus the number of migratory students actually served over time;

~~(iii) ((Skills information systems reports and supplementary services report to determine if skills mastered by project participants and under study are consistent with the amount of staff time requested;~~

~~((iv))~~ (iv) The number of students served in supplemental programs by the operating agency to determine whether planning information and proposed services are consistent with one another and if funds requested are intended to support a new project;

~~((v))~~ (v) Monitoring reports to determine if the local school district or subgrantee has incorporated recommendations to remedy weaknesses in previous projects into their current proposal;

~~((vi))~~ (vi) Expenditure claims for the immediately preceding and current year to determine if the amount requested is realistic in light of the rate of expenditure in the current year;

~~((vii))~~ (vii) State plan to determine whether the scope of services planned at the local school district or subgrantee level is within approved state priorities; and

~~((viii))~~ (viii) Migrant student records transfer system and migrant education regional office reports to determine the needs, strengths and weaknesses of the proposal based on information gathered in visits for reports, training, and district profiles.

(2) No project shall be established solely for formerly migratory children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-285 Approval of Chapter 1 Migrant project applications for a subgrant by the superintendent of public instruction. (1) Final approval of a Chapter 1

Migrant project shall be given to a local school district or other subgrantee when the superintendent of public instruction has received a completed application in accordance with WAC 392-164-260 and 392-164-265 and is assured that the local school district or other subgrantee has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the current year.

(2) Programs shall not be implemented without prior approval from the superintendent of public instruction. The effective approval date shall be July 1 of each year for complete applications received prior to July 1, or the subsequent date on which the complete application is received by the superintendent of public instruction provided it is before November 30 of the current year.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-300 Budget revision—~~((Twenty))~~ **Ten percent allowed.** Using either an object or activity subtotal from FORM SPI F-1000B(~~—CH. 1 as a base, local~~); School districts or other subgrantees may make annual expenditure adjustments of up to ~~((twenty))~~ ten percent per activity line or object column in any of the previously budgeted ((object/activity cell)) activity lines or object column totals within the approved annual application without filing a request for a budget revision with the superintendent of public instruction. Any object or activity revisions in excess of ten percent require previous approval from the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-305 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-164-300 each local school district or other subgrantee shall expend Chapter 1 Migrant moneys in accordance with planned expenditures and the program description included in the application submitted to and approved by the superintendent of public instruction. A local school district or other subgrantee shall be required to file a request for a budget revision whenever necessary or no later than August 31 of the current year with the superintendent of public instruction in order to accomplish any of the following:

(1) Increase the total expenditure of Chapter 1 Migrant moneys~~((:))~~;

(2) Change by more than ~~((twenty))~~ ten percent of ((# object/activity cell)) the expenditures among activities or object((-))s totals; or

(3) Expend money in any object or activity where no moneys were budgeted in the approved application.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-315 Program update. No later than thirty calendar days following a substantial program change a local school district or other subgrantee shall submit to the

superintendent of public instruction a description of such changes. "Substantial changes" shall mean one or more of the following:

- (1) Removal of Chapter 1 Migrant services from an area listed as "served" on the application.
- (2) Addition of Chapter 1 Migrant services to an area not listed as "served" in the application.
- (3) Modification of the Chapter 1 Migrant program in any served area by adding a new program focus, by changing grade levels, or by changing program service delivery models or staff F.T.E.s.
- (4) Increasing the number of students served in the Chapter 1 Migrant program to such an extent that the district must exceed the ~~((twenty))~~ ten percent budget variance to accommodate serving the additional eligible students.
- (5) *Provided*, That notwithstanding the thirty-day provision for notification to the superintendent of public instruction of substantial program changes, if such changes necessitate a budget revision or are based on a needs assessment revision, said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-345 Preschool services. Preschool services for eligible migratory children may be provided under this part as a service to preschool children upon specific application to the superintendent of public instruction with sufficient information to enable him to determine that such care as described in the application:

- (1) Serves eligible students who are currently migratory children ages three to school age;
- (2) Supplements services available from other public or private agencies;
- (3) Is not extravagant in view of the cost and the number of children involved;
- (4) Does not prevent participation of school age migratory children or detract from the operation of projects for school age children;
- (5) Is developed based on ~~((an academic))~~ educational and support services needs assessment; and
- (6) Is designed to provide for the special educational, cultural, and linguistic needs of the children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-350 Fiscal requirements. Fiscal requirements for operating agencies receiving funds under this chapter shall be understood and applied as described in WAC 392-163-245, 392-163-405, 392-163-410, and 392-163-415 which apply to Chapter 1 Regular of the ~~((Education Consolidation and Improvement Act))~~ Elementary and Secondary School Improvement Amendments of 1988.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-355 Chapter 1 Migrant audit. Audit of local school district Chapter 1 Migrant programs shall be conducted in compliance with ~~((34 CFR Part 74, Subpart~~

~~H—Standards for grantee and subgrantee financial management systems and non federal audits" and Appendix G, "Audit requirements for state and local governments."))~~ the Single Audit Act of 1984 and related regulations including but not limited to chapter 392-115 WAC.

NEW SECTION

WAC 392-164-368 Consultation with parents. To meet the expanded parental involvement required in Section 1016, ESSIA 1988 each agency receiving Chapter 1 Migrant funds must develop procedures for organized, ongoing, systematic informed, and timely consultations with parents of participating children.

These written procedures must be made available to parents and guardians of participating children.

Parent involvement must be developed with, and based on proposed and final applications, needs assessment documentation, budgetary information, evaluation data, local, state, and federal laws, regulations, policies, and directives, and other information deemed necessary for effective involvement.

Methods for obtaining full participation of parents must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the parental involvement goals in Section 299.34 (a)(3) and (b) and Section 201.35(c).

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-375 State advisory committee. The purpose of the state advisory committee shall be to advise the superintendent of public instruction in planning, developing, operating, and evaluating the state Chapter 1 Migrant program; and to facilitate communication among local parent advisory councils and between the state advisory committee and local councils.

(1) Membership of the state advisory committee shall be as follows:

(a) The superintendent of public instruction shall select parent members from nominations submitted by local parent advisory committees, current state advisory committee members, or migrant education staff;

(b) The majority of the state advisory committee shall consist of such parents, selected from nominees; and

(c) The balance of the state advisory committee shall be selected by the superintendent of public instruction and shall consist of representatives of local districts and ~~((intermediate school))~~ educational service districts, the Washington Hispanic commission, a high school migratory student, and such other agencies and committees as are deemed appropriate.

(2) Bylaws shall be developed jointly by the state advisory committee and the superintendent of public instruction with final approval given by the superintendent of public instruction.

(3) Election of officers shall be conducted by the membership.

(4) The superintendent of public instruction shall call all meetings.

(5) Members shall be reimbursed for travel and expenses consistent with state law.

(6) The executive secretary of the state advisory committee shall be an employee of the superintendent of public instruction who shall be assisted by the executive committee of the state advisory committee in finalizing and facilitating state advisory committee meeting agendas.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-390 Program evaluation. Each local school district or other subgrantee that receives a subgrant under Chapter 1 Migrant shall ~~((evaluate their Chapter 1 Migrant program using a locally developed evaluation method or the Chapter 1 Evaluation and Reporting System (CHERS) for reporting student impact data to the superintendent of public instruction))~~ conduct evaluations that assess the overall progress of participating migrant children in grade two through twelve, including education progress, in terms of instructional services and support services.

The evaluation design for the regular school year instructional program must include:

(1) Objective measures of educational progress of project participants (including achievement in basic skills) as measured, if possible, over a twelve-month testing interval through the use of forms of state or national normal achievement tests. If this is not possible the LEA or operating agency may use other acceptable measures of educational progress of migrant children, such as changes in attendance patterns, drop-out rates, and objectively applied indicators of student achievement;

(2) Migrant summer schools, to the extent possible, must follow the same guidelines; and

(3) During either regular or summer terms, the evaluation design for support service components must include measures of the effects on project participants that are consistent with the defined support objectives. In addition, each local school district or other subgrantee, when appropriate, shall determine whether improved student achievement is sustained over a period of more than one program year, and shall consider that data in the improvement of programs and projects assisted with Chapter 1 Migrant moneys.

NEW SECTION

WAC 392-164-420 General requirements for new program. To develop and implement a new migrant program, a local school district or operating agency must do the following:

(1) Identify ten or more currently migrant students;

(2) Do a needs assessment which will show what needs can be met in basic education, other specially funded programs, and determine if special unmet needs unique to the migrant life still exist.

If so, the LEA may design a migrant education program based on this needs assessment that will be of a size, scope, and quality to give reasonable promise of substantial progress toward meeting the special needs of the identified migrant pupils.

NEW SECTION

WAC 392-164-425 Subgrant allocation formula
Each year an allocation formula based on pupils served types of migrant pupils, current district enrollments for January will be used to determine the maximum subgrant funds available to LEAs. The actual amount granted to each subgrant will be determined by the needs assessment in each LEA.

NEW SECTION

WAC 392-164-430 Supply purchase. All supplies materials, and equipment for current year program must be purchased before March 1. An unexpected spring influx of a summer school are the only exceptions under which approval will be granted and will require SPI's prior approval.

WSR 93-21-089

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 93-18—Filed October 20, 1993, 11:46 a.m.]

Date of Adoption: October 20, 1993.

Purpose: Removes running start students from enrollment used to calculate school district student/staff ratios.

Citation of Existing Rules Affected by this Order
Amending WAC 392-127-015.

Statutory Authority for Adoption: RCW 28A.150.29C

Other Authority: RCW 28A.150.100(2).

Pursuant to notice filed as WSR 93-18-041 on August 27, 1993.

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

October 20, 1993

Judith A. Billing

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-015 FTE enrollment—Definition. A used in this chapter, "full-time equivalent enrollment" mean for the period selected by ~~((the))~~ a school district ~~((+))~~

the total full-time equivalent students reported by a school district pursuant to WAC 392-121-122((+)) minus the following:

~~((2))~~ (1) Handicapped full-time equivalent student calculated pursuant to WAC 392-122-131 and based on the enrollment reported by a school district pursuant to WAC 392-122-106; ~~((minus))~~

(2) Full-time equivalent students enrolled in community or technical colleges pursuant to RCW 28A.600.300 through 28A.600.400 (running start) reported by a school district as required by the superintendent of public instruction; and

(3) Prior to the 1993-94 school year, full-time equivalent students enrolled in learning centers reported by a school district ~~((as required by the superintendent of public instruction))~~ pursuant to WAC 392-122-200 through 392-122-275

WSR 93-21-090
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-19—Filed October 20, 1993, 11:49 a.m.]

Date of Adoption: October 20, 1993.

Purpose: Apportionment of state handicapped program moneys.

Citation of Existing Rules Affected by this Order: Amending WAC 392-122-110.

Statutory Authority for Adoption: RCW 28A.150.290.

Other Authority: The Biennial Operating Appropriations Act.

Pursuant to notice filed as WSR 93-18-018 on August 24, 1993.

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

October 20, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-110 Definition—State handicapped program—Handicapped program certificated instructional staff salary and mix factor variables for the allocation formula. Handicapped program certificated instructional staff salary and mix factor variables used in the handicapped allocation formula shall be defined the same as those defined in WAC ~~((392-121-285))~~ 392-121-200 through ~~((392-121-298))~~ 392-121-299: *Provided*, That the words "state handicapped program" shall be substituted for "basic education" throughout those definitions.

WSR 93-21-091
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-21—Filed October 20, 1993, 11:52 a.m.]

Date of Adoption: October 20, 1993.

Purpose: Apportionment of state basic education K-3 staff enhancement moneys.

Citation of Existing Rules Affected by this Order: Repealing K-3 enhancement rules for 1989-91 and 1990-91, WAC 392-140-300 through 392-140-393; and amending 1991-92 through 1994-95 K-3 staff enhancement, WAC 392-140-450 through 392-140-497.

Statutory Authority for Adoption: RCW 28A.150.290.

Other Authority: The Biennial Appropriations Operating Act.

Pursuant to notice filed as WSR 93-18-019 on August 24, 1993.

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

October 20, 1993
Judith A. Billings
Superintendent of
Public Instruction

~~((1991-93))~~ **1991-92 THROUGH 1994-95 K-3 STAFF
ENHANCEMENT**

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-450 ~~((1991-93))~~ K-3 staff enhancement—Applicable provisions. The provisions of WAC 392-140-450 through 392-140-497 apply to the determination of staff/student ratios used in apportionment of state basic education moneys to school districts for the 1991-92 ~~((and 1992-93))~~ through 1994-95 school years based on the district's kindergarten through third grade (K-3) staff and students. Compliance with these sections does not assure compliance with:

(1) RCW 28A.150.100(2), which requires each school district to maintain a ratio of at least forty-six basic education certificated instructional staff per thousand annual average full-time equivalent students; or

(2) RCW 28A.150.250, which requires that the ratio of students per classroom teacher in grades kindergarten through three be no greater than the ratio of students per classroom teacher in grades four and above.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-451 ~~((1991-93))~~ K-3 staff enhancement—Authority. The authority for WAC 392-140-450 through 392-140-497 is:

(1) ~~((Section 502(11), chapter 16, Laws of 1991 1st sp. sess. (the state Operating Appropriations Act)))~~ The biennial Operating Appropriations Act established by the legislature for each school year; and

(2) RCW 28A.150.290(1).

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-452 ~~((1991-93))~~ K-3 staff enhancement—Purpose. The purpose of WAC 392-140-450 through 392-140-497 is to set forth the policies and procedures used by the superintendent of public instruction to determine the amount of moneys to be provided to school districts for certificated instructional staff above that set forth in RCW 28A.150.260 (2)(c).

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-460 ~~((1991-93))~~ K-3 staff enhancement—Definition—Academic year. As used in WAC 392-140-450 through 392-140-497, "academic year" means any nine-month period within the school year in which the minimum one hundred eighty school days required by law is conducted.

PERMANENT

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-461 ((1991-93)) K-3 staff enhancement—Definition—SPI Form S-275. "SPI Form S-275" means the same as defined in WAC 392-121-220.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-462 ((1991-93)) K-3 staff enhancement—Definition—SPI Form S-277. "SPI Form S-277" means the form provided by the superintendent of public instruction on which school districts report information about each classified employee of the school district as of October 1 of the school year including the employee's name, Social Security number, working hours, assignments, rate of pay, and benefits.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-463 ((1991-93)) K-3 staff enhancement—Definition—SPI Form 1158. "SPI Form 1158" means the form provided by the superintendent of public instruction on which school districts report supplemental full-time equivalent (FTE) staff and/or supplemental K-3 FTE staff for the school year.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-464 ((1991-93)) K-3 staff enhancement—Definition—SPI Report 1159. "SPI Report 1159" means the report produced by the superintendent of public instruction displaying the calculations of K-3 certificated instructional staffing and K-3 apportionment ratios and other information as necessary.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-465 ((1991-93)) K-3 staff enhancement—Definition—SPI Form 1160. "SPI Form 1160" means the form provided by the superintendent of public instruction on which school districts may select the period of enrollment the superintendent of public instruction shall use to calculate staffing ratios.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-466 ((1991-93)) K-3 staff enhancement—Definition—SPI Form 1230. "SPI Form 1230" means the form provided by the superintendent of public instruction on which school districts report 1989-90 FTE K-3 basic education classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-470 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education enrollment. "FTE K-3 basic education enrollment" means the school district's enrollment for October or for such other

period selected by the school district on SPI Form 1160 determined as follows:

(1) Sum FTE K-3 students reported by a school district pursuant to WAC 392-121-122; and subtract

(2) Handicapped FTE students of ages six through eight calculated pursuant to WAC 392-122-131 based on enrollment reported by a school district pursuant to WAC 392-122-106.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-471 ((1991-93)) K-3 staff enhancement—Definition—FTE basic education certificated instructional employee. "FTE basic education certificated instructional employee" means for a basic education certificated instructional employee as defined in WAC 392-121-210, the FTE calculated pursuant to WAC 392-121-215.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-472 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education certificated instructional employee. "FTE K-3 basic education certificated instructional employee" means for a FTE basic education certificated instructional employee the following:

(1) If the basic education certificated instructional employee serves only K-3 students, one hundred percent of the FTE assigned to basic education; or

(2) If the basic education certificated instructional employee serves K-3 students and students of one or more other grades, multiply the FTE assigned to basic education by:

(a) The proportion of time spent serving K-3 students to all time serving students;

(b) The proportion of K-3 students served to all students served; or

(c) Any combination of (a) or (b) of this subsection as appropriate.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-473 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education certificated instructional staff. "FTE K-3 basic education certificated instructional staff" means the sum of FTE K-3 basic education certificated instructional employees for a school district.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-474 ((1991-93)) K-3 staff enhancement—Definition—Average basic education certificated instructional staff salary for the purpose of apportionment. "Average basic education certificated instructional staff salary for purpose of apportionment" means the average salary allocation amount for basic education certificated instructional staff determined by the superintendent of public instruction for general apportionment.

ment of state basic education moneys to a school district pursuant to WAC 392-121-299.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-475 ((1991-93)) K-3 staff enhancement—Definition—Basic education classified instructional assistant. "Basic education classified instructional assistant" means a person who is assigned in whole or in part to:

- (1) Program 01-basic education, 31-vocational, basic, state, or 45-skills center, basic, state; and
- (2) Activity 27-teaching; and
- (3) Duty 910-aide.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-476 ((1991-93)) K-3 staff enhancement—Definition—Basic education classified instructional assistant FTE. "Basic education classified instructional assistant FTE" means the number determined for a basic education classified instructional assistant as follows:

- (1) Multiplying the hours per day times the days per year that the employee is assigned as a basic education classified instructional assistant; and
- (2) Divide by 2080.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-477 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education classified instructional assistants. "FTE K-3 basic education classified instructional assistants" means the number determined for a school district as follows:

(1) For each basic education classified instructional assistant serving K-3 students determine an FTE as follows:

(a) If the basic education classified instructional assistant serves only K-3 students, one hundred percent of the FTE determined pursuant to WAC 392-140-476.

(b) If the basic education classified instructional assistant serves K-3 students and students of one or more other grades, multiply the FTE determined pursuant to WAC 392-140-476 by:

- (i) The proportion of time spent serving K-3 students to all time serving students;
- (ii) The proportion of K-3 students served to all students served; or
- (iii) Any combination of (b)(i) or (ii) of this subsection as appropriate.

(2) Sum the FTEs determined pursuant to subsection (1) of this section for all basic education classified instructional assistants of the school district.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-478 ((1991-93)) K-3 staff enhancement—Definition—Instructional FTE. As used in

WAC 392-140-450 through 392-140-497, "instructional FTE" means:

(1) For a basic education certificated instructional employee, the FTE determined pursuant to WAC 392-140-471.

(2) For a basic education classified instructional assistant, the FTE determined pursuant to WAC 392-140-476.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-480 ((1991-93)) K-3 staff enhancement—Definition—K-3 addition FTE. "K-3 addition FTE" means the increase in FTE calculated pursuant to WAC 392-140-483 for a K-3 basic education certificated instructional employee or a K-3 basic education classified instructional assistant who is not reported on SPI Form S-275 (for a certificated employee) or on SPI Form S-277 (for a classified employee) or whose instructional FTE increases after October 1 of the school year.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-481 ((1991-93)) K-3 staff enhancement—Definition—K-3 reduction FTE. "K-3 reduction FTE" means the decrease in K-3 FTE calculated pursuant to WAC 392-140-483 for a basic education certificated instructional employee or a basic education classified instructional assistant who is no longer employed or whose instructional FTE decreases after October 1 of the school year.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-482 ((1991-93)) K-3 staff enhancement—Definition—K-3 reassignment FTE. "K-3 reassignment FTE" means the change in K-3 FTE calculated pursuant to WAC 392-140-483 for a basic education certificated instructional employee or a basic education classified instructional assistant after October 1 whose K-3 FTE changes as a result of reassignment but whose total instructional FTE does not change.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-483 ((1991-93)) K-3 staff enhancement—Calculation of addition, reduction, and reassignment FTE. Addition, reduction, and reassignment FTE shall be calculated as follows:

(1) Determine the K-3 basic education FTE that would have been reported for the employee on SPI Form S-275 (for a certificated instructional employee) or SPI Form S-277 (for a classified instructional assistant) if the employee had served the full academic year at the level of service after the change in service;

(2) Subtract the K-3 basic education FTE as of October 1 as reported for the employee on SPI Form S-275 (for a certificated instructional employee) or on SPI Form S-277 (for a classified instructional assistant) from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the change in service, including the month of the change; and

(4) Divide the result obtained in subsection (3) of this section by nine.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-485 ((1991-93)) K-3 staff enhancement—Definition—Supplemental FTE K-3 basic education certificated instructional staff. "Supplemental FTE K-3 basic education certificated instructional staff" means the sum of a school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education certificated instructional staff.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-486 ((1991-93)) K-3 staff enhancement—Definition—Supplemental FTE K-3 basic education classified instructional assistants. "Supplemental FTE K-3 basic education classified instructional assistants" means the sum of a school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-490 ((1991-93)) K-3 staff enhancement—Definition—K-3 certificated instructional staffing ratio. "K-3 certificated instructional staffing ratio" means the ratio calculated for a school district for a school year as follows:

(1) Add FTE K-3 basic education certificated instructional staff as reported on SPI Form S-275 and any supplemental FTE K-3 basic education certificated instructional staff as reported on SPI Form 1158;

(2) Divide the result of subsection (1) of this section by FTE K-3 basic education enrollment; and

(3) Multiply the result obtained in subsection (2) of this section by 1000.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-491 ((1991-93)) K-3 staff enhancement—Definition—Actual average salary for basic education classified instructional assistants. "Actual average salary for basic education classified instructional assistants" means the dollar amount determined for a school district for a school year as follows:

(1) For each basic education classified instructional assistant reported on SPI Form S-277 for the school year multiply the hours per day times the days per year times the hourly rate as reported on Form S-277.

(2) Sum the dollar amounts determined pursuant to subsection (1) of this section; and

(3) Divide the result of subsection (2) of this section by the sum of the school district's FTE basic education classi-

fied instructional assistants for the school year as reported on Form S-277.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-492 ((1991-93)) K-3 staff enhancement—Definition—Increase in K-3 basic education classified instructional assistants from 1989-90. "Increase in K-3 basic education classified instructional assistants from 1989-90" means the greater of zero and the number calculated for a school district as follows:

(1) Sum FTE K-3 basic education classified instructional assistants reported on SPI Form S-277 and any supplemental FTE K-3 basic education classified instructional assistants as reported on SPI Form 1158; and subtract

(2) 1989-90 K-3 basic education classified instructional assistants as reported on SPI Form 1230.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-493 ((1991-93)) K-3 staff enhancement—Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants. "Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants" means the number calculated for a school district with a K-3 certificated instructional staffing ratio of 51.00 or greater and an increase in K-3 basic education classified instructional assistants from 1989-90 as follows:

(1) Divide the increase in K-3 basic education classified instructional assistants from 1989-90 by FTE K-3 basic education enrollment;

(2) Multiply the result of subsection (1) of this section by 1000;

(3) Multiply the result of subsection (2) of this section by the ratio of actual average salary for basic education classified instructional assistants to average basic education certificated instructional staff salary for the purpose of apportionment;

(4) The lesser of 1.30 and the result of subsection (3) of this section is the school district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-494 ((1991-93)) K-3 staff enhancement—School district reporting—Required reports. Each school district shall report to the superintendent of public instruction on SPI Forms S-275 and S-277 the school district's FTE K-3 basic education certificated instructional staff and FTE K-3 basic education classified instructional assistants as of October 1 of the school year. School districts shall report pursuant to instructions provided by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-495 ((1991-93)) K-3 staff enhancement—School district reporting—Optional reports. At any time prior to September 30 of the following school year school districts may report to the superintendent of public instruction:

- (1) Supplemental FTE K-3 staff for the school year on SPI Form 1158;
- (2) One of the following optional periods of enrollment on SPI Form 1160:
 - (a) Enrollment for any month of the school year; or
 - (b) Annual average enrollment for the school year; and
- (3) 1989-90 FTE K-3 classified instructional assistants on SPI Form 1230.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-496 ((1991-93)) K-3 staff enhancement—Calculation of K-3 apportionment ratios. The superintendent of public instruction shall calculate each school district's ratio of state allocated certificated instructional staff units per one thousand K-3 students for state basic education apportionment as follows:

- (1) If the school district's K-3 certificated instructional staffing ratio is 49.00 or less, the district's K-3 apportionment ratio shall be 49.00.
- (2) If the school district's K-3 certificated instructional staffing ratio is greater than 49.00, and less than 51.00, the district's K-3 apportionment ratio shall be the same as the district's K-3 certificated instructional staffing ratio.
- (3) If the school district's K-3 certificated instructional staffing ratio is 51.00 or greater, the district's K-3 apportionment ratio shall be the lesser of:
 - (a) 54.30; and
 - (b) The sum of the district's K-3 certificated instructional staffing ratio and, if applicable, the district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-497 ((1991-93)) K-3 staff enhancement—Reporting by the superintendent of public instruction. The superintendent of public instruction shall report to school districts as follows:

- (1) Prior to January 31 of each school year the superintendent of public instruction shall provide each school district an initial SPI Report 1159. The report shall include any supplemental data received from the school district prior to January 1 of the school year.
- (2) Within thirty days of receiving any of the following data from a school district the superintendent of public instruction shall provide the school district with an interim SPI Report 1159:
 - (a) Supplemental FTE K-3 staff on SPI Form 1158;
 - (b) Selection of optional enrollment on SPI Form 1160;
 - (c) Corrections to FTE K-3 basic education certificated instructional staff on SPI Form S-275; or

(d) Corrections to FTE K-3 basic education classified instructional assistants on SPI Form S-277.

(3) Prior to January 1 of the following school year, the superintendent of public instruction shall provide each school district a final SPI Report 1159. The report shall include supplemental data for the school year received from the school district prior to September 30 of the following school year.

(4) Reports shall show the school district's K-3 certificated instructional staffing ratio, recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants, and K-3 apportionment ratio for the school year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-140-300 1989-91 Certificated instructional staff enhancement moneys—Applicable provisions.
- WAC 392-140-301 1989-91 Certificated instructional staff enhancement moneys—Authority.
- WAC 392-140-302 1989-91 Certificated instructional staff enhancement moneys—Purpose.
- WAC 392-140-303 1989-91 Certificated instructional staff enhancement moneys—Definition—School district.
- WAC 392-140-304 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form E-672.
- WAC 392-140-305 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent basic education enrollment.
- WAC 392-140-306 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education enrollment.
- WAC 392-140-307 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education enrollment including handicapped enrollment.
- WAC 392-140-308 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form S-275.
- WAC 392-140-309 1989-91 Certificated instructional staff enhancement moneys—Definition—School year.

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WAC 392-140-310	1989-91 Certificated instructional staff enhancement moneys—Definition—Current school year.	WAC 392-140-323	1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1157.
WAC 392-140-311	1989-91 Certificated instructional staff enhancement moneys—Definition—Following school year.	WAC 392-140-324	1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1158.
WAC 392-140-312	1989-91 Certificated instructional staff enhancement moneys—Definition—Academic year.	WAC 392-140-325	1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1159.
WAC 392-140-313	1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent basic education certificated instructional employee.	WAC 392-140-326	1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1160.
WAC 392-140-314	1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional employee.	WAC 392-140-327	1989-91 Certificated instructional staff enhancement moneys—General provisions.
WAC 392-140-315	1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional staff.	WAC 392-140-328	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Required reports.
WAC 392-140-316	1989-91 Certificated instructional staff enhancement moneys—Definition—Addition full-time equivalent.	WAC 392-140-329	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Optional report—Staff changes.
WAC 392-140-317	1989-91 Certificated instructional staff enhancement moneys—Definition—Reduction full-time equivalent.	WAC 392-140-330	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Optional report—Enrollment changes.
WAC 392-140-318	1989-91 Certificated instructional staff enhancement moneys—Definition—Reassignment full-time equivalent.	WAC 392-140-331	1989-91 Certificated instructional staff enhancement moneys—Initial report by the superintendent of public instruction.
WAC 392-140-319	1989-91 Certificated instructional staff enhancement moneys—Definition—Supplemental full-time equivalent staff.	WAC 392-140-332	1989-91 Certificated instructional staff enhancement moneys—Interim report by the superintendent of public instruction.
WAC 392-140-320	1989-91 Certificated instructional staff enhancement moneys—Definition—Supplemental full-time equivalent kindergarten through third grade staff.	WAC 392-140-333	1989-91 Certificated instructional staff enhancement moneys—Final report by the superintendent of public instruction.
WAC 392-140-321	1989-91 Certificated instructional staff enhancement moneys—Definition—Kindergarten through third grade staffing ratio.	WAC 392-140-334	1989-91 Certificated instructional staff enhancement moneys—Kindergarten through third grade apportionment ratios a school district with a 1988-89 kindergarten through third grade staffing ratio less than fifty-one per thousand.
WAC 392-140-322	1989-91 Certificated instructional staff enhancement	WAC 392-140-335	1989-91 Certificated instructional staff enhancement moneys—Kindergarten through

	third grade apportionment ratios for a school district with a 1988-89 kindergarten through third grade staffing ratio equal to or greater than fifty-one per thousand.	WAC 392-140-357	for the purpose of apportionment.
WAC 392-140-340	1990-91 additional 1.3 staff units—Applicable provisions.	WAC 392-140-358	1990-91 additional 1.3 staff units—Definition—SPI form S-277.
WAC 392-140-341	1990-91 additional 1.3 staff units—Authority.	WAC 392-140-359	1990-91 additional 1.3 staff units—Definition—Classified instructional assistant.
WAC 392-140-342	1990-91 additional 1.3 staff units—Purpose.	WAC 392-140-360	1990-91 additional 1.3 staff units—Definition—Basic education classified instructional assistant.
WAC 392-140-343	1990-91 additional 1.3 staff units—General provisions.	WAC 392-140-361	1990-91 additional 1.3 staff units—Definition—Basic education classified instructional assistant full-time equivalent.
WAC 392-140-345	1990-91 additional 1.3 staff units—Definition—School year.	WAC 392-140-362	1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education classified instructional assistants.
WAC 392-140-346	1990-91 additional 1.3 staff units—Definition—Academic year.	WAC 392-140-363	1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education enrollment.
WAC 392-140-347	1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education enrollment.	WAC 392-140-364	1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education classified instructional assistants.
WAC 392-140-348	1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education enrollment.	WAC 392-140-365	1990-91 additional 1.3 staff units—Definition—Full-time equivalent fourth through twelfth grade basic education classified instructional assistants.
WAC 392-140-349	1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education certificated instructional staff.	WAC 392-140-366	1990-91 additional 1.3 staff units—Definition—1990-91 actual average salary for basic education classified instructional assistants.
WAC 392-140-350	1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional staff.	WAC 392-140-367	1990-91 additional 1.3 staff units—Definition—Addition full-time equivalent basic education classified instructional assistant.
WAC 392-140-351	1990-91 additional 1.3 staff units—Definition—SPI form S-275.	WAC 392-140-368	1990-91 additional 1.3 staff units—Definition—Reduction full-time equivalent basic education classified instructional assistant.
WAC 392-140-352	1990-91 additional 1.3 staff units—Definition—SPI form 1158.	WAC 392-140-369	1990-91 additional 1.3 staff units—Definition—Reassignment full-time equivalent basic education classified instructional assistant.
WAC 392-140-353	1990-91 additional 1.3 staff units—Definition—Supplemental basic education certificated instructional staff.		1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent basic education certificated instructional staff salary
WAC 392-140-354	1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent kindergarten through third grade staff.		
WAC 392-140-355	1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade basic education certificated instructional staffing ratio.		
WAC 392-140-356	1990-91 additional 1.3 staff units—Definition—1990-91 average basic education certificated instructional staff salary		

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- WAC 392-140-370 1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent kindergarten through third grade basic education classified instructional assistants.
- WAC 392-140-371 1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent fourth through twelfth grade basic education classified instructional assistants.
- WAC 392-140-372 1990-91 additional 1.3 staff units—Definition—SPI Form 1230.
- WAC 392-140-373 1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade basic education classified instructional assistant staffing ratio.
- WAC 392-140-374 1990-91 additional 1.3 staff units—Definition—Change in kindergarten through third grade basic education classified instructional assistant staffing ratios from 1989-90 to 1990-91.
- WAC 392-140-375 1990-91 additional 1.3 staff units—Definition—Certificated instructional staff ratio equivalent of the change in kindergarten through third grade basic education classified instructional assistant staffing ratios from 1989-90 to 1990-91.
- WAC 392-140-376 1990-91 additional 1.3 staff units—Definition—Recognized change in kindergarten through third grade basic education certificated instructional staffing ratio from 1989-90 to 1990-91.
- WAC 392-140-377 1990-91 additional 1.3 staff units—Definition—Combined change in kindergarten through third grade basic education instructional staffing ratios from 1989-90 to 1990-91.
- WAC 392-140-378 1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education certificated instructional staff from 1989-90 to 1990-91.
- WAC 392-140-379 1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91.

- WAC 392-140-380 1990-91 additional 1.3 staff units—Definition—Certificated instructional staff equivalent of the change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91.
- WAC 392-140-381 1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade certificated instructional staffing ratio equivalent of fourth through twelfth grade basic education instructional staff changes from 1989-90 to 1990-91.
- WAC 392-140-390 1990-91 additional 1.3 staff units—School district reporting of basic education classified instructional assistants.
- WAC 392-140-391 1990-91 additional 1.3 staff units—Reporting by the superintendent of public instruction.
- WAC 392-140-392 1990-91 additional 1.3 staff units—Determination of school district additional kindergarten through third grade staffing ratio enhancements.
- WAC 392-140-393 1990-91 additional 1.3 staff units—Determination of credit for fourth through twelfth grade staff increases.

**WSR 93-21-092
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 93-20—Filed October 20, 1993, 11:54 a.m.]

Date of Adoption: October 20, 1993.

Purpose: To implement changes in school district levy authority and local effort assistance calculations required by chapters 410 and 465, Laws of 1993.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-139-056, 392-139-057, and 392-139-675; and amending WAC 392-139-007 through 392-139-676. Statutory Authority for Adoption: RCW 28A.150.290(2) and 84.52.0531(10).

Pursuant to notice filed as WSR 93-18-062 on August 30, 1993.

Effective Date of Rule: Thirty-one days after filing.
October 20, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-007 Organization of this chapter. This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

- Sections 001-099 General provisions and definitions.
- Sections 100-299 Definitions for excess levy authority.
- Sections 300-399 Determination of excess levy authority.
- Sections 600-649 Definitions for local effort assistance.
- Sections 660-~~(699)~~ 679 Determination of local effort assistance for 1993, 1996 and thereafter.
- Sections 680-699 Determination of local effort assistance for 1994 and 1995.
- Sections 900-999 Notification (~~(provisions)~~), petitions and requests for review.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-055 Definition—Calendar year. As used in this chapter, ~~((the term))~~ "calendar year" means the period commencing on January 1 and ending on December 31. Unless otherwise stated, calendar year references including numeric references (e.g., 1994) are to the calendar year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

NEW SECTION

WAC 392-139-058 Definition—Prior year and prior calendar year. As used in this chapter, "prior year" and "prior calendar year" mean the calendar year preceding the year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

AMENDATORY SECTION (Amending Order 92-07, filed 9/21/92, effective 10/22/92)

WAC 392-139-310 Determination of excess levy base. The superintendent of public instruction shall calculate each school district's excess levy base as ~~((follows))~~ provided in this section. Levy base adjustments pursuant to WAC 392-139-901 shall be included in revenues shown in this section.

(1) Sum the following state and federal allocations for the prior school year:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

- 4199 Transportation - operations; and
- 4499 Transportation reimbursement - depreciation.

(ii) Handicapped education. Allocations for handicapped education include allocations for the following accounts:

- 4121 Education of handicapped children;
- 6124 Handicapped supplemental, EHA, Part B; and
- 6127 Handicapped deinstitutionalized.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

- 4155 Learning assistance;
- 4165 Transitional bilingual;
- 6151 Remediation, ESSIA, Chapter 1;
- 6153 Migrant, ESSIA, Chapter 1;
- 6162 Refugee programs;
- 6164 Bilingual, Title VII, P.L. 95-561 (SPI);
- 6167 Indian education, JOM;
- 6264 Bilingual, Title VII, P.L. 95-561 (direct); and
- 6268 Indian education, P.L. 92-318.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

- 4198 School food services (state);
- 6198 School food services (federal); and
- 6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations identified by the following accounts:

- 4175 Local education program enhancement; and
- 6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

- 5200 General purpose direct grants, unassigned;
- 6100 Special purpose, SPI, unassigned;
- 6138 Secondary vocational education, P.L. 98-524;
- 6146 Skills center;
- 6177 Mathematics and science;
- 6200 Direct special purpose grants; and
- 6246 Skills center, direct federal grant.

(2) Increase the result obtained in subsection (1) of this section by ~~((the following percentage:~~

~~(a) For 1992, the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year.~~

~~(b) For 1993 and thereafter,)) the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.~~

(3) Revenue accounts referenced in ~~((subsection (1) of))~~ this section are from the September 1989 accounting manual for public school districts in the state of Washington, revised 1990.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

- 4121 Education of handicapped children;
- 4155 Learning assistance;
- 4165 Transitional bilingual;
- 4174 Highly capable;
- 4175 Local education program enhancement;
- 4198 School food services (state);
- 4199 Transportation - operations;

- 4499 Transportation reimbursement - depreciation;
 - 6124 Handicapped supplemental, EHA, Part B;
 - 6127 Handicapped deinstitutionalized;
 - 6138 Secondary vocational education, P.L. 98-524;
 - 6146 Skills center;
 - 6151 Remediation, ESSIA, Chapter 1;
 - 6153 Migrant, ESSIA, Chapter 1;
 - 6162 Refugee programs;
 - 6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297;
 - 6177 Mathematics and science; and
 - 6198 School food services (federal).
- (b) The following state and federal allocations are taken from the F-195:
- 5200 General purpose direct grants, unassigned;
 - 6100 Special purpose, SPI, unassigned;
 - 6164 Bilingual, Title VII, P.L. 95-561 (SPI);
 - 6167 Indian education, JOM;
 - 6200 Direct special purpose grants;
 - 6246 Skills center, direct federal grant;
 - 6264 Bilingual, Title VII, P.L. 95-561 (direct);
 - 6268 Indian education, P.L. 92-318; and
 - 6998 USDA commodities.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-320 Determination of maximum excess levy percentage. (1) For 1994 and 1995, each school district's maximum excess levy percentage equals the district's 1993 excess levy percentage plus four percent (e.g., 21.5% plus 4% equals 25.5%).

(2) For 1993, 1996 and thereafter, the superintendent of public instruction shall calculate each school district's maximum excess levy percentage (~~for the next calendar year~~) as the greater of twenty percent or the percentage calculated as follows:

~~((1))~~ (a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by:

(i) For 1993, 1997 and thereafter, the school district's maximum excess levy percentage for the ~~((current))~~ prior calendar year;

~~((2))~~ (ii) For 1996, the school district's maximum levy percentage for 1993;

(b) Subtract from the result obtained in (a) of this subsection ~~((1) of this section)~~ the school district's levy reduction funds for the year of the levy; and

~~((3))~~ (c) Divide the result obtained in (b) of this subsection ~~((2) of this section)~~ by the school district's excess levy base.

NEW SECTION

WAC 392-139-606 Definition—District twelve percent levy amount. As used in this chapter, "district twelve percent levy amount" means the dollar amount determined for each school district as follows:

(1) Perform the calculations pursuant to WAC 392-139-300 (1) and (2) to arrive at the school district excess levy authority after excess levy transfers but before subtracting maximum local effort assistance;

(2) Divide the result by the school district maximum excess levy percentage calculated pursuant to WAC 392-139-320; and

(3) Multiply the result by twelve percent.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-610 Definition—District ten percent levy rate. As used in this chapter, "district ten percent levy rate" means the district ten percent levy amount divided by the district adjusted assessed valuation for taxes collected in the ~~((current))~~ prior calendar year.

NEW SECTION

WAC 392-139-611 Definition—District twelve percent levy rate. As used in this chapter, "district twelve percent levy rate" means the district twelve percent levy amount divided by the district adjusted assessed valuation for taxes collected in the prior calendar year.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-615 Definition—State-wide average ten percent levy rate. As used in this chapter, "state-wide average ten percent levy rate" means ten percent of the total excess levy bases for the next calendar year determined pursuant to WAC 392-139-310 ~~((summed))~~ for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the ~~((current))~~ prior calendar year.

NEW SECTION

WAC 392-139-616 Definition—State-wide average twelve percent levy rate. As used in this chapter, "state-wide average percent levy rate" means twelve percent of the total excess levy bases determined pursuant to WAC 392-139-310 for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the prior calendar year.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-620 Definition—Eligible district—1993, 1996 and thereafter. As used in this chapter, "eligible school district" for 1993, 1996 and thereafter means a school district whose ten percent levy rate exceeds the state-wide average ten percent levy rate.

NEW SECTION

WAC 392-139-621 Definition—Eligible district—1994 and 1995. As used in this chapter, "eligible district" in 1994 and 1995 means a school district whose twelve percent levy rate exceeds the state-wide average twelve percent levy rate.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-625 Definition—State matching ratio—1993, 1996 and thereafter. As used in this chapter, "state matching ratio" for 1993, 1996 and thereafter, means the ratio calculated for each school district as follows:

- (1) Subtract the state-wide average ten percent levy rate from the district ten percent levy rate; and
- (2) Divide the result by the state-wide average ten percent levy rate.

NEW SECTION

WAC 392-139-626 Definition—State matching ratio—1994 and 1995. As used in this chapter, "state matching ratio" for 1994 and 1995 means the ratio calculated for each school district as follows:

- (1) Subtract the state-wide average twelve percent levy rate from the district twelve percent levy rate; and
- (2) Divide the result by the state-wide average twelve percent levy rate.

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR 1993, 1996 AND THEREAFTER

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-660 Determination of maximum local effort assistance—1993, 1996 and thereafter. The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for ~~((the next))~~ calendar years 1993, 1996 and thereafter as follows:

- (1) Subtract the state-wide average ten percent levy rate ~~((for the next calendar year))~~ from the district ten percent levy rate ~~((for the next calendar year))~~;
- (2) Divide the result obtained in subsection (1) of this section by the district ten percent levy rate ~~((for the next calendar year))~~; and
- (3) Multiply the result obtained in subsection (2) of this section by the district ten percent levy amount ~~((for the next calendar year))~~.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-670 Local effort assistance allocations—1993, 1996 and thereafter. The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement for 1993, 1996 and thereafter as the lesser of the following amounts:

- (1) The school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or
- (2) The school district's maximum local effort assistance for the calendar year calculated pursuant to WAC 392-139-660.

AMENDATORY SECTION (Amending Order 92-07, filed 9/21/92, effective 10/22/92)

WAC 392-139-676 ~~((Allocation))~~ Monthly payments of local effort assistance—1993, 1996 and thereafter. For ~~((the))~~ 1993 ~~((calendar year))~~, 1996 and thereafter, the superintendent of public instruction shall distribute local effort assistance moneys pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR 1994 AND 1995

NEW SECTION

WAC 392-139-680 Determination of maximum local effort assistance—1994 and 1995. The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for 1994 and 1995 as follows:

- (1) Subtract the state-wide average twelve percent levy rate from the district twelve percent levy rate;
- (2) Divide the result of subsection (1) of this section by the district twelve percent levy rate;
- (3) Multiply the result of subsection (2) of this section by the district twelve percent levy amount;
- (4) Multiply the result of subsection (3) of this section by the proration percentage determined pursuant to WAC 392-139-690;
- (5) Add the result of subsection (4) of this section and the district's safety net allocation for the year determined pursuant to WAC 392-139-685. This amount is the district's maximum local effort assistance.

NEW SECTION

WAC 392-139-681 Determination of local effort assistance allocations—1994 and 1995. Each district's local effort assistance allocation for 1994 and 1995 shall be calculated as follows:

- (1) Determine local effort assistance before proration by taking the lesser of the district's maximum local effort assistance before proration or the district's state matching ratio times the district certified excess general fund levy.
- (2) Multiplying the result of subsection (1) of this section by the proration percentage pursuant to WAC 392-139-690.
- (3) Add the result of subsection (2) of this section and the district's safety net allocation calculated pursuant to WAC 392-139-685. This amount is the district's local effort assistance allocation for the year.

NEW SECTION

WAC 392-139-685 Determination of safety net allocations. Each school district's safety net allocation for 1994 and 1995 shall be calculated as follows:

- (1) Determine the actual 1991-93 state biennium local effort allocations by adding:
 - 45% of the actual 1991 allocation,
 - 100% of the actual 1992 allocation, and
 - 55% of the actual 1993 allocation.

PERMANENT

(2) Determine 96.5% of the 1991-93 allocations by multiplying the result of subsection (1) of this section by 0.965.

(3) Calculate the local effort assistance allocations that would have been made during the 1993-95 biennium under the law in effect January 1, 1993, (i.e., using the formula for 1993 local effort assistance provided in this chapter). When performing calculations for 1994, assume that local effort assistance will be equal in calendar years 1994 and 1995 unless it is known to be otherwise.

(4) Determine the 1993-95 biennium local effort assistance allocation by adding:

- 45% of the actual 1993 allocation,
- 100% of the 1994 allocation, and
- 55% of the 1995 allocation.

(a) For 1994, the 1994 allocation excludes safety net moneys and the 1995 allocation is assumed to equal the 1994 allocation unless it is known to be otherwise.

(b) For 1995, the 1994 allocation includes safety net moneys and the 1995 allocation excludes 1995 safety net moneys.

(5) If the result of subsection (3) of this section exceeds the result of subsection (1) of this section and the result of subsection (4) of this section is less than the result of subsection (2) of this section then the district is eligible for safety net moneys.

(a) For 1994 and eligible district's safety net allocation equals 64.5% (100/155) of the difference between the result of subsections (2) and (4) of this section.

(b) For 1995 an eligible district's safety net allocation equals 100% of the difference between the results of subsections (2) and (4) of this section.

NEW SECTION

WAC 392-139-690 Determination of proration percentages. The superintendent of public instruction shall prorate local effort assistance allocations as necessary for 1994 and 1995 in order to reduce total local effort assistance allocations for the 1993-95 state biennium (July 1, 1993, through June 30, 1995,) to the level provided in the state Operating Appropriations Act. In determining the necessary 1994 proration percentage the superintendent of public instruction shall assume that total local effort assistance eligibility for 1994 and 1995 is equal.

NEW SECTION

WAC 392-139-691 Monthly payments of local effort assistance—1994 and 1995. (1) For 1994 the superintendent of public instruction shall distribute local effort assistance moneys with monthly apportionment payments pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

(2) For the 1995 the superintendent of public instruction shall distribute local effort assistance moneys as follows:

(a) Local effort assistance allocations excluding the safety net allocation shall be distributed pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

(b) Safety net moneys determined pursuant to WAC 392-139-685 shall be distributed with monthly apportionment payments pursuant to the following schedule:

April	54.55%
May	41.82%
June	3.63%

NOTIFICATION ((PROVISIONS)), PETITIONS AND REQUESTS FOR REVIEW

NEW SECTION

WAC 392-139-901 Petitions for levy base adjustments. School districts may request levy base adjustments as follows:

(1) At any time prior to September 15 of the prior calendar year, two or more school districts may petition the superintendent of public instruction to transfer levy base revenues between school districts for revenues generated by nonresident students served in an interdistrict cooperative for which no transfer is made pursuant to WAC 392-139-330 or 392-139-340. The petition shall state the revenue account(s) and dollar amounts to be transferred to and from each district. Net transfers for all districts shall equal zero. The petition shall be signed by the superintendent or authorized official of each participating school district. If the superintendent of public instruction finds that revenues were generated by services to nonresident students each district's levy base shall be adjusted accordingly.

(2) At any time prior to September 15 of the prior calendar year, a school district may petition the superintendent of public instruction to credit school district revenues which have been redirected to an educational service district to the school district levy base. The petition shall be signed by the superintendent or authorized official of the school district and the educational service district. If the superintendent of public instruction finds that revenues were generated by resident students of the school district, revenues shall be credited to the school district levy base accordingly.

NEW SECTION

WAC 392-139-902 Requests for review. At any time prior to October 15 of the prior calendar year, a school district may request review of calculations made pursuant to this chapter. The request shall be in writing and shall be signed by the school district superintendent or authorized official. The superintendent of public instruction will review calculations and respond to the district on or before November 1.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-139-056	Definition—Current calendar year.
WAC 392-139-057	Definition—Next calendar year.
WAC 392-139-675	Allocation of local effort assistance—1992 Calendar year.

WSR 93-21-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 93-119—Filed October 8, 1993, 3:19 p.m.]

Date of Adoption: October 8, 1993.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order:
Amending WAC 220-32-059.
Statutory Authority for Adoption: RCW 75.08.080.
Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
Reasons for this Finding: Harvestable numbers of chinook and coho salmon are available in the Klickitat River. This regulation is consistent with the current Yakima Indian Nation regulations.
Effective Date of Rule: Immediately.

October 8, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-32-05900T Klickitat River - Salmon. Notwithstanding the provisions of WAC 220-32-051, 220-32-052, 220-32-053, and 220-32-059, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from the waters of the Klickitat River, except those individuals possessing treaty fishing rights under the Yakima treaty may fish or possess salmon under the following provisions:

(1) OPEN TIME PERIODS:

Open 6:00 a.m. Wednesday to 6:00 p.m. Saturday of each week from October 6 through December 4, 1993.

(2) OPEN AREA:

Those waters of the Klickitat River between the swinging bridge, approximately one and one-half miles upstream from the mouth, and a monument located 25 feet downstream from the entrance to the upper Klickitat Falls Fishway (No. 5).

(3) ALLOWABLE GEAR:

(a) Commercial fishing may be conducted with dipnets, setbag nets, or hook and line with bait or lures.

(b) Snagging or fish is prohibited.

(4) ALLOWABLE SALES:

Only salmon and steelhead taken within the fishing area described above may be sold. All fish must be sold within one mile of the Klickitat Falls fishing area.

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 93-21-012
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 93-118—Filed October 8, 1993, 3:20 p.m., effective October 10, 1993, 12:01 a.m.]

Date of Adoption: October 8, 1993.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-910.
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: Closure of Area 6D necessary to ensure escapement of coho salmon destined for the Dungeness River. Openings in Areas 7 and 7A provide opportunity to harvest nontreaty share of Canadian-origin chum according to preseason schedule. Opening in Area 7B provides opportunity to harvest nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin. The gillnet mesh size restriction and purse seine chinook release requirement, and in-season area restriction continue to be necessary to reduce chinook impacts. Opening in Area 9A provides opportunity to harvest nontreaty share of Hood Canal hatchery-origin coho. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: October 10, 1993, 12:01 a.m.
October 8, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-911 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 10th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 7 and 7A - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily, Sunday through Saturday October 10, 11, 12, 13, 14, 15, and 16. All coho are required to be released unharmed.
- * Area 7B - Gillnets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish continuously until 4:00 p.m. Friday October 22. Purse seines must release all chinook. In addition to the exclusion zones described in WAC 220-47-307, Area 7B is closed south of a line projected from Governors Point to the most northerly point of Vendovi Island.

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- * Area 9A - Will be open to gillnets and skiff gillnets using 5-inch minimum mesh from 6:00 a.m. Monday October 11 through 4:00 p.m. Friday October 15.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-910 Puget Sound all-citizen commercial salmon fishery. (93-114)

**WSR 93-21-013
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-120—Filed October 8, 1993, 3:21 p.m., effective October 11, 1993, 12:01 a.m.]

Date of Adoption: October 8, 1993.
 Purpose: Personal use rules.
 Citation of Existing Rules Affected by this Order:
 Amending WAC 220-57-340.

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: Extreme low flows exist and this regulation is necessary to prevent snagging and an unruly fishery.

Effective Date of Rule: October 11, 1993, 12:01 a.m.
 October 8, 1993
 Judith Freeman
 Deputy
 for Robert Turner
 Director

NEW SECTION

WAC 220-57-34000G Nemah River. (North)
 Notwithstanding the provisions of WAC 220-57-340, effective 12:01 a.m. Monday, October 11, 1993 until further notice, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Nemah River downstream of lower bridge on deadend lower Nemah Road to the Highway 101 Bridge.

**WSR 93-21-018
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-121—Filed October 11, 1993, 4:17 p.m.]

Date of Adoption: October 11, 1993.
 Purpose: Commercial fishing regulations.
 Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-33-01000S.

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 fall chinook and coho salmon are available in the Columbia River. This rule is consistent with the actions of the October 7, 1993, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.
 October 11, 1993
 Judith Freeman
 Deputy
 for Robert Turner
 Director

NEW SECTION

WAC 220-33-01000T Columbia River salmon seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, 1D and 1E except as provided in the following subsections.

FISHING PERIODS

- (1) 6:00 p.m. October 11, 1993 to 6:00 p.m. October 13, 1993, and 6:00 p.m. October 18, 1993 to 6:00 p.m. October 20, 1993 in SMCRA 1A, 1B and 1C.
- 6:00 p.m. October 10, 1993 to 6:00 p.m. October 13, 1993 and 6:00 p.m. October 10, 1993 to 6:00 p.m. October 13, 1993 in SMCRA 1D and 1E.

During the fishing periods provided for in this subsection, sturgeon may not be retained for commercial purposes and shall be returned immediately to the water.

GEAR

- (2) It is unlawful to fish for salmon, shad and sturgeon with gill net gear that:
 - (a) exceeds 1,500 feet in length along the corkline;
 - (b) is constructed of monofilament webbing; and
 - (c) has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net; and
 - (d) the mesh size is less than 5 inches or greater than 9 1/4 inches stretch measure.
- (3) It is unlawful to gaff a sturgeon.

SANCTUARIES

- (4) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

EMERGENCY

Grays River
Cowlitz River
Elokomin-A
Kalama-A
Lewis-A
Washougal River
Sandy River and
all tributaries flowing into the Columbia River.

REPEALER

Effective immediately, the following section of the Washington Administrative Code is repealed:

WAC 220-33-01000S Columbia River salmon seasons below Bonneville (93-109)

WSR 93-21-022
EMERGENCY RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed October 12, 1993, 1:25 p.m.]

Date of Adoption: October 12, 1993.

Purpose: To implement a new act (Mortgage brokers and loan originators—Licensing) passed by the 1993 legislature.

Statutory Authority for Adoption: Section 9, chapter 468, Laws of 1993.

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: Statutory authority to license mortgage brokers was not transferred to the Department of Financial Institutions until the department was created on October 1, 1993. Emergency promulgation of these rules is necessary so that the department can begin to issue licenses to mortgage brokers as required by law.

Effective Date of Rule: Immediately.

October 12, 1993
John L. Bley
Director

Chapter 50-60 WAC
MORTGAGE BROKERS AND LOAN ORIGINATORS—LICENSING

NEW SECTION

WAC 50-60-010 Definitions. (1) "Material litigation" is defined as any past or pending litigation which would be relevant to the director's ruling on an application for a mortgage brokerage license, including but not limited to the following types of litigation:

- (a) Any previous convictions for a felony in the last seven years or currently pending felony charges.
- (b) Any previous or pending civil actions involving financial misconduct, including but not limited to violations

of the Mortgage Brokers Practices Act, the Consumer Protection Act, or state or federal securities laws.

(2) A "branch office" is defined as a fixed physical location such as an office, separate from the principal place of business of the licensed mortgage broker; where a licensee holds itself out to the public as acting as a mortgage broker. "Hold out to the public" means advertising or otherwise informing the public that mortgage loans are made or negotiated at that location, or listing that location on business cards, stationery, brochures, rate lists or other promotional items, but does not include listing a home or mobile telephone number on business cards or stationery in addition to listing the telephone number of a licensed place of business.

(3) A "principal" of any partnership, company, association or corporation is defined as any person who owns a ten percent interest or more in the partnership, company, association or corporation.

NEW SECTION

WAC 50-60-020 Statutory exemptions. (1) The following are exempt from all provisions of these rules, with the exception of those who must comply with RCW 19.146.0201 according to RCW 19.146.020(2):

(a) Any person doing business under the laws of this state or the United States relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof;

(b) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

(c) Any person doing any act under order of any court;

(d) Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;

(e) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

(f) Any mortgage broker approved and subject to auditing by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(g) Any mortgage broker approved by the United States Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act, 12 U.S.C. Sec. 1701, as now or hereafter amended;

(h) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality or any of the entities in this subsection (1)(h); and

EMERGENCY

(i) A real estate broker who provides information only in connection with a CLO system, who may receive a fee for such information in an amount approved by the director and who conforms to all rules of the director with respect to the providing of such service.

(2) Those persons otherwise exempt under subsection (1)(f), (g), and (i) of this section must comply with RCW 19.146.0201.

NEW SECTION

WAC 50-60-030 Application procedure for mortgage broker license. Each person, as defined in RCW 19.146.010(8), desiring to obtain licensure as a mortgage broker shall apply to the director by submitting the following:

(1) An application shall be made in the form prescribed by the director.

(2) The applications described in subsection (1) of this section must be accompanied by:

(a) A surety bond or equivalent as described in RCW 19.146.205 (3)(a), (b), or (c).

(b) Payment to the director of five hundred dollars for each application as a license fee to cover the costs of investigation and processing of the application, and otherwise enforcing this chapter.

(3) Each principal of an applicant that is a corporation or a partnership, or the owner if the applicant is unincorporated, shall complete and submit the following with the application:

(a) Biographical information including complete and accurate employment history and a description of any material litigation for the preceding seven years.

(b) An independent credit report obtained from a recognized credit reporting agency.

(c) A signed authorization for a background investigation.

(d) A completed fingerprint card accepted by the Washington state patrol.

(4) Notwithstanding any other provision of these rules, the director may deny an application as incomplete if the applicant fails within ten business days to meet a second request from the director for information, except that the director may grant an extension to the applicant when good cause is shown. An example of good cause may include, but shall not be limited to, death or incapacitating illness of the preparer, or other catastrophic occurrence. Denial under such circumstances shall not affect new applications filed after the denial. Following denial on such grounds and upon submission of an additional license fee, an applicant may reapply.

NEW SECTION

WAC 50-60-040 Experience requirements. (1) An applicant who has two years of experience in the following categories shall be judged to meet the experience requirements for licensing as expressed in RCW 19.146.210 (1)(e):

(a) Mortgage broker, or responsible individual or branch manager;

(b) Mortgage banker, or responsible individual or branch manager;

(c) Loan officer, with responsibility primarily for loans secured by lien interests on real estate;

(d) Branch manager of lender, with responsibility primarily for loans secured by lien interest on real estate.

(e) Mortgage broker with license from another state whose licensing standards are determined by the director to be substantially similar to this state.

(2) An applicant who is currently active and licensed as a real estate broker in Washington or a state with similar licensing requirements, and who has at least two years of experience as a real estate broker, and who has completed a training course approved by the director covering all laws and regulations applicable to the business of mortgage brokering will be judged to meet the experience requirements as expressed in RCW 19.146.210 (1)(e).

NEW SECTION

WAC 50-60-050 Access to criminal history information. (1) The director may review the criminal conviction record that is maintained by any federal, state or local law enforcement agency relating to:

(a) An applicant for a license under this article; or

(b) Any principal of a partnership, company, association or corporate applicant for a license under this article.

(2) The director may refuse to grant a license or may suspend or revoke a license if the applicant, licensee, or any principal of a partnership, company, association or corporate applicant, fails to provide a complete set of fingerprints and a recent photograph on request.

NEW SECTION

WAC 50-60-060 License fee. New license.

(1) For each application for a Washington mortgage broker license, the director shall receive and there shall be paid to the director prior to issuance of the license a nonrefundable license fee of five hundred dollars to cover the license period stated on the license.

(2) For each application for a Washington mortgage broker branch office license, the director shall receive and there shall be paid to the director prior to issuance of the license a nonrefundable license fee of one hundred dollars to cover the license period as stated on the license.

NEW SECTION

WAC 50-60-070 Branch office application procedure. Application may be made for branch office licenses in a form specified by the director. However, the branch manager of each branch office must be a licensed mortgage broker, and therefore must complete a separate application for a mortgage broker license as required by WAC 50-60-030 if he or she is not already licensed. This will require surety bond or equivalent as described in RCW 19.146.205 (3)(a), (b), or (c).

NEW SECTION

WAC 50-60-080 Surety bond for applicants engaging in the business of a mortgage broker. (1) A licensee engaged in the business of a mortgage broker shall obtain and file with the director prior to licensing a surety bond in the amount of forty thousand dollars issued by a bonding

company or insurance company authorized to do business in this state.

(2) In lieu of such surety bond, the applicant may deposit with the director a certificate of deposit or other time deposit properly assigned to the director for an amount equal to the required bond. The depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the director, to substitute other qualified deposits, and shall be required to do so on written order of the director made for good cause shown.

(3) In lieu of such surety bond, the applicant may deposit with the director an irrevocable letter of credit drawn in favor of the director for an amount equal to or greater than the required bond. The irrevocable letter of credit must be issued by a bank, savings bank, savings and loan association, or credit union in this state as such applicant may designate and the director may approve.

(4) The surety bond or approved equivalents listed in subsections (1), (2), and (3) of this section are subject to the provisions of RCW 19.146.240.

NEW SECTION

WAC 50-60-090 License standards for applicants licensed in other jurisdictions. An applicant licensed in other jurisdictions is required to follow the application procedure as stated in WAC 50-60-030.

NEW SECTION

WAC 50-60-100 License standards for associations. Since all members of an association are legally responsible for actions of an association, all members of an association must complete an application for licensing and must meet the criteria for licensing as set forth in chapter 19.146 RCW and chapter 50-60 WAC.

NEW SECTION

WAC 50-60-110 Sale, transfer, or change of control of a licensed mortgage broker agency or business. (1) A Washington state mortgage broker license is not transferable or assignable.

(2) Whenever a licensee who is a sole proprietorship intends to sell or otherwise transfer their interest in a licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) Stipulation that the buyer (transferee) is responsible for obtaining a valid Washington state mortgage broker license prior to completion of the sale or transfer.

(b) Stipulation that the buyer (transferee) is responsible for obtaining the appropriate surety bond, or acceptable alternative, and filing such surety bond or acceptable alternative with the director prior to completion of the sale or transfer.

(c) Clear assignment of the responsibility for all payments due to customers and third party service providers on or before the effective date of the sale to either the seller (transferor) or the buyer (transferee).

(d) Clear assignment of the responsibility for maintaining and preserving the accounting and other records as required by RCW 19.146.060 and WAC 50-60-140 to either the seller (transferor) or the buyer (transferee).

(e) Stipulation that the buyer (transferee) is restricted from or is authorized to use the seller's (transferor's) mortgage broker business name.

(f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification of the sale or transfer to all of the seller's (transferor's) clients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third-party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.

(3) Whenever a licensee that is a partnership or corporation intends to sell or otherwise transfer a controlling interest in a licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) Stipulation that the buyer (transferee) is responsible for obtaining a valid Washington state mortgage broker license prior to completion of the sale or transfer.

(b) Stipulation that the buyer (transferee) is responsible for obtaining the appropriate surety bond, or acceptable alternative, and filing such surety bond or acceptable alternative with the director prior to completion of the sale or transfer.

(c) Clear assignment of the responsibility for all payments due to customers and third-party service providers on or before the effective date of the sale to either the seller (transferor) or the buyer (transferee).

(d) Clear assignment of the responsibility for maintaining and preserving the accounting and other records as required by RCW 19.146.060 and WAC 50-60-140 to either the seller (transferor) or the buyer (transferee).

(e) Stipulation that the buyer (transferee) is restricted from or is authorized to use the seller's (transferor's) mortgage broker business name.

(f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification of the sale or transfer to all of the seller's (transferor's) clients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third-party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.

(4) Whenever there is a change in a principal of a licensee that is a corporation or partnership, the licensee must provide the director with all information required of a principal when an application is made for a mortgage brokers license as specified in WAC 50-60-030. The director shall make a determination, prior to completion of the sale, whether the proposed new principal in the licensee meets the requirements which must be met to be licensed as a mortgage broker as specified in RCW 19.146.210.

NEW SECTION

WAC 50-60-120 Employees of licensed mortgage broker. RCW 19.146.200 prohibits a person from engaging in the business of a mortgage broker without first obtaining and maintaining a mortgage broker license, except as an employee of a person licensed or exempt from licensing. For the purpose of licensing of mortgage brokers, an employee is defined as any individual who has an employment relationship, acknowledged by both the employee and the licensee, where the individual is treated as an employee by the licensee for purposes of compliance with federal income tax laws.

NEW SECTION

WAC 50-60-130 Disclosures required to borrower. Disclosures required by RCW 19.146.030 (1), (2)(c), (d), (e), and (f) shall be made in the form approved by the director.

NEW SECTION

WAC 50-60-140 Recordkeeping requirements. Each mortgage broker required to be licensed by chapter 468, Laws of 1993, shall retain the original contract for the broker's compensation, an accounting of all funds received in connection with the loan, a copy of the settlement statement as provided to the borrower if the loan closed, a record of any fees refunded to the applicant if the loan did not close, copies of the good faith estimate and all other written disclosures, and all other correspondence, papers or records relating to the loan application for a minimum of six years after a mortgage application is received. These records shall be retained in all cases where a mortgage application has been received, any deposits or fees associated with a mortgage application have been accepted, or any written agreement has been executed.

NEW SECTION

WAC 50-60-150 Disclosure of significant developments. (1) A licensee shall be required to notify the director in writing within thirty days of the occurrence of any of the following significant developments:

- (a) Licensee filing for bankruptcy or reorganization.
 - (b) Notification of license revocation procedures in any state against the licensee.
 - (c) The filing of a felony indictment related to mortgage brokering activities of licensee, officer, director, or principal.
 - (d) A licensee, officer, director, or principal being convicted of a felony.
 - (e) Notification of cancellation of the licensee's surety bond as required for licensing, or any significant decline in value of any alternative to the surety bond held by the director.
 - (f) The filing of any material litigation against the licensee.
 - (g) A sale, transfer, or change of control of a licensed mortgage broker agency or business.
- (2) A licensee shall be required to notify the director in writing ten days prior to a change of business location.

NEW SECTION

WAC 50-60-160 License denial. (1) The director may deny, suspend or condition a license if the licensee, any principal of any corporate or partnership licensee, or the owner if the applicant is unincorporated:

- (a) Has not paid the required license fee;
- (b) Has not posted the required bond or otherwise complied with RCW 19.146.205;
- (c) Has had any license issued under chapter 468, Laws of 1993, or any similar statute of this or any other state suspended, revoked, or restricted within five years of the filing of the present application;
- (d) Has been convicted of a felony within seven years of the filing of this application;
- (e) Has failed to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter;
- (f) Has misrepresented or concealed material facts in obtaining a mortgage brokers license or in reinstatement thereof;
- (g) Has violated the provisions of the Mortgage Broker Practices Act, the rules promulgated pursuant to that act, or the Consumer Protection Act;
- (h) Has had the surety bond required for licensure canceled;
- (i) Has allowed the licensed mortgage brokerage business to deteriorate into a condition which would result in denial of a new application for a license;
- (j) Has aided or abetted an unlicensed person to practice if a license is required;
- (k) Has demonstrated incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;
- (l) Is insolvent in the sense that the value of the applicant's or licensee's liabilities exceed their assets or in the sense that the applicant or licensee cannot meet their obligations as they mature;
- (m) Has failed to comply with an order issued by the director, or his or her designee, or an assurance of discontinuance entered into with the director, or his or her designee;
- (n) Has performed an act of misrepresentation or fraud in any aspect or the conduct of the mortgage brokerage business or profession;
- (o) Has failed to cooperate with the director, or his or her designee, by:
 - (i) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary actions or denial, suspension or revocation of a license under this chapter;
 - (ii) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation into a complaint against the licensee filed with the department, or providing a full and complete written explanation of the circumstances of the complaint upon request by the director;
 - (iii) Not responding to subpoenas issued by the director whether or not the recipient of the subpoena is the accused in the proceeding; or

(p) Has interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or authorized representative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action.

(2) The director may deny, suspend or condition a license if the owner, if the applicant is a sole proprietorship; the general partner(s), if the applicant is a partnership; or the chief executive officer, if the applicant is a corporation; does not have the required two years of experience in the residential mortgage loan industry as defined in WAC 50-60-040.

(3) The director may not issue a license if he or she finds that the applicant, or any person who is a director, officer or principal of the applicant, has within the previous seven years been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws of this state. For the purposes of this rule, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty or no contest or nolo contendere or stipulated to facts sufficient to justify a finding of guilt to a charge thereof before a court or federal magistrate, or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such pleas of guilty, or such decision, judgment, or verdict, shall have been set aside, reversed, or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefore from the President of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of good conduct granted by the state board of pardons and paroles pursuant to the provisions of the executive law to remove the disability under this subsection because of such conviction.

(4) The director may find that a person has failed to demonstrate financial responsibility, character and general fitness such as to warrant a belief that the business will be operated honestly, fairly and efficiently within the purposes of chapter 468, Laws of 1993, whenever:

(a) The person is or has been subject to an injunction issued pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act, or rules promulgated thereunder, or chapter 19.86 RCW, the Consumer Protection Act;

(b) The person has had a license to engage in a similar business suspended or revoked within the previous seven years by any local, state or federal agency within the United States, and that license has not been reinstated without restriction;

(c) The person has had a surety bond or an equivalent form of business insurance canceled or revoked for cause in the previous two years;

(d) The person is a defendant in pending material litigation;

(e) The person's independent credit report issued by a recognized credit reporting agency indicates a substantial history of unpaid debts;

(f) The applicant is insolvent in the sense that the value of the applicant's liabilities exceed the value of their assets, or in the sense that the applicant cannot meet their obligations as they mature;

(g) The person has not demonstrated an acceptable level of knowledge of all laws and regulations applicable to the business of mortgage brokering through compliance with the experience and educational requirements set forth in WAC 50-60-040; or

(h) The applicant has violated the requirements of the Mortgage Brokers Practices Act, the rules promulgated pursuant to that act, or the Consumer Protection Act.

NEW SECTION

WAC 50-60-170 Transitional rule. Pursuant to the authority granted under RCW 19.146.210(3), the director declares the effective date of the licensing requirement expressed in RCW 19.146.200 to be extended to November 30, 1993. Businesses engaged in mortgage brokering and required to be licensed under chapter 468, Laws of 1993, may file an application with the director and obtain, upon acceptance of the application as complete and a determination by the director that the applicant meets the verifiable requirements for licensing, an interim license. This interim license shall expire on February 28, 1994, unless extended by the director. This section shall be void after July 1, 1994.

WSR 93-21-033
EMERGENCY RULES
DEPARTMENT OF HEALTH
[Filed October 15, 1993, 10:34 a.m.]

Date of Adoption: October 14, 1993.

Purpose: Continue nursing home certificate of need moratorium for bed additions and new nursing homes. It also clarifies those nursing home projects which are not affected by the moratorium. It allows the additional time necessary to complete rule development required by changes in statute, chapter 70.38 RCW.

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 246-310-381.

Statutory Authority for Adoption: RCW 70.38.135 (3)(c).

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

Reasons for this Finding: Amendments to chapter 70.38 RCW changes the way the certificate of need program must evaluate need for nursing home projects and expands the cost containment criteria. Statute changes were initiated by DSHS to allow for expansion of community based programs, such as COPES, which is a Medicaid waiver program. The statute changes were effective upon the governor's signature.

Effective Date of Rule: Immediately.

October 14, 1993
Bruce Miyahara
Secretary

EMERGENCY

NEW SECTION

WAC 246-310-381 Nursing home bed need standards The department is in the process of revising rules to reflect amendments to RCW 70.38, which passed as Substitute House Bill 2098 with emergency implementation, during the 1993 legislative session. In order to allow for planned and orderly development of new rules, which affect the way the Certificate of Need Program evaluates nursing home projects, no Certificate of Need applications for nursing home bed additions, or the establishment of a new nursing home, shall be accepted until the new rules are adopted. This section does not apply to those projects which are sponsored by an existing owner/licensee which has operated the nursing home for more than one year and proposes to replace the nursing home in the same planning area with no increase in bed capacity. Additionally, this section does not apply to projects applying for nursing home beds from the type A CCRC bed pool or the Ethnic Minority Bed Pool.

WSR 93-21-035**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 93-123—Filed October 15, 1993, 1:47 p.m., effective October 17, 1993, 12:01 a.m.]

Date of Adoption: October 15, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-911.

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: Closure of Area 6D necessary to ensure escapement of coho salmon destined for the Duwamish River; openings in Areas 7 and 7A provide opportunity to harvest nontreaty share of Canadian-origin chum according to the provisions of the Chum Annex of the Pacific Salmon Treaty; opening in Area 7B provides opportunity to harvest nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin; opening in Area 9A provides opportunity to harvest nontreaty share of Hood Canal hatchery-origin coho; openings in Areas 10 and 11 provide opportunity to harvest nontreaty share of chum salmon destined for the south Puget Sound region of origin. Northern Area 10 in-season restriction is designed to reduce impacts to nonlocal stocks of coho salmon and juvenile chinook salmon and to provide separation between commercial fleets, recreational fishers, and ferry traffic. The Port Madison restriction is necessary to reduce impacts on local chum stocks; openings in Areas 12 and 12B provide opportunity to harvest nontreaty share of chum salmon destined for the Hood Canal region of origin. The requirement for purse seine release of coho, the modified minimum mesh size for gill nets, and the provision to close the eastern shoreline in Areas 12 and 12B are necessary to protect coho

salmon in those areas; and all other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: October 17, 1993, 12:01 a.m.

October 15, 1993

Robert Turner

Director

NEW SECTION

WAC 220-47-912 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 17th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 7 and 7A - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily, Monday October 18 to Saturday October 30. All coho are required to be released unharmed.
- * Area 7B - Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish continuously until 4:00 p.m. Friday October 22.
- * Area 9A - Will be open to gillnets and skiff gillnets using 5-inch minimum mesh from 6:00 a.m. Monday October 18 through 4:00 p.m. Friday October 22.
- * Areas 10 and 11 - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 7:00 p.m. Monday October 18. Gillnets using 6-inch minimum mesh may fish from 6:00 p.m. Monday October 18 to 8:00 a.m. Tuesday October 19. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed north of a line projected from Point Wells to the "SF" buoy to President Point through October 23, and closed in that portion of Port Madison west of a line projected 178 degrees true from the light at the end of Indianola dock to the landfall on the south shore of Port Madison.
- * Areas 12 and 12B - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 7:00 p.m. daily, Monday and Tuesday October 18 and 19. Gillnets using 6 1/4-inch minimum mesh may fish from 6:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday October 18 and 19. Purse seines must release all coho in areas 12 and 12B. In addition to the exclusion zones described in WAC 220-47-307, Areas 12 and 12B are closed within 1,000 feet of the eastern shore of Hood Canal.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 17, 1993:

WAC 220-47-911 Puget Sound all-citizen commercial salmon fishery. (93-118)

**WSR 93-21-036
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-122—Filed October 15, 1993, 1:49 p.m., effective October 15, 1993, 11:59 p.m.]

Date of Adoption: October 15, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-57-130, 220-57-135, 220-57-200, 220-57-385, 220-57-335, 220-57-460, and 220-57-510.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The allowable harvest of coho salmon has been achieved in the Quillayute watershed and a closure is necessary to protect the escapement. In the Willapa Bay tributaries, low water conditions necessitate recreational fishery restrictions to ensure orderly fisheries and address hatchery escapement needs.

Effective Date of Rule: October 15, 1993, 11:59 p.m.
October 15, 1993

Robert Turner
Director

NEW SECTION

WAC 220-57-1300R Bogachiel River. Notwithstanding the provisions of WAC 220-57-130, effective 11:59 p.m. October 15, 1993 through November 30, 1993, it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from the waters of the Bogachiel River.

NEW SECTION

WAC 220-57-13500P Calawah River. Notwithstanding the provisions of WAC 220-57-135, effective 11:59 p.m. October 15, 1993 through November 30, 1993, it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from the waters of the Calawah River.

NEW SECTION

WAC 220-57-20000H Dickey River. Notwithstanding the provisions of WAC 220-57-200, effective 11:59 p.m. October 15, 1993 through November 30, 1993, it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from the waters of the Dickey River.

NEW SECTION

WAC 220-57-33500G Naselle River Notwithstanding the provisions of WAC 220-57-335, effective 11:59 p.m. October 15, 1993 until further notice it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from those waters of the Naselle River downstream from the Big Hill Bridge to the Highway 401 Bridge.

NEW SECTION

WAC 220-57-38500U Quillayute River. Notwithstanding the provisions of WAC 220-57-385, effective 11:59 p.m. October 15, 1993 through November 30, 1993, it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from the waters of the Quillayute River.

NEW SECTION

WAC 220-57-46000Z Sol Duc River. Notwithstanding the provisions of WAC 220-57-460, effective 11:59 p.m. October 15, 1993 through November 30, 1993, it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from the waters of the Sol Duc River.

NEW SECTION

WAC 220-57-51000I Willapa River Notwithstanding the provisions of WAC 220-57-510, effective 11:59 p.m. October 15, 1993 until further notice it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from those waters of the Willapa River downstream from the mouth of Fork Creek to the Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek.

**WSR 93-21-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3651—Filed October 15, 1993, 4:17 p.m., effective October 16, 1993, 12:01 a.m.]

Date of Adoption: October 15, 1993.

Purpose: Establishes payment rules to correspond with WAC 388-81-065. Clarifies how payment for co-pay is processed by providers. New WAC 388-87-300 Payment—Co-payment.

Statutory Authority for Adoption: RCW 74.08.090.

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: Establishes payment rules to correspond with WAC 388-81-065.

Effective Date of Rule: October 16, 1993, 12:01 a.m.
October 15, 1993

Dewey Brock, Chief
Office of Vendor Services

NEW SECTION

WAC 388-87-300 Payment—Co-payment (1) Effective September 1, 1993, the department shall require a co-payment for selected services of the following providers:
(a) Physicians;
(b) Advanced registered nurse practitioners;

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- (c) Health departments;
- (d) Podiatrists;
- (e) Dentists;
- (f) Dental hygienists;
- (g) Optometrists;
- (h) Opticians; and
- (i) Pharmacists.

(2) The provider shall be responsible for collecting the co-payment amount.

(3) Medical assistance administration shall deduct the co-payment amount from the provider reimbursement on the selected services as described under WAC 388-81-065.

(4) A provider may not deny services to a client unable to pay the co-payment amount, unless the client has a consistent history of not meeting co-payment responsibility. The provider's files must document such claim.

(5) A provider may not refuse to serve a medical assistance administration client subject to the co-payment requirement while continuing to serve a client who is not subject to co-payment requirements.

(6) A pharmacist shall not be subject to the reimbursement limitations in subsection (3) of this section when a client states the client is unable to pay the co-payment amount and the pharmacist documents such claim.

WSR 93-21-046

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-124—Filed October 18, 1993, 1:39 p.m.]

Date of Adoption: October 18, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-36-023.

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 chinook and chum salmon are available and there is inadequate time to promulgate permanent regulation.

Effective Date of Rule: Immediately.

October 18, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-36-02300M Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from 6:00 PM October 18 to 6:00 AM October 19, 1993 in SMCRA 2B, 2C and 2D.

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(2) Gill net gear shall be used as provided in WAC 220-36-015, except that it shall not contain mesh smaller than 8 inches stretch measure.

WSR 93-21-055

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed October 18, 1993, 4:51 p.m.]

Date of Adoption: October 18, 1993.

Purpose: To provide tax reporting information to taxpayers engaged in business as tour operators in the interim until the rule can be adopted on permanent basis.

Citation of Existing Rules Affected by this Order:
Amending WAC 458-20-258.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: Chapter 25, Laws of 1993 sp. sess.

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: 2ESSB 5967, chapter 25, Laws of 1993 sp. sess., made tax law changes which took effect on July 1, 1993.

Effective Date of Rule: Immediately.

October 18, 1993

Claire Hesselholt

Policy Counsel

Legislation and Policy

AMENDATORY SECTION (Amending WSR 90-17-003, filed 8/2/90)

WAC 458-20-258 Travel agents, ~~((and))~~ tour operators, guided tours and guided charters. (1) **Introduction.** This section describes the business and occupation (B&O) taxation of travel agents and tour operators. ~~((Travel agents are taxed at the special travel agent rate under RCW 82.04.260(10). Tour operators are generally taxed under the service or other business classification under RCW 82.04.290. However, the business activities of tour operators may sometimes include activities like those of a travel agent. This section recognizes the overlap of activities and taxes them consistently.))~~ The definition of "retail sale" in RCW 82.04.050 was amended in 1993 to include charges for guided tours and guided charters. This change became effective July 1, 1993. This section also discusses the B&O and retail sales tax liability for guided tours and charters.

(2) **Definitions:**

(a) "Commission" means the fee or percentage of the charge or ~~((their))~~ its equivalent, received in the ordinary course of business as compensation for arranging the service. The customer or receiver of the service, not the person

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receiving the commission, is always responsible for payment of the charge.

(b) "Pass-through expense" means a charge to a tour operator business where the tour operator is acting as an agent of the customer and the customer, not the tour operator, is liable for the charge. The tour operator cannot be primarily or secondarily liable for the charge other than as agent for the customer. See: WAC 458-20-111 Advances and reimbursements.

(c) "Tour operator business" means a business activity of providing directly or through third party providers, transportation, lodging, meals, guided tours, and other associated services where the tour operator purchases or itself provides any or all of the services offered, and is itself liable for the services purchased.

(d) "Travel agent business" means the business activity of arranging transportation, lodging, meals, or other similar services which are purchased by the customer and where the travel agent or agency merely receives a commission for arranging the service.

(e) "Guide" means a person who conducts tours of specific locations or attractions by providing a narrative of the area and/or by directing the participants through the area toured. A guide does not include a person who only serves as a host or hostess to provide services such as accounting for everyone on the tour, providing maps or brochures of the area or areas toured, and/or helping with luggage or any similar problems that may arise during the tour.

(f) "Guided tour" is a sightseeing, adventure, recreational or similar experience in which a guide is present for at least twenty five percent of the time measured from the beginning to the end of the tour. Guided tours include, but are not limited to, walking tours of historic areas, hikes, mountain climbs, bicycle, kayak, rafting and canoe trips which are accompanied by a guide. Guided tours also include bus tours, boat tours and aerial tours of scenic areas during which the driver, pilot, or another person gives a narrative of the area toured.

(g) "Charter" is the hiring of the exclusive use of a bus, plane, boat or other transportation vehicle where the owner or the owner's agent retains possession, command, and control of the transportation.

(h) "Charter Operator" means a person engaged in the business of providing charters, directly or through third party providers.

(i) "Guided charter" means a charter in which a guide is present for at least twenty-five percent of the time of the charter. Guided charters include, but are not limited to, fishing charters.

(3) Travel agents.

(a) Travel agents are taxed at the special travel agent rate under RCW 82.04.260(10). The gross income of a travel agent or a travel agent business is the gross commissions received without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense. ~~((It is taxed at the special travel agent rate.))~~

(b) Gross receipts, other than commissions, from other business activities of a travel agent, including activities as a tour operator, are taxed in the appropriate B&O classification, service, retailing, etc., as the case may be.

(4) Tour operators.

~~(a) ((The gross income of a tour operator or a tour operator business is the gross commissions received when the activity is that of a travel agent business.~~

~~(i) When a tour operator receives commissions from a third party service provider for all or a part of the tour or tour package, the gross income of the business for that travel agent activity is the commissions received.~~

~~(b) However, if the activity is that of a tour operator business,))~~ Tour operators are generally taxed under the service or other business classification under RCW 82.04.290. Tour operators who directly provide guided tours in this state are taxed under the retailing business classification and must collect and remit retail sales tax on the charge for the guided tour. Guided tours are discussed in section five below. ((#))Receipts are B&O taxable in the service classification without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense; EXCEPT, receipts attributable to pass-through expenses are not included as part of the gross income of the business.

(i) If pass-through expenses include lodging, meals, guided tours or other services which are retail sales, the tour operator should pay the applicable retail sales tax at source.

(b) Gross receipts from other business activities are taxed in the appropriate B&O classification. If a tour operator receives commissions from a third party service provider such as a hotel or restaurant, the commissions are taxed at the special travel agent rate.

(5) Guided tours and guided charters. Charges for guided tours and guided charters which take place in Washington State are retail sales and subject to Washington's retail sales tax and retailing B&O tax.

(a) If the guided tour or charter only takes place in this state, the total price of the guided tour or charter is subject to Washington's retail sales tax. For purposes of this rule, "in this state" includes waters contiguous to this state which are not in any other state.

(b) If a guided tour or guided charter takes place both inside and outside of Washington, that percentage of the tour that takes place in this state is subject to Washington's retail sales tax if the percentage is more than twenty-five percent. Percentage of tour relates to the time spent on the tour. For example, if one day of a three day guided tour is spent in this state and two days are spent outside this state, one third of the tour is a retail sale in this state. The tour operator must collect and remit Washington's retail sales tax on one-third of the charge for the tour.

(c) The sale takes place at the time the customer purchases the tour or charter and has the obligation to make payment. A "customer" can include the person who will take the tour as well as travel agents or other tour operators who may purchase guided tours to include in a tour package.

(d) If the tour is advertised as a tour to one location, the place of sale is the place of destination. If the tour is to several areas, the place of sale is the first place in this state which is included in the tour.

(e) If a guided tour is included in a tour package which includes lodging, meals and/or other services, the guided tour portion of the package is a retail sale. If the guided tour is provided by a third party, the tour operator who packages the tour should pay retail sales tax on the charges for the guided tour as well as the charges for the lodging and meals. If the

tour operator who packages the tour is personally providing the guided tour portion of the package, the tour operator would owe retailing B&O and retail sales tax on the fair market value of the guided tour portion of the package. The tour operator may advertise the tour as including retail sales tax and back the appropriate amount of retail sales tax out of the charge for the guided tour. Fair market value for the guided tour portion can be computed by one of the following methods:

(i) If the guided tour portion is also sold separately from the tour package, that amount constitutes the fair market value of the guided tour.

(ii) If the guided tour portion is not sold separately, the amounts for any lodging, meals, or guided tours provided by third parties may be deducted from the charge for the total package. The balance would constitute the fair market value of the guided tour portion of the package which is subject to retail sales tax.

(c) If more than seventy-five percent of the time spent on a guided tour is outside this state, no retail sales tax is due on the charge for the tour.

~~((S))~~ (6) Examples: The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) A travel agent issues an airplane ticket to a customer. The cost of the ticket is \$250 which is paid by the customer. The travel agent receives \$25 from the airline for providing the service. ~~((+))~~ The gross income of the business for the travel agent is the \$25 commission received~~((--(ii) The gross income of the business))~~ which is taxed at the special travel agent rate.

(b) A tour operator offers a tour costing \$1,500 per person. The tour cost consists of \$800 airfare, \$500 lodging and meals, and \$200 bus transportation. The tour operator has an arrangement with each of the service providers to receive a 10% commission for each service of the tour, which in this case is \$150 (\$80 + \$50 + \$20). The tour operator issues tickets, etc, only when paid by the customer and is not liable for any services reserved but not provided. ~~((+))~~ The tour operator is engaged in a travel agent activity and the gross income of the business is commissions received, \$150, which~~((--(ii) The gross income of the business, \$150,))~~ is taxed at the special travel agent rate.

(c) The same facts as in example (b) except that the tour operator has a policy of requiring 10% or \$150 as a down payment with the remaining \$1,350 payable 20 days prior to departure with 95% refundable up to 10 days prior to departure and nothing refunded after 10 days prior to departure. The customer cancels 15 days prior to departure and is refunded \$1,425 with the tour operator retaining \$75. ~~((+))~~ The gross income of the tour operator business is the \$75 retained which is taxed at the service B&O rate. No amount is attributable to pass-through expense since the tour operator was not obligated to the service provider in the event of cancellation and the tour operator was not acting as the agent of the customer.

~~((ii) The gross income of the business, \$75, is taxed in the service B&O tax classification.))~~

(d) A tour operator offers a package tour for the Superbowl costing \$800 per person. The tour operator

purchases noncancellable rooms in a hotel for \$300 per room for 2 nights, and game tickets which cost \$100 each. The package includes airfare which costs \$200 per person for which the tour operator receives the normal commission of \$20. As an extra feature, the tour operator offers to provide, for an extra cost, special event tickets, if available, at his cost of \$50 each. The tour operator is B&O taxable as follows:

(i) The gross income of the tour operator business is \$600 (\$800 less \$200 airfare). Because the tour operator purchased the rooms and the game tickets in its own name and is liable for the rooms or tickets if not resold, the tour operator is not operating as a travel agent business and is B&O taxable in the service classification. If the tour operator receives a commission on the rooms sold to itself, the activity remains taxable as a tour operator business under the service classification and the commission received is treated as a cost discount, not included in the gross income of the business.

(ii) The \$50 received for the special event ticket is attributable to a pass-through expense and is not included in the gross income of the tour operator business. The special event ticket receipt is attributable to a pass-through expense because the tour operator is acting as an agent for the customer.

(iii) The \$20 received as commission from the sale of the airfare is a travel agent business activity and is included as gross income of a travel agent and taxed at the special travel agent rate.

(e) A tour operator sells a package tour to Mount Rainier National Park. The tour includes transportation by bus to Paradise Lodge on Mount Rainier from Seattle, lunch at a restaurant on the way to the mountain, an optional hike, and return to Seattle. A guide accompanies the tour and provides a narrative of the areas toured. The tour is a "guided tour" because more than 25% of the time is spent with a guide. The charge for the tour, therefore, is subject to Washington's retail sales tax and Retailing B&O tax. The tour operator may advertise the tour as including applicable retail sales tax and back out the appropriate amount of tax for the guided tour portion of the package.

(i) The tour operator should pay retail sales tax at source for the lunches and deduct the total charge for the lunches from the cost of the total tour. If the tour operator receives a commission from the restaurant, that amount is subject to tax at the travel agent rate as provided in (4)(b) above. The remaining amount is considered the charge for the guided bus tour and is subject to retailing B&O tax and retail sales tax.

(ii) The place of sale is the tour destination, Mount Ranier National Park.

(f) A tour operator provides a package tour from Seattle to San Juan Island, Washington. The tour includes a bus trip to the ferry dock, a ferry ride to San Juan Island, a guided bus tour of the island provided by a third-party tour operator, dinner, and a return ferry and bus trip. A hostess accompanies the tour to help direct and account for passengers. The total time for the tour is twelve hours; the guided bus tour is for two hours. The bus trip to and from the ferry dock is not a "guided tour" because a person who only directs and accounts for passengers is not a "guide."

(i) The company should pay retail sales tax at source on the charges for the guided bus tour of the island and for the dinner. These costs as well as the cost for the ferry tickets are pass-through costs which are not included as part of the tour operator's gross income.

(ii) The tour operator will owe B&O tax on any commission income received from the restaurant or third party tour operator at the special travel agent rate. The remaining income is taxable as a tour operator business at the service rate.

(g) A Canadian company provides guided tours from this state to British Columbia ("C" tours) and guided tours from British Columbia to this state ("W" tours). Most of the tickets are sold through the company's office in Vancouver, B.C. Passengers on the "C" tours spend more than 75% of their time in Canada. The "C" tours, therefore, are not subject to Washington's retail sales tax. Passengers on the "W" tours spend 75% of the time for the tour in this state. The tour operator must collect and remit Washington's retail sales tax on 75% of the charge for the tour. The place of sale would be the first place in this state which is included in the tour.

(h) A tour operator sells a weekend package which includes a four-hour guided bus tour of Seattle, lodging, and three meals. The tour operator purchases the lodging and meals from third party providers while itself providing the guided bus tour. Customers have the option of purchasing the tour as part of the weekend package or of purchasing only the guided bus tour. The tour operator may break out the cost of the guided bus tour from the weekend package and remit retailing and retail sales tax on that portion of the charge. The amount remaining, the "commission" for arranging the lodging and meals is subject to B&O tax at either the travel agent or service rate as provided above.

(i) A tour operator provides bus tours for senior citizens to several different localities for shopping excursions. A person hired by the tour operator accompanies the group to direct the group as to where to meet and to help with any problems that may arise during the excursion. The company is not providing a "guided tour." The company should report its income under the service classification as a tour operator.

(j) A tour operator provides bus transportation to and from the opera, theater, and various sporting events. Sometimes a person hired by the tour operator accompanies the group and gives a lecture on the event that will be seen. Such tours are not "guided tours" as the person who accompanies the tour is not a "guide" as defined in (2)(e) above. The tour operator is taxable under the service B&O tax classification.

(k) A tour operator provides an eight-hour bus tour of several different areas in Washington State. At one of the locations, the tour operator hires a local independent sight-seeing guide, sometimes referred to as a "step-on" guide, to give a one-hour tour of the local area. Because a guide is not present for at least 25% of the tour, the tour is not a "guided tour." The tour operator owes service B&O on the charge for the tour with no deduction for the charge by the guide. The "step-on" guide owes service B&O on amounts received for providing the guide service to the tour operator.

(l) A tour operator provides an eight-hour bus tour of Whidbey Island. A "step-on" guide is present for four hours

of the tour. This tour is a "guided tour" because more than 25% of the time is spent with a guide. The tour operator should report retailing B&O and collect and report retail sales tax on the total charge for the tour. The "step-on" guide owes service B&O on amounts received for providing the guide service to the tour operator.

(m) A tour operator provides a four hour boat trip to see whales and other marine life off the coast of Washington. A person accompanies the tour to give a short lecture on the area and to help the passengers spot the whales. The charter is a "guided charter" because a guide is present for the duration of the charter. The total charge for the tour is subject to Washington's retail sales tax.

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

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

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 93-21-056
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Filed October 18, 1993, 4:53 p.m.]

Date of Adoption: October 18, 1993.

Purpose: To provide tax reporting information to taxpayers for the use of resale certificates and to explain penalty provisions which apply to misuse.

Citation of Existing Rules Affected by this Order:
Amending WAC 458-20-102.

Statutory Authority for Adoption: RCW 82.32.300.

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

Reasons for this Finding: The changes contained in this rule are specifically required by chapter 25, Laws of 1993 sp. sess., and have an effective date of July 1, 1993. This emergency rule is required to give tax reporting information to taxpayers during the interim until a permanent rule is filed.

Effective Date of Rule: Immediately.

October 18, 1993
Claire Hesselholt
Policy Counsel
Legislation and Policy

EMERGENCY

AMENDATORY SECTION (Amending WSR 86-09-058, filed 4/17/86)

WAC 458-20-102 Resale certificates. (1) Introduction. This section explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains the information and language required on the resale certificate. This section also provides tax reporting information to persons who purchase articles or services for dual purposes (i.e. for both resale and consumption). Sellers and buyers should note that amendments to RCW 82.04.470 required changes to the information and language contained on the resale certificate. These changes became effective on July 1, 1993. (See Chapter 25, Laws of Washington 1993, 1st Special Session.)

(2) Resale certificate use. The resale certificate is a document or combination of documents which substantiates the wholesale nature of a sale. The resale certificate cannot be used for purchases which are not purchases at wholesale, or where more specific certificates, affidavits, or other documentary evidence is required by statute or other section of chapter 458-20 WAC. While the resale certificate may come in different forms, all resale certificates must satisfy the language and information requirements provided by RCW 82.04.470.

(a) Depending on the statements made on the resale certificate, the resale certificate may authorize the buyer to purchase at wholesale all products or services being purchased from a particular seller, or it may authorize only selected products or services to be purchased at wholesale. The provisions of the resale certificate may be limited to a single sales transaction, or it may apply to all sales transactions for a period not to exceed four years from the effective date. Whatever its form and/or purpose, the resale certificate must be completed in its entirety, and signed by a person who is authorized to make such a representation on behalf of the buyer.

(b) The buyer may authorize any person in its employ to issue and sign resale certificates on its behalf. The buyer is, however, responsible for the information contained on the resale certificate. A resale certificate is not required to be completed by every person ordering or making the actual purchase of articles or services on behalf of the buyer. For example, a construction company which authorizes only its bookkeeper to issue resale certificates on its behalf may authorize both the bookkeeper and its job foreman to purchase items under the provisions of the resale certificate. The construction company is not required to provide, nor is the seller required to obtain, a resale certificate signed by each person making purchases on behalf of the construction company.

(c) The buyer is responsible for educating all persons authorized to issue and/or use the resale certificate on the proper use of the buyer's resale certificate privileges.

(3) Resale certificate renewal. Resale certificates remain valid only so long as the registration number shown on the resale certificate has not been cancelled or revoked. The buyer must renew its resale certificate whenever a change in the ownership of a buyer's business requires a new "registrations and licenses document." (See WAC 458-20-101 on tax registration.) Resale certificates also must be renewed at least every four years.

Sellers who have resale certificates on file without the additional language and information required by the July 1, 1993 amendment to RCW 82.04.470 are required to obtain revised resale certificates for sales made after June 30, 1993. However, the old resale certificates must be retained to substantiate the wholesale nature of sales made prior to July 1, 1993. These "old" certificates must be retained for at least five years from their last effective date. For example, a seller making its last wholesale sale to a particular buyer on April 1, 1991 must retain the "old" resale certificate until March 31, 1996, five years from the last sale subject to the provisions of that resale certificate. (See also WAC 458-20-254 on record keeping requirements.)

(4) Sales at wholesale. ~~((Except as hereinafter noted, all))~~ All sales are ~~((deemed to be))~~ treated as retail sales unless the seller takes from the buyer a resale certificate signed by and bearing the registration number and address of the buyer, ~~((to the effect))~~ verifying that the property or services purchased ~~((is))~~ are:

~~((1))~~(a) For resale in the regular course of the buyer's business without intervening use by the buyer~~((, or))~~; or

~~((2))~~(b) To be used as an ingredient or component part of a new article of tangible personal property to be produced for sale~~((, or))~~; or

~~((3))~~(c) A chemical to be used in processing an article to be produced for sale~~((--(See WAC 458-20-113--)))~~ (see WAC 458-20-113 on chemicals used in processing); or

(d) To be used in processing ferrosilicon which is subsequently used in producing magnesium for sale; or

(e) Provided to consumers as a part of competitive telephone service, as defined in RCW 82.04.065; or

(f) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(g) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use by a farmer for producing for sale any agricultural product. (See also WAC 458-20-122 on sales to farmers.)

~~((When a vendor receives and accepts in good faith from a purchaser a resale certificate as described in this rule the vendor is relieved of liability for retail sales tax with respect to the transaction. When a vendor has not secured such a resale certificate he is personally liable for the tax due unless he can sustain the burden of proving (1) that the property was sold for one of the three purposes set forth above and (2) that the purchaser was eligible to give a bona fide resale certificate under the provisions of this rule.~~

~~Any purchaser who fraudulently signs a resale certificate with intent to avoid payment of tax is guilty of a gross misdemeanor. When any resale certificate is found to have been fraudulently tendered to any seller or given under false or knowingly misleading circumstances, any retail sales tax which should have been paid but for the tendering of the certificate, which is assessed against the buyer, will automatically incur an evasion penalty of fifty percent of the tax found to be due.~~

~~No prescribed form of resale certificate is required. Any written statement to the effect that the tangible personal property is purchased for one of the three purposes set forth~~

above signed by and bearing the name, address, and registration number of the buyer is sufficient. Such statement may be written or stamped upon the purchase order or may be upon a separate paper. It should be in substantially the following form:))

(5) Seller's responsibilities. When a seller receives and accepts from the buyer a resale certificate at the time of the sale, or has a resale certificate on file at the time of the sale, or obtains a resale certificate from the buyer within a reasonable time after the sale, the seller is relieved of the accountability for collecting retail sales tax with respect to the sale covered by the resale certificate. In all cases, the resale certificate must be accepted in good faith by the seller. The resale certificate will be considered to be obtained within a reasonable time of the sale if it is received within 120 days of the sale or sales in question. However, refer to (d) of this subsection in event of an audit situation.

(a) If a single order or contract will result in multiple billings to the buyer, and the appropriate resale certificate was not obtained or on file at the time the order was placed or the contract entered, the resale certificate must be received by the seller within 120 days after the first billing to be considered obtained within a reasonable time of the sale. For example, a subcontractor entering into a construction contract for which it has not received a resale certificate must obtain the certificate within 120 days of the initial construction draw request to consider the resale certificate obtained in a reasonable time after the sale, even though the construction project may not be completed at that time and additional draw requests will follow.

(b) If the resale certificate is obtained more than 120 days after the sale or sales in question, the resale certificate must be specific to the sale or sales. The certificate must specifically identify the sales in question on its face, or be accompanied by other documentation signed by the buyer specifically identifying the sales in question and stating that the provisions of the accompanying resale certificate apply. A nonspecific resale certificate which is not obtained within a reasonable period of time is generally not, in and of itself, acceptable proof of the wholesale nature of the sales in question. The resale certificate and/or required documentation must be obtained within the statutory time limitations provided by RCW 82.32.050.

The following examples explain the seller's documentary requirements in typical situations when obtaining a resale certificate more than 120 days after the sale. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) XYZ Company makes five sales to ABC Inc. in July of 1993 and does not charge retail sales tax. In April of 1994 XYZ reviews its resale certificate file, finds it has not received a resale certificate from ABC, and immediately requests a certificate. As the resale certificate will not be received within 120 days after the sales in question, XYZ requests that ABC Inc. provide a resale certificate identifying these sales. ABC provides XYZ Company with a resale certificate specifically listing these sales by invoice number on its face. XYZ has satisfied the requirement that it obtain a resale certificate specific to the sales in question.

(ii) XYZ Company makes three sales to MP Inc. in October of 1993 and does not charge retail sales tax. In the

review of its resale certificate file in April of 1994, XYZ discovers it has not received a resale certificate from MP Inc. and immediately requests a certificate. As the resale certificate will not be received within 120 days of the sales in question, XYZ requests that MP provide a resale certificate identifying the sales in question. MP provides XYZ with a resale certificate which does not identify the sales in question, but simply states "applies to all past purchases." XYZ Company has not satisfied its responsibility to obtain an appropriate resale certificate. As XYZ failed to secure a resale certificate within a reasonable period of time, XYZ must obtain a certificate specifically identifying the sales in question or prove through other facts and circumstances that these sales are wholesale sales. (Refer to (c) of this subsection.) It remains the seller's burden to prove the wholesale nature of the sales made to a purchaser if the seller has not obtained a valid resale certificate within 120 days of the sale.

(iii) Beginning in January of 1994, MN Company regularly makes sales to ABC Inc. In June of 1994 MN discovers ABC has not provided a resale certificate. MN requests a resale certificate from ABC and, as the resale certificate will not be received within 120 days of many of the past sales transactions, requests that the resale certificate specifically identify those past sales subject to the provisions of the certificate. MN receives a certificate from ABC on July 1, 1994. Accompanying the resale certificate is a memo providing a list of the invoice numbers for all past sales transactions through May 15, 1994. This memo also states that the provisions of the resale certificate apply to all past and future sales, including those listed. MN Company has obtained appropriate documentation substantiating the wholesale nature of the sales in question. As the provisions of this resale certificate apply to both past and future sales transactions, the certificate must be renewed no later than December 31, 1997, four years from the date the resale certificate became effective.

(c) If the seller has not obtained an appropriate resale certificate or other acceptable documentary evidence (see subsection (8) below), the seller is personally liable for the tax due unless it can sustain the burden of proving through facts and circumstances that the property was sold for one of the purposes set forth in subsection (4)(a) through (g) above. The department of revenue will consider all evidence presented by the seller, including the circumstances of the sales transaction itself, when determining whether the seller has met its burden of proof. This evidence must be presented within the statutory time limitations provided by RCW 82.32.060. It is the seller's responsibility to provide the information necessary to evaluate the facts and circumstances of all sales transactions for which resale certificates are not obtained. Facts and circumstances which should be considered include:

(i) The nature of the buyer's business. The items being purchased at wholesale must be consistent with the buyer's business. For example, a buyer having a business name of "Ace Used Cars" would generally not be expected to be in the business of selling furniture.

(ii) The nature of the items sold. The items sold must be of a type which would normally be purchased at wholesale by the buyer.

(iii) The quantity and frequency of items sold. The number of items sold and the frequency of sales must indicate that the buyer is purchasing such items at wholesale.

(iv) Additional documentation. Other available documents, such as purchase orders and shipping instructions, should be considered in determining whether they support a finding that the sales are sales at wholesale.

(d) If in event of an audit it is discovered that the seller has not secured the necessary resale certificates and/or documentation, the seller will generally be allowed thirty days in which to obtain and present appropriate resale certificates and/or documentation, or prove by facts and circumstances the sales in question are wholesale sales. The time allotted to the seller shall commence from the date the auditor initially provides the seller with the results of the auditor's wholesale sales review. The processing of the audit report will not be delayed as a result of the seller's failure within the allotted time to secure and present appropriate documentation, or its inability to prove by facts and circumstances that the sales in question were wholesale sales. The audit report will also not be delayed because the time allotted to the seller expires prior to 120 days from the date of the sale or sales in question.

(e) If the seller is unable to provide proper documentation, or unable to prove by facts and circumstances that the sales in question are wholesale sales, the seller becomes personally liable for the taxes in question. If the seller is required to make payment to the department, and later is able to present the department with proper documentation or prove by facts and circumstances that the sales in question are wholesale sales, the seller may in writing request a refund of the taxes paid along with the applicable interest. Both the request and the documentation or proof that the sales in question are wholesale sales must be submitted to the department within the statutory time limitations provided by RCW 82.32.060. (See also WAC 458-20-229.)

(6) Penalty for improper use. Any buyer who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase shall be assessed a penalty of fifty percent of the tax due, in addition to all other taxes, penalties, and interest due, on the improperly purchased item or service. The penalty shall be assessed by the department of revenue and will apply only to the buyer. The penalty applies to purchases made after June 30, 1993, and can apply even if there was no intent to evade the payment of the tax. However, see subsection (12) of this section for situations in which the department may waive the penalty.

Persons who purchase articles or services for dual purposes (i.e. some for their own consumption and some for resale) should refer to subsection (11) of this section to determine whether they may give a resale certificate to the seller.

(7) Resale certificate - required information. While there may be different forms of the resale certificate, all resale certificates must satisfy the language and information requirements provided by RCW 82.04.470. The resale certificate may be in the suggested form shown below, or may be in any other form which substantially contains the following information and language:

~~((I hereby certify that this purchase is for resale without intervening use by me in the regular course of business, or is to be used as an ingredient or component part of a new article of tangible personal property to be produced for sale, or is a chemical to be used in processing an article to be produced for sale. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion. Registration No. . . . Name as Registered))~~

The undersigned buyer hereby certifies that the tangible personal property or services specified below will be purchased (a) for resale in the regular course of business without intervening use by the buyer, or (b) for use as an ingredient or component part of a new article of tangible personal property to be produced for sale, or (c) is a chemical to be used in processing a new article of tangible personal property to be produced for sale, or (d) for use as feed, seed, fertilizer, or spray materials in its capacity as a farmer as defined in Chapter 82.04 RCW. This certificate shall be considered a part of each order which I may hereafter give to you, unless otherwise specified, and shall be valid until revoked by me in writing. This certificate is given with full knowledge that the buyer is solely responsible for purchasing within the categories specified on the certificate, and that misuse of the resale privilege claimed on the certificate is subject to the legally prescribed penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

Name of Seller Date
Name of Buyer
~~((Firm Name))~~ Address
UBI/Revenue Registration #
Type of Business
Items or item categories purchased at wholesale
Authorized agent for buyer (printed)
Authorized Signature
Title ((Date))

~~Blanket resale certificates may be given in advance by known wholesalers, jobbers or retailers. These certificates should be substantially in the following form:~~

~~"I hereby certify that all ((the)) tangible personal property which I will purchase from will be purchased for resale in the regular course of business without intervening use by me, or for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property of which the property purchased will be an ingredient, or a chemical used in processing the same. This certificate shall be considered a part of each order which I may hereafter give to you, unless otherwise specified, and shall be valid until revoked by me in writing. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.~~

EMERGENCY

Registration No. Name as Registered
 ((Firm Name)) Address
 Type of Business
 Authorized Signature
 Title ((Date))

(a) The 1993 legislative changes to RCW 82.04.470 require the buyer making purchases at wholesale to specify the kinds of products or services subject to the provisions of the resale certificate. A buyer who will purchase some of the items at wholesale, and consume and pay tax on some other items being purchased from the same seller, must use terms specific enough to clearly indicate to the seller what kinds of products or services the buyer is authorized to purchase at wholesale.

(i) The buyer may list the particular products or services to be purchased at wholesale, or provide general category descriptions of these products or services. The terms used to describe these categories must be descriptive enough to restrict the application of the resale certificate provisions to those products or services which the buyer is authorized to purchase at wholesale. The following are examples of terms used to describe categories of products purchased at wholesale, and businesses which may be eligible to use such terms on their resale certificates:

(A) "Hardware" for use by a general merchandise or building material supply store, "computer hardware" for use by a computer retailer.

(B) "Paint" or "painting supplies" for use by a general merchandise or paint retailer, "automotive paint" for use by an automotive repair shop.

(C) "Building materials" or "subcontract work" for use by prime contractors performing residential home construction, "wiring" or "lighting fixtures" for use by an electrical contractor.

(ii) The buyer must remit retail sales tax on any taxable product or service not listed on the resale certificate provided to the seller. The seller should charge retail sales tax on any items not listed on the resale certificate. If the buyer gave a resale certificate to the seller and later used an item listed on the certificate, or if the seller failed to collect the sales tax on items not listed on the certificate, the buyer must remit the deferred sales or use tax due to the department. If the department finds that the seller has engaged in a consistent pattern of failing to properly charge sales tax on items not purchased at wholesale, it may hold the seller liable for such uncollected sales tax.

(iii) Persons having specific questions regarding the use of terms to describe products or services purchased at wholesale may submit such questions to the department of revenue for ruling.

(b) A buyer who will purchase at wholesale all of the products or services being purchased from a particular seller will not be required to specifically describe the items or item categories on the resale certificate. If the certificate form provides for a description of the products or services being purchased at wholesale (as does the suggested form provided above), the buyer may specify "all products and/or services" (or make a similar designation). A resale certificate completed in this manner is often described as a blanket resale certificate.

The resale certificate used by the buyer must, in all cases, be completed in its entirety. A resale certificate in which the section for the description of the items being purchased at wholesale is left blank by the buyer will not be considered a properly executed resale certificate.

(c) If the resale certificate is used for a single transaction, the language and information required of a resale certificate may be written or stamped upon a purchase order or invoice. The language contained in a "single use" resale certificate should be modified to delete any reference to subsequent orders or purchases.

(d) **Examples.** The following examples explain the proper use of types of resale certificates in typical situations. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC is an automobile repair shop purchasing automobile parts for resale and tools for its own use from DE Supply. ABC must provide DE Supply with a resale certificate limiting the certificate's application to automobile part purchases. However, should ABC withdraw parts from inventory to install in its own tow truck, deferred retail sales tax or use tax must be remitted directly to the department of revenue. The buyer has the responsibility to report deferred retail sales tax or use tax upon any item put to its own use, including items for which it gave a resale certificate and later used for its own use.

(ii) X Company is a retailer selling lumber, hardware, tools, automotive parts, and household appliances. X Company regularly purchases lumber, hardware, and tools from Z Distributing. While these products are generally purchased for resale, X Company may occasionally withdraw some of these products from inventory for its own use. X Company may provide Z Distributing with a resale certificate specifying "all products purchased" are purchased at wholesale. However, whenever X Company removes any product from inventory to put to its own use, deferred retail sales or use tax must be remitted to the department of revenue.

(iii) MPH purchases office supplies from GH Supply. Everything MPH purchases from GH Supply is purchased for resale in the ordinary course of business. GH provides MPH with a blank resale certificate form which it requests be completed and returned. This resale certificate form provides a section for the listing of the items or item categories subject to the provisions of the resale certificate.

MPH completes the certificate, but fails to specify the types of items being purchased at wholesale. Realizing that the incomplete certificate was not a properly executed resale certificate, GH requests that MPH complete the certificate in its entirety. The resale certificate is completed and returned, specifying "all products being purchased" as subject to the provisions of the certificate. GH has obtained an properly executed resale certificate substantiating all sales to MPH are sales at wholesale.

(iv) TM Company is a manufacturer of electric motors. When making purchases from its suppliers, TM issues a purchase order. This purchase order contains substantially all the language and information required of a resale certificate and a signature of the person ordering the items on behalf of TM. This purchase order includes a box which, if

marked, indicates to the supplier that all or certain designated items purchased are being purchased at wholesale.

When the box indicating the purchases are being made at wholesale is marked, the purchase order can be accepted as a resale certificate. A resale certificate is not required to be in any particular form, it must simply contain substantially all the required information and language contained in the suggested resale certificate form described above. As TM Company's purchase orders are being accepted as resale certificates, they must be retained by the seller for at least five years. (See also WAC 458-20-254 on record keeping requirements.)

(8) Other documentary evidence. Under certain circumstances, other documentary evidence may be used by the seller and purchaser in lieu of the resale certificate described above. However, this documentary evidence must collectively contain the information and language generally required of a resale certificate. The conditions and restrictions applicable to the use of resale certificates apply equally to other documentary evidence used in lieu of resale certificates. The following are examples of documentary evidence which will be accepted to show that sales were at wholesale:

(a) A combination of documentation kept on file, such as a membership card or application, and a sales invoice or "certificate" taken at the point of sale with the purchases listed, provided:

(i) The documentation kept on file contains all information generally required on a resale certificate, including the names and signatures of all persons authorized to make purchases at wholesale; and

(ii) The sales invoice or "certificate" taken at the point of sale must contain the following:

(A) Language certifying the purchase is made at wholesale, with acknowledgement of the penalties for the misuse of resale privileges, as generally required of a resale certificate; and

(B) The name and registration number of the buyer/business, and an authorized signature.

(b) A contract of sale which within the body of the contract provides the language and information generally required of a resale certificate. The contract of sale must specify the products or services subject to the resale certificate privileges.

(c) Any other documentary evidence which has been approved in advance and in writing by the department of revenue.

~~(Blanket resale certificates remain valid only so long as the registration number shown thereon has not been cancelled or revoked. Therefore, blanket resale certificates must be renewed whenever a change occurs in the ownership of a purchaser's business and a new certificate of registration is required. All blanket resale certificates must be renewed at intervals not to exceed four years.~~

~~Sellers who have valid blanket resale certificates on file without the additional language required by the March, 1983 amendment to this rule are not required to obtain revised blanket resale certificates except where a purchaser's registration with the department of revenue has been cancelled or revoked, a change occurs in the ownership of a purchaser's business and a new registration is required, or the blanket resale certificate was completed more than four years prior to the effective date of the amendment.)~~

~~((EXCEPTION AS)) (9) Sales to nonresident buyers ((In case)) If the ((purchaser)) buyer is a nonresident who is not engaged in business in this state, but buys articles here for the purpose of resale in ((his)) the regular course of business outside this state, the seller ((should)) must take from such a ((purchaser)) buyer a resale certificate ((substantially in the)) as described above ((form, omitting a registration number, but including a statement to the effect that the articles purchased are for resale by him in his regular course of his business)). The seller may accept a resale certificate from a nonresident buyer with the registration number information omitted, provided the balance of the resale certificate is completed in its entirety. The resale certificate should contain a statement that the items are being purchased for resale outside Washington.~~

~~((EXCEPTION AS)) (10) Sales to farmers. ((The word "farmers" as used in this rule means any persons engaged in the business of growing or producing for sale at wholesale upon their own lands, or upon lands in which they have a present right of possession, any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects. "Farmers" does not mean persons selling such products at retail, persons using such products as ingredients in a manufacturing process, or persons growing or producing such products for their own consumption. It does not mean any person dealing in livestock as an operator of a stockyard, slaughterhouse, or packing house; nor does it mean any person who is an "extractor" within the meaning of WAC 458-20-135.))~~

Farmers ((as defined in this rule)) selling agricultural products only at wholesale are not required to register with the department of revenue. (See also WAC 458-20-101 on tax registration.) ~~((Sales of feed, seed, fertilizer, and spray materials to farmers are sales at wholesale not subject to the retail sales tax. Farmers who purchase livestock for the purpose of fattening and later reselling the same are making purchases at wholesale not subject to the retail sales tax. Upon))~~ When making wholesale sales ((of any such articles)) to farmers (including farmers operating in other states), the seller ~~((should take from the farmer a resale certificate showing the farmer's name and address and a statement to the effect that his purchase of feed, seed, fertilizer, spray materials is made for the purpose of producing for sale at wholesale an agricultural product, or that his purchase of livestock is made for the purpose of resale. (For sales to farmers of feed, seed, fertilizer and spray materials, see WAC 458-20-122.))~~ must take from the farmer a resale certificate as described above. Farmers not required to be registered with the department of revenue may provide, and the seller may accept, resale certificates with the registration number information omitted, provided the balance of the certificates are completed in full. Persons making sales to farmers should also refer to WAC 458-20-122.

(11) Purchases for dual purposes. ~~((It may happen that a))~~ A buyer normally ((is)) engaged in both consuming and reselling certain types ((of articles)) of tangible personal property, and ((is)) not able to determine at the time of purchase whether the particular property purchased ((acquired)) will be consumed or resold~~((In such cases, the buyer should))~~, must purchase according to the general nature of ((his)) its business~~((; that is, if))~~. If the buyer

principally ~~((he))~~ consumes the articles in question, ~~((he))~~ the buyer should not give a resale certificate for any ~~((portion thereof, but if,))~~ part of the purchase. If on the other hand, ~~((he))~~ the buyer principally resells such articles, ~~((he))~~ the buyer may sign a resale certificate for the whole amount of ~~((his))~~ such purchases.

(a) Deferred sales tax liability. If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, ~~((he))~~ the buyer must set up in ~~((his))~~ its books of account the value ~~((thereof))~~ of the article used and remit to the department of revenue the applicable deferred sales tax ~~((payable thereon))~~. ~~((Such tax should be reported on Form 2406 under use tax.))~~ The deferred sales tax liability should be reported under the use tax classification on the buyer's excise tax return.

(i) Buyers making purchases for dual purposes under the provisions of a resale certificate must remit to the department one hundred percent of the deferred sales tax liability for the products or services consumed to be considered to be properly using the resale certificate. If the buyer fails to remit a minimum of eighty percent of this tax liability, the penalty for the misuse of resale certificate privileges may be assessed. This penalty will apply to the unremitted portion of the deferred sales tax liability.

(ii) Example. BC Contracting operates both as a prime contractor and speculative builder of residential homes. BC Contracting purchases building materials from Seller D which are principally incorporated into projects upon which BC acts as a prime contractor. BC provides Seller D with a resale certificate and purchases all building materials at wholesale. BC must remit deferred sales tax upon all building materials incorporated into the speculative projects to be considered to be properly using its resale certificate privileges. The failure to report a minimum of eighty percent of this tax liability may result in the assessment of the fifty percent penalty for the misuse of resale certificate privileges.

~~((On the other hand, if))~~ **(b) Tax paid at source deduction.** If the buyer has not given a resale certificate, but has paid tax on all purchases of such articles and subsequently resells ~~((at retail))~~ a portion thereof, ~~((he))~~ the buyer must ~~((, nevertheless,))~~ collect the retail sales tax from ~~((the purchaser, and report such sales in making his tax returns. However, in such case, the))~~ its retail customers as provided by law. When reporting these sales on the excise tax return, the buyer may ~~((take))~~ then claim a deduction ~~((on his return representing his cost of))~~ in the amount the buyer paid for the property thus resold ~~((on which sales tax was paid)).~~

(i) This deduction may be claimed under the retail sales tax classification only. It must be identified as a "taxable amount for tax paid at source" deduction on the deduction detail worksheet, which must be filed with the excise tax return. When completing the local sales tax portion of the tax return, the deduction must be computed at the local sales tax rate paid to the seller, and credited to the seller's tax location code. Failure to properly identify the deduction may result in the disallowance of the deduction.

(ii) Example. Seller A is located in Spokane, Washington and purchases equipment parts for dual purposes from a supplier located in Seattle, Washington. Seller A does not issue a resale certificate for the purchase, and remits retail

sales tax to the supplier at the Seattle tax rate. A portion of these parts are sold to Customer B, with retail sales tax collected at the Spokane tax rate. Seller A must report the amount of the sale to Customer B on its excise tax return, compute the local sales tax liability at the Spokane rate, and code this liability to the location code for Spokane (3210). Seller A would claim the tax paid at source deduction for the cost of the parts resold to Customer B, compute the local sales tax credit at the Seattle rate, and code this deduction amount to the location code for Seattle (1726).

~~((Such deduction shall be designated as "resale purchases on which tax was paid" and listed under sales tax deductions on the back of the tax return form.))~~

(iii) Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support thereof which show the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the amount of tax which was paid. ((See WAC 458-20-174, 458-20-175 and 458-20-176 for exemption certificates concerning certain sales made to persons engaged in interstate or foreign commerce or in deep-sea fishing operations.))

(iv) Should the buyer resell the articles at wholesale, or under other situations where retail sales tax is not to be collected, the claim for the tax paid at source deduction on a particular excise tax return may result in a credit. In such cases, the department will issue a credit notice which may be used against future tax liabilities. However, a refund will be issued upon written request.

(12) Waiver of penalty for resale certificate misuse. The department may waive the penalty imposed for resale certificate misuse upon finding that the use of the certificate to purchase items or services by a person not entitled to use the certificate for that purpose was due to circumstances beyond the control of the buyer. However, the use of a resale certificate to purchase items or services for personal use outside of the business shall not qualify for the waiver or cancellation of the penalty. The penalty will not be waived merely because the buyer was not aware of either the proper use of the resale certificate or the penalty. In all cases the burden of proving the facts is upon the buyer.

(a) Situations under which a waiver of the penalty will be considered by the department include, but are not necessarily limited to, the following:

(i) The resale certificate was properly used to purchase products or services for dual purposes; or the buyer was eligible to issue the resale certificate; and a minimum of eighty percent of the deferred sales or use tax due was discovered within 120 days of purchase and remitted upon the next excise tax return.

(ii) The certificate was issued and/or purchases were made without the knowledge of the buyer, and had no connection with the buyer's business activities. However, the penalty for the misuse of resale certificate privileges may be applied to the person actually issuing and/or using the resale certificate without knowledge of the buyer.

(b) The penalty prescribed for the misuse of the resale certificate may be waived or cancelled on a one time only basis if such misuse was inadvertent or unintentional and the item was purchased for use within the business. If the department of revenue does grant a one time waiver of the

penalty, the buyer shall be provided written notification at that time.

(c) The following are examples of typical situations where the fifty percent penalty for the misuse of resale privileges will or will not be assessed. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC Manufacturing purchases electrical wiring and tools from X Supply. The electrical wiring is purchased for dual purposes, i.e. for resale and for consumption, with more than fifty percent of the wiring purchases becoming a component of items which ABC manufactures for sale. ABC Manufacturing issues a resale certificate to X Supply specifying "electrical wiring" as the category of items purchased for resale. ABC regularly reviews its purchases and remits use tax upon the consumed wiring.

ABC is subsequently audited by the department of revenue and it is discovered that ABC Manufacturing failed to remit deferred sale tax upon three purchases of wiring for consumption. The unreported tax liability attributable to these three purchases is less than five percent of the total deferred sales tax liability for wiring purchases made from X Supply. It is also determined that the failure to remit use tax upon these purchases was merely an oversight. The fifty percent penalty for the misuse of resale certificate privileges does not apply, even though ABC failed to remit use tax on these purchases. The resale certificate was properly issued, and ABC remitted to the department more than eighty percent of the deferred sales tax liability for wiring purchases from X Supply.

(ii) DM Contracting operates both as a prime contractor and speculative builder of residential homes. However, DM Contracting's primary activity is the construction of speculative homes. DM purchases its lumber from Seller X and provides Seller X with a resale certificate. All lumber purchases are made at wholesale. During an audit examination it is determined that DM Contracting failed to remit deferred sales tax on much of the lumber which was incorporated into DM's speculative building projects. DM had previously been instructed that it could not issue resale certificates to its suppliers as it was primarily engaged in speculative construction.

The fifty percent penalty for the misuse of resale certificate privileges will be assessed. Contractor DM was not eligible to provide Seller X with a resale certificate and had previously been so informed. The penalty will apply to the unremitted deferred sales tax liability.

(iii) During a routine audit examination of a jewelry store, the department of revenue discovers that a dentist has provided a resale certificate for the purchase of a necklace. This resale certificate indicates that in addition to operating a dentistry practice, the dentist also sells jewelry. There is no indication that the jewelry store did not accept the resale certificate in good faith.

Upon further investigation, the department of revenue finds that the dentist is not engaged in selling jewelry. As the jewelry store accepted the resale certificate in good faith, the department will look to the dentist for payment of the applicable retail sales tax. In addition, the dentist will be assessed the fifty percent penalty for the misuse of resale certificate privileges. The penalty will not be waived or

cancelled as the dentist misused the resale certificate privileges to purchase a necklace for personal use.

(iv) During a routine audit examination of a landscape contractor, it is discovered that a resale certificate was obtained from an equipment leasing company. This resale certificate applied to landscaping work performed at a residence under construction. The resale certificate was accepted in good faith by the landscape contractor. Upon further investigation it is discovered that the certificate was signed by an employee of the leasing company who was not authorized to issue resale certificates. It was also determined that the leasing company had no knowledge of the resale certificate, and that it had made no payment to the landscape contractor for the work. The employee who signed the resale certificate owned the property at which the landscaping work was performed and made payment to the landscape contractor directly.

The fifty percent penalty for the misuse of the resale certificate privileges will be waived for the leasing company. The resale certificate was issued, and the purchase was made, without the knowledge of the leasing company. The purchase also had no connection with the leasing company's business activities. However, the department of revenue will look to the employee for payment of the taxes and the fifty percent penalty for the misuse of resale certificate privileges. The penalty for the misuse of resale certificate privileges will apply as the employee used the certificate for its personal use, and without the knowledge of the equipment leasing company.

(v) During an audit examination it is discovered that XYZ Corporation, a duplicating company, purchased copying equipment for its own use. XYZ Corporation issued a resale certificate to the seller despite the fact that XYZ does not sell copying equipment. XYZ also failed to remit either the deferred sales or use tax to the department of revenue. As a result of a previous investigation by the department of revenue, XYZ had been informed in writing that retail sales and/or use tax applied to all such purchases. The fifty percent penalty for the misuse of resale certificate privileges will be assessed. XYZ issued a resale certificate despite being previously informed that the retail sales tax applied to purchase of copying equipment.

(vi) AZ Construction issued a resale certificate to a building material supplier for the purchase of "pins" and "loads." The "pins" are fasteners which become a component part of the finished structure. The "load" is a powder charge which is used to drive the "pin" into the materials being fastened together. Z Construction is informed during the course of an audit examination that Z Construction is considered the consumer of the "loads" and may not issue a resale certificate for the purchase thereof. Z Construction indicates that it was unaware that a resale certificate could not be issued for the purchase of "loads," and there is no indication that Z Construction had previously been so informed.

The failure to be aware of the proper use of the resale certificate is not generally grounds for waiving the fifty percent penalty for the misuse of resale certificate privileges. However, AZ Construction does qualify for the "one time only" waiver of the penalty as the misuse of the resale certificate privilege was unintentional and the "loads" were purchased for use within the business.

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 93-21-057
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Filed October 18, 1993, 4:55 p.m.]

Date of Adoption: October 18, 1993.

Purpose: To provide tax reporting information to persons operating hospitals and indicate the changes which resulted from the 1993 legislative session.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-168.

Statutory Authority for Adoption: RCW 82.32.300.

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

Reasons for this Finding: Chapter 25, Laws of 1993 sp. sess. makes certain nonprofit hospitals and hospitals operated by political subdivisions of the state subject to business and occupation tax as of July 1, 1993.

Effective Date of Rule: Immediately.

October 18, 1993
Claire Hesselholt
Policy Counsel
Legislation and Policy

AMENDATORY SECTION (Amending Order 87-9, filed 12/15/87)

WAC 458-20-168 Hospitals, medical care facilities, and adult family homes. (1) Introduction. This section provides tax reporting information to persons operating hospitals, medical care facilities, and adult family homes. It includes tax reporting changes resulting from the passage of chapter 25, laws of Washington 1993, 1st Special Session which affected nonprofit hospitals and hospitals operated by political subdivisions of the state.

~~((+))~~ **(2) Definitions.**

(a) The term "hospital" means only institutions defined as hospitals in chapter 70.41 RCW. The term includes privately owned and operated hospitals, hospitals operated as nonprofit corporations, hospitals operated by political subdivisions of the state, and hospitals operated by the state but not owned by the state.

(b) The term "nursing home" means only institutions defined as nursing homes in chapter 18.51 RCW.

(c) The term "adult family home" means private homes licensed by the department of social and health services as adult family homes (see WAC 388-76-030(2)), and those which are specifically exempt from licensing under the rules

of the department of social and health services. (See WAC 388-76-140.)

~~((2))~~ **(3) Business and occupation tax.** There are two B&O tax classifications which can apply to persons providing medical services through the operation of a hospital, with the tax classification dependent on the organizational structure of the hospital. The B&O tax classifications are:

(a) Public or nonprofit hospitals. This B&O tax classification applies to gross income derived from personal and professional services of hospitals that are operated as nonprofit corporations, operated by political subdivisions of the state, or operated but not owned by the state. These hospitals became taxable under this B&O tax classification on July 1, 1993. These hospitals were required to report under the service B&O tax classification prior to July 1, 1993, but were entitled to a deduction for services rendered to patients.

(b) Service. The gross income derived from personal and professional services of hospitals (other than hospitals operated as nonprofit corporations or by political subdivisions of the state), nursing homes, convalescent homes, clinics, rest homes, health resorts, and similar health care institutions is subject to business and occupation tax under the service and other activities classification.

(c) Retailing. The retailing business and occupation tax applies to sales by such persons of tangible personal property sold and billed separately from services rendered. However, this does not include charges for tangible personal property which is used in providing medical services to a patient. Tangible personal property which is used in providing medical services is not considered to have been sold separately from the medical services simply because those items are separately invoiced. These charges, even if separately itemized, are for providing medical services and are taxable under either the "public or nonprofit hospital" classification or the "service and other business activities" classification, depending on the type of organization making the sale. The charge for making copies of medical records is a retail sale.

~~((3))~~ **(4) Exemption.** The following exemptions apply:

(a) Adult family homes. The gross income derived from personal and professional services of adult family homes which are licensed as such, or which are specifically exempt from licensing under the rules of the department of social and health services, is exempt from the business and occupation tax effective June 9, 1987.

(b) State owned hospitals. The gross income from a hospital owned by the state of Washington is not subject to B&O tax. (Refer to WAC 458-20-189). This exemption does not include hospital districts or hospitals which are operated by or for political subdivisions of the state, such as a county government.

(c) Kidney dialysis facilities, certain nursing homes, certain homes for unwed mothers. Persons operating kidney dialysis facilities, nursing homes and homes for unwed mothers operated as religious or charitable organizations are exempt from B&O tax on the services they provide to patients or from the sales of prescription drugs. (See WAC 458-20-18801). However, the exemption applies only if no part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder.

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(d) Contributions, donations and endowment funds. Amounts received as contributions, donations and endowment funds may be excluded from gross income, provided that no specific service is performed as a condition for receiving the funds. Amounts received as grants are taxable if specific services are performed as a condition for receiving the grant. (See WAC 458-20-114.)

(5) Adjustments to revenues. Many hospitals will perform charity care where medical care is given without charge or some portion of a charge will be cancelled. In other cases, medical care is billed to patients at "standard" rates, but later adjusted to reduce the charges to the rates established by contract with Medicare, Medicaid, or with private insurers. In these situations the hospital must initially include the total charges as billed to the patient as gross income. An adjustment may be taken at the time of filing future tax returns at such time as the hospital adjusts its records to reflect the actual amounts collected. In no event may the hospital reduce its current revenue by amounts which were not previously included in the taxable base. If the tax rate changes from the time the B&O tax was first paid on the gross charges and the time of the adjustment, it may be necessary that the hospital file amended tax returns to report the B&O tax on the transaction as finally completed at the rate in effect at the time the service was performed.

~~((4))~~ Deductions.

(a) Hospitals operated by the United States or its instrumentalities or the state of Washington or its political subdivisions may deduct amounts derived as compensation for medical services to patients and sales of prescription drugs and medical supplies furnished as an integral part of such services. (See RCW 82.04.4288.)

(b) Other hospitals operated as nonprofit corporations as well as nursing homes and homes for unwed mothers operated as religious or charitable organizations may also deduct the amounts described in subsection (a) above (see RCW 82.04.4289), provided that:

(i) No part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder; and

(ii) No deduction will be allowed under (a) of this subsection, unless written evidence is submitted to the department of revenue showing that the hospital building is entitled to exemption from taxation under the property tax laws of this state.

(c) In computing tax liability there may be deducted from gross income so much thereof as was derived from bona fide contributions, donations and endowment funds. (See WAC 458-20-114.))

~~((5))~~ (6) Retail sales tax. Retail sales which are subject to retailing business tax, as provided earlier, are also subject to retail sales tax. These businesses are required to pay retail sales tax on purchases of medical supplies, durable equipment, and consumables. (For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)

~~((6) Exemptions.)~~ (7) Retail sales and use tax exemptions. The following exemptions from the retail sales and use tax apply:

(a) Effective on May 6, 1993, all items which are reasonably necessary for the operation of free hospitals may be purchased without payment of retail sales or use tax. This includes all supplies and equipment. It also includes

any items which are used in providing health care. "Free hospitals" means a hospital that does not charge patients for health care provided by the hospital. (Refer to Chapter 205, laws of Washington 1993).

(b) Sales of drugs, medicines, prescription lenses, orthotic devices, medical oxygen, or other substances, prescribed by medical practitioners are exempt of retail sales tax where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained (~~and such sales are separately accounted for~~)). Sales of prosthetic devices, hearing aids as defined in RCW 18.35.010(3), and ostomic items whether or not prescribed are also exempt of sales tax. See WAC 458-20-18801.

~~((7) Sales of medical supplies, durable equipment, and consumables, but excluding prosthetic devices and ostomic items, to hospitals and nursing homes for their own use in providing personal or professional services are subject to the retail sales tax, irrespective of whether or not such hospitals or nursing homes are subject to the business tax.~~

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 93-21-058
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Filed October 18, 1993, 4:56 p.m.]

Date of Adoption: October 18, 1993.

Purpose: To provide taxpayers with interim tax reporting information while permanent rules are being drafted and to advise taxpayers of potential errors in existing rules caused by legislative changes.

Statutory Authority for Adoption: RCW 82.32.300.

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

Reasons for this Finding: 2ESSB 5967, chapter 25, Laws of 1993 sp. sess., made tax law changes which took effect on July 1, 1993.

Effective Date of Rule: Immediately.

October 18, 1993
Claire Hesselholt
Policy Counsel
Legislation and Policy

NEW SECTION

WAC 458-20-901 Notification of rules with temporary defects. (1) Introduction. The 1993 legislature made many changes to the taxes administered by the department of revenue. Unless otherwise indicated, these changes were

enacted as part of 2nd ESSB 5967, chapter 25, Laws of Washington 1993, 1st Special Session. Unless otherwise indicated, these changes were effective July 1, 1993. The department previously issued on an emergency basis WAC 458-20-900 to provide interim tax reporting information and to identify rules which are in the process of revision. WAC 458-20-900 has expired and is superseded by WAC 458-20-901. The department is proceeding to revise its permanent administrative rules as rapidly as it can to reflect these changes. The department expects to have these rules revised by mid-1994. Changes in the law take precedence over the administrative rules in the case of conflicts. In order to assist taxpayers, the following summarizes the major legislative changes and the rules which have been identified for revision. Taxpayers who report their taxes in the manner discussed below will not be penalized as the result of subsequent changes of interpretation through the issuance of permanent rules.

(2) Summary of major legislative changes. The following is a summary of the major changes to the business and occupation (B&O) tax, retail sales tax, and use tax:

(a) Retail sales tax. Retail sales tax was extended to a number of new services effective July 1, 1993. These services are now subject to the retailing B&O tax and retail sales tax. For the most part, these services were previously taxable under the service and other business activities classification of the B&O tax. Refer to subsection (4) for a list and discussion of the services which have been added as retail sales.

(b) New selected business services B&O tax. There is a new B&O tax classification which applies to certain business services. These services were previously subject to the service and other business activities tax classification. The tax rate for this new classification is 2.5 percent. Refer to subsection (5) for a list and discussion of the business services which are subject to this tax.

(c) New financial services B&O tax. There is a new B&O tax classification which applies to persons engaged in banking, loan, security, investment management, investment advisory, or other financial businesses. These services had previously been taxable under the service and other business activities tax classification. The tax rate which applies to this new classification is 1.7 percent. This tax rate applies to all income derived from the listed activities, including investment and interest income.

(d) Nonprofit and public hospitals. Certain nonprofit hospitals were previously exempt of B&O tax. This exemption, contained in RCW 82.04.4288, has been repealed by 2ESSB 5304, Chapter 492, Laws of Washington 1993. These hospitals, as well as those operated by the state or any of its political subdivisions, are taxable under the nonprofit public hospital B&O tax classification effective July 1, 1993. The B&O tax rate for these taxpayers is .75 percent. Those hospitals which were previously taxable under the service and other business activities classification will continue to be taxable under that classification. Taxpayers engaged in this business should also refer to WAC 458-20-168 which has been amended on an emergency basis.

(e) Birth control prescriptions. The law previously contained an exemption from retail sales tax for prescription drugs or other substances which are prescribed and dispensed for the diagnosis, cure, mitigation, treatment, or

prevention of disease or other ailments in humans. This exemption did not include birth control prescriptions since pregnancy was not considered to be an ailment. The exemption now includes drugs and other substances which are prescribed by a physician for family planning purposes, including prevention of conception. The exemption is also available to family planning clinics that are under contract with the department of health to provide family planning services. This exemption became effective on July 1, 1993.

(f) Resale certificate abuse. An additional penalty may be imposed after July 1, 1993 for the misuse of a resale certificate. The penalty is fifty percent of the retail sales tax which would have applied to the purchase. The penalty will apply even in the absence of fraud or evasion. There are also additional restrictions in the use of the resale certificate and additional requirements for information which must be shown on the resale certificate. The department has issued WAC 458-20-102 on an emergency basis which explains in detail the changes in the use of resale certificates.

(g) Contributions in aid of construction. The exemption previously contained in RCW 82.04.417 was repealed effective July 1, 1993.

(h) Health maintenance organizations, health care service contractors, certified health plans. Health maintenance organizations and health care service contractors were previously taxable under the service B&O tax classification. Effective January 1, 1994, these taxpayers will be subject to a tax on premiums and prepayments which will be administered by the insurance commissioner's office. To the extent that income is taxable for this "insurance premiums" tax, the B&O tax will not apply. Co-payments or deductibles paid by the patient will continue to be taxable for the B&O tax. Amounts received from the United States or any instrumentalities thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act will not become subject to the premiums tax until July 1, 1997 and will continue to be subject to the B&O tax until that date.

(i) Sales of vessels to foreign residents. For sales of vessels, retail sales tax will not be due for sales to foreign residents after July 25, 1993, even though delivery is taken in Washington if all the requirements for exemption are met. This exemption is the result of passage of SSB 5368, Chapter 119, Laws of Washington 1993. The documentation requirements now in WAC 458-20-238 will apply to foreign residents as well as residents from other states. The retail sales tax does apply to these sales if the vessel will be used in Washington for more than forty-five days.

(j) Cigarette and tobacco products. The taxes on cigarettes and tobacco products have been increased and are scheduled for additional increases over the next several years.

(k) Tax deferrals. The tax deferral programs have been extended.

(l) Sales to nonresidents with local delivery. The law provides an exemption from retail sales tax for sales of tangible personal property to nonresidents of certain other states, possessions, or provinces of Canada when the item is purchased for use outside Washington, but previously required the seller to examine two pieces of identification of the purchaser. Only residents of states, possessions, or provinces having less than a three percent sales tax qualify.

SB 5251, Chapter 444, Laws of Washington 1993, requires the vendor to examine only one piece of identification of the customer. The identification document must contain a photograph of the customer and be intended to establish residency of the purchaser in a tax exempt qualifying state, possession, or province, such as a drivers license. The seller must continue to retain a record which identifies the customer and proof that was relied upon in making the tax exempt sale. This provision became effective July 25, 1993.

(m) Printing and publishing. Publishers of periodicals or magazines are no longer taxable under the printing and publishing B&O classification. Such persons will now be taxable under the wholesaling or retailing B&O tax classification on sales of the magazines or periodicals made within Washington. Sales made to persons outside Washington will be taxable under the manufacturing B&O tax. Sales of advertising will be taxable under the service and other business activities B&O tax.

(3) Effect of tax rate changes and timing for tax reporting. Taxpayers must report their business activities in the proper tax reporting period in order to avoid future tax assessments because of the failure to report the income under the proper tax classification where the tax classification has changed as the result of a law change. Taxpayers can be generally guided by WAC 458-20-235 and WAC 458-20-145 in determining in which period a sale should be reported, though these sections deal primarily with retail transactions.

(a) B&O tax and retail sales tax. With respect to services performed and billed after the change in tax classifications, the tax classification which applies is the one in effect at the time the service is performed, irrespective that a contract may have been signed prior to the change. Where the work is begun prior to the tax classification change and there are progress billings, the proper tax classification for tax reporting is the one in effect at the time the service provider was entitled to receive the progress payment.

(b) Prepaid services. When the customer has paid for the service in full and is entitled to receive the service prior to the tax classification change, the income will be taxable under the classification in effect at the time payment was received, irrespective that actual performance of the service may occur after the tax classification change.

(c) Sales of gift certificates. When a gift certificate is sold which will be redeemed for services, the sale is considered to take place at the time the gift certificate is redeemed and should be reported under the tax classification in effect at that time. It is important that sellers understand the difference between prepaid services and gift certificates. The purchaser of a gift certificate does not purchase a specific service or merchandise. The decision as to the service or merchandise which will be purchased is not made until the time the certificate is given to the seller for redemption. The value of the certificate is applied as if it were cash towards the purchase price, which may be less or greater than the value of the certificate. On the other hand, a prepaid service involves the situation where the customer purchases a specific service or merchandise, makes full payment, and is entitled to receive the service or merchandise. The fact that the customer may choose to purchase the service or merchandise as a gift for a friend does not change

this purchase into the purchase of a gift certificate. The following examples show the distinction.

(i) Jane Doe purchases a gift certificate having a value of \$50 from ABC Physical Fitness Club. ABC will allow non-members to use its physical fitness facilities through an hourly usage charge. It also has a store from which health foods are sold. Jane Doe gives the gift certificate to a non-member. The sale is considered to take place at the time the gift certificate is redeemed. The tax classification which applies will depend on the type of purchases made and the tax classification which applies to those purchases at the time of redemption.

(ii) Jane Doe purchases the right to ten tanning sessions. Payment is made in full and Jane Doe is entitled to use the tanning booth anytime. Under the terms of the purchase agreement, Jane Doe may give the right to some or all of these tanning sessions to anyone she pleases. This is a prepaid service. The tax classification which applies is that which was in effect at the time Jane Doe made her payment.

(4) New retail services. A number of new services have been added to the definition of a retail sale. These service providers continue to be subject to payment of the retail sales tax on purchases of equipment which is used in providing the service. The following services have been added and are now subject to the retail sales tax:

(a) Landscape maintenance and horticultural services. This includes grass cutting, hedge trimming, watering lawns and other plants, pruning or trimming of trees and shrubs, fertilizing, pest spraying, etc.

(b) Service charges for professional sports tickets. This involves the purchase of tickets to professional sporting events when the tickets are purchased from independent ticket agents and the agent makes a charge for providing this service. The fee for handling the sale of tickets to attend professional sporting events is subject to the retail sales tax. The local retail sales tax will be based on the location of the seller used by the purchaser in making the purchase. The admission charge to the event is not subject to the retail sales tax. The fee for handling the sale of tickets to cultural events, nonprofessional sports events, or other events is not a retail sale and this income continues to be taxable under the service classification.

(c) Guided tours and charters. Charges for guided tours and guided charters in Washington are subject to retail sales tax. Persons engaged in these business activities should refer to WAC 458-20-258, filed October 18, 1993 for more information.

(d) Physical fitness services. This includes all activities of services related to physical fitness such as, weight lifting, running tracks, exercise equipment, aerobics classes, personal trainers, etc. Certain activities, such as swimming, racquet ball, tennis, etc., were previously a retail sale and continue to be taxable as such. Physical fitness services do not include self-defense classes, martial arts classes, yoga, or stress-management classes. For persons who are engaged in these activities and who receive the income in the form of dues and initiation fees, WAC 458-20-114 explains the available methods for determining the taxable income and for allocating the income under the appropriate tax classifications. This applies to all organizations offering these services, including health fitness clubs, parks and recreation departments, hospitals, and nonprofit youth organizations

Nonprofit youth organizations should refer to the special notice which the department has sent to these organizations for additional tax reporting information. Organizations which have not previously had to allocate their income under WAC 458-20-114 should contact the Department for assistance in calculating the percentage of dues which should be allocated as retail sales as a result of this change in the law.

(e) **Tanning and tattoo services.**

(f) **Escort and dating services.**

(g) **Steam, sauna and Turkish baths.**

(h) **Massage services.** However, massage services which are performed as part of physical therapy services will not be considered retail sales. For purposes of this rule, "physical therapy services" are defined as a treatment plan for physical illness, injury, or accident ordered or prescribed by a doctor. Physical therapy services will not be considered to be retail activities regardless of who performs the services. Physical therapy services, when performed under a doctor's order, will continue to be taxable under the service and other business activities classification, including any massage services which are part of the physical therapy. The therapist must keep a copy of the doctor's referral on file.

(i) **Coin-operated laundry facilities.** The law previously taxed as a retail sale the use of laundry services, including coin-operated laundry facilities, with the exception of coin-operated laundry facilities in apartment houses, hotels, motels, or similar locations where the facilities were for the exclusive use of the tenants. This exception has been removed to now include all laundry services as a retail sale. Any commissions or amounts received by apartment owners, hotels, or motels for allowing the owner of the machines to place the machines on the premises continue to be taxable under the service and other business activities classification. See WAC 458-20-118.

(j) **Equipment rental with operator.** The law now defines equipment rental with operator services as a retail sale. However, where the charge is not for the rental of equipment with an operator, but is for providing subcontract services, the income will be taxable based on the nature of the services performed. For example, a person who provides transportation services will continue to be taxable under the appropriate public utility tax classification even though equipment and an operator are involved in providing the service. This also includes stevedoring, public road construction and similar activities. Though not determinative, the department will consider the type of contract in determining if the sale is in the nature of a rental of equipment with operator or is in the nature of a contract where the contractor has the responsibility to perform activities to contract specifications. Persons who provide the services of equipment with an operator are the consumers of the equipment and subject to retail sales or use tax on equipment purchases.

(5) **Selected business services.** The new B&O tax classification for selected business services includes the following services:

(a) **Stenographic, secretarial, and clerical services.**

However, this does not include persons who operate employment offices which provide temporary or permanent employees. Persons operating employment offices who receive a

fee for providing temporary or permanent employees continue to be taxable under the service and other business tax classification.

(b) **Computer services.** This category includes but is not limited to computer programming, custom software modification, custom software installation, custom software maintenance, custom software training, and computer systems design. The sale of software which will be sold to multiple users (generally referred to as "canned software") will continue to be a retail sale. The change in the law is to make those computer services which were previously taxed under the service classification taxable under this new B&O tax classification.

(c) **Data processing services.** This category includes but is not limited to word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. Data processing services also includes the use of a computer or computer time for data processing, whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service.

(d) **Information services.** Information services include but are not limited to electronic data retrieval or research that entails furnishing financial or legal information, data or research, general or specialized news, or current information unless such news or current information is furnished to a newspaper publisher or to a radio or television station licensed by the federal communications commission.

(e) **Legal, arbitration, and mediation services.** This includes but is not limited to paralegal services, legal research services, and court reporting services.

(f) **Accounting, auditing, actuarial, bookkeeping, tax preparation, and similar services.**

(g) **Design services.** Design services, whether performed by a certified, noncertified, or licensed person, includes and is not limited to the following:

(i) Engineering services, including civil, electrical, mechanical, petroleum, marine, nuclear, and design engineering, machine designing, machine tool designing, and sewage disposal system designing;

(ii) Architectural services, including but not limited to: structural or landscape design or architecture, interior design, building design, building program management, and space planning.

(h) **Business consulting services.** Business consulting services are those primarily providing operating counsel, advice, or assistance to the management or owner of any business, private, nonprofit, or public organization, including but not limited to those in the following areas: administrative management consulting, general management consulting, human resource consulting or training, management engineering consulting, management information systems consulting, manufacturing management consulting, marketing consulting, operations research consulting, personnel management consulting, physical distribution consulting, site location consulting, economic consulting, motel, hotel, and resort consulting, restaurant consulting, government affairs consulting, and lobbying.

(i) **Business management services.** This includes, but is not limited to, administrative management, business management, and office management. Property management

or property leasing, motel, hotel, and resort management, and automobile parking management are not taxable under this classification and remain taxable under the service and other business activities classification.

(j) Protective services. This includes, but is not limited to, detective agency services and private investigating services, armored car services, guard or protective services, lie detection or polygraph services, and security system, burglar, or fire alarm monitoring and maintenance services.

(k) Public relations or advertising services. This includes, but is not limited to, layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, marketing research, marketing, or production supervision. It does exclude services provided as part of broadcast or print advertising. Services performed as part of broadcast or print advertising continue to be taxable under the service and other business activities tax classification.

(l) Aerial and land surveying, geological consulting, and real estate appraising.

(6) Administrative rules being revised. There are a number of administrative rules of the department which will not be entirely correct until revised. The information provided above should be sufficient for taxpayers to identify the specific items in the rule which are no longer correct. If you have any uncertainty of your tax liability, you are encouraged to contact the department to obtain answers to specific tax questions. The following rules are being revised:

- (a) WAC 458-20-102 Resale certificates.
- (b) WAC 458-20-103 Time and place of sale.
- (c) WAC 458-20-114 Nonbusiness income—Bona fide initiation fees, dues, contributions, tuition fees and endowment funds.
- (d) WAC 458-20-119 Sales of meals.
- (e) WAC 458-20-122 Sales of feed, seed, fertilizer and spray materials.
- (f) WAC 458-20-125 Miscellaneous sales for farm use.
- (g) WAC 458-20-127 Magazines and periodicals.
- (h) WAC 458-20-138 Personal services rendered to others.
- (i) WAC 458-20-143 Publishers of newspapers, magazines, and periodicals.
- (j) WAC 458-20-146 National and state banks, mutual savings banks, savings and loan associations and other financial institutions.
- (k) WAC 458-20-155 Information and computer services.
- (l) WAC 458-20-165 Laundries, dry cleaners, laundry agents, self service laundries and dry cleaners.
- (m) WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.
- (n) WAC 458-20-167 Educational institutions, school districts, student organizations, private schools.
- (o) WAC 458-20-168 Hospitals, medical care facilities, and adult family homes.
- (p) WAC 458-20-170 Constructing, and repairing of new or existing buildings or other structures upon real property.
- (q) WAC 458-20-171 Building, repairing or improving streets, roads, etc., which are owned by a municipal corporation or political subdivision of the state or by the United

States and which are used primarily for foot or vehicular traffic.

- (r) WAC 458-20-179 Public utility tax.
- (s) WAC 458-20-180 Motor transportation, urban transportation.
- (t) WAC 458-20-183 Amusement and recreation activities and businesses.
- (u) WAC 458-20-18801 Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen.
- (v) WAC 458-20-193 Inbound and outbound interstate sales of tangible personal property.
- (w) WAC 458-20-194 Doing business inside and outside the state.
- (x) WAC 458-20-207 Attorneys.
- (y) WAC 458-20-210 Sales of agricultural products by persons producing the same.
- (z) WAC 458-20-211 Leases or rental of tangible personal property, bailments.
- (aa) WAC 458-20-218 Advertising agencies.
- (bb) WAC 458-20-224 Service and other business activities.
- (cc) WAC 458-20-226 Landscape gardeners.
- (dd) WAC 458-20-228 Returns, remittances, penalties, extensions, interest, stay of collection.
- (ee) WAC 458-20-233 Tax liability of medical and hospital service bureaus and associations and similar health care organizations.
- (ff) WAC 458-20-238 Sales to nonresidents of watercraft requiring Coast Guard registration or documentation.
- (gg) WAC 458-20-240 Manufacturers, tax credits.
- (hh) WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development facilities.
- (ii) WAC 458-20-24002 Sales and use tax deferral—New manufacturing and research/development facilities.
- (jj) WAC 458-20-258 Travel agents and tour operators.
- (kk) WAC 458-20-185 Tax on tobacco products.
- (ll) WAC 458-20-186 Tax on cigarettes.
- (mm) WAC 458-20-189 Sales to and by the state of Washington, counties, cities, school districts and other municipal subdivisions.

WSR 93-21-067
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Filed October 19, 1993, 3:55 p.m.]

Date of Adoption: October 19, 1993.

Purpose: To implement chapter 25, Laws of 1993 sp. sess., by repealing, amending, and adding new sections to existing chapter 458-61 WAC.

Citation of Existing Rules Affected by this Order: See repealer section below; amending WAC 458-61-030 Definitions, 458-61-050 Payment of tax—County treasurer as agent for the state, 458-61-060 Disposition of proceeds, 458-61-070 Affidavit batch transmittal, 458-61-080 Affidavit requirements, 458-61-090 Interest and penalties—Date of sale (new title—formerly: Timing of payment—Late payment penalty), 458-61-100 Refunds of tax paid, 458-61-120 Evasion penalty (new title—formerly: Fraud), 458-61-130 Department audit responsibility, 458-61-150 Supplemen-

tal statements, 458-61-200 Apartments, 458-61-210 Assignments—Purchasers, 458-61-220 Assignments—Sellers, 458-61-230 Bankruptcy, 458-61-250 Cemetery lots or graves, 458-61-300 Contractor, 458-61-330 Foreclosure—Deeds in lieu of foreclosure (new title—formerly: Court order—Transfer pursuant to), 458-61-335 Easements, development rights, water rights and air rights (new title—formerly: Development rights and air rights), 458-61-340 Community property—Dissolution of marriage/divorce, 458-61-370 Exchanges—Trades, 458-61-400 Creation, assignment and release of security interests (new title—formerly: Fulfillment deed), 458-61-410 Gifts and inheritances (new title—formerly: Gifts), 458-61-420 Government transfers (new title—formerly: Government, transfers to or from), 458-61-430 Sale of improvements to land (new title—formerly: Improvements sold on leased land), 458-61-470 Irrigation equipment, 458-61-480 IRS "tax deferred" exchange, 458-61-510 Leases (new title—formerly: Lease with option to purchase), 458-61-520 Mineral rights and mining claims (new title—formerly: Mineral rights), 458-61-540 Mobile and floating home sales (new title—formerly: Mobile home sales), 458-61-550 Nominee, 458-61-555 Option to purchase, 458-61-590 Rescission of sale, 458-61-610 Rerecord, 458-61-640 Sheriff's sale, 458-61-650 Tenants in common and joint tenants (new title—formerly: Tenants in common), 458-61-660 Timber, standing, and 458-61-670 Trade-in credit; and new sections WAC 458-61-015 General information, 458-61-025 Taxability of the transfer or acquisition of the controlling interest of an entity with an interest in real property located in this state, 458-61-235 Boundary line adjustments, 458-61-255 Clearing title, 458-61-375 Exemption—Mere change identity or form—Family corporations and partnerships, 458-61-376 Exemption—Transfers where gain is not recognized under the Internal Revenue Code, 458-61-548 Native American, and 458-61-553 Nonprofit organizations.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: Chapter 25, Laws of 1993 sp. sess.

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: Effective date of new provisions of law regulating real estate excise tax are effective July 1, 1993. These rules govern the procedures required by taxpayers to comply and by department of revenue to administer this tax. Re-adoption of emergency rules originally filed June 25, 1993, required by taxpayers until permanent rules are adopted.

Effective Date of Rule: Immediately.

October 19, 1993

Gary K. O'Neil
Assistant Director

Reviser's note: The material contained in this filing will appear in the 93-23 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-21-077
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3652—Filed October 20, 1993, 11:21 a.m., effective October 21, 1993, 12:01 a.m.]

Date of Adoption: October 20, 1993.

Purpose: New WAC 275-27-221 Family financial participation, requires families receiving family support services to provide the department information regarding family income and family size. To include the incremental formula for determining the families' ability to participate in the purchase of needed services. Defines gross family income, dependents, family, and disability related expenses.

Citation of Existing Rules Affected by this Order: Amending WAC 275-27-220 Family support services and 275-27-223 Service need levels.

Statutory Authority for Adoption: RCW 71A.12.040.

Other Authority: Chapter 24, Laws of 1993 sp. sess.

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: 1993 legislature reduced the division's family support budget with the expectation that the division would implement a family financial participation program.

Effective Date of Rule: October 21, 1993, 12:01 a.m.

October 20, 1993

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3372, filed 4/21/92, effective 5/22/92)

WAC 275-27-220 Family support services. (1) The department's intent of family support services shall be to:

(a) Reduce or eliminate the need for out-of-home residential placement of a client (~~wherein~~) where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs.

(2) The department's family support services shall include, but not be limited to, the following services:

(a) Emergency or planned respite care;

(b) Attendant care;

(c) Therapeutic services, including:

(i) Physical therapy;

(ii) Occupational therapy;

(iii) Behavior management therapy; and

(iv) Communication therapy.

(d) The purchase, rental, loan, or refurbishment of specialized equipment, environmental modifications, and other adaptations; and

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(e) Other service (~~pursuant to~~) approved by the director or designee as described under subsection (1) of this section (~~approved by the director or designee~~).

(3) The department shall authorize services to the family for a specified time-limited period.

(a) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.

(b) If requested family support services are not authorized, such actions shall be deemed a denial of services.

(c) Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

(4) The department shall authorize family support services in accordance with department-established policies (~~established by the department~~). The department shall base periodic service authorizations on:

(a) Requests for family support services described in subsection (2) of this section;

(b) Service need levels as described in section 223 of this chapter;

(c) Availability of family support funding; (~~and~~)

(d) The family's ability to purchase services required by a minor client as described under WAC 275-27-221 based on family-provided financial information;

(e) Authorization by a review committee, in each regional office, which reviews each request for service; and

(f) Authorization of family support services shall be contingent upon the applicant providing accurate and complete information concerning family income and disability-related expenses as requested by the department. Failure to provide accurate and complete information may result in reduction in the family's family support service authorization. Such reduction shall not result in family participation beyond that required by the actual level of family income and disability-related expenses for the period in question.

(5) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(6) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child under eighteen years of age.

NEW SECTION

WAC 275-27-221 Family financial participation. (1) "Gross family income" means the total income of all members of a family.

(a) Income includes earned income, such as wages and tips; unearned income, such as interest, dividends, and pensions; family's share of income from S corporations (domestic corporation with one class of stock having thirty-five or less shareholders, who are U.S. citizens), partnerships, estates, and trusts; gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property; gain from the sale or exchange of

the family's main home; accumulation distributions from trusts; scholarships and fellowship grants; original issue discount, distribution from simplified employee pensions (SEPs) and deductible employee contributions (DECs); amounts received in place of wages from accident and health plans if employer paid for the policy; bartering income, Tier 2 and supplemental annuities under the Railroad Retirement Act; life insurance proceeds from a policy the family cashed in if the proceeds are more than the premiums paid; endowments; lump-sum distributions; prizes and awards; gambling winnings; Social Security; capital gains; and child support.

(b) "Income" does not include earned income by dependent family members, or not include income of a family member who resides in another household when such income is not available to the family member seeking family support services.

(2) "Family" means a person or a person and the person's spouse, if not legally separated, and the person's dependents.

(3) "Dependent" means a relative who depends on the family income for at least half of the relative's support.

(4) "Disability-related expenses" means the most recent annual expenses provided by the family to eligible clients including bills from physician, dentists, and other medical professionals; the clients' health insurance premiums and/or medical spenddown; amounts paid to rent or purchase medical equipment; amounts paid for modification of homes or vehicles to accommodate the eligible child(ren); specialized clothing; exceptional child care and other disability-related expenses.

(5) Based on the level of family support services authorized under WAC 275-27-220(4) for a client who is under eighteen years of age, in order to be authorized for family support services, each family shall provide the department with accurate and complete information on the:

(a) Family's annual gross income;

(b) Family size; and

(c) Client's disability-related expenses sufficient to assess the family's ability to participate in the purchase of family support services.

(6) The department shall make an assessment of the family's ability to purchase services required by the client as follows:

(a) Determine the annual gross income of the eligible client's family;

(b) Not require families, whose annual gross income is less than two hundred percent of the federal poverty guidelines based on family size, to participate in the purchase of family support services;

(c) Require families, whose annual gross income is two hundred percent or more of the federal poverty guidelines on family size, to participate in the purchase of the services according to the following incremental formula:

(i) For that portion of a family's income between two hundred percent and four hundred percent of the federal poverty guidelines based on family size, family financial participation shall be four percent times that portion of the family's reported income;

(ii) In addition, for that portion of a family's income between four hundred percent and six hundred percent of the federal poverty guidelines based on family size, family

financial participation shall be four and one-half percent times that portion of the family's reported income;

(iii) In addition, for that portion of a family's income between six hundred percent and eight hundred percent of the federal poverty guidelines based on family size, family financial participation shall be five percent times that portion of the family's reported income;

(iv) In addition, for that portion of a family's income between eight hundred percent and one thousand percent of the federal poverty guidelines based on family size, family financial participation shall be five and one-half percent times that portion of the family's reported income;

(v) In addition, for that portion of a family's income between one thousand percent and twelve hundred percent of the federal poverty guidelines based on family size, family financial participation shall be six percent times that portion of the family's reported income;

(vi) In addition, for that portion of a family's income between twelve hundred percent and fourteen hundred percent of the federal poverty guidelines based on family size, family financial participation shall be six and one-half percent times that portion of the family's reported income;

(vii) In addition, for that portion of a family's income between fourteen hundred percent and sixteen hundred percent of the federal poverty guidelines based on family size, family financial participation shall be seven percent times that portion of the family's reported income;

(viii) In addition, for that portion of a family's income between sixteen hundred percent and eighteen hundred percent of the federal poverty guidelines based on family size, family financial participation shall be seven and one-half percent times that portion of the family's reported income;

(ix) In addition, for that portion of a family's income between eighteen hundred percent and two thousand percent of the federal poverty guidelines based on family size, family financial participation shall be eight and one-half percent times that portion of the family's reported income; and

(x) The department will not authorize family support services for families whose annual gross income is over two thousand percent of the federal poverty guidelines based on size.

(d) The annual gross income shall be adjusted downward for annual disability-related expenses incurred by the family for eligible clients.

(7) The department may re-evaluate at any time the ability of a family to purchase required family support services under this subsection, but not less than once per year or when the department believes there is a change of factors that determine ability to purchase services including family income and family size.

(8) The department shall recompute the required level of participation as described under subsection (7) of this section if the department's re-evaluation reveals a difference of one hundred twenty dollars or more between the:

(a) Family's current ability to participate in the purchase of family support services; and

(b) Level of financial participation most recently determined by the department.

(9) The department may recompute the level of participation when the difference is less than one hundred twenty dollars.

AMENDATORY SECTION (Amending Order 3372, filed 4/21/92, effective 5/22/92)

WAC 275-27-223 Service need levels. (1) The department shall use service need levels to determine periodic family support service authorizations.

(2) The department shall determine service need levels in order of priority for funding as follows:

(a) Service need level 1: Client is at immediate risk of out-of-home placement without the provision of family support services. The client needs intensive residential support to assist the client's family to care for the family's child or adult requiring nursing services, attendant care, or support due to difficult behaviors. ~~((The client must receive the majority of family support services in such client's home. An existing or new eligible client must have received, over the most recent three months, at least ten days or eighty hours per month of such service;))~~ A client shall:

(i) Have received, over the past three months, at least ten days or eighty hours of service; or

(ii) Need to receive at least ten days or eighty hours per month of service to prevent immediate out-of-home placement.

(b) Service need level 2: Client is at high risk of out-of-home placement without the provision of family support services and has one or more of the following documented in writing:

(i) The client:

(A) Currently receives adult protective services or division of children and family services as an active:

(I) Child protective service client;

(II) Child welfare service client; or

(III) Family reconciliation service client.

(B) Has returned home from foster care or group care placement within the last six months;

(C) Has a serious medical problem requiring close and ongoing monitoring and/or specialized treatment, such as:

(I) Apnea monitor;

(II) Tracheotomy;

(III) Heart monitor;

(IV) Ventilator;

(V) Constant monitoring due to continuous seizures;

(VI) Immediate life-saving intervention due to life threatening seizures;

(VII) Short bowel syndrome; or

(VIII) Brittle bone syndrome.

(D) Has a dual diagnosis based on current mental health DSM Axis I diagnosis;

(E) Has an extreme behavioral challenge resulting in health and safety issues for self and/or others which:

(I) Resulted in serious physical injury to self or others within the last year;

(II) For a client who is two years of age or older, requires constant monitoring when awake for personal safety reasons; or

(III) Is of imminent danger to self or others as determined by a psychiatrist, psychologist, or other qualified professional.

(F) Is ten years of age or older or weighs forty pounds or more, requires lifting, and needs direct physical assistance in three or more of the following areas:

- (I) Bathing;
- (II) Toileting;
- (III) Feeding;
- (IV) Mobility; or
- (V) Dressing.

(ii) The caregiver:

(A) Is a division of developmental disabilities client;

(B) Has a physical or medical problem that interferes with providing care; or

(C) Has serious mental health or substance abuse problems and:

(I) Is receiving counseling for these problems; or

(II) Has received or applied for counseling within the past six months.

(c) Service need level 3: The family is at risk of significant deterioration which could result in an out-of-home placement of the client without provision of family support services due to the following:

(i) The client requires direct physical assistance, above what is typical for such client's age, in three or more of the following areas:

- (A) Bathing;
- (B) Toileting;
- (C) Feeding;
- (D) Mobility; or
- (E) Dressing.

(ii) The client has current behavioral episodes resulting

in:

(A) Physical injury to the client or others;

(B) Substantial damage to property; and/or

(C) Chronic sleep pattern disturbances or chronic continuous screaming behavior.

(iii) The client has medical problems requiring substantial extra care; and/or

(iv) The family is:

(A) Experiencing acute and/or chronic stress;

(B) Has acute or chronic physical limitations; or

(C) Has acute or chronic mental or emotional limitations.

(d) Service need level 4: Family needs temporary or ongoing services in order to:

(i) Receive support to relieve and/or prevent stress of caregiver/family; or

(ii) Enhance the current functioning of the family.

(3) The department shall determine service need level of the client's service request by reviewing information received from the client, family, and other sources about:

(a) Whether client is an active recipient of services from the division of children and family services or adult protective services;

(b) Whether indicators of risk of out-of-home placement exist, and the imminence of such an event. The department's assessment of such risk may include:

(i) Review of family's requests for placement;

(ii) History of family's involvement with children's protective services or adult protective services;

(iii) Client's current adjustment;

(iv) Parental history of psychiatric hospitalization;

(v) Clinical assessment of family's condition; and

(vi) Statements from other professionals.

(c) Caregiver conditions, such as acute and/or chronic:

(i) ~~((Acute and/or chronic))~~ Stress;

(ii) ~~((Acute and/or chronic))~~ Physical limitations; and

(iii) ~~((Acute and/or chronic))~~ Mental and/or emotional impairments.

(d) Client's need for intense medical, physical, or behavioral support;

(e) Family's ability to use typical community resources;

(f) Availability of private, local, state, or federal resources to help meet the need for family support;

(g) Severity and chronicity of family or client problems; and

(h) Degree to which family support services will:

(i) Ameliorate or alleviate such problems; and

(ii) Reduce the risk of out-of-home placement.

~~((4) Beginning May 1, 1992, the department's revised service need level definitions shall be in effect. The department's service need levels currently defined under section 223 of this chapter shall remain in effect through April 1992.))~~

WSR 93-21-080
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
(Health)

[Order 3653—Filed October 20, 1993, 11:24 a.m., effective October 21, 1993, 12:01 a.m.]

Date of Adoption: October 20, 1993.

Purpose: New chapter 388-43 WAC, Deaf and hard of hearing services, defines the Office of Deaf and Hard of Hearing Services (ODHHS), repeals chapter 248-172 WAC from the Department of Health, makes changes in the telecommunications access service (TAS) equipment redistribution process as mandated by SHB 1752 in 1993.

Citation of Existing Rules Affected by this Order Repealing chapter 248-172 WAC, General provisions.

Statutory Authority for Adoption: RCW 43.20A.720 43.20A.725, and 43.20A.730.

Other Authority: SHB 1752.

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

Reasons for this Finding: Places the rules under the Department of Social and Health Services, Office of Deaf and Hard of Hearing Services. Creates new rules in the telecommunications access service equipment redistribution process as mandated by 1993 legislative changes.

Effective Date of Rule: October 21, 1993, 12:01 a.m.

October 20, 1993

Dewey Brock, Chief
Office of Vendor Service

**Chapter 388-43 WAC
DEAF AND HARD OF HEARING SERVICES**

NEW SECTION

WAC 388-43-001 Scope. (1) The office of deaf and hard of hearing services (ODHHS) within the department of social and health services (DSHS):

(a) Provides DSHS information relating to deaf, hard of hearing, and/or deaf-blind;

(b) Provides DSHS technical assistance regarding deafness;

(c) Provides DSHS training and workshops on deafness; and

(d) Assists DSHS in securing sign language interpreters services for DSHS deaf clients.

(2) ODHHS maintains and oversees the telecommunication access services (TDD relay and distribution program), and serves as administrator responsible for the DSHS advisory committee on deafness.

NEW SECTION

WAC 388-43-002 Regional centers. The office of deaf and hard of hearing services (ODHHS) shall contract with regional centers for the deaf and hard of hearing.

NEW SECTION

WAC 388-43-003 Services. (1) Within the available funds, contractors shall provide quality human services for a person who is deaf or hard of hearing.

(2) Within available funds, and as specified by contract, the department shall ensure the Washington regional service centers provide:

(a) Information services relating to deafness services;

(b) Coordination among private and public agencies, the office of deaf and hard of hearing services (ODHHS), regions, and the deaf community;

(c) Training and consultative services to public and private agencies;

(d) Advocacy for a deaf or hard of hearing client;

(e) Assistance to a deaf or hard of hearing client in applying for and securing programs and services from DSHS; and

(f) Assistance and perform other duties relating to deafness as required by the contract.

NEW SECTION

WAC 388-43-005 Definitions. The following definitions shall apply in this chapter, unless the context otherwise requires:

(1) "Amplifier" means an electrical device for use with a telephone which amplifies the sounds being received during a telephone call or a telephone with built-in amplification.

(2) "Applicant" means a person who applies for a teletypewriter (hereinafter TTY), amplifier, telebraille, large visual display, or signal device.

(3) "Audiologist" means a person who has a masters or doctoral degree in audiology and a certificate of clinical competence in audiology from the American Speech, Hearing, and Language Association.

(4) "Deaf" means a condition of severe or complete absence of auditory sensitivity where the primary effective receptive communication mode is visual or tactile, or both.

(5) "Deaf-blind" means a hearing loss and a visual impairment that require use of a TTY to communicate effectively on the telephone, and may require a specific telecommunications device for a person with limited sight, as certified under WAC 388-43-010.

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

(7) "Distribution center" means a facility under contract to DSHS services including but not limited to:

(a) Providing literature about TAS programs;

(b) Providing space for qualified trainers to instruct recipients in the use of telecommunications equipment;

(c) Providing storage space for telecommunications equipment; and

(d) Point of contact for persons to communicate with ODHHS or TAS.

(8) "Federal poverty level guidelines" means the poverty level established by P.L. 97-35 § 52 (codified at 42 USC § 9747), § 673(2) (codified at 42 USC § 99202(2)) as amended; and the Poverty Income Guideline updated annually in the Federal Register.

(9) "Hard of hearing" means a condition of some absence of auditory sensitivity with residual hearing which may be sufficient to process linguistic information through audition with or without amplification under favorable listening conditions, or a condition of other auditory handicapping conditions.

(10) "Hearing disabled" means a hearing loss that requires use of either a TTY, telebraille, large visual display or an amplifier to communicate effectively on the telephone, and may require the use of a signal device to indicate when the telephone is ringing, as certified under WAC 388-43-010.

(11) "ODHHS" means the office of deaf and hard of hearing services, department of social and health services.

(12) "Official application date" means the date the department received the completed telecommunications equipment application form.

(13) "Qualified trainer" means a person knowledgeable about the appropriate use of TTYs, amplifiers, telebrailles, and/or signal devices, capable of instructing recipients with differing hearing and vision disabilities. The qualified trainer shall be fluent in American Sign Language and able to communicate with persons with a hearing or speech disability who use other communication modes.

(14) "Recipient" means a person who or organization which has received a state-issued TTY, amplifier, telebraille, large visual display, or signal device.

(15) "School age" means a child five years to seventeen years of age.

(16) "Signal device" means a electronic device that alerts a hearing impaired or deaf-blind recipient of an incoming telephone call.

(17) "Speech disabled" means a speech disability that requires the use of a TTY to communicate effectively on the telephone.

(18) "TAS" means the telecommunications access service, governed by the office of deaf and hard of hearing services, department of social and health services.

(19) "Telebraille" means an electrical device for use with a telephone and TTY that utilizes a braille display to receive messages.

(20) "Telecommunications equipment/device" means amplifier, TTY, telebraille, large visual display, and signaling devices.

(21) "Telecommunications relay center" means a facility authorized by DSHS to provide telecommunications relay services.

(22) "Telecommunications relay service (TRS)" means a telephone service through facilities equipped with specialized equipment and staffed by communications assistants who relay conversations between people who use TTYs and people who use the general telephone network.

(23) "Teletypewriter (TTY)" means an electrical device for use with a telephone that utilizes a keyboard, acoustic coupler, and display screen to transmit and receive messages. Also known as "TDD" (telecommunications device for the deaf) or "TT" (text telephone).

NEW SECTION

WAC 388-43-010 Eligibility requirements. (1) An eligible applicant shall:

- (a) Be hearing or speech disabled or deaf-blind; and
- (b) Be resident of Washington state; and
- (c) Be at least school age as defined under WAC 388-43-005(15); and

(d) Meet total annual family income and family size requirements as set forth under section 020 of this chapter.

(2) An eligible applicant shall be certified in writing as hearing disabled, speech disabled, or deaf-blind by one of the following:

(a) A person licensed to practice medicine in the state of Washington;

(b) An audiologist in Washington as specified under WAC 388-43-005;

(c) A vocational rehabilitation counselor in a local division of vocational rehabilitation office;

(d) A deaf specialist or coordinator at one of the community service centers for the deaf and hard of hearing in the state.

(e) A deaf-blind specialist or coordinator at Helen Keller regional office, Washington deaf-blind service center, or eye specialist; or

(f) A certified speech pathologist practicing in the state of Washington.

(3) TAS may require additional documentation to determine if the applicant meets the eligibility requirements under sections 010 and 020 of this chapter.

(4) At the time an applicant applies for equipment, the applicant shall provide the department information on family income and family size.

(5) At the time an applicant applies for equipment, the department shall notify the applicant of the legal consequences if the applicant provides false information.

(6) The department shall ensure an eligible organization meets the following criteria:

(a) The organization must provide a copy of the certificate of incorporation as a nonprofit organization and its bylaws, to indicate that the intent of the organization is to

represent the hearing or speech disabled or deaf-blind persons statewide;

(b) The organization must have represented hearing or speech disabled or deaf-blind persons statewide in the last three years; and

(c) The organization must have a telephone number which is either listed or available through statewide publicity for the hearing disabled.

NEW SECTION

WAC 388-43-020 Approval of application for initial device or request for replacement device. (1) An applicant shall fill out an:

- (a) Application form; and
- (b) Declaration of income statement.

(2) If the department determines an applicant is eligible, TAS shall approve the application except as provided under WAC 388-43-030 (1)(a) or (b).

(3) An eligible applicant's reported total family income and family size described under this subsection shall determine the applicant's level of financial responsibility in obtaining the equipment under the following federal poverty guidelines:

(a) Federal Poverty Level (Annual Income)

Family Size	100%	166%	177%	189%	200%
1	6,970.0	11,570.2	12,336.9	13,173.3	13,940.0
2	9,430.0	15,653.8	16,691.1	17,822.7	18,860.0
3	11,890.0	19,737.4	21,045.3	22,472.1	23,780.0
4	13,450.0	23,821.0	25,399.5	27,121.5	28,700.0
5	16,810.0	27,904.6	29,753.7	31,770.9	33,620.0
6	19,270.0	31,988.2	34,107.9	36,420.3	38,540.0
7	21,730.0	36,071.8	38,462.1	41,069.7	43,460.0
8	24,190.0	40,155.4	42,816.3	45,719.1	48,380.0
*9	26,650.0	44,239.0	47,170.5	50,368.5	53,300.0
*10	29,110.0	48,322.6	51,524.7	55,017.9	58,220.0
*11	31,570.0	52,406.2	55,878.9	59,667.3	63,140.0
*12	34,030.0	56,489.8	60,233.1	64,316.7	68,060.0

* More than 8 = Add \$2,460.00 for each additional person

(b) Sliding Scale of Participation

(Percent of equipment cost applicant is required to pay)

Percent of Federal Poverty Level	Client Pays Percent of Equipment Cost
0 - 165	0
166 - 176	25
177 - 188	50
189 - 199	75
200 and above	100

(4) A recipient of equipment shall own the equipment, with the exception of a telebraille and tactile signalling device, if the department distributed the equipment before May 15, 1993. When a telecommunications device distributed before May 15, 1993 breaks after warranty has expired, the recipient shall renew his or her application for equipment as an original applicant as described under this chapter.

(5) The department shall provide an eligible recipient initial or replacement equipment based on the availability of equipment and/or funds.

(6)(a) Family size is an individual or an individual and the individual's spouse, if not legally separated, and the individual's dependents;

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(b) Dependent means a relative who depends on the family income for at least half of their support.

(7) Income includes, but is not limited to:

(a) Earned income, such as wages and tips;

(b) Unearned income, such as interest, dividends, and pensions;

(c) Family's share of income from S corporations¹, partnerships, estates, and trusts;

(d) Gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property;

(e) Gain from the sale or exchange of the family's main home;

(f) Accumulation distributions from trusts;

(g) Scholarships and fellowship grants;

(h) Original issue discount, distribution from SEPs² and DEC³;

(i) Amounts received in place of wages from accident and health plans if the employer paid for the policy;

(j) Bartering income;

(k) Tier 2 and supplemental annuities under the Railroad Retirement Act;

(l) Life insurance proceeds from a policy the family cashed in if the proceeds are more than the premiums paid;

(m) Endowments;

(n) Lump-sum distribution;

(o) Prizes and awards;

(p) Gambling winnings;

(q) Social Security;

(r) Capital gains;

(s) Child support received.

¹ An S corporation is a domestic corporation with one class of stock having 35 or less shareholders who are US citizens.

² An SEP is a Simplified Employee Pension.

³ A DEC is a deductible Employee Contribution.

NEW SECTION

WAC 388-43-030 Denial of initial application or request for replacement device. (1) Denial of initial application. TAS shall deny an original application for a TTY, amplifier, telebraille, large visual display, or signal device if an applicant:

(a) Does not meet the eligibility requirements of WAC 388-43-010; or

(b) Has already been issued a similar device from TAS.

(2) Denial of replacement request. TAS shall deny a request for replacement of a TTY, amplifier, telebraille, large visual display, or signal device if the recipient:

(a) Reported a family income of one hundred sixty-five percent and above on the federal poverty level; or

(b) Subjected a previously issued device, either through negligence or intent, to abuse, misuse, unauthorized repair, or other negligent or intentional conduct which resulted in damage to the equipment; or

(c) Failed to file with the police a report of stolen equipment within fifteen working days of discovering the theft; or

(d) Failed to file with the police or the fire department a report of fire having damaged the equipment within fifteen working days of the incident of the fire; or

(e) Lost the equipment; or

(f) Failed to obtain approval from the department before moving or traveling out of state with state-loaned equipment.

NEW SECTION

WAC 388-43-040 Application renewal process. (1) An applicant may renew application for telecommunications equipment when two years have elapsed since the initial distribution or when the equipment breaks, whichever comes later.

(2) When either two years have elapsed since initial distribution or the equipment breaks, the applicant shall:

(a) Complete a new application including recent information on total annual family income and family size.

(b) Undergo the same procedures as first-time applicants.

NEW SECTION

WAC 388-43-050 Notice of approval or denial. (1) Approved applications. When an original application has been approved, TAS shall inform the applicant in writing of:

(a) The official date the department received the applicant's completed application form;

(b) The time line by which a qualified trainer will contact the applicant.

(2) A qualified trainer shall notify the eligible applicant:

(a) That the applicant was approved to receive a TTY, amplifier, telebraille, large visual display, or signal device; and

(b) To arrange for training and distribution.

(3) Denied applications. If the department denies an original application, TAS shall inform the applicant in writing of:

(a) The official date the applicant's completed application form was received by the department;

(b) The reasons for the denial; and

(c) Any applicable procedures for appeal, as well as the circumstances under which the applicant may re-apply.

NEW SECTION

WAC 388-43-060 Review by department. (1) An applicant or recipient, whose application for an original or replacement device governed under this chapter has been denied, may request the department to review this decision. The applicant or recipient shall:

(a) Submit this request in writing to TAS specifying the basis for the request; and

(b) Ensure TAS receives this request within thirty days of the receipt of the denial notice.

(2) Within thirty days after TAS has received the request for review by ODHHS, the department shall inform the applicant or recipient in writing of the disposition of the request.

(3) If the applicant or recipient disagrees with the decision by the department, the applicant or recipient may appeal as described under chapters 10-08 and 388-08 WAC.

NEW SECTION

WAC 388-43-070 Distribution. (1) The department shall issue personal service contracts to qualified persons or agencies to act as qualified trainers. The department shall ensure reasonable accessibility to such training for a person with a hearing or speech disability or for a person who is deaf-blind.

(2) A qualified trainer shall have various responsibilities, which include, but are not limited to:

(a) Conducting individual and group training for the applicants in the use of the equipment;

(b) Conducting individual and group training for the applicants in the use of the telecommunications relay service;

(c) Requiring all recipients, legal guardians, or legal custodians to sign:

(i) A conditions of acceptance form for state-owned equipment; or

(ii) A statement of rights and responsibilities for client-owned equipment.

(d) Distributing TTYs, amplifiers, telebrailles, large visual displays, and signal devices to applicants; and

(e) Submitting monthly reports and billing as required by TAS.

(3) In the use of any devices distributed under this chapter, neither the TAS nor the contracted qualified trainers shall provide:

(a) Replacement batteries for any telecommunications equipment;

(b) Replacement paper for TTYs;

(c) Replacement light bulbs for signal devices;

(d) Payment of the recipient's telephone bill; or

(e) Any other extraneous cost incurred by the recipient.

NEW SECTION

WAC 388-43-080 Training. (1) The qualified trainers shall provide training on proper equipment use and care to all recipients, legal guardians, or legal custodians.

(2) The qualified trainers shall be responsible for determining the training needs of the recipients and the time and length of training that would be most appropriate.

(3) The department shall not issue a device until an applicant has demonstrated ability to properly utilize all equipment issued to the applicant. The department may waive this requirement through a written release in which the applicant attests that the applicant has the ability to properly utilize all equipment issued to the applicant.

(4) If the applicant is seventeen years of age or younger, the applicant's legal guardian or legal custodian shall attend the training on appropriate equipment use and care.

NEW SECTION

WAC 388-43-090 Ownership and liability. (1) The department shall provide TTYs, amplifiers, telebrailles, large visual displays, and signal devices to a person eligible under subsection (1)(a), (b), and (c) of this section at no charge in addition to the basic exchange rate if:

(a) The person is eligible for participation in the Washington telephone assistance program under RCW 80.36.470;

(b) The person's annual family income is equal to or less than one hundred sixty-five percent of the federal poverty level; or

(c) The person is a child five years to seventeen years of age whose parent or guardian has a family income less than or equal to two hundred percent of the federal poverty level.

(2) After determining the person may be eligible to receive the telecommunications equipment at no charge, the department shall:

(a) Loan the equipment as needed by the applicant; and

(b) Ensure the applicant understands that the equipment remains the sole property of the state of Washington.

(3) A recipient, the recipient's legal guardian, or the recipient's legal custodian shall return a state-loaned TTY and/or other device to the TAS or appropriate distribution center when the recipient:

(a) Moves from a permanent Washington residence to a location outside of Washington;

(b) Does not have need of the state-loaned telecommunications device; or

(c) Has been notified by TAS to return the device.

(4) A recipient, the recipient's legal guardian, or the recipient's legal custodian shall be liable for any damage to or loss of any device issued under this chapter.

(5) TAS may deny a replacement request if a previously issued device:

(a) Was neglected, abused, misused, or abused through unintentional conduct causing damage;

(b) Was not reported as stolen or burned to either police or fire department within fifteen working days; or

(c) Was lost.

(6) TAS shall establish policies for the sale or salvage of any device returned and not appropriate for reassignment.

(7) A person shall not remove a state-owned TTY amplifier, telebraille, large visual display, or other signal device from the state of Washington for a period longer than ninety days without the written permission of TAS.

(8) TAS may grant permission to remove a state-owned TTY, amplifier, telebraille, large visual display, or signal device from the state for more than ninety days after determining it is in the best interest of the recipient and the department.

(9) A person eligible under subsection (1)(b) of this section with a family income greater than one hundred sixty-five percent and less than or equal to two hundred percent of the federal poverty level shall be assessed a charge for the cost of TTYs, amplifiers, telebrailles, large visual displays and signal devices based on a sliding scale of charges established under WAC 388-43-020 (2)(a) and (b).

(10) The department shall determine all TTYs, amplifiers, telebrailles, large displays, and signal devices under chapter 304, Laws of 1987, for which the recipient paid all or part of the equipment's cost to be the sole property of the recipient. The department shall determine the level of financial responsibility toward the purchase of the equipment by the federal poverty level guidelines as described under WAC 388-43-020 (2)(a) and (b).

(11) The department shall provide an eligible recipient a two-year warranty on equipment valued at four hundred dollars or more.

(12) Limiting the number of TTYs per household. The department shall consider that the telecommunications equipment needs of all household members have been met when one TTY has been issued to that household, unless exceptional circumstances are defined and approved by the department.

(13) The department shall receive payment before an eligible recipient receives a TTY, amplifier, telebraille, large visual display, or a signal device.

(14) A recipient shall sign and agree to warranty requirements on a TTY, telebraille, or large visual display at the time the recipient purchases this equipment.

(15) A recipient shall not receive a financial refund for the return of a TTY, amplifier, telebraille, large visual display, or signal device unless:

(a) The equipment is returned to the TAS office within thirty days after it was received by the client; and

(b) The equipment is clean, in good condition and in its original packaging.

(16) The department shall charge a person, eligible under subsection (1)(b) of this section whose income exceeds two hundred percent of the federal poverty level, the entire cost to the department of purchasing the equipment provided to that person.

(17) The department may waive part or all of the charges assessed under sections 010 and 020 if the department finds that:

(a) The eligible person requires telebraille equipment or other equipment of similar cost; or

(b) The charges normally assessed for the equipment under this subsection would create an exceptional or undue hardship on the eligible person.

(18) The department may determine certification of family income by the eligible person, the person's guardian, or head of household as sufficient to determine eligibility.

NEW SECTION

WAC 388-43-100 TRS advisory committee appointment. (1) The office of ODHHS and TAS shall select members for the TRS advisory committee per current DSHS procedures as mandated by the department's division of legislative and community relations. The TRS advisory committee shall include representation from:

(a) Major statewide organizations representing persons with hearing or speech disabilities;

(b) Organizations for persons with hearing or speech disabilities located in areas of the state with high populations of such persons;

(c) Organizations that reflect the different geographic regions of the state;

(d) The department;

(e) The Washington utilities and transportation commission;

(f) Local telephone exchange companies; and

(g) Agencies providing services to persons with hearing or speech disabilities, provided the persons are not employees or board members of an organization or agency under contract with ODHHS or TAS.

(2) The committee's voting members shall consist of thirteen persons or less.

(3) A member's term of office on the committee shall be two years with the possibility of re-appointment for the second term.

(4) Members as described under subsection (1) of this section shall have voting rights. Technical advisors to the committee shall serve as ex-officio members.

(5) The committee shall determine the appointment of the chairperson for that committee by vote of the membership.

(6) The committee shall submit reports four or more times per year to the administrators and operators of the TRS statewide relay service. The committee shall:

(a) Report on the extent to which the relay system is meeting the needs of disabled citizens in the state; and

(b) Include program elements that are successful, program elements in need of improvement, and any recommendations from the committee.

(7) The committee shall establish eligibility criteria for statewide organizations representing persons with hearing or speech disabilities in obtaining telecommunications devices under RCW 43.20A.725(1). In order to apply for equipment through the department, the organization shall be representing persons who are hearing or speech disabled and/or deaf-blind. The committee shall decide in which offices the equipment shall be installed if an organization has more than one office.

(8) The committee shall provide consultation to the department on the activities and money spent by the department for the TAS program.

NEW SECTION

WAC 388-43-110 Telecommunications relay service. The department shall award contracts for the operation and maintenance of the statewide telecommunications relay service.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-172-101	Definitions.
WAC 248-172-201	Eligibility requirements.
WAC 248-172-202	Approval of application for initial device or request for replacement device.
WAC 248-172-203	Denial of initial application or request for replacement device.
WAC 248-172-204	Reapplication process.
WAC 248-172-205	Notice of approval or denial.
WAC 248-172-206	Review by department.
WAC 248-172-301	Distribution centers.
WAC 248-172-302	Training.
WAC 248-172-303	Ownership and liability.
WAC 248-172-304	Out-of-state use.
WAC 248-172-401	TDD advisory committee appointment.
WAC 248-172-402	Responsibility of TDD advisory committee.

WSR 93-21-010
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
[Memorandum—October 7, 1993]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, November 18, 1993, and Friday, November 19, 1993, in the Natural Resource Building (NRB) Conference Room 172 beginning at 8:00 a.m.

This meeting is a funding recommendation session for nonhighway and off road vehicle (NOVA) NHR and ORV programs, as well as for local agency Initiative 215 applications. The funding consideration will begin at 9:00 a.m.

Other planned agenda items include: Adoption of the NOVA plan; adoption of recommendations concerning WWRP processes for FY 95-97; review of matters related to a Petition for Declaratory Order (R. Welsh, Petitioner); and review of SCORP planning processes. In addition, an open house of IAC's facilities in the Natural Resource Building will be scheduled.

If you plan to participate or have materials for committee review, please submit information to IAC no later than October 28, 1993. This will allow time for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by Thursday, November 4, 1993, at (206) 902-3000 or TDD (206) 902-1996.

WSR 93-21-015
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—October 8, 1993]

The board of trustees of South Puget Sound Community College District 24 agreed to change the Thursday, November 3, 1993, regular meeting to Tuesday, November 9, 1993. Additionally, the board agreed to change the Thursday, April 7, 1994, regular meeting to Thursday, April 14, 1994.

WSR 93-21-021
RULES OF COURT
STATE SUPREME COURT
[October 7, 1993]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO ER 904,) NO. 25700-A-532
CR 5 (d)(1), RPC 1.12,)
RLD 2.3 (f)(3), RLD 2.4 (d))
(5)-(7), RLD 4.14 (c) and)
(d), RLD 5.5A(e), RLD 11.1(g),)
and CR 33)

The Washington State Bar Association having recommended the adoption of the proposed amendments to ER 904, CR 5 (d)(1), RPC 1.12, RLD 2.3 (f)(3), RLD 2.4 (d)(5)-(7), RLD 4.14 (c) and (d), RLD 5.5A(e), RLD 11.1(g) and CR 33, and the Court having determined that the

proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

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

DATED at Olympia, Washington this 7th day of October, 1993.

James A. Andersen
Chief Justice

Charles Z. Smith

J. M. Dolliver

Durham, J.

Robert F. Brachtenbach

Johnson, J.

Richard P. Guy

Madsen, J.

CR 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) - (c) Unchanged.

(d) Filing.

(1) Time. Complaints shall be filed as provided in rule 3(a). Except as provided for discovery materials in section (i) of this rule and for documents accompanying a notice under ER 904(b), all pleadings and other papers after the complaint required to be served upon a party shall be filed with the court either before service or promptly thereafter.

(2) - (4) Unchanged.

(e) - (i) Unchanged.

ER 904
ADMISSIBILITY OF DOCUMENTS

(a) Unchanged.

(b) Notice. Any party intending to offer a document under this rule must serve on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least 30 days prior to trial. The notice shall be filed with the court. Copies of documents that accompany the notice shall not be filed with the court.

(c) Unchanged.

PROPOSED AMENDMENT
Rules of Professional Conduct (RPC)
RPC 1.12

FORMER JUDGE, OR ARBITRATOR, OR MEDIATOR

(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer, arbitrator, mediator or law clerk to

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such a person, unless all parties to the proceeding consent after disclosure.

(b) Any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer, or arbitrator. A lawyer serving as a law clerk to a judge, other adjudicative officer, ~~or arbitrator, or mediator~~ may negotiate for employment with a party or attorney involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge, other adjudicative officer, ~~or arbitrator, or mediator~~.

(c) [No change].

(d) [No change].

Proposed Amendments

Rules for Lawyer Discipline (RLD)

Rules 2.3 (f)(3), 2.4 (d)(5)-(7),

4.14 (c),(d), 5.5A(e), and 11.1(g)

RULE 2.3 DISCIPLINARY BOARD

(a) Membership. [no change]

(b) Terms Of Office. [no change]

(c) Chairperson. [no change]

(d) Vacancies. [no change]

(e) Pro Tempore Members. [no change]

(f) Authority of Board. The Board shall have the power and authority to:

(1) Review each proceeding in which a recommendation of disbarment, suspension, or transfer to disability inactive status has been made by a hearing officer or panel;

(2) Review each proceeding in which a recommendation other than disbarment or suspension from the practice of law has been made by a hearing officer or panel, including a recommendation of dismissal, upon an appeal filed pursuant to rule 6.1(b);

(3) Review stipulations entered into pursuant to rule 4.14 ~~when such stipulations provide for suspension or disbarment;~~

(4) Review any prehearing ruling of a hearing officer or panel, upon request for review by either the respondent lawyer or disciplinary counsel, where the chairperson of the Board determines that such review is necessary and appropriate and will serve the ends of justice;

(5) Review the decision of a review committee dismissing allegations of misconduct by a lawyer when such review is directed by the chairperson of the Board, and upon such review order a hearing on the alleged misconduct, dismiss the matter, issue an advisory letter pursuant to rule 5.5, issue an admonition pursuant to rule 5.5A, or order such further investigation as may appear appropriate;

(6) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Board of Governors or Supreme Court, or as may be necessary and proper to carry out its duties.

(g) Meetings. [no change]

(h) Clerk. [no change]

RULE 2.4 REVIEW COMMITTEES

(a) Membership. [no change]

(b) Chairperson. [no change]

(c) Terms of Office. [no change]

(d) Authority of Review Committees. Each review committee shall have the power and authority to:

(1) Review reports on investigations of alleged acts of misconduct by a lawyer, and upon such review order a hearing on the alleged misconduct, issue an admonition, dismiss the matter, issue an advisory letter, or direct such further investigation as may appear appropriate;

(2) Order that an investigation into an alleged act of misconduct by a lawyer be deferred when it appears that the allegations are substantially similar to those in pending civil or criminal litigation, or when the lawyer against whom a grievance is filed is physically or mentally unable to respond to the investigation, or for other good cause, where it appears that such deferral will not endanger the public;

(3) Review reports on investigations into allegations that a lawyer is mentally physically unable to conduct the practice of law, and upon such review order a hearing into the capacity of the lawyer to conduct the practice of law, dismiss the matter, or direct such further investigation as may appear appropriate;

(4) Reconsider grievances conditionally dismissed by disciplinary counsel, when the grievant has disputed the dismissal and the grievance has not been reopened, and upon such reconsideration affirm the dismissal, order a hearing on the alleged misconduct, issue an advisory letter, or direct such further investigation as may appear appropriate;

~~(5) Review stipulations entered into pursuant to rule 4.11, other than stipulations for suspension or disbarment, and approve or reject such stipulations;~~

~~(6) Make determinations of whether a crime is a "serious crime" under rule 3.1 and authorize proceedings for suspension of a lawyer upon finding of risk to the public pursuant to rule 3.2(a);~~

~~(7) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Disciplinary Board or the Board of Governors, or as may be necessary and proper to carry out its duties.~~

(e) Distribution of Cases. [no change]

(f) Meetings. [no change]

RULE 4.14 STIPULATIONS

(a) Requirements. [no change]

(b) Form. A stipulation for discipline shall:

(1) Set forth the material facts relating to the particular acts or omissions of the respondent lawyer in such detail as to enable ~~a review committee or~~ the Board to form an opinion as to the propriety of the discipline being agreed upon, and, if approved, to make the stipulation useful in any subsequent disciplinary proceeding against the respondent lawyer;

(2) Set forth the respondent lawyer's prior disciplinary record or the absence of such record;

(3) State that the stipulation is not binding on the Association as a statement of all existing facts relating to the professional conduct of the respondent lawyer, but that any additional existing facts may be proven in any subsequent disciplinary proceeding; and

(4) Fix the amount of the costs and expenses to be paid by the lawyer.

(c) Approval. All stipulations providing for suspension or disbarment shall be filed with the Board. Any other stipulation shall be filed with a review committee. A

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stipulation may be presented to the Board ~~or to a review committee~~ without notice and shall be reviewed solely on the basis of the record as agreed upon by the respondent lawyer and disciplinary counsel. The Board ~~or review committee~~ may either approve a stipulation or reject it. Regardless of the provisions of rule 11.1(g), the Board ~~or a review committee~~ may direct that information or documents considered in reviewing a stipulation be kept confidential.

(d) Stipulation Not Approved. If a stipulation is not approved ~~by a review committee~~ or by the Board as herein provided, then the stipulation shall be of no force and effect and neither it nor the fact of its execution shall be admissible in evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or criminal action.

(e) Failure To Comply. [no change]

RULES 5.5A ADMONITION

(a) Grounds. [no change]

(b) Effect. [no change]

(c) Protest. [no change]

(d) Action on Board Review. [no change]

(e) Admonition Not Public. An admonition shall not be a public matter, unless a stipulation approved by ~~a review committee~~ or the Disciplinary Board provides that the admonition shall be public, or the admonition is admitted into evidence in a public disciplinary proceeding, or issued by the Board after a hearing under section (d).

TITLE 11. ACCESS TO DISCIPLINARY INFORMATION

RULE 11.1 PENDING INVESTIGATIONS AND PROCEEDINGS

(a) Investigations Confidential. [no change]

(b) Release May Be Authorized. [no change]

(c) Proceedings Public. [no change]

(d) Matters Which Are Public. [no change]

(e) Matters Which Are Not Public. [no change]

(f) Protective Orders. [no change]

(g) Application to Stipulations. A stipulation entered into pursuant to rule 4.14 shall be confidential until approved by ~~a review committee~~ or the Board, except that a grievant may be advised concerning a stipulation and its proposed or actual content at any time. A stipulation which is approved by ~~a review committee~~ or the Board shall be public, except that a stipulation entered into prior to the filing of a formal complaint and which provides for dismissal or conditional dismissal of a grievance without the imposition of a disciplinary sanction shall be confidential, unless and until proceedings are instituted for failure to comply with the conditions of the stipulation.

(h) Application to title 3 Suspensions. [no change]

(i) Application for Disability Proceedings. [no change]

(j) Application to Reinstatement Proceedings. [no change]

(k) Regulations. [no change]

(l) Wrongful Disclosure. [no change]

CR 33 (a), (b)

(a) Availability; Procedures for Use. Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a

public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after the summons and a copy of the complaint are served upon the defendant, or the complaint is filed, whichever shall first occur, and upon any other party with or after service of the summons and complaint upon that party.

Interrogatories shall be so arranged that after each separate question there shall appear a blank space reasonably calculated to enable the answering party to ~~have his answer typed in place the written response~~. In the event the responding party either chooses to place the response on a separate page or pages or must do so in order to complete the response, the responding party shall clearly denote the number of the question to which the response relates, including the subpart thereof if applicable. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories, except that a defendant may serve answers or objections within 40 days after service of the summons and complaint upon that defendant. The parties may stipulate or any party may move for an order under rule 37(a) with respect to any objection to or other failure to answer an interrogatory.

(b) Scope; Use at Trial. Interrogatories may relate to any matters which can be inquired into under rule 26(b), and the answers may be used to the extent permitted by the Rules of Evidence.

An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.

An interrogatory otherwise proper is not objectionable merely because the propounding party may have other access to the requested information or has the burden of proof on the subject matter of the interrogatory at trial.

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

WSR 93-21-028 NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—October 13, 1993]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on

Wednesday, October 20, 1993, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

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

WSR 93-21-029
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
 [Memorandum—October 14, 1993]

NOTIFICATION OF SPECIAL MEETING

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special meeting on Friday, October 15, 1993, at 8:00 a.m. in the Board Room at 237 West Kellogg Road, Bellingham, WA. The purpose of the meeting will be to discuss policy concerns regarding the release of information to the public. Action may be taken. There may be an executive session on pending legal matters that may occur.

October 15, 1993 8:00 a.m. Whatcom Community College
 Friday Board Room
 237 West Kellogg Road
 Bellingham, WA 98226

WSR 93-21-030
ATTORNEY GENERAL OPINION
Cite as: AGO 1993 No. 14
 [September 9, 1993]

IRRIGATION—DISTRICTS—PROPERTY—ATTORNEYS—FEES—COSTS—Ability of an irrigation district to recover attorneys' fees when foreclosing a delinquent assessment

RCW 87.03.271 provides that the lien for a delinquent irrigation district assessment includes costs such as attorneys' fees. When the lien is foreclosed pursuant to the procedure set forth in chapter 87.06 RCW, the irrigation district may recover costs, including reasonable attorneys' fees.

Requested by:

Honorable Margaret Rayburn
 State Representative, District 15
 301 John L. O'Brien Building, MS 40629
 Olympia, WA 98504-0629

WSR 93-21-031
ATTORNEY GENERAL OPINION
Cite as: AGO 1993 No. 15
 [September 20, 1993]

HEALTH CARE FACILITIES AUTHORITY—HOSPITALS—FEES—Ability of the Washington Health Care Facilities Authority to acquire and lease health care facilities

1. RCW 70.37.040(5) empowers the Washington Health Care Facilities Authority to lease or sell health care facilities which the Authority has acquired.

2. RCW 70.37.090 grants the Washington Health Care Facilities Authority the power to charge participants fee to finance projects and to defray the Authority's administrative expenses. Fees paid by participants in a project may be used by the Authority for the purpose of acquiring a health care facility that it will lease or sell to the participants. However, fees collected to defray the Authority's administrative expenses may not be used for this purpose.

Requested by:

John Van Gorkom
 Executive Director
 Washington Health Care Facilities Authority
 1212 Jefferson Street S.E. #201, MS 40935
 Olympia, WA 98504-0935

WSR 93-21-032
ATTORNEY GENERAL OPINION
Cite as: AGO 1993 No. 16
 [October 11, 1993]

INITIATIVES AND REFERENDUM—APPROPRIATIONS—TAXATION—Interpretation of provisions of Initiatives 601 and 602 that deal with the same subject in different ways

1. When two statutes passed by the Legislature deal with the same subject in different ways, the court will try to avoid any conflict by harmonizing the statutes, giving effect and meaning to both. If the statutes cannot be harmonized, the court usually applies the statute enacted later on the theory that it repeals the earlier statute.
2. Initiatives 601 and 602 deal with state revenue collections and expenditures in different ways. Certain provisions of these two initiatives cannot be harmonized, giving effect and meaning to both.
3. The usual rule of statutory construction that a later statute controls a conflicting statute enacted earlier does not apply in the case of two initiatives enacted simultaneously. If Initiatives 601 and 602 pass and the Legislature does not act to resolve any conflict between them, the courts will have to develop a new rule to choose between conflicting provisions of the two initiatives.

Requested by:

Honorable Peter von Reichbauer
 State Senator, District 30
 112 Institutions Building, MS 40430
 Olympia, WA 98504-0430

WSR 93-21-038
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—October 15, 1993]

Board of Trustees Meeting
 October 21, 1993
 Sno-King Room 103
 (4:30 - 7:30)

WSR 93-21-050
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
[Memorandum—October 14, 1993]

The board of trustees of Whatcom Community College, District Number Twenty-One, has cancelled its regularly scheduled meeting on November 9, 1993. It has been rescheduled to November 16, 1993.

WSR 93-21-051
RULES OF COURT
STATE SUPREME COURT
[October 13, 1993]

IN THE MATTER OF THE)
ADOPTION OF THE AMENDMENTS) ORDER
TO BJAR 1 and 2) NO. 25700-A-533

The Washington Courts 2000 (Gates Commission) having recommended the adoption of certain amendments to BJAR 1 and 2 and the Court having determined that the attached amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exist which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto adopted.
(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 13th day of October, 1993.

James A. Andersen
Chief Justice

Charles Z. Smith

Robert F. Brachtenbach

Richard P. Guy

B. Durham

Charles W. Johnson

J. M. Dolliver

Madsen, J.

BOARD FOR JUDICIAL ADMINISTRATION RULES
(BJAR)

RULE 1. BOARD FOR JUDICIAL ADMINISTRATION

It is the intent of the Supreme Court that a Board for Judicial Administration be designated to develop statewide policy to enhance the administration of justice the court system in the State of Washington courts by providing a representative means by which the judiciary can address matters that affect the administration of the courts at the state and local levels.

RULE 2. COMPOSITION

(a) Membership. The Board for Judicial Administration shall be representative of the judicial branch of government of the state of Washington and its members shall consist of the Chief Justice and Acting Chief Justice of the Supreme Court; the Presiding Chief Judge and one Chief Judge of the Court of Appeals; the President Judge and President Elect of three judges designated by the Superior Court Judges' Association; and the President and President Elect of three judges designated by the District and Municipal Court Judges' Association. and two non-voting members of the Washington State Bar Association appointed by the Board of Governors.

(b) Non-Voting Representatives. In addition the Board shall have the following non-voting representatives; two members of the Washington State Bar Association appointed by the Board of Governors; two lay persons appointed by the Chief Justice; and a trial court clerk and a trial court administrator designated by the Court Management Council.

(c) Terms of Office. The Superior Court and district and Municipal Court representatives shall serve staggered three year terms. The terms of all other members Except for the non-voting members the terms of membership of the Board shall be commensurate with the term of the officers designated in section (a) Non-voting representatives shall serve two year terms.

(ed) Operation.

(1) The Chief Justice of the Supreme Court shall be the chair of the Board.

(2) with t The vice-chair rotating shall be elected annually from among the voting members representing the other levels of the judiciary.

(3) Meetings of the board shall be called held quarterly, or more often as needed, at the discretion direction of the chair, or at the request of any two members. The Board and the Court Management Council shall meet jointly twice a year.

(4) Ad hoc and standing committees and task forces may also be established appointed for the purpose of facilitating the work of the board, conducting special studies and making recommendations to the Board for Judicial Administration. Such committees and task forces may include persons who are not members of the judiciary or of the Board such as lay persons, trial court clerks and administra [administrators].

(5) The board for Judicial Administration may speak on behalf of the judicial branch of government on those matters which it has unanimously approved and may state the position of the various levels of court on matters where there is a diversity of opinion.

(de) Scope. The Board for Judicial Administration does not replace or restrict the activities of the existing judicial associations or courts. This rule shall not be construed as extending the Supreme Court's control over the other courts.

Rule 3. STAFF

Staff for the Board for judicial Administration will be provided by the Administrator for the Courts.

Reviser's note: The typographical 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.

MISCELLANEOUS

WSR 93-21-064
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIREFIGHTERS
 [Memorandum—October 18, 1993]

The State Board for Volunteer Firefighters will meet in the Olympia Forum Building, 605 11th Avenue S.E., Suite 112, on January 24, April 15, July 15, and October 14, 1994, at 9:00 a.m.

WSR 93-21-066
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—October 19, 1993]

Correction to WSR 93-20-103 published October 20, 1993.

Change Public hearing date for Wenatchee:

Thursday, December 9, 1993 (starts 3 p.m.)
 Wenatchee City Hall
 Commissioners Conference Room
 129 South Chelan
 Wenatchee, WA

Please call Steven R. Huber at SCAN 558-2680 if you have any questions.

WSR 93-21-069
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Filed October 19, 1993, 4:53 p.m.]

The application package for the Bureau of Justice Assistance, Edward Byrne Memorial/Drug Control and System Improvement Grant Program is available for public review and comment from November 10, 1993, through November 24, 1993. This grant provides federal funds for state and local drug control programs. The package is located in the office of each city clerk for cities over 10,000 and in each county courthouse at the office of the County Clerk, and in depository libraries throughout the state. These libraries are located at:

- Central Washington University
- Eastern Washington University
- Everett Public Library
- Gonzaga University
- King County Library System
- Mount Vernon Public Library
- Seattle Public Library
- Tacoma Public Library
- University of Washington Libraries
- Washington State Library
- Washington State University Library
- Western Washington University
- Aberdeen Public Library
- Asotin County Library
- Bellingham Public Library
- Burlington Public Library
- Camas Public Library
- Clark College

- Ft. Vancouver Regional Library
- Green River Community College
- Highline Community College
- Kitsap Regional Library
- Longview Public Library
- Mid-Columbia Library
- North Olympic Library System
- Pacific Lutheran University
- Pierce County Library
- Puyallup Public Library
- Richland Public Library
- Seattle Pacific University
- Spokane County Library
- Spokane Public Library
- University of Puget Sound
- Wenatchee Public Library
- Whitman College
- Yakima Valley Regional Library

Individuals who wish to obtain a copy of the package may call Rosie Hughes at the Community Protection Unit, (206) 586-1240.

Any comment on the contents should be addressed to: Kay Boyd, Manager, Community Protection Unit, Department of Community Development, P.O. Box 48300, Olympia, WA 98504-8300.

Comments must be received by December 1, 1994 [1993].

WSR 93-21-076
ATTORNEY GENERAL OPINION
 [Filed October 20, 1993, 11:14 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by November 17, 1993. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by November 17, 1993, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (206) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, 905 Plum Street, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

MISCELLANEOUS

The Attorney General's Office seeks public input on the following opinion requests.

93-8-4 Request by Gary P. Burleson, Mason County
Prosecuting Attorney

Questions related to the appointment of pro tempore district court judges pursuant to RCW 3.34.130.

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.

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16-201	NEW-C	93-19-066	16-219-027	RESCIND	93-18-063	16-229-150	NEW-P	93-12-044
16-201-010	NEW-P	93-12-044	16-219-027	NEW-E	93-18-064	16-229-160	NEW-P	93-12-044
16-201-020	NEW-P	93-12-044	16-219-030	NEW-P	93-12-128	16-229-170	NEW-P	93-12-044
16-201-025	NEW-P	93-12-044	16-219-030	NEW-E	93-13-038	16-229-180	NEW-P	93-12-044
16-201-028	NEW-P	93-12-044	16-219-030	RESCIND	93-13-045	16-229-200	NEW-P	93-12-044
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16-201-040	NEW-P	93-12-044	16-219-030	NEW	93-16-017	16-229-220	NEW-P	93-12-044
16-201-050	NEW-P	93-12-044	16-219-030	REP-P	93-18-061	16-229-230	NEW-P	93-12-044
16-201-060	NEW-P	93-12-044	16-219-030	RESCIND	93-18-063	16-229-240	NEW-P	93-12-044
16-201-070	NEW-P	93-12-044	16-219-030	REP-E	93-18-064	16-229-250	NEW-P	93-12-044
16-201-080	NEW-P	93-12-044	16-221-001	REP-P	93-21-085	16-229-260	NEW-P	93-12-044
16-201-100	NEW-P	93-12-044	16-221-010	REP-P	93-21-085	16-229-270	NEW-P	93-12-044
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16-201-220	NEW-P	93-12-044	16-223-050	REP-P	93-21-084	16-230	AMD-C	93-16-018
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16-230-250	AMD	93-17-041	16-470-92025	NEW-E	93-20-102	50-14-040	AMD-P	93-11-087
16-230-260	AMD-E	93-12-038	16-470-92030	NEW-E	93-20-102	50-14-040	AMD	93-13-142
16-230-260	AMD-P	93-12-129	16-470-92035	NEW-E	93-20-102	50-14-050	AMD-P	93-11-087
16-230-260	AMD	93-17-041	16-470-92040	NEW-E	93-20-102	50-14-050	AMD	93-13-142
16-230-270	AMD-E	93-12-038	16-532-120	AMD-P	93-06-083	50-14-060	AMD-P	93-11-087
16-230-270	AMD-P	93-12-129	16-532-120	AMD	93-09-014	50-14-060	AMD	93-13-142
16-230-270	AMD	93-17-041	16-555-010	AMD-P	93-04-094	50-14-070	AMD-P	93-11-087
16-230-280	REP-E	93-12-038	16-555-010	AMD	93-10-063	50-14-070	AMD	93-13-142
16-230-280	REP-P	93-12-129	16-555-020	AMD-P	93-04-094	50-14-080	AMD-P	93-11-087
16-230-280	REP	93-17-041	16-555-020	AMD	93-10-063	50-14-080	AMD	93-13-142
16-230-281	NEW-E	93-12-038	16-561-100	NEW-P	93-16-070	50-14-090	AMD-P	93-11-087
16-230-281	NEW-P	93-12-129	16-561-100	NEW	93-20-088	50-14-090	AMD	93-13-142
16-230-281	NEW	93-17-041	16-561-110	NEW-P	93-16-070	50-14-100	AMD-P	93-11-087
16-230-290	AMD-E	93-12-038	16-561-110	NEW	93-20-088	50-14-100	AMD	93-13-142
16-230-290	AMD-P	93-12-129	16-561-120	NEW-P	93-16-070	50-14-110	AMD-P	93-11-087
16-230-290	AMD	93-17-041	16-561-120	NEW	93-20-088	50-14-110	AMD	93-13-142
16-230-300	REP-E	93-12-038	16-570-040	AMD-P	93-07-085	50-14-130	AMD-P	93-11-087
16-230-300	REP-P	93-12-129	16-570-040	AMD	93-11-032	50-14-130	AMD	93-13-142
16-230-300	REP	93-17-041	16-602-020	AMD-P	93-15-099	50-20-130	AMD-P	93-13-144
16-230-871	NEW-E	93-19-049	16-602-020	AMD	93-19-082	50-20-130	AMD	93-16-033
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16-316-474	AMD-P	93-19-124	16-602-040	NEW-P	93-15-100	50-30-030	AMD	93-16-032
16-316-525	AMD-P	93-19-124	16-602-040	NEW	93-19-081	50-48-100	AMD-P	93-05-052
16-316-572	AMD-P	93-19-124	16-620-150	NEW-P	93-17-059	50-48-100	AMD	93-07-113
16-316-701	AMD-P	93-19-124	16-620-270	AMD-P	93-17-059	50-60-010	NEW-E	93-21-022
16-316-715	AMD-P	93-19-124	16-674-002	REP	93-03-079	50-60-020	NEW-E	93-21-022
16-316-717	AMD-P	93-19-124	16-674-010	AMD	93-03-079	50-60-030	NEW-E	93-21-022
16-316-719	AMD-P	93-19-124	16-674-020	REP	93-03-079	50-60-040	NEW-E	93-21-022
16-316-721	AMD-P	93-19-124	16-674-060	NEW	93-03-079	50-60-050	NEW-E	93-21-022
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16-316-723	AMD-P	93-19-124	16-674-080	NEW	93-03-079	50-60-070	NEW-E	93-21-022
16-316-724	AMD-P	93-19-124	16-674-090	NEW	93-03-079	50-60-080	NEW-E	93-21-022
16-316-727	AMD-P	93-19-124	16-674-100	NEW	93-03-079	50-60-090	NEW-E	93-21-022
16-316-729	NEW-P	93-19-124	16-678-001	REP-P	93-21-083	50-60-100	NEW-E	93-21-022
16-316-731	NEW-P	93-19-124	16-678-010	REP-P	93-21-083	50-60-110	NEW-E	93-21-022
16-354-020	AMD-P	93-13-090	16-680-001	REP-P	93-21-082	50-60-120	NEW-E	93-21-022
16-354-020	AMD	93-17-019	16-680-010	REP-P	93-21-082	50-60-130	NEW-E	93-21-022
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16-400-210	AMD-P	93-04-103	16-750-011	AMD-P	93-20-101	50-60-150	NEW-E	93-21-022
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16-403-220	AMD-P	93-13-141	44-01-010	REP-P	93-21-093	51-04-015	AMD-W	93-14-017
16-403-220	AMD	93-18-065	44-01-020	AMD-E	93-14-081	51-04-015	AMD-P	93-16-110
16-409-015	AMD-W	93-05-022	44-01-020	REP-P	93-21-093	51-04-018	AMD-W	93-14-017
16-409-065	REP-W	93-05-022	44-01-030	AMD-E	93-14-081	51-04-018	AMD-P	93-16-110
16-409-075	AMD-W	93-05-022	44-01-030	REP-P	93-21-093	51-04-020	AMD-W	93-14-017
16-415	PREP	93-07-053	44-01-040	REP-P	93-21-093	51-04-020	AMD-P	93-16-110
16-415-010	REP-P	93-21-087	44-01-050	REP-P	93-21-093	51-04-025	AMD-W	93-14-017
16-415-020	REP-P	93-21-087	44-01-060	REP-P	93-21-093	51-04-025	AMD-P	93-16-110
16-415-030	REP-P	93-21-087	44-01-070	REP-P	93-21-093	51-04-030	AMD-W	93-14-017
16-415-040	REP-P	93-21-087	44-01-080	REP-P	93-21-093	51-04-030	AMD-P	93-16-110
16-432	PREP	93-07-053	44-01-090	REP-P	93-21-093	51-04-060	AMD-W	93-14-017
16-432-010	REP-P	93-21-086	44-01-100	AMD-E	93-14-081	51-04-060	AMD-P	93-16-110
16-432-020	REP-P	93-21-086	44-01-100	REP-P	93-21-093	51-11-0101	AMD-P	93-08-077
16-432-030	REP-P	93-21-086	44-01-110	AMD-E	93-14-081	51-11-0101	AMD-W	93-08-084
16-432-040	REP-P	93-21-086	44-01-110	REP-P	93-21-093	51-11-0101	AMD	93-21-052
16-432-050	REP-P	93-21-086	44-01-120	AMD-E	93-14-081	51-11-0200	AMD-P	93-08-077
16-432-060	REP-P	93-21-086	44-01-120	REP-P	93-21-093	51-11-0200	AMD-W	93-21-060
16-432-070	REP-P	93-21-086	44-01-130	AMD-E	93-14-081	51-11-0201	AMD-P	93-08-077
16-432-080	REP-P	93-21-086	44-01-130	REP-P	93-21-093	51-11-0201	AMD-S	93-20-129
16-432-090	REP-P	93-21-086	44-01-140	AMD-E	93-14-081	51-11-0201	AMD	93-21-052
16-432-100	REP-P	93-21-086	44-01-150	AMD-E	93-14-081	51-11-0401	AMD-P	93-08-077
16-432-110	REP-P	93-21-086	44-01-150	REP-P	93-21-093	51-11-0401	AMD-W	93-08-084
16-432-120	REP-P	93-21-086	44-01-160	AMD-E	93-14-081	51-11-0401	AMD	93-21-052
16-432-130	REP-P	93-21-086	44-01-160	REP-P	93-21-093	51-11-0402	AMD-P	93-16-113
16-461-011	NEW-P	93-08-060	44-01-170	AMD-E	93-14-081	51-11-0402	AMD-S	93-20-129
16-461-011	NEW-W	93-12-047	44-01-170	REP-P	93-21-093	51-11-0502	AMD-P	93-08-077
16-462-030	AMD-P	93-13-091	44-01-180	REP-P	93-21-093	51-11-0502	AMD-W	93-08-084
16-462-030	AMD	93-17-022	44-10-030	AMD-E	93-07-017	51-11-0502	AMD-W	93-16-112
16-470-92005	NEW-E	93-20-102	50-14-020	AMD-P	93-11-087	51-11-0502	AMD-P	93-16-113
16-470-92010	NEW-E	93-20-102	50-14-020	AMD	93-13-142	51-11-0502	AMD-E	93-20-106
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51-11-0503	AMD-W	93-08-084	51-11-1006	AMD-P	93-16-113	51-11-1322	NEW-P	93-08-077
51-11-0503	AMD	93-21-052	51-11-1006	AMD-E	93-20-106	51-11-1322	NEW	93-21-052
51-11-0505	AMD-P	93-08-077	51-11-1006	AMD-S	93-20-129	51-11-1323	NEW-P	93-08-077
51-11-0505	AMD-W	93-08-084	51-11-1100	NEW-P	93-08-077	51-11-1323	NEW	93-21-052
51-11-0505	AMD	93-21-052	51-11-1100	NEW	93-21-052	51-11-1330	NEW-P	93-08-077
51-11-0525	AMD-P	93-16-113	51-11-1101	NEW-W	93-08-084	51-11-1330	NEW	93-21-052
51-11-0525	AMD-S	93-20-129	51-11-1101	NEW-E	93-20-106	51-11-1331	NEW-P	93-08-077
51-11-0527	AMD-P	93-16-113	51-11-1102	NEW-W	93-08-084	51-11-1331	NEW	93-21-052
51-11-0527	AMD-S	93-20-129	51-11-1103	NEW-W	93-08-084	51-11-1332	NEW-P	93-08-077
51-11-0528	AMD-P	93-08-077	51-11-1104	NEW-W	93-08-084	51-11-1332	NEW	93-21-052
51-11-0528	AMD-W	93-08-084	51-11-1105	NEW-W	93-08-084	51-11-1333	NEW-P	93-08-077
51-11-0528	AMD	93-21-052	51-11-1106	NEW-W	93-08-084	51-11-1333	NEW	93-21-052
51-11-0529	AMD-P	93-08-077	51-11-1107	NEW-W	93-08-084	51-11-1334	NEW-P	93-08-077
51-11-0529	AMD-W	93-08-084	51-11-1108	NEW-W	93-08-084	51-11-1334	NEW-C	93-16-111
51-11-0529	AMD	93-21-052	51-11-1109	NEW-W	93-08-084	51-11-1334	NEW	93-21-052
51-11-0531	AMD-P	93-08-077	51-11-1110	NEW-P	93-08-077	51-11-1401	NEW-P	93-08-077
51-11-0531	AMD-W	93-08-084	51-11-1110	NEW	93-21-052	51-11-1401	NEW-W	93-08-084
51-11-0531	AMD	93-21-052	51-11-1120	NEW-P	93-08-077	51-11-1401	NEW	93-21-052
51-11-0532	AMD-P	93-08-077	51-11-1120	NEW	93-21-052	51-11-1402	NEW-P	93-08-077
51-11-0532	AMD-W	93-08-084	51-11-1130	NEW-P	93-08-077	51-11-1402	NEW-W	93-08-084
51-11-0532	AMD	93-21-052	51-11-1130	NEW	93-21-052	51-11-1402	NEW	93-21-052
51-11-0538	AMD-P	93-08-077	51-11-1131	NEW-P	93-08-077	51-11-1410	NEW-P	93-08-077
51-11-0538	AMD-W	93-08-084	51-11-1131	NEW	93-21-052	51-11-1410	NEW	93-21-052
51-11-0538	AMD	93-21-052	51-11-1132	NEW-P	93-08-077	51-11-1411	NEW-P	93-08-077
51-11-0539	AMD-P	93-08-077	51-11-1132	NEW	93-21-052	51-11-1411	NEW	93-21-052
51-11-0539	AMD-W	93-08-084	51-11-1133	NEW-P	93-08-077	51-11-1412	NEW-P	93-08-077
51-11-0539	AMD	93-21-052	51-11-1133	NEW	93-21-052	51-11-1412	NEW-C	93-16-111
51-11-0540	AMD-P	93-08-077	51-11-1134	NEW-P	93-08-077	51-11-1412	NEW	93-21-052
51-11-0540	AMD-W	93-08-084	51-11-1134	NEW	93-21-052	51-11-1413	NEW-P	93-08-077
51-11-0540	AMD	93-21-052	51-11-1140	NEW-P	93-08-077	51-11-1413	NEW	93-21-052
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51-11-0542	AMD	93-21-052	51-11-1141	NEW	93-21-052	51-11-1414	NEW	93-21-052
51-11-0601	AMD-P	93-08-077	51-11-1142	NEW-P	93-08-077	51-11-1415	NEW-P	93-08-077
51-11-0601	AMD-W	93-08-084	51-11-1142	NEW	93-21-052	51-11-1415	NEW-C	93-16-111
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51-11-0601	AMD-P	93-16-113	51-11-1143	NEW	93-21-052	51-11-1420	NEW-P	93-08-077
51-11-0601	AMD-S	93-20-129	51-11-1144	NEW-P	93-08-077	51-11-1420	NEW	93-21-052
51-11-0602	AMD-P	93-16-113	51-11-1144	NEW	93-21-052	51-11-1420	NEW-P	93-08-077
51-11-0602	AMD-S	93-20-129	51-11-1150	NEW-P	93-08-077	51-11-1421	NEW	93-21-052
51-11-0603	AMD-P	93-16-113	51-11-1150	NEW	93-21-052	51-11-1422	NEW-P	93-08-077
51-11-0603	AMD-S	93-20-129	51-11-1160	NEW-P	93-08-077	51-11-1422	NEW	93-21-052
51-11-0605	AMD-P	93-08-077	51-11-1160	NEW	93-21-052	51-11-1423	NEW-P	93-08-077
51-11-0605	AMD-W	93-08-084	51-11-1201	NEW-P	93-08-077	51-11-1423	NEW	93-21-052
51-11-0605	AMD	93-21-052	51-11-1201	NEW-W	93-08-084	51-11-1424	NEW-P	93-08-077
51-11-0606	AMD-P	93-08-077	51-11-1201	NEW	93-21-052	51-11-1424	NEW	93-21-052
51-11-0606	AMD-W	93-08-084	51-11-1210	NEW-P	93-08-077	51-11-1430	NEW-P	93-08-077
51-11-0606	AMD	93-21-052	51-11-1210	NEW	93-21-052	51-11-1430	NEW	93-21-052
51-11-0607	AMD-P	93-08-077	51-11-1301	NEW-P	93-08-077	51-11-1431	NEW-P	93-08-077
51-11-0607	AMD-W	93-08-084	51-11-1301	NEW-W	93-08-084	51-11-1431	NEW	93-21-052
51-11-0607	AMD	93-21-052	51-11-1301	NEW	93-21-052	51-11-1432	NEW-P	93-08-077
51-11-0608	AMD-P	93-08-077	51-11-1302	NEW-P	93-08-077	51-11-1432	NEW	93-21-052
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51-11-0625	AMD-S	93-20-129	51-11-1303	NEW-W	93-08-084	51-11-1434	NEW	93-21-052
51-11-0626	AMD-P	93-16-113	51-11-1303	NEW	93-21-052	51-11-1435	NEW-P	93-08-077
51-11-0626	AMD-S	93-20-129	51-11-1310	NEW-P	93-08-077	51-11-1435	NEW	93-21-052
51-11-0627	AMD-P	93-16-113	51-11-1310	NEW-C	93-16-111	51-11-1436	NEW-P	93-08-077
51-11-0627	AMD-S	93-20-129	51-11-1310	NEW	93-21-052	51-11-1436	NEW	93-21-052
51-11-0628	AMD-P	93-16-113	51-11-1311	NEW-P	93-08-077	51-11-1437	NEW-P	93-08-077
51-11-0628	AMD-S	93-20-129	51-11-1311	NEW-C	93-16-111	51-11-1437	NEW	93-21-052
51-11-0629	AMD-P	93-16-113	51-11-1311	NEW	93-21-052	51-11-1438	NEW	93-21-052
51-11-0629	AMD-S	93-20-129	51-11-1312	NEW-P	93-08-077	51-11-1440	NEW-P	93-08-077
51-11-0630	AMD-P	93-16-113	51-11-1312	NEW	93-21-052	51-11-1440	NEW	93-21-052
51-11-0630	AMD-S	93-20-129	51-11-1313	NEW-P	93-08-077	51-11-1441	NEW-P	93-08-077
51-11-0631	AMD-P	93-08-077	51-11-1313	NEW	93-21-052	51-11-1441	NEW	93-21-052
51-11-0631	AMD-W	93-08-084	51-11-1314	NEW-P	93-08-077	51-11-1442	NEW-P	93-08-077
51-11-0631	AMD	93-21-052	51-11-1314	NEW	93-21-052	51-11-1442	NEW	93-21-052
51-11-0700	AMD-P	93-08-077	51-11-1320	NEW-P	93-08-077	51-11-1450	NEW-P	93-08-077
51-11-0700	AMD-W	93-21-060	51-11-1320	NEW	93-21-052	51-11-1450	NEW	93-21-052
51-11-1000	AMD-P	93-08-077	51-11-1321	NEW-P	93-08-077	51-11-1451	NEW-P	93-08-077

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-11-1451	NEW	93-21-052	51-11-2007	NEW-W	93-08-084	118-04-090	REP-P	93-15-087
51-11-1452	NEW-P	93-08-077	51-11-2007	NEW	93-21-052	118-04-100	NEW-P	93-15-087
51-11-1452	NEW	93-21-052	51-11-2008	NEW-P	93-08-077	118-04-110	REP-P	93-15-087
51-11-1453	NEW-P	93-08-077	51-11-2008	NEW-W	93-08-084	118-04-120	NEW-P	93-15-087
51-11-1453	NEW	93-21-052	51-11-2008	NEW	93-21-052	118-04-130	REP-P	93-15-087
51-11-1454	NEW-P	93-08-077	51-11-2009	NEW-P	93-08-077	118-04-140	REP-P	93-15-087
51-11-1454	NEW-C	93-16-111	51-11-2009	NEW-W	93-08-084	118-04-150	REP-P	93-15-087
51-11-1454	NEW	93-21-052	51-11-2009	NEW	93-21-052	118-04-160	NEW-P	93-15-087
51-11-1501	NEW-P	93-08-077	51-11-99901	NEW-S	93-10-004	118-04-170	REP-P	93-15-087
51-11-1501	NEW-W	93-08-084	51-11-99901	NEW	93-21-052	118-04-180	NEW-P	93-15-087
51-11-1501	NEW	93-21-052	51-11-99902	NEW-S	93-10-004	118-04-190	REP-P	93-15-087
51-11-1502	NEW-W	93-08-084	51-11-99902	NEW	93-21-052	118-04-200	NEW-P	93-15-087
51-11-1503	NEW-W	93-08-084	51-11-99903	NEW-S	93-10-004	118-04-210	REP-P	93-15-087
51-11-1504	NEW-W	93-08-084	51-11-99903	NEW	93-21-052	118-04-220	NEW-P	93-15-087
51-11-1505	NEW-W	93-08-084	51-11-99904	NEW-S	93-10-004	118-04-230	REP-P	93-15-087
51-11-1510	NEW-P	93-08-077	51-11-99904	NEW	93-21-052	118-04-240	NEW-P	93-15-087
51-11-1510	NEW	93-21-052	51-13-101	AMD	93-02-056	118-04-250	REP-P	93-15-087
51-11-1511	NEW-P	93-08-077	51-13-202	AMD	93-02-056	118-04-260	NEW-P	93-15-087
51-11-1511	NEW	93-21-052	51-13-300	AMD	93-02-056	118-04-270	REP-P	93-15-087
51-11-1512	NEW-P	93-08-077	51-13-302	AMD	93-02-056	118-04-280	NEW-P	93-15-087
51-11-1512	NEW	93-21-052	51-13-303	AMD	93-02-056	118-04-290	REP-P	93-15-087
51-11-1513	NEW-P	93-08-077	51-13-304	AMD	93-02-056	118-04-300	NEW-P	93-15-087
51-11-1513	NEW-C	93-16-111	51-13-401	AMD	93-02-056	118-04-320	NEW-P	93-15-087
51-11-1513	NEW	93-21-052	51-13-402	AMD	93-02-056	118-04-340	NEW-P	93-15-087
51-11-1520	NEW-P	93-08-077	51-13-502	AMD	93-02-056	118-04-360	NEW-P	93-15-087
51-11-1520	NEW	93-21-052	51-13-503	AMD	93-02-056	118-04-380	NEW-P	93-15-087
51-11-1521	NEW-P	93-08-077	55-01-001	AMD-E	93-14-089	118-04-400	NEW-P	93-15-087
51-11-1521	NEW	93-21-052	55-01-010	AMD-E	93-14-089	118-04-420	NEW-P	93-15-087
51-11-1522	NEW-P	93-08-077	55-01-010	AMD-P	93-18-102	131-16-045	NEW-P	93-18-032
51-11-1522	NEW	93-21-052	55-01-020	AMD-E	93-14-089	131-16-091	AMD-P	93-10-103
51-11-1530	NEW-P	93-08-077	55-01-020	AMD-P	93-18-102	131-16-091	AMD	93-14-008
51-11-1530	NEW	93-21-052	55-01-030	AMD-E	93-14-089	131-16-092	AMD-P	93-10-103
51-11-1531	NEW-P	93-08-077	55-01-030	AMD-P	93-18-102	131-16-092	AMD	93-14-008
51-11-1531	NEW	93-21-052	55-01-040	AMD-E	93-14-089	131-16-093	AMD-P	93-10-103
51-11-1532	NEW-P	93-08-077	55-01-040	AMD-P	93-18-102	131-16-093	AMD	93-14-008
51-11-1532	NEW-C	93-16-111	55-01-050	AMD-E	93-14-089	131-47-010	NEW-E	93-09-047
51-11-1532	NEW	93-21-052	55-01-050	AMD-P	93-18-102	131-47-010	NEW-P	93-14-052
51-11-1601	NEW-W	93-08-084	55-01-060	AMD-E	93-14-089	131-47-010	NEW-E	93-14-053
51-11-1602	NEW-W	93-08-084	55-01-060	AMD-P	93-18-102	131-47-010	NEW	93-19-079
51-11-1603	NEW-W	93-08-084	55-01-070	AMD-E	93-14-089	131-47-015	NEW-E	93-09-047
51-11-1604	NEW-W	93-08-084	55-01-070	AMD-P	93-18-102	131-47-015	NEW-P	93-14-052
51-11-1605	NEW-W	93-08-084	55-01-080	AMD-E	93-14-089	131-47-015	NEW-E	93-14-053
51-11-1606	NEW-W	93-08-084	55-01-080	AMD-P	93-18-102	131-47-015	NEW	93-19-079
51-11-1607	NEW-W	93-08-084	67-35-030	AMD-P	93-07-117	131-47-020	NEW-E	93-09-047
51-11-1608	NEW-W	93-08-084	67-35-030	AMD	93-10-067	131-47-020	NEW-P	93-14-052
51-11-1701	NEW-P	93-08-077	67-35-040	AMD-P	93-06-048	131-47-020	NEW-E	93-14-053
51-11-1701	NEW-W	93-08-084	67-35-040	AMD	93-09-013	131-47-020	NEW	93-19-079
51-11-1701	NEW	93-21-052	67-35-055	REP-P	93-06-048	131-47-025	NEW-E	93-09-047
51-11-1801	NEW-W	93-08-084	67-35-055	REP	93-09-013	131-47-025	NEW-P	93-14-052
51-11-1901	NEW-W	93-08-084	67-35-056	REP-P	93-06-048	131-47-025	NEW-E	93-14-053
51-11-1902	NEW-W	93-08-084	67-35-056	REP	93-09-013	131-47-025	NEW	93-19-079
51-11-2000	NEW-W	93-08-084	82-50-021	AMD-P	93-19-148	131-47-030	NEW-E	93-09-047
51-11-2000	NEW	93-21-052	98-60-010	NEW-P	93-03-063	131-47-030	NEW-P	93-14-052
51-11-2001	NEW-P	93-08-077	98-60-010	NEW	93-07-040	131-47-030	NEW-E	93-14-053
51-11-2001	NEW-W	93-08-084	98-60-020	NEW-P	93-03-063	131-47-030	NEW	93-19-079
51-11-2001	NEW	93-21-052	98-60-020	NEW	93-07-040	131-47-035	NEW-E	93-09-047
51-11-2002	NEW-P	93-08-077	98-60-030	NEW-P	93-03-063	131-47-035	NEW-P	93-14-052
51-11-2002	NEW-W	93-08-084	98-60-030	NEW	93-07-040	131-47-035	NEW-E	93-14-053
51-11-2002	NEW	93-21-052	98-60-040	NEW-P	93-03-063	131-47-035	NEW	93-19-079
51-11-2003	NEW-P	93-08-077	98-60-040	NEW	93-07-040	131-47-040	NEW-E	93-09-047
51-11-2003	NEW-W	93-08-084	98-60-050	NEW-P	93-03-063	131-47-040	NEW-P	93-14-052
51-11-2003	NEW	93-21-052	98-60-050	NEW	93-07-040	131-47-040	NEW-E	93-14-053
51-11-2004	NEW-P	93-08-077	98-70-010	AMD-P	93-03-062	131-47-040	NEW	93-19-079
51-11-2004	NEW-W	93-08-084	98-70-010	AMD	93-07-041	131-47-045	NEW-E	93-09-047
51-11-2004	NEW	93-21-052	98-70-010	AMD-P	93-20-126	131-47-045	NEW-P	93-14-052
51-11-2005	NEW-P	93-08-077	118-04-010	REP-P	93-15-087	131-47-045	NEW-E	93-14-053
51-11-2005	NEW-W	93-08-084	118-04-020	NEW-P	93-15-087	131-47-045	NEW	93-19-079
51-11-2005	NEW	93-21-052	118-04-030	REP-P	93-15-087	131-47-050	NEW-E	93-09-047
51-11-2006	NEW-P	93-08-077	118-04-040	NEW-P	93-15-087	131-47-050	NEW-P	93-14-052
51-11-2006	NEW-W	93-08-084	118-04-050	REP-P	93-15-087	131-47-050	NEW-E	93-14-053
51-11-2006	NEW-C	93-16-111	118-04-060	NEW-P	93-15-087	131-47-050	NEW	93-19-079
51-11-2006	NEW	93-21-052	118-04-070	REP-P	93-15-087	131-47-055	NEW-E	93-09-047
51-11-2007	NEW-P	93-08-077	118-04-080	NEW-P	93-15-087	131-47-055	NEW-P	93-14-052

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131-47-055	NEW	93-19-079	131-47-150	NEW-E	93-09-047	132D-130-060	REP-P	93-19-11
131-47-060	NEW-E	93-09-047	131-47-150	NEW-P	93-14-052	132D-130-070	REP-P	93-19-11
131-47-060	NEW-P	93-14-052	131-47-150	NEW-E	93-14-053	132D-130-075	REP-P	93-19-11
131-47-060	NEW-E	93-14-053	131-47-150	NEW	93-19-079	132D-130-080	REP-P	93-19-11
131-47-060	NEW	93-19-079	131-47-155	NEW-E	93-09-047	132D-130-085	REP-P	93-19-11
131-47-065	NEW-E	93-09-047	131-47-155	NEW-P	93-14-052	132D-130-090	REP-P	93-19-11
131-47-065	NEW-P	93-14-052	131-47-155	NEW-E	93-14-053	132D-130-095	REP-P	93-19-11
131-47-065	NEW-E	93-14-053	131-47-155	NEW	93-19-079	132D-130-100	REP-P	93-19-11
131-47-065	NEW	93-19-079	131-47-160	NEW-E	93-09-047	132D-140-090	NEW-P	93-19-11
131-47-070	NEW-E	93-09-047	131-47-160	NEW-P	93-14-052	132D-280-010	REP-P	93-19-11
131-47-070	NEW-P	93-14-052	131-47-160	NEW-E	93-14-053	132D-280-020	REP-P	93-19-11
131-47-070	NEW-E	93-14-053	131-47-160	NEW	93-19-079	132D-280-025	REP-P	93-19-11
131-47-070	NEW	93-19-079	137-47-165	NEW-E	93-09-047	132D-280-030	REP-P	93-19-11
131-47-075	NEW-E	93-09-047	131-47-165	NEW-P	93-14-052	132D-280-035	REP-P	93-19-11
131-47-075	NEW-P	93-14-052	131-47-165	NEW-E	93-14-053	132D-280-040	REP-P	93-19-11
131-47-075	NEW-E	93-14-053	131-47-165	NEW	93-19-079	132D-300-010	AMD-P	93-19-11
131-47-075	NEW	93-19-079	131-48-010	NEW-E	93-14-010	132D-300-020	AMD-P	93-19-11
131-47-080	NEW-E	93-09-047	131-48-010	NEW-P	93-18-067	132D-300-030	AMD-P	93-19-11
131-47-080	NEW-P	93-14-052	131-48-020	NEW-E	93-14-010	132D-300-040	NEW-P	93-19-11
131-47-080	NEW-E	93-14-053	131-48-020	NEW-P	93-18-067	132G-116-010	REP	93-02-06
131-47-080	NEW	93-19-079	131-48-030	NEW-E	93-14-010	132G-116-020	AMD	93-02-06
131-47-085	NEW-E	93-09-047	131-48-030	NEW-P	93-18-067	132G-116-025	NEW	93-02-06
131-47-085	NEW-P	93-14-052	131-48-040	NEW-E	93-14-010	132G-116-030	AMD	93-02-06
131-47-085	NEW-E	93-14-053	131-48-040	NEW-P	93-18-067	132G-116-035	NEW	93-02-06
131-47-085	NEW	93-19-079	131-48-050	NEW-E	93-14-010	132G-116-040	REP	93-02-06
131-47-090	NEW-E	93-09-047	131-48-050	NEW-P	93-18-067	132G-116-045	NEW	93-02-06
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131-47-090	NEW-E	93-14-053	131-48-060	NEW-P	93-18-067	132G-116-055	NEW	93-02-06
131-47-090	NEW	93-19-079	131-48-070	NEW-E	93-14-010	132G-116-060	REP	93-02-06
131-47-095	NEW-E	93-09-047	131-48-070	NEW-P	93-18-067	132G-116-080	AMD	93-02-06
131-47-095	NEW-P	93-14-052	131-48-080	NEW-E	93-14-010	132G-116-090	AMD	93-02-06
131-47-095	NEW-E	93-14-053	131-48-080	NEW-P	93-18-067	132G-116-095	NEW	93-02-06
131-47-095	NEW	93-19-079	131-48-090	NEW-E	93-14-010	132G-116-100	REP	93-02-06
131-47-100	NEW-E	93-09-047	131-48-090	NEW-P	93-18-067	132G-116-105	NEW	93-02-06
131-47-100	NEW-P	93-14-052	131-48-100	NEW-E	93-14-010	132G-116-110	REP	93-02-06
131-47-100	NEW-E	93-14-053	131-48-100	NEW-P	93-18-067	132G-116-115	NEW	93-02-06
131-47-100	NEW	93-19-079	131-48-110	NEW-E	93-14-010	132G-116-120	REP	93-02-06
131-47-105	NEW-E	93-09-047	131-48-110	NEW-P	93-18-067	132G-116-125	NEW	93-02-06
131-47-105	NEW-P	93-14-052	131-48-120	NEW-E	93-14-010	132G-116-130	REP	93-02-06
131-47-105	NEW-E	93-14-053	131-48-120	NEW-P	93-18-067	132G-116-135	NEW	93-02-06
131-47-105	NEW	93-19-079	131-48-130	NEW-E	93-14-010	132G-116-140	REP	93-02-06
131-47-110	NEW-E	93-09-047	131-48-130	NEW-P	93-18-067	132G-116-145	NEW	93-02-06
131-47-110	NEW-P	93-14-052	131-48-140	NEW-E	93-14-010	132G-116-150	REP	93-02-06
131-47-110	NEW-E	93-14-053	131-48-140	NEW-P	93-18-067	132G-116-155	NEW	93-02-06
131-47-110	NEW	93-19-079	132D-120-040	AMD-P	93-19-118	132G-116-160	REP	93-02-06
131-47-115	NEW-E	93-09-047	132D-120-230	AMD-P	93-19-118	132G-116-170	REP	93-02-06
131-47-115	NEW-P	93-14-052	132D-120-260	AMD-P	93-19-118	132G-116-175	NEW	93-02-06
131-47-115	NEW-E	93-14-053	132D-120-270	AMD-P	93-19-118	132G-116-180	REP	93-02-06
131-47-115	NEW	93-19-079	132D-125-010	NEW-P	93-19-118	132G-116-185	NEW	93-02-06
131-47-120	NEW-E	93-09-047	132D-125-020	NEW-P	93-19-118	132G-116-190	REP	93-02-06
131-47-120	NEW-P	93-14-052	132D-125-025	NEW-P	93-19-118	132G-116-195	NEW	93-02-06
131-47-120	NEW-E	93-14-053	132D-125-030	NEW-P	93-19-118	132G-116-200	REP	93-02-06
131-47-120	NEW	93-19-079	132D-125-035	NEW-P	93-19-118	132G-116-205	NEW	93-02-06
131-47-125	NEW-E	93-09-047	132D-125-040	NEW-P	93-19-118	132G-116-210	REP	93-02-06
131-47-125	NEW-P	93-14-052	132D-125-045	NEW-P	93-19-118	132G-116-215	NEW	93-02-06
131-47-125	NEW-E	93-14-053	132D-125-050	NEW-P	93-19-118	132G-116-220	REP	93-02-06
131-47-125	NEW	93-19-079	132D-125-055	NEW-P	93-19-118	132G-116-225	NEW	93-02-06
131-47-130	NEW-E	93-09-047	132D-125-060	NEW-P	93-19-118	132G-116-230	REP	93-02-06
131-47-130	NEW-P	93-14-052	132D-125-070	NEW-P	93-19-118	132G-116-235	NEW	93-02-06
131-47-130	NEW-E	93-14-053	132D-125-075	NEW-P	93-19-118	132G-116-240	REP	93-02-06
131-47-130	NEW	93-19-079	132D-125-080	NEW-P	93-19-118	132G-116-245	NEW	93-02-06
131-47-135	NEW-E	93-09-047	132D-125-085	NEW-P	93-19-118	132G-116-250	REP	93-02-06
131-47-135	NEW-P	93-14-052	132D-125-090	NEW-P	93-19-118	132G-116-255	NEW	93-02-06
131-47-135	NEW-E	93-14-053	132D-125-095	NEW-P	93-19-118	132G-116-260	REP	93-02-06
131-47-135	NEW	93-19-079	132D-125-100	NEW-P	93-19-118	132G-116-265	NEW	93-02-06
131-47-140	NEW-E	93-09-047	132D-130-010	REP-P	93-19-118	132G-116-270	AMD	93-02-06
131-47-140	NEW-P	93-14-052	132D-130-020	REP-P	93-19-118	132G-116-275	NEW	93-02-06
131-47-140	NEW-E	93-14-053	132D-130-030	REP-P	93-19-118	132G-116-280	REP	93-02-06
131-47-140	NEW	93-19-079	132D-130-035	REP-P	93-19-118	132G-116-285	NEW	93-02-06
131-47-145	NEW-E	93-09-047	132D-130-040	REP-P	93-19-118	132G-116-290	REP	93-02-06
131-47-145	NEW-P	93-14-052	132D-130-045	REP-P	93-19-118	132G-116-295	NEW	93-02-06
131-47-145	NEW-E	93-14-053	132D-130-050	REP-P	93-19-118	132G-116-300	REP	93-02-06

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132G-116-315	NEW	93-02-063	132J-125-075	NEW	93-04-022	132N-156-450	AMD-P	93-15-081
132G-116-320	REP	93-02-063	132J-125-080	NEW	93-04-022	132N-156-450	AMD	93-20-080
132G-116-330	REP	93-02-063	132J-125-085	NEW	93-04-022	132N-156-460	AMD-P	93-15-081
132G-116-340	AMD	93-02-063	132J-125-090	NEW	93-04-022	132N-156-460	AMD	93-20-080
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173-164-010	REP-P	93-09-064	173-220-020	AMD-P	93-03-066	173-226-130	NEW-P	93-03-066
173-164-010	REP	93-14-116	173-220-020	AMD-E	93-03-067	173-226-130	NEW-E	93-03-067
173-164-020	REP-P	93-09-064	173-220-020	AMD	93-10-099	173-226-130	NEW	93-10-099
173-164-020	REP	93-14-116	173-220-030	AMD-P	93-03-066	173-226-140	NEW-P	93-03-066
173-164-030	REP-P	93-09-064	173-220-030	AMD-E	93-03-067	173-226-140	NEW-E	93-03-067
173-164-030	REP	93-14-116	173-220-030	AMD	93-10-099	173-226-140	NEW	93-10-099
173-164-040	REP-P	93-09-064	173-220-040	AMD-P	93-03-066	173-226-150	NEW-P	93-03-066
173-164-040	REP	93-14-116	173-220-040	AMD-E	93-03-067	173-226-150	NEW-E	93-03-067
173-164-050	REP-P	93-09-064	173-220-040	AMD	93-10-099	173-226-150	NEW	93-10-099
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173-164-060	REP-P	93-09-064	173-220-045	REP-E	93-03-067	173-226-160	NEW-E	93-03-067
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173-164-070	REP-P	93-09-064	173-220-050	AMD-P	93-03-066	173-226-170	NEW-P	93-03-066
173-164-070	REP	93-14-116	173-220-050	AMD-E	93-03-067	173-226-170	NEW-E	93-03-067
173-164-080	REP-P	93-09-064	173-220-050	AMD	93-10-099	173-226-170	NEW	93-10-099
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173-202-020	AMD-E	93-07-090	173-220-060	AMD	93-10-099	173-226-180	NEW	93-10-099
173-202-020	AMD	93-11-062	173-220-070	AMD-P	93-03-066	173-226-190	NEW-P	93-03-066
173-205	NEW-C	93-14-004	173-220-070	AMD-E	93-03-067	173-226-190	NEW-E	93-03-067
173-205	NEW-C	93-17-051	173-220-070	AMD	93-10-099	173-226-190	NEW	93-10-099
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173-205-010	NEW	93-20-110	173-220-090	AMD-E	93-03-067	173-226-200	NEW-E	93-03-067
173-205-020	NEW-P	93-08-085	173-220-090	AMD	93-10-099	173-226-200	NEW	93-10-099
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173-205-040	NEW	93-20-110	173-220-110	AMD-E	93-03-067	173-226-220	NEW-E	93-03-067
173-205-050	NEW-P	93-08-085	173-220-110	AMD	93-10-099	173-226-220	NEW	93-10-099
173-205-050	NEW	93-20-110	173-220-210	AMD-P	93-13-127	173-226-230	NEW-P	93-03-066
173-205-060	NEW-P	93-08-085	173-220-210	AMD	93-20-011	173-226-230	NEW-E	93-03-067
173-205-060	NEW	93-20-110	173-220-225	AMD-P	93-03-066	173-226-230	NEW	93-10-099
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173-205-090	NEW-P	93-08-085	173-226-010	NEW	93-10-099	173-226-250	NEW-E	93-03-067
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173-303-070	AMD-P	93-12-109	173-322-030	AMD-P	93-12-108	173-400-116	NEW-W	93-07-062
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173-303-082	AMD-P	93-12-109	173-322-070	AMD-P	93-12-108	173-400-131	AMD	93-18-007
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173-303-084	AMD-P	93-12-109	173-322-090	AMD-P	93-12-108	173-400-136	AMD	93-18-007
173-303-090	AMD-P	93-12-109	173-322-100	AMD-P	93-12-108	173-400-141	AMD-S	93-05-048
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173-303-180	AMD-P	93-12-109	173-351-130	NEW-P	93-12-110	173-401-200	NEW-P	93-07-062
173-303-200	AMD-P	93-12-109	173-351-140	NEW-P	93-12-110	173-401-200	NEW	93-20-075
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173-303-202	AMD-P	93-12-109	173-351-210	NEW-P	93-12-110	173-401-300	NEW	93-20-075
173-303-210	AMD-P	93-12-109	173-351-220	NEW-P	93-12-110	173-401-400	NEW-P	93-07-062
173-303-220	AMD-P	93-12-109	173-351-300	NEW-P	93-12-110	173-401-400	NEW	93-20-075
173-303-230	AMD-P	93-12-109	173-351-400	NEW-P	93-12-110	173-401-500	NEW-P	93-07-062
173-303-240	AMD-P	93-12-109	173-351-405	NEW-P	93-12-110	173-401-500	NEW	93-20-075
173-303-281	AMD-P	93-12-109	173-351-410	NEW-P	93-12-110	173-401-510	NEW-P	93-07-062
173-303-282	AMD-P	93-12-109	173-351-415	NEW-P	93-12-110	173-401-510	NEW	93-20-075
173-303-290	AMD-P	93-12-109	173-351-420	NEW-P	93-12-110	173-401-520	NEW-P	93-07-062
173-303-300	AMD-P	93-12-109	173-351-430	NEW-P	93-12-110	173-401-520	NEW	93-20-075
173-303-320	AMD-P	93-12-109	173-351-440	NEW-P	93-12-110	173-401-600	NEW-P	93-07-062
173-303-330	AMD-P	93-12-109	173-351-450	NEW-P	93-12-110	173-401-600	NEW	93-20-075
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173-303-390	AMD-P	93-12-109	173-351-480	NEW-P	93-12-110	173-401-610	NEW-P	93-07-062
173-303-400	AMD-P	93-12-109	173-351-490	NEW-P	93-12-110	173-401-610	NEW	93-20-075
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173-303-510	AMD-P	93-12-109	173-351-720	NEW-P	93-12-110	173-401-620	NEW	93-20-075
173-303-515	AMD-P	93-12-109	173-351-730	NEW-P	93-12-110	173-401-625	NEW-P	93-07-062
173-303-520	AMD-P	93-12-109	173-351-740	NEW-P	93-12-110	173-401-625	NEW	93-20-075
173-303-600	AMD-P	93-12-109	173-351-750	NEW-P	93-12-110	173-401-630	NEW-P	93-07-062
173-303-610	AMD-P	93-12-109	173-351-760	NEW-P	93-12-110	173-401-630	NEW	93-20-075
173-303-630	AMD-P	93-12-109	173-351-990	NEW-P	93-12-110	173-401-635	NEW-P	93-07-062
173-303-640	AMD-P	93-12-109	173-400	AMD-C	93-03-065	173-401-635	NEW	93-20-075
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173-303-646	NEW-P	93-12-109	173-400-030	AMD-S	93-05-048	173-401-640	NEW	93-20-075
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173-303-660	AMD-P	93-12-109	173-400-040	AMD	93-18-007	173-401-650	NEW-P	93-07-062
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173-303-802	AMD-P	93-12-109	173-400-081	NEW	93-18-007	173-401-705	NEW-P	93-07-062
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173-422-040	AMD	93-10-062	173-430-070	AMD-E	93-12-012	180-20-111	NEW	93-08-007
173-422-050	AMD-P	93-03-092	173-430-070	AMD	93-14-022	180-20-115	NEW-P	93-04-117
173-422-050	AMD	93-10-062	173-430-080	AMD-P	93-03-090	180-20-115	NEW	93-08-007
173-422-050	AMD-P	93-20-047	173-430-080	AMD-E	93-04-002	180-20-120	NEW-P	93-04-117
173-422-060	AMD-P	93-03-092	173-430-080	AMD-E	93-12-012	180-20-120	NEW	93-08-007
173-422-060	AMD	93-10-062	173-430-080	AMD	93-14-022	180-20-123	NEW-P	93-04-117
173-422-065	NEW-P	93-03-092	173-433-100	AMD	93-04-105	180-20-123	NEW	93-08-007
173-422-065	NEW	93-10-062	173-433-110	AMD	93-04-105	180-20-125	NEW-P	93-04-117
173-422-070	AMD-P	93-03-092	173-433-170	AMD	93-04-105	180-20-125	NEW	93-08-007
173-422-070	AMD	93-10-062	173-460-020	AMD-P	93-14-118	180-20-130	NEW-P	93-04-117
173-422-070	AMD-P	93-20-047	173-460-030	AMD-P	93-14-118	180-20-130	NEW	93-08-007
173-422-075	NEW-P	93-03-092	173-460-040	AMD-P	93-14-118	180-20-135	NEW-P	93-04-117
173-422-075	NEW	93-10-062	173-460-050	AMD-P	93-14-118	180-20-135	NEW	93-08-007
173-422-075	AMD-P	93-20-047	173-460-060	AMD-P	93-14-118	180-20-140	NEW-P	93-04-117
173-422-080	REP-P	93-03-092	173-460-080	AMD-P	93-14-118	180-20-140	NEW	93-08-007
173-422-080	REP	93-10-062	173-460-090	AMD-P	93-14-118	180-20-145	NEW-P	93-04-117
173-422-090	AMD-P	93-03-092	173-460-100	AMD-P	93-14-118	180-20-145	NEW	93-08-007
173-422-090	AMD	93-10-062	173-460-110	AMD-P	93-14-118	180-20-150	NEW-P	93-04-117
173-422-095	NEW-P	93-03-092	173-460-150	AMD-P	93-14-118	180-20-150	NEW	93-08-007
173-422-095	NEW	93-10-062	173-460-160	AMD-P	93-14-118	180-20-155	NEW-P	93-04-117
173-422-095	AMD-P	93-20-047	173-491-020	AMD-P	93-04-108	180-20-155	NEW	93-08-007
173-422-100	AMD-P	93-03-092	173-491-020	AMD	93-13-011	180-20-160	NEW-P	93-04-117
173-422-100	AMD	93-10-062	173-491-040	AMD-P	93-04-108	180-20-160	NEW	93-08-007
173-422-110	REP-P	93-03-092	173-491-040	AMD	93-13-011	180-20-200	REP-P	93-04-117
173-422-110	REP	93-10-062	173-491-050	AMD	93-03-089	180-20-200	REP	93-08-007

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-20-205	REP-P	93-04-117	182-12-115	AMD-E	93-17-091	192-10-310	REP	93-20-03
180-20-205	REP	93-08-007	182-12-122	AMD-E	93-17-091	192-10-330	REP-P	93-17-01
180-20-210	REP-P	93-04-117	182-14-010	NEW-E	93-18-059	192-10-330	REP	93-20-03
180-20-210	REP	93-08-007	182-14-020	NEW-E	93-18-059	192-12-141	AMD-P	93-07-08
180-20-215	REP-P	93-04-117	182-14-030	NEW-E	93-18-059	192-12-141	AMD	93-10-02
180-20-215	REP	93-08-007	182-14-040	NEW-E	93-18-059	192-12-158	REP-P	93-17-01
180-20-220	REP-P	93-04-117	182-14-050	NEW-E	93-18-059	192-12-158	REP	93-20-03
180-20-220	REP	93-08-007	182-14-060	NEW-E	93-18-059	192-12-180	AMD-P	93-13-13
180-20-225	REP-P	93-04-117	182-14-070	NEW-E	93-18-059	192-12-180	AMD	93-16-05
180-20-225	REP	93-08-007	182-14-080	NEW-E	93-18-059	192-12-182	AMD-P	93-13-13
180-20-230	REP-P	93-04-117	182-14-090	NEW-E	93-18-059	192-12-182	AMD	93-16-05
180-20-230	REP	93-08-007	182-14-100	NEW-E	93-18-059	192-12-184	AMD-P	93-13-13
180-26-020	AMD-P	93-04-118	192-10-010	REP-P	93-17-012	192-12-184	AMD	93-16-05
180-26-020	AMD	93-07-104	192-10-010	REP	93-20-037	192-12-186	AMD-P	93-13-13
180-26-020	AMD-P	93-20-089	192-10-015	REP-P	93-17-012	192-12-186	AMD	93-16-05
180-26-025	AMD-P	93-04-119	192-10-015	REP	93-20-037	192-16-070	NEW-E	93-13-00
180-26-025	AMD-W	93-07-100	192-10-020	REP-P	93-17-012	192-16-070	NEW-P	93-15-11
180-27-032	AMD-P	93-20-090	192-10-020	REP	93-20-037	192-16-070	NEW	93-18-05
180-27-070	AMD-P	93-08-041	192-10-030	REP-P	93-17-012	192-30-010	REP-P	93-17-01
180-27-070	AMD	93-13-026	192-10-030	REP	93-20-037	192-30-010	REP	93-20-03
180-27-115	AMD-P	93-17-079	192-10-040	REP-P	93-17-012	192-30-020	REP-P	93-17-01
180-27-115	AMD	93-20-067	192-10-040	REP	93-20-037	192-30-020	REP	93-20-03
180-27-505	AMD	93-04-019	192-10-050	REP-P	93-17-012	192-30-030	REP-P	93-17-01
180-29-090	AMD-P	93-20-089	192-10-050	REP	93-20-037	192-30-030	REP	93-20-03
180-29-125	AMD-P	93-20-091	192-10-060	REP-P	93-17-012	192-30-040	REP-P	93-17-01
180-33-042	AMD-E	93-17-005	192-10-060	REP	93-20-037	192-30-040	REP	93-20-03
180-33-042	AMD-P	93-17-078	192-10-070	REP-P	93-17-012	192-30-100	REP-P	93-17-01
180-33-042	AMD	93-20-066	192-10-070	REP	93-20-037	192-30-100	REP	93-20-03
180-51-005	AMD	93-04-115	192-10-080	REP-P	93-17-012	192-30-200	REP-P	93-17-01
180-51-025	AMD	93-04-115	192-10-080	REP	93-20-037	192-30-200	REP	93-20-03
180-51-030	AMD	93-04-115	192-10-090	REP-P	93-17-012	192-30-210	REP-P	93-17-01
180-51-050	AMD-P	93-20-128	192-10-090	REP	93-20-037	192-30-210	REP	93-20-03
180-51-055	AMD	93-04-115	192-10-100	REP-P	93-17-012	192-30-220	REP-P	93-17-01
180-51-100	AMD	93-04-115	192-10-100	REP	93-20-037	192-30-220	REP	93-20-03
180-72-040	AMD-E	93-14-009	192-10-110	REP-P	93-17-012	192-30-230	REP-P	93-17-01
180-72-040	AMD-P	93-18-068	192-10-110	REP	93-20-037	192-30-230	REP	93-20-03
180-72-045	AMD-E	93-14-009	192-10-120	REP-P	93-17-012	194-10-030	AMD	93-02-03
180-72-045	AMD-P	93-18-068	192-10-120	REP	93-20-037	194-10-100	AMD	93-02-03
180-72-050	AMD-E	93-14-009	192-10-130	REP-P	93-17-012	194-10-110	AMD	93-02-03
180-72-050	AMD-P	93-18-068	192-10-130	REP	93-20-037	194-10-130	AMD	93-02-03
180-72-060	AMD-E	93-14-009	192-10-140	REP-P	93-17-012	194-10-140	AMD	93-02-03
180-72-060	AMD-P	93-18-068	192-10-140	REP	93-20-037	196-24-041	NEW-P	93-09-02
180-72-065	AMD-E	93-14-009	192-10-150	REP-P	93-17-012	196-24-041	NEW	93-13-06
180-72-065	AMD-P	93-18-068	192-10-150	REP	93-20-037	196-24-097	NEW-P	93-09-02
180-72-070	AMD-E	93-14-009	192-10-160	REP-P	93-17-012	196-24-097	NEW	93-13-06
180-72-070	AMD-P	93-18-068	192-10-160	REP	93-20-037	196-24-098	NEW-P	93-09-02
180-78-010	AMD-P	93-04-120	192-10-170	REP-P	93-17-012	196-24-098	NEW	93-13-06
180-78-010	AMD	93-07-101	192-10-170	REP	93-20-037	196-26-020	AMD-P	93-07-11
180-78-191	REP-P	93-20-094	192-10-180	REP-P	93-17-012	196-26-020	AMD	93-10-05
180-78-196	REP-P	93-20-094	192-10-180	REP	93-20-037	204-10-120	AMD-P	93-05-02
180-79-010	AMD-P	93-04-120	192-10-190	REP-P	93-17-012	204-10-120	AMD	93-11-01
180-79-010	AMD	93-07-101	192-10-190	REP	93-20-037	204-30-010	REP-P	93-16-06
180-79-065	AMD-P	93-20-095	192-10-200	REP-P	93-17-012	204-30-020	REP-P	93-16-06
180-79-115	AMD-P	93-20-095	192-10-200	REP	93-20-037	204-30-030	REP-P	93-16-06
180-79-120	AMD-P	93-20-095	192-10-210	REP-P	93-17-012	204-30-040	REP-P	93-16-06
180-79-124	NEW-P	93-20-095	192-10-210	REP	93-20-037	204-30-050	REP-P	93-16-06
180-79-125	AMD-P	93-20-095	192-10-220	REP-P	93-17-012	204-30-060	REP-P	93-16-06
180-79-126	NEW-P	93-20-095	192-10-220	REP	93-20-037	204-30-070	REP-P	93-16-06
180-79-236	AMD	93-05-007	192-10-230	REP-P	93-17-012	204-30-080	REP-P	93-16-06
180-79-245	AMD-P	93-20-095	192-10-230	REP	93-20-037	204-44-040	NEW-P	93-05-02
180-79-247	NEW-P	93-20-095	192-10-240	REP-P	93-17-012	204-44-040	NEW	93-11-01
180-79-303	AMD-P	93-20-095	192-10-240	REP	93-20-037	204-74A-050	AMD-P	93-20-03
180-85-025	AMD-P	93-20-093	192-10-250	REP-P	93-17-012	204-82A-070	AMD-P	93-10-00
180-87-001	REP-P	93-17-077	192-10-250	REP	93-20-037	204-82A-070	AMD	93-15-07
180-87-001	REP	93-20-068	192-10-265	REP-P	93-17-012	204-84-010	REP-P	93-05-02
182-08-160	AMD-E	93-17-001	192-10-265	REP	93-20-037	204-84-010	REP	93-11-01
182-08-160	AMD-P	93-19-047	192-10-280	REP-P	93-17-012	204-84-020	REP-P	93-05-02
182-08-175	NEW-E	93-17-001	192-10-280	REP	93-20-037	204-84-020	REP	93-11-01
182-08-175	NEW-P	93-19-047	192-10-290	REP-P	93-17-012	204-84-030	REP-P	93-05-02
182-08-190	AMD-E	93-17-001	192-10-290	REP	93-20-037	204-84-030	REP	93-11-01
182-08-190	AMD-P	93-19-047	192-10-300	REP-P	93-17-012	204-84-040	REP-P	93-05-02
182-12-110	AMD-E	93-17-091	192-10-300	REP	93-20-037	204-84-040	REP	93-11-01
182-12-111	AMD-E	93-17-091	192-10-310	REP-P	93-17-012	204-84-050	REP-P	93-05-02

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
204-84-050	REP	93-11-018	212-14-105	REP	93-05-032	212-28-045	REP-E	93-04-061
204-84-060	REP-P	93-05-029	212-14-110	REP-E	93-04-061	212-28-045	REP	93-05-032
204-84-060	REP	93-11-018	212-14-110	REP	93-05-032	212-28-050	REP-E	93-04-061
204-84-070	REP-P	93-05-029	212-14-115	REP-E	93-04-061	212-28-050	REP	93-05-032
204-84-070	REP	93-11-018	212-14-115	REP	93-05-032	212-28-055	REP-E	93-04-061
204-84-080	REP-P	93-05-029	212-14-120	REP-E	93-04-061	212-28-055	REP	93-05-032
204-84-080	REP	93-11-018	212-14-120	REP	93-05-032	212-28-060	REP-E	93-04-061
204-84-090	REP-P	93-05-029	212-14-12001	REP-E	93-04-061	212-28-060	REP	93-05-032
204-84-090	REP	93-11-018	212-14-12001	REP	93-05-032	212-28-065	REP-E	93-04-061
204-84-100	REP-P	93-05-029	212-14-125	REP-E	93-04-061	212-28-065	REP	93-05-032
204-84-100	REP	93-11-018	212-14-125	REP	93-05-032	212-28-070	REP-E	93-04-061
208-04-010	NEW-P	93-20-040	212-14-130	REP-E	93-04-061	212-28-070	REP	93-05-032
208-04-010	NEW-E	93-20-041	212-14-130	REP	93-05-032	212-28-075	REP-E	93-04-061
208-04-020	NEW-P	93-20-040	212-26-001	REP-E	93-04-061	212-28-075	REP	93-05-032
208-04-020	NEW-E	93-20-041	212-26-001	REP	93-05-032	212-28-080	REP-E	93-04-061
208-04-030	NEW-P	93-20-040	212-26-005	REP-E	93-04-061	212-28-080	REP	93-05-032
208-04-030	NEW-E	93-20-041	212-26-005	REP	93-05-032	212-28-085	REP-E	93-04-061
212-12	NEW-C	93-04-060	212-26-010	REP-E	93-04-061	212-28-085	REP	93-05-032
212-12-001	NEW-E	93-04-061	212-26-010	REP	93-05-032	212-28-090	REP-E	93-04-061
212-12-001	NEW	93-05-032	212-26-015	REP-E	93-04-061	212-28-090	REP	93-05-032
212-12-005	NEW-E	93-04-061	212-26-015	REP	93-05-032	212-28-095	REP-E	93-04-061
212-12-005	NEW	93-05-032	212-26-020	REP-E	93-04-061	212-28-095	REP	93-05-032
212-12-011	NEW-E	93-04-061	212-26-020	REP	93-05-032	212-28-100	REP-E	93-04-061
212-12-011	NEW	93-05-032	212-26-025	REP-E	93-04-061	212-28-100	REP	93-05-032
212-12-015	NEW-E	93-04-061	212-26-025	REP	93-05-032	212-28-105	REP-E	93-04-061
212-12-015	NEW	93-05-032	212-26-030	REP-E	93-04-061	212-28-105	REP	93-05-032
212-12-020	NEW-E	93-04-061	212-26-030	REP	93-05-032	212-28-110	REP-E	93-04-061
212-12-020	NEW	93-05-032	212-26-035	REP-E	93-04-061	212-28-110	REP	93-05-032
212-12-025	NEW-E	93-04-061	212-26-035	REP	93-05-032	212-32-001	REP-E	93-04-061
212-12-025	NEW	93-05-032	212-26-040	REP-E	93-04-061	212-32-001	REP	93-05-032
212-12-030	NEW-E	93-04-061	212-26-040	REP	93-05-032	212-32-005	REP-E	93-04-061
212-12-030	NEW	93-05-032	212-26-045	REP-E	93-04-061	212-32-005	REP	93-05-032
212-12-035	NEW-E	93-04-061	212-26-045	REP	93-05-032	212-32-010	REP-E	93-04-061
212-12-035	NEW	93-05-032	212-26-050	REP-E	93-04-061	212-32-010	REP	93-05-032
212-12-040	NEW-E	93-04-061	212-26-050	REP	93-05-032	212-32-015	REP-E	93-04-061
212-12-040	NEW	93-05-032	212-26-055	REP-E	93-04-061	212-32-015	REP	93-05-032
212-12-044	NEW-E	93-04-061	212-26-055	REP	93-05-032	212-32-020	REP-E	93-04-061
212-12-044	NEW	93-05-032	212-26-060	REP-E	93-04-061	212-32-020	REP	93-05-032
212-14-001	REP-E	93-04-061	212-26-060	REP	93-05-032	212-32-025	REP-E	93-04-061
212-14-001	REP	93-05-032	212-26-065	REP-E	93-04-061	212-32-025	REP	93-05-032
212-14-005	REP-E	93-04-061	212-26-065	REP	93-05-032	212-32-030	REP-E	93-04-061
212-14-005	REP	93-05-032	212-26-070	REP-E	93-04-061	212-32-030	REP	93-05-032
212-14-010	REP-E	93-04-061	212-26-070	REP	93-05-032	212-32-035	REP-E	93-04-061
212-14-010	REP	93-05-032	212-26-075	REP-E	93-04-061	212-32-035	REP	93-05-032
212-14-015	REP-E	93-04-061	212-26-075	REP	93-05-032	212-32-040	REP-E	93-04-061
212-14-015	REP	93-05-032	212-26-080	REP-E	93-04-061	212-32-040	REP	93-05-032
212-14-020	REP-E	93-04-061	212-26-080	REP	93-05-032	212-32-045	REP-E	93-04-061
212-14-020	REP	93-05-032	212-26-085	REP-E	93-04-061	212-32-045	REP	93-05-032
212-14-025	REP-E	93-04-061	212-26-085	REP	93-05-032	212-32-050	REP-E	93-04-061
212-14-025	REP	93-05-032	212-26-090	REP-E	93-04-061	212-32-050	REP	93-05-032
212-14-030	REP-E	93-04-061	212-26-090	REP	93-05-032	212-32-055	REP-E	93-04-061
212-14-030	REP	93-05-032	212-26-095	REP-E	93-04-061	212-32-055	REP	93-05-032
212-14-035	REP-E	93-04-061	212-26-095	REP	93-05-032	212-32-060	REP-E	93-04-061
212-14-035	REP	93-05-032	212-26-100	REP-E	93-04-061	212-32-060	REP	93-05-032
212-14-040	REP-E	93-04-061	212-26-100	REP	93-05-032	212-32-065	REP-E	93-04-061
212-14-040	REP	93-05-032	212-26-105	REP-E	93-04-061	212-32-065	REP	93-05-032
212-14-045	REP-E	93-04-061	212-26-105	REP	93-05-032	212-32-070	REP-E	93-04-061
212-14-045	REP	93-05-032	212-26-105	REP	93-05-032	212-32-070	REP	93-05-032
212-14-050	REP-E	93-04-061	212-28-001	REP	93-05-032	212-32-075	REP-E	93-04-061
212-14-050	REP	93-05-032	212-28-001	REP	93-05-032	212-32-075	REP	93-05-032
212-14-055	REP-E	93-04-061	212-28-010	REP-E	93-04-061	212-32-080	REP-E	93-04-061
212-14-055	REP	93-05-032	212-28-010	REP	93-05-032	212-32-080	REP	93-05-032
212-14-060	REP-E	93-04-061	212-28-015	REP-E	93-04-061	212-32-085	REP-E	93-04-061
212-14-060	REP	93-05-032	212-28-015	REP	93-05-032	212-32-085	REP	93-05-032
212-14-070	REP-E	93-04-061	212-28-020	REP-E	93-04-061	212-32-090	REP-E	93-04-061
212-14-070	REP	93-05-032	212-28-020	REP	93-05-032	212-32-090	REP	93-05-032
212-14-080	REP-E	93-04-061	212-28-025	REP-E	93-04-061	212-32-095	REP-E	93-04-061
212-14-080	REP	93-05-032	212-28-025	REP	93-05-032	212-32-095	REP	93-05-032
212-14-090	REP-E	93-04-061	212-28-030	REP-E	93-04-061	212-32-100	REP-E	93-04-061
212-14-090	REP	93-05-032	212-28-030	REP	93-05-032	212-32-100	REP	93-05-032
212-14-100	REP-E	93-04-061	212-28-035	REP-E	93-04-061	212-32-105	REP-E	93-04-061
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212-14-105	REP-E	93-04-061	212-28-040	REP-E	93-04-061	212-32-110	REP-E	93-04-061
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212-65-035	REP-E	93-04-061	212-70-230	REP	93-05-032	220-33-01000S	NEW-E	93-20-024
212-65-035	REP	93-05-032	212-70-240	REP-E	93-04-061	220-33-01000S	REP-E	93-21-018
212-65-040	REP-E	93-04-061	212-70-240	REP	93-05-032	220-33-01000T	NEW-E	93-21-018
212-65-040	REP	93-05-032	212-70-250	REP-E	93-04-061	220-33-03000E	NEW-E	93-12-041
212-65-045	REP-E	93-04-061	212-70-250	REP	93-05-032	220-33-03000E	REP-E	93-13-078
212-65-045	REP	93-05-032	212-70-260	REP-E	93-04-061	220-33-03000F	NEW-E	93-13-078
212-65-050	REP-E	93-04-061	212-70-260	REP	93-05-032	220-36-02100L	NEW-E	93-14-108
212-65-050	REP	93-05-032	220-16-015	AMD-P	93-12-092	220-36-02100L	REP-E	93-16-034
212-65-055	REP-E	93-04-061	220-16-015	AMD	93-15-051	220-36-023	AMD-P	93-09-074
212-65-055	REP	93-05-032	220-16-460	NEW-P	93-04-096	220-36-023	AMD-C	93-13-006
212-65-060	REP-E	93-04-061	220-16-460	NEW-W	93-17-065	220-36-023	AMD	93-14-042
212-65-060	REP	93-05-032	220-20-010	AMD-P	93-12-092	220-36-02300M	NEW-E	93-21-046
212-65-065	REP-E	93-04-061	220-20-010	AMD	93-15-051	220-40-02100U	NEW-E	93-14-108
212-65-065	REP	93-05-032	220-20-017	REP-P	93-20-109	220-40-02100U	REP-E	93-16-034
212-65-070	REP-E	93-04-061	220-20-020	AMD-P	93-09-074	220-40-027	AMD-P	93-09-074
212-65-070	REP	93-05-032	220-20-020	AMD-C	93-13-006	220-40-027	AMD-C	93-13-006
212-65-075	REP-E	93-04-061	220-20-020	AMD	93-14-042	220-40-027	AMD	93-14-042
212-65-075	REP	93-05-032	220-20-02500A	NEW-E	93-11-040	220-40-02700H	NEW-E	93-19-030
212-65-080	REP-E	93-04-061	220-20-026	NEW-P	93-12-092	220-40-02700H	REP-E	93-19-068
212-65-080	REP	93-05-032	220-20-026	NEW-C	93-15-050	220-40-02700I	NEW-E	93-19-068
212-65-085	REP-E	93-04-061	220-20-026	NEW	93-17-021	220-44-04000D	NEW-E	93-11-010
212-65-085	REP	93-05-032	220-20-050	AMD-P	93-20-109	220-44-050	AMD-P	93-04-095
212-65-090	REP-E	93-04-061	220-20-051	NEW-P	93-20-109	220-44-050	AMD	93-07-093
212-65-090	REP	93-05-032	220-24-02000A	NEW-E	93-19-042	220-44-05000B	REP-E	93-09-067
212-65-095	REP-E	93-04-061	220-24-02000A	REP-E	93-19-089	220-44-05000C	NEW-E	93-09-067
212-65-095	REP	93-05-032	220-24-02000B	NEW-E	93-19-089	220-44-05000C	REP-E	93-10-094
212-65-100	REP-E	93-04-061	220-24-02000T	NEW-E	93-10-043	220-44-05000D	NEW-E	93-10-094
212-65-100	REP	93-05-032	220-24-02000T	REP-E	93-15-008	220-44-05000D	REP-E	93-12-078
212-70-010	REP-E	93-04-061	220-24-02000U	NEW-E	93-15-008	220-44-05000E	NEW-E	93-12-078
212-70-010	REP	93-05-032	220-24-02000U	REP-E	93-15-097	220-44-05000E	REP-E	93-18-078
212-70-020	REP-E	93-04-061	220-24-02000V	NEW-E	93-15-097	220-44-05000F	NEW-E	93-18-078
212-70-020	REP	93-05-032	220-24-02000V	REP-E	93-16-031	220-44-05000F	REP-E	93-19-027
212-70-030	REP-E	93-04-061	220-24-02000W	NEW-E	93-16-031	220-44-05000G	NEW-E	93-19-027
212-70-030	REP	93-05-032	220-24-02000W	REP-E	93-16-082	220-44-05000G	NEW-E	93-10-094
212-70-040	REP-E	93-04-061	220-24-02000X	NEW-E	93-16-082	220-47-302	AMD-P	93-09-073
212-70-040	REP	93-05-032	220-24-02000X	REP-E	93-18-030	220-47-302	AMD	93-14-041
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212-70-050	REP	93-05-032	220-24-02000Y	REP-E	93-18-077	220-47-304	AMD	93-14-041
212-70-060	REP-E	93-04-061	220-24-02000Z	NEW-E	93-18-077	220-47-307	AMD-P	93-09-073
212-70-060	REP	93-05-032	220-24-02000Z	REP-E	93-19-042	220-47-311	AMD-P	93-09-073
212-70-070	REP-E	93-04-061	220-32-05100A	NEW-E	93-18-045	220-47-311	AMD	93-14-041
212-70-070	REP	93-05-032	220-32-05100A	REP-E	93-19-059	220-47-401	AMD-P	93-09-073
212-70-080	REP-E	93-04-061	220-32-05100B	NEW-E	93-19-059	220-47-401	AMD	93-14-041
212-70-080	REP	93-05-032	220-32-05100B	REP-E	93-19-132	220-47-411	AMD-P	93-09-073
212-70-090	REP-E	93-04-061	220-32-05100C	NEW-E	93-19-132	220-47-411	AMD	93-14-041
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212-70-100	REP-E	93-04-061	220-32-05100D	NEW-E	93-20-025	220-47-901	REP-E	93-17-053
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212-70-110	REP-E	93-04-061	220-32-05100U	NEW-E	93-04-073	220-47-902	REP-E	93-17-108
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212-70-120	REP	93-05-032	220-32-05100V	REP-E	93-06-069	220-47-904	NEW-E	93-18-040
212-70-130	REP-E	93-04-061	220-32-05100W	NEW-E	93-06-069	220-47-904	REP-E	93-19-026
212-70-130	REP	93-05-032	220-32-05100Y	NEW-E	93-15-098	220-47-905	NEW-E	93-19-026
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212-70-150	REP-E	93-04-061	220-32-05100X	REP-E	93-15-098	220-47-906	REP-E	93-19-057
212-70-150	REP	93-05-032	220-32-05100Z	NEW-E	93-17-008	220-47-907	NEW-E	93-19-057
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212-70-170	REP	93-05-032	220-32-05500D	NEW-E	93-12-010	220-47-909	NEW-E	93-20-023
212-70-180	REP-E	93-04-061	220-32-05500D	REP-E	93-13-030	220-47-909	REP-E	93-20-073
212-70-180	REP	93-05-032	220-32-05500E	NEW-E	93-13-030	220-47-910	NEW-E	93-20-073
212-70-190	REP-E	93-04-061	220-32-05900T	NEW-E	93-21-011	220-47-910	REP-E	93-21-012
212-70-190	REP	93-05-032	220-33-01000M	REP-E	93-05-017	220-47-911	NEW-E	93-21-012
212-70-200	REP-E	93-04-061	220-33-01000N	NEW-E	93-05-017	220-47-911	REP-E	93-21-035
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220-52-01901	AMD	93-15-051	220-56-132	AMD	93-08-034	220-56-32500W	NEW-E	93-11-057
220-52-04000A	NEW-E	93-20-001	220-56-180	AMD-P	93-04-096	220-56-32500X	NEW-E	93-11-063
220-52-043	AMD-P	93-12-092	220-56-180	AMD	93-08-034	220-56-32500X	REP-E	93-12-079
220-52-043	AMD	93-15-051	220-56-190	AMD-P	93-04-096	220-56-32500Y	NEW-E	93-12-079
220-52-046	AMD-P	93-12-092	220-56-190	AMD-C	93-08-033	220-56-32500Y	REP-E	93-13-057
220-52-046	AMD	93-15-051	220-56-190	AMD	93-14-043	220-56-330	AMD-P	93-04-096
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220-52-050	AMD	93-15-051	220-56-19000P	REP-E	93-14-012	220-56-335	AMD-P	93-04-096
220-52-051	AMD-P	93-12-092	220-56-19000Q	NEW-E	93-14-012	220-56-335	AMD	93-08-034
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220-52-05100P	NEW-E	93-11-057	220-56-19000R	REP-E	93-17-092	220-56-350	AMD-P	93-10-095
220-52-05100Q	NEW-E	93-19-067	220-56-19000S	NEW-E	93-17-092	220-56-350	AMD-C	93-15-009
220-52-068	NEW-P	93-12-092	220-56-19000S	REP-E	93-18-009	220-56-350	AMD	93-15-011
220-52-068	NEW	93-15-051	220-56-19000T	NEW-E	93-18-009	220-56-35000R	NEW-E	93-08-059
220-52-069	AMD-P	93-12-092	220-56-19000T	REP-E	93-19-058	220-56-35000R	REP-E	93-15-022
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220-52-071	AMD-P	93-12-092	220-56-19000V	NEW-E	93-20-002	220-56-35000T	REP-E	93-17-016
220-52-071	AMD	93-15-051	220-56-19000V	REP-E	93-20-022	220-56-35000U	NEW-E	93-15-032
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220-52-07100M	NEW-E	93-13-058	220-56-19100A	NEW-E	93-13-036	220-56-36000C	REP-E	93-08-017
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220-55-055	AMD-P	93-20-109	220-56-240	AMD	93-08-034	220-56-382	AMD	93-08-034
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246-08-030	REP-P	93-08-071	246-10-103	NEW-P	93-08-071	246-10-404	NEW	93-13-005
246-08-030	REP	93-13-005	246-10-103	NEW	93-13-005	246-10-405	NEW-P	93-08-071
246-08-040	REP-P	93-08-071	246-10-104	NEW-P	93-08-071	246-10-405	NEW	93-13-005
246-08-040	REP	93-13-005	246-10-104	NEW	93-13-005	246-10-501	NEW-P	93-08-071
246-08-050	REP-P	93-08-071	246-10-105	NEW-P	93-08-071	246-10-501	NEW	93-13-005
246-08-050	REP	93-13-005	246-10-105	NEW	93-13-005	246-10-502	NEW-P	93-08-071
246-08-060	REP-P	93-08-071	246-10-106	NEW-P	93-08-071	246-10-502	NEW	93-13-005
246-08-060	REP	93-13-005	246-10-106	NEW	93-13-005	246-10-503	NEW-P	93-08-071
246-08-070	REP-P	93-08-071	246-10-107	NEW-P	93-08-071	246-10-503	NEW	93-13-005
246-08-070	REP	93-13-005	246-10-107	NEW	93-13-005	246-10-504	NEW-P	93-08-071
246-08-080	REP-P	93-08-071	246-10-108	NEW-P	93-08-071	246-10-504	NEW	93-13-005
246-08-080	REP	93-13-005	246-10-108	NEW	93-13-005	246-10-505	NEW-P	93-08-071
246-08-090	REP-P	93-08-071	246-10-109	NEW-P	93-08-071	246-10-505	NEW	93-13-005
246-08-090	REP	93-13-005	246-10-109	NEW	93-13-005	246-10-601	NEW-P	93-08-071
246-08-100	REP-P	93-08-071	246-10-110	NEW-P	93-08-071	246-10-601	NEW	93-13-005
246-08-100	REP	93-13-005	246-10-110	NEW	93-13-005	246-10-602	NEW-P	93-08-071
246-08-101	NEW-P	93-08-071	246-10-111	NEW-P	93-08-071	246-10-602	NEW	93-13-005
246-08-101	NEW	93-13-005	246-10-111	NEW	93-13-005	246-10-603	NEW-P	93-08-071
246-08-102	NEW-P	93-08-071	246-10-112	NEW-P	93-08-071	246-10-603	NEW	93-13-005
246-08-102	NEW	93-13-005	246-10-112	NEW	93-13-005	246-10-604	NEW-P	93-08-071
246-08-103	NEW-P	93-08-071	246-10-113	NEW-P	93-08-071	246-10-604	NEW	93-13-005
246-08-103	NEW	93-13-005	246-10-113	NEW	93-13-005	246-10-605	NEW-P	93-08-071
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246-08-104	NEW	93-13-005	246-10-114	NEW	93-13-005	246-10-606	NEW-P	93-08-071
246-08-105	NEW-P	93-08-071	246-10-115	NEW-P	93-08-071	246-10-606	NEW	93-13-005
246-08-105	NEW	93-13-005	246-10-115	NEW	93-13-005	246-10-607	NEW-P	93-08-071
246-08-106	NEW-P	93-08-071	246-10-116	NEW-P	93-08-071	246-10-607	NEW	93-13-005
246-08-106	NEW	93-13-005	246-10-116	NEW	93-13-005	246-10-608	NEW-P	93-08-071
246-08-110	REP-P	93-08-071	246-10-117	NEW-P	93-08-071	246-10-608	NEW	93-13-005
246-08-110	REP	93-13-005	246-10-117	NEW	93-13-005	246-10-701	NEW-P	93-08-071
246-08-120	REP-P	93-08-071	246-10-118	NEW-P	93-08-071	246-10-701	NEW	93-13-005
246-08-120	REP	93-13-005	246-10-118	NEW	93-13-005	246-10-702	NEW-P	93-08-071
246-08-130	REP-P	93-08-071	246-10-119	NEW-P	93-08-071	246-10-702	NEW	93-13-005
246-08-130	REP	93-13-005	246-10-119	NEW	93-13-005	246-10-703	NEW-P	93-08-071
246-08-140	REP-P	93-08-071	246-10-120	NEW-P	93-08-071	246-10-703	NEW	93-13-005
246-08-140	REP	93-13-005	246-10-120	NEW	93-13-005	246-10-704	NEW-P	93-08-071
246-08-150	REP-P	93-08-071	246-10-121	NEW-P	93-08-071	246-10-704	NEW	93-13-005
246-08-150	REP	93-13-005	246-10-121	NEW	93-13-005	246-10-705	NEW-P	93-08-071
246-08-160	REP-P	93-08-071	246-10-122	NEW-P	93-08-071	246-10-705	NEW	93-13-005
246-08-160	REP	93-13-005	246-10-122	NEW	93-13-005	246-10-706	NEW-P	93-08-071
246-08-170	REP-P	93-08-071	246-10-123	NEW-P	93-08-071	246-10-706	NEW	93-13-005
246-08-170	REP	93-13-005	246-10-123	NEW	93-13-005	246-10-707	NEW-P	93-08-071
246-08-180	REP-P	93-08-071	246-10-124	NEW-P	93-08-071	246-10-707	NEW	93-13-005

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-11-001	NEW-P	93-04-102	246-11-370	NEW	93-08-003	246-221-001	AMD-P	93-19-048
246-11-001	NEW	93-08-003	246-11-380	NEW-P	93-04-102	246-221-005	NEW-P	93-19-048
246-11-010	NEW-P	93-04-102	246-11-380	NEW	93-08-003	246-221-010	AMD-P	93-19-048
246-11-010	NEW	93-08-003	246-11-390	NEW-P	93-04-102	246-221-015	NEW-P	93-19-048
246-11-020	NEW-P	93-04-102	246-11-390	NEW	93-08-003	246-221-020	AMD-P	93-19-048
246-11-020	NEW	93-08-003	246-11-400	NEW-P	93-04-102	246-221-030	AMD-P	93-19-048
246-11-030	NEW-P	93-04-102	246-11-400	NEW	93-08-003	246-221-040	AMD-P	93-19-048
246-11-030	NEW	93-08-003	246-11-420	NEW-P	93-04-102	246-221-050	AMD-P	93-19-048
246-11-040	NEW-P	93-04-102	246-11-420	NEW	93-08-003	246-221-055	NEW-P	93-19-048
246-11-040	NEW	93-08-003	246-11-430	NEW-P	93-04-102	246-221-060	AMD-P	93-19-048
246-11-050	NEW-P	93-04-102	246-11-430	NEW	93-08-003	246-221-070	AMD-P	93-19-048
246-11-050	NEW	93-08-003	246-11-440	NEW-P	93-04-102	246-221-080	AMD-P	93-19-048
246-11-060	NEW-P	93-04-102	246-11-440	NEW	93-08-003	246-221-090	AMD-P	93-19-048
246-11-060	NEW	93-08-003	246-11-450	NEW-P	93-04-102	246-221-100	AMD-P	93-19-048
246-11-070	NEW-P	93-04-102	246-11-450	NEW	93-08-003	246-221-102	NEW-P	93-19-048
246-11-070	NEW	93-08-003	246-11-470	NEW-P	93-04-102	246-221-104	NEW-P	93-19-048
246-11-080	NEW-P	93-04-102	246-11-470	NEW	93-08-003	246-221-106	NEW-P	93-19-048
246-11-080	NEW	93-08-003	246-11-480	NEW-P	93-04-102	246-221-110	AMD-P	93-19-048
246-11-090	NEW-P	93-04-102	246-11-480	NEW	93-08-003	246-221-113	NEW-P	93-19-048
246-11-090	NEW	93-08-003	246-11-490	NEW-P	93-04-102	246-221-117	NEW-P	93-19-048
246-11-100	NEW-P	93-04-102	246-11-490	NEW	93-08-003	246-221-120	AMD-P	93-19-048
246-11-100	NEW	93-08-003	246-11-500	NEW-P	93-04-102	246-221-130	AMD-P	93-19-048
246-11-110	NEW-P	93-04-102	246-11-500	NEW	93-08-003	246-221-150	AMD-P	93-19-048
246-11-110	NEW	93-08-003	246-11-510	NEW-P	93-04-102	246-221-160	AMD-P	93-19-048
246-11-120	NEW-P	93-04-102	246-11-510	NEW	93-08-003	246-221-170	AMD-P	93-19-048
246-11-120	NEW	93-08-003	246-11-520	NEW-P	93-04-102	246-221-180	AMD-P	93-19-048
246-11-130	NEW-P	93-04-102	246-11-520	NEW	93-08-003	246-221-190	AMD-P	93-19-048
246-11-130	NEW	93-08-003	246-11-530	NEW-P	93-04-102	246-221-220	AMD-P	93-19-048
246-11-140	NEW-P	93-04-102	246-11-530	NEW	93-08-003	246-221-230	AMD-P	93-19-048
246-11-140	NEW	93-08-003	246-11-540	NEW-P	93-04-102	246-221-240	AMD-P	93-19-048
246-11-150	NEW-P	93-04-102	246-11-540	NEW	93-08-003	246-221-250	AMD-P	93-19-048
246-11-150	NEW	93-08-003	246-11-550	NEW-P	93-04-102	246-221-260	AMD-P	93-19-048
246-11-160	NEW-P	93-04-102	246-11-550	NEW	93-08-003	246-221-265	NEW-P	93-19-048
246-11-160	NEW	93-08-003	246-11-560	NEW-P	93-04-102	246-221-270	AMD-P	93-19-048
246-11-170	NEW-P	93-04-102	246-11-560	NEW	93-08-003	246-221-275	NEW-P	93-19-048
246-11-170	NEW	93-08-003	246-11-570	NEW-P	93-04-102	246-221-285	NEW-P	93-19-048
246-11-180	NEW-P	93-04-102	246-11-570	NEW	93-08-003	246-221-290	AMD-P	93-19-048
246-11-180	NEW	93-08-003	246-11-580	NEW-P	93-04-102	246-221-300	AMD-P	93-19-048
246-11-190	NEW-P	93-04-102	246-11-580	NEW	93-08-003	246-222-020	AMD-P	93-19-048
246-11-190	NEW	93-08-003	246-11-590	NEW-P	93-04-102	246-222-030	AMD-P	93-19-048
246-11-200	NEW-P	93-04-102	246-11-590	NEW	93-08-003	246-222-040	AMD-P	93-19-048
246-11-200	NEW	93-08-003	246-11-600	NEW-P	93-04-102	246-222-070	AMD-P	93-19-048
246-11-210	NEW-P	93-04-102	246-11-600	NEW	93-08-003	246-222-080	AMD-P	93-19-048
246-11-210	NEW	93-08-003	246-11-610	NEW-P	93-04-102	246-224-030	REP-P	93-19-048
246-11-220	NEW-P	93-04-102	246-11-610	NEW	93-08-003	246-224-040	AMD-P	93-19-048
246-11-220	NEW	93-08-003	246-100-011	AMD-P	93-03-003	246-224-050	AMD-P	93-19-048
246-11-230	NEW-P	93-04-102	246-100-011	AMD	93-08-036	246-224-070	AMD-P	93-19-048
246-11-230	NEW	93-08-003	246-100-041	AMD-P	93-03-003	246-225-020	AMD-P	93-19-048
246-11-250	NEW-P	93-04-102	246-100-041	AMD	93-08-036	246-225-030	AMD-P	93-19-048
246-11-250	NEW	93-08-003	246-100-042	NEW-P	93-06-094	246-225-040	AMD-P	93-19-048
246-11-260	NEW-P	93-04-102	246-100-042	NEW	93-10-038	246-225-050	AMD-P	93-19-048
246-11-260	NEW	93-08-003	246-100-076	AMD-P	93-03-003	246-225-150	AMD-P	93-19-048
246-11-270	NEW-P	93-04-102	246-100-076	AMD	93-08-036	246-225-160	AMD-P	93-19-048
246-11-270	NEW	93-08-003	246-100-236	AMD-P	93-03-003	246-225-999 10	AMD-P	93-19-048
246-11-280	NEW-P	93-04-102	246-100-236	AMD	93-08-036	246-227-001	NEW-P	93-19-048
246-11-280	NEW	93-08-003	246-130-040	AMD-E	93-04-015	246-227-010	NEW-P	93-19-048
246-11-290	NEW-P	93-04-102	246-130-040	AMD-P	93-06-095	246-227-020	NEW-P	93-19-048
246-11-290	NEW	93-08-003	246-130-040	AMD-W	93-11-006	246-227-030	NEW-P	93-19-048
246-11-300	NEW-P	93-04-102	246-130-070	AMD-E	93-04-015	246-227-040	NEW-P	93-19-048
246-11-300	NEW	93-08-003	246-130-070	AMD-P	93-06-095	246-227-050	NEW-P	93-19-048
246-11-310	NEW-P	93-04-102	246-130-070	AMD-W	93-11-006	246-227-060	NEW-P	93-19-048
246-11-310	NEW	93-08-003	246-201-005	NEW-W	93-11-075	246-227-070	NEW-P	93-19-048
246-11-320	NEW-P	93-04-102	246-203-005	NEW-W	93-11-075	246-227-080	NEW-P	93-19-048
246-11-320	NEW	93-08-003	246-205-005	NEW-W	93-11-075	246-227-090	NEW-P	93-19-048
246-11-330	NEW-P	93-04-102	246-215-005	NEW-W	93-11-075	246-227-095	NEW-P	93-19-048
246-11-330	NEW	93-08-003	246-217-005	NEW-W	93-11-075	246-227-100	NEW-P	93-19-048
246-11-340	NEW-P	93-04-102	246-220-002	AMD-P	93-19-048	246-227-120	NEW-P	93-19-048
246-11-340	NEW	93-08-003	246-220-007	AMD-P	93-19-048	246-227-130	NEW-P	93-19-048
246-11-350	NEW-P	93-04-102	246-220-010	AMD-P	93-19-048	246-227-150	NEW-P	93-19-048
246-11-350	NEW	93-08-003	246-220-080	AMD-P	93-19-048	246-227-170	NEW-P	93-19-048
246-11-360	NEW-P	93-04-102	246-220-090	AMD-P	93-19-048	246-235-055	NEW-P	93-19-048
246-11-360	NEW	93-08-003	246-220-120	AMD-P	93-19-048	246-235-130	AMD-P	93-19-048
246-11-370	NEW-P	93-04-102	246-220-130	AMD-P	93-19-048	246-239-020	AMD-P	93-19-048

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-239-022	NEW-P	93-19-048	246-272-110	REP-P	93-21-062	246-290-320	AMD	93-08-01
246-239-030	AMD-P	93-19-048	246-272-11001	NEW-P	93-21-062	246-290-330	AMD-P	93-04-12
246-239-035	NEW-P	93-19-048	246-272-11501	NEW-P	93-21-062	246-290-330	AMD	93-08-01
246-239-050	AMD-P	93-19-048	246-272-120	REP-P	93-21-062	246-290-400	REP-P	93-04-12
246-239-070	AMD-P	93-19-048	246-272-12501	NEW-P	93-21-062	246-290-400	REP	93-08-01
246-239-080	AMD-P	93-19-048	246-272-130	REP-P	93-21-062	246-290-420	AMD-P	93-04-12
246-239-090	AMD-P	93-19-048	246-272-13501	NEW-P	93-21-062	246-290-420	AMD	93-08-01
246-239-100	AMD-P	93-19-048	246-272-140	REP-P	93-21-062	246-290-440	AMD-P	93-04-12
246-240-020	AMD-P	93-19-048	246-272-14501	NEW-P	93-21-062	246-290-440	AMD	93-08-01
246-243-010	AMD-P	93-19-048	246-272-150	REP-P	93-21-062	246-290-450	REP-P	93-04-12
246-243-020	AMD-P	93-19-048	246-272-15501	NEW-P	93-21-062	246-290-450	REP	93-08-01
246-243-040	AMD-P	93-19-048	246-272-160	REP-P	93-21-062	246-290-470	AMD-P	93-04-12
246-243-070	AMD-P	93-19-048	246-272-16501	NEW-P	93-21-062	246-290-470	AMD	93-08-01
246-243-080	AMD-P	93-19-048	246-272-170	REP-P	93-21-062	246-290-480	AMD-P	93-04-12
246-243-090	AMD-P	93-19-048	246-272-17501	NEW-P	93-21-062	246-290-480	AMD	93-08-01
246-243-100	AMD-P	93-19-048	246-272-180	REP-P	93-21-062	246-290-601	NEW-P	93-04-12
246-243-110	AMD-P	93-19-048	246-272-18501	NEW-P	93-21-062	246-290-601	NEW	93-08-01
246-243-120	AMD-P	93-19-048	246-272-190	REP-P	93-21-062	246-290-610	NEW-P	93-04-12
246-243-130	AMD-P	93-19-048	246-272-19501	NEW-P	93-21-062	246-290-610	NEW	93-08-01
246-243-140	AMD-P	93-19-048	246-272-200	REP-P	93-21-062	246-290-620	NEW-P	93-04-12
246-243-150	AMD-P	93-19-048	246-272-20501	NEW-P	93-21-062	246-290-620	NEW	93-08-01
246-243-160	AMD-P	93-19-048	246-272-210	REP-P	93-21-062	246-290-630	NEW-P	93-04-12
246-243-170	AMD-P	93-19-048	246-272-21501	NEW-P	93-21-062	246-290-630	NEW	93-08-01
246-243-180	AMD-P	93-19-048	246-272-220	REP-P	93-21-062	246-290-632	NEW-P	93-04-12
246-243-190	AMD-P	93-19-048	246-272-22501	NEW-P	93-21-062	246-290-632	NEW	93-08-01
246-243-195	NEW-P	93-19-048	246-272-230	REP-P	93-21-062	246-290-634	NEW-P	93-04-12
246-243-200	AMD-P	93-19-048	246-272-23501	NEW-P	93-21-062	246-290-634	NEW	93-08-01
246-243-205	NEW-P	93-19-048	246-272-240	REP-P	93-21-062	246-290-636	NEW-P	93-04-12
246-243-210	AMD-P	93-19-048	246-272-24001	NEW-P	93-21-062	246-290-636	NEW	93-08-01
246-243-220	AMD-P	93-19-048	246-272-25001	NEW-P	93-21-062	246-290-638	NEW-P	93-04-12
246-243-230	AMD-P	93-19-048	246-272-25001	NEW-P	93-21-062	246-290-638	NEW	93-08-01
246-243-240	AMD-P	93-19-048	246-272-26001	NEW-P	93-21-062	246-290-639	NEW-P	93-04-12
246-250-001	AMD-P	93-19-048	246-272-27001	NEW-P	93-21-062	246-290-639	NEW	93-08-01
246-252-030	AMD-P	93-19-048	246-272-28001	NEW-P	93-21-062	246-290-640	NEW-P	93-04-12
246-254-053	AMD-P	93-08-069	246-282-005	NEW-W	93-11-075	246-290-640	NEW	93-08-01
246-254-053	AMD	93-13-019	246-282-990	AMD-P	93-13-125	246-290-640	NEW	93-08-01
246-254-070	AMD-P	93-08-069	246-282-990	AMD	93-17-096	246-290-650	NEW-P	93-04-12
246-254-070	AMD	93-13-019	246-290-001	AMD-P	93-04-122	246-290-650	NEW	93-08-01
246-254-080	AMD-P	93-08-069	246-290-001	AMD	93-08-011	246-290-652	NEW-P	93-04-12
246-254-080	AMD	93-13-019	246-290-010	AMD-P	93-04-122	246-290-652	NEW	93-08-01
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246-254-090	AMD	93-13-019	246-290-020	AMD-P	93-04-122	246-290-654	NEW	93-08-01
246-254-100	AMD-P	93-08-069	246-290-020	AMD	93-08-011	246-290-660	NEW-P	93-04-12
246-254-100	AMD	93-13-019	246-290-030	AMD-P	93-04-122	246-290-660	NEW	93-08-01
246-254-120	AMD-P	93-08-069	246-290-030	AMD	93-08-011	246-290-662	NEW-P	93-04-12
246-254-120	AMD	93-13-019	246-290-040	AMD-P	93-04-122	246-290-662	NEW	93-08-01
246-260-005	NEW-W	93-11-075	246-290-040	AMD	93-08-011	246-290-664	NEW-P	93-04-12
246-262-005	NEW-W	93-11-075	246-290-050	AMD-P	93-04-122	246-290-664	NEW	93-08-01
246-264-005	NEW-W	93-11-075	246-290-050	AMD	93-08-011	246-290-666	NEW-P	93-04-12
246-272-001	REP-P	93-21-062	246-290-060	AMD-P	93-04-122	246-290-666	NEW	93-08-01
246-272-00101	NEW-P	93-21-062	246-290-060	AMD	93-08-011	246-290-668	NEW-P	93-04-12
246-272-002	REP-P	93-21-062	246-290-100	AMD-P	93-04-122	246-290-668	NEW	93-08-01
246-272-005	REP-P	93-21-062	246-290-100	AMD	93-08-011	246-290-670	NEW-P	93-04-12
246-272-00501	NEW-P	93-21-062	246-290-110	AMD-P	93-04-122	246-290-670	NEW	93-08-01
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246-847-130	AMD	93-18-093	246-857-250	REP	93-04-017	246-922-033	NEW-P	93-19-150
246-847-200	AMD-P	93-12-089	246-857-260	REP	93-04-017	246-922-035	NEW-P	93-08-082
246-847-200	AMD	93-18-093	246-857-270	REP	93-04-017	246-922-035	NEW	93-18-036
246-849-200	NEW-P	93-03-046	246-857-280	REP	93-04-017	246-922-100	AMD-P	93-19-150
246-849-200	NEW	93-10-008	246-857-290	REP	93-04-017	246-922-110	REP-P	93-19-150
246-849-210	NEW-P	93-03-046	246-857-300	REP	93-04-017	246-922-120	AMD-P	93-19-150
246-849-210	NEW	93-10-008	246-857-310	REP	93-04-017	246-922-220	REP-P	93-19-150
246-849-220	NEW-P	93-03-046	246-857-320	REP	93-04-017	246-922-235	NEW-P	93-08-082
246-849-220	NEW	93-10-008	246-857-330	REP	93-04-017	246-922-235	NEW	93-18-036
246-849-230	NEW-P	93-03-046	246-857-340	REP	93-04-017	246-922-250	REP-P	93-19-150
246-849-230	NEW	93-10-008	246-863-050	AMD-P	93-04-101	246-922-260	AMD-P	93-19-150
246-849-240	NEW-P	93-03-046	246-863-050	AMD	93-10-007	246-922-275	NEW-P	93-08-082
246-849-240	NEW	93-10-008	246-863-130	NEW-W	93-04-018	246-922-275	NEW	93-18-036
246-849-250	NEW-P	93-03-046	246-865-060	AMD-P	93-19-110	246-922-300	AMD-P	93-19-150
246-849-250	NEW	93-10-008	246-869-245	NEW-W	93-07-051	246-922-310	AMD-P	93-19-150
246-849-260	NEW-P	93-03-046	246-883-030	AMD	93-05-046	246-924-040	AMD-P	93-02-065
246-849-260	NEW	93-10-008	246-886-030	AMD-E	93-17-004	246-924-040	AMD	93-06-092
246-849-270	NEW-P	93-03-046	246-886-030	AMD-P	93-19-151	246-924-050	AMD-P	93-02-065
246-849-270	NEW	93-10-008	246-887-132	NEW-P	93-08-108	246-924-050	AMD	93-06-092
246-849-990	AMD-P	93-10-071	246-887-132	NEW	93-14-037	246-924-055	NEW-P	93-02-065
246-849-990	AMD	93-14-011	246-887-160	AMD	93-06-093	246-924-055	NEW	93-06-092
246-851-110	AMD-P	93-08-079	246-887-160	AMD-P	93-08-109	246-924-060	AMD-P	93-02-065
246-851-110	AMD	93-18-092	246-887-160	AMD	93-14-038	246-924-060	AMD	93-06-092
246-851-270	REVIEW	93-03-030	246-901-030	AMD-P	93-08-107	246-924-065	NEW-P	93-02-065
246-851-360	REVIEW	93-03-030	246-901-030	AMD-W	93-13-039	246-924-065	NEW	93-06-092
246-851-360	AMD-P	93-08-079	246-901-035	NEW-P	93-12-123	246-924-070	AMD-P	93-04-014
246-851-360	AMD	93-18-092	246-901-060	AMD-P	93-08-107	246-924-070	AMD-E	93-06-023
246-851-520	REVIEW	93-03-030	246-901-060	AMD	93-17-097	246-924-070	AMD	93-07-078
246-851-530	REVIEW	93-03-030	246-901-065	NEW-P	93-08-107	246-924-100	AMD-P	93-16-074
246-851-530	REP-P	93-08-079	246-901-065	NEW	93-17-097	246-924-100	AMD-E	93-16-075
246-851-530	REP	93-18-092	246-903-010	AMD	93-04-016	246-924-100	AMD	93-21-024
246-851-540	NEW-P	93-08-079	246-903-020	AMD	93-04-016	246-924-350	REP-P	93-02-067
246-851-540	NEW-W	93-21-061	246-907-030	AMD	93-05-045	246-924-350	REP	93-07-036
246-851-550	NEW-P	93-08-079	246-907-030	AMD-P	93-12-003	246-924-351	NEW-P	93-02-067
246-851-550	NEW-W	93-21-061	246-907-030	AMD	93-18-015	246-924-351	NEW	93-07-036
246-851-560	NEW-P	93-08-079	246-915-020	AMD	93-04-081	246-924-352	NEW-P	93-02-067
246-851-560	NEW-W	93-21-061	246-915-040	AMD-P	93-20-058	246-924-352	NEW	93-07-036
246-853-020	AMD-P	93-17-095	246-915-050	AMD-P	93-20-058	246-924-353	NEW-P	93-02-067
246-853-190	AMD-P	93-17-095	246-915-078	NEW-P	93-20-058	246-924-353	NEW	93-07-036
246-853-275	NEW-P	93-17-095	246-915-085	NEW-P	93-20-058	246-924-354	NEW-P	93-02-067
246-854-020	AMD-P	93-17-095	246-915-080	AMD	93-04-081	246-924-354	NEW	93-07-036
246-854-030	AMD-P	93-17-095	246-915-085	NEW-W	93-04-082	246-924-355	NEW-P	93-02-067
246-854-040	AMD-P	93-17-095	246-915-090	AMD-P	93-20-058	246-924-355	NEW	93-07-036
246-854-050	AMD-P	93-17-095	246-915-120	AMD	93-04-081	246-924-356	NEW-P	93-02-067
246-854-060	AMD-P	93-17-095	246-915-120	AMD-P	93-20-058	246-924-356	NEW	93-07-036
246-854-080	AMD-P	93-17-095	246-915-140	AMD-W	93-04-082	246-924-357	NEW-P	93-02-067
246-854-090	AMD-P	93-17-095	246-915-140	AMD-P	93-20-058	246-924-357	NEW	93-07-036
246-854-100	REP-P	93-17-095	246-915-145	NEW-W	93-04-082	246-924-358	NEW-P	93-02-067
246-854-110	NEW-P	93-17-095	246-915-160	AMD-P	93-20-058	246-924-358	NEW	93-07-036
246-854-115	NEW-P	93-17-095	246-915-340	NEW-P	93-20-058	246-924-359	NEW-P	93-02-067
246-857-020	REP	93-04-017	246-917-100	AMD-P	93-17-043	246-924-359	NEW	93-07-036
246-857-030	REP	93-04-017	246-917-100	AMD	93-21-017	246-924-360	REP-P	93-02-067
246-857-040	REP	93-04-017	246-917-110	AMD-P	93-17-043	246-924-360	REP	93-07-036
246-857-050	REP	93-04-017	246-917-110	AMD	93-21-017	246-924-361	NEW-P	93-02-067
246-857-060	REP	93-04-017	246-917-120	AMD-P	93-17-043	246-924-361	NEW	93-07-036
246-857-070	REP	93-04-017	246-917-120	AMD	93-21-017	246-924-363	NEW-P	93-02-067
246-857-080	REP	93-04-017	246-917-121	AMD-P	93-05-047	246-924-363	NEW	93-07-036
246-857-090	REP	93-04-017	246-917-121	AMD	93-11-008	246-924-364	NEW-P	93-02-067
246-857-100	REP	93-04-017	246-917-220	NEW-P	93-17-043	246-924-364	NEW	93-07-036
246-857-110	REP	93-04-017	246-917-220	NEW	93-21-017	246-924-365	NEW-P	93-02-067
246-857-120	REP	93-04-017	246-917-990	AMD-W	93-11-073	246-924-365	NEW	93-07-036
246-857-130	REP	93-04-017	246-917-990	AMD-P	93-12-122	246-924-366	NEW-P	93-02-067
246-857-140	REP	93-04-017	246-917-990	AMD-E	93-12-124	246-924-366	NEW	93-07-036
246-857-150	REP	93-04-017	246-917-990	AMD	93-16-102	246-924-367	NEW-P	93-02-067
246-857-160	REP	93-04-017	246-918-005	AMD-P	93-17-042	246-924-367	NEW	93-07-036
246-857-170	REP	93-04-017	246-918-005	AMD	93-21-016	246-924-370	REP-P	93-02-067
246-857-180	REP	93-04-017	246-918-009	NEW-P	93-17-042	246-924-370	REP	93-07-036
246-857-190	REP	93-04-017	246-918-009	NEW	93-21-016	246-924-380	REP-P	93-02-067
246-857-200	REP	93-04-017	246-918-250	AMD-P	93-17-042	246-924-380	REP	93-07-036
246-857-210	REP	93-04-017	246-918-250	AMD	93-21-016	246-924-390	REP-P	93-02-067
246-857-220	REP	93-04-017	246-918-260	AMD-P	93-05-047	246-924-390	REP	93-07-036
246-857-230	REP	93-04-017	246-918-260	AMD	93-11-008	246-924-400	REP-P	93-02-067

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246-924-410	REP-P	93-02-067	246-976-860	NEW-P	93-13-124	250-40-040	AMD-P	93-11-091
246-924-410	REP	93-07-036	246-976-860	NEW	93-20-063	250-40-040	AMD-E	93-13-034
246-924-420	REP-P	93-02-067	246-976-990	AMD-P	93-13-124	250-40-040	AMD	93-20-044
246-924-420	REP	93-07-036	246-976-990	AMD	93-20-063	250-40-050	AMD-P	93-11-091
246-924-430	REP-P	93-02-067	248-14-001	AMD-P	93-18-022	250-40-050	AMD-E	93-13-034
246-924-430	REP	93-07-036	248-14-071	REP-P	93-18-022	250-40-050	AMD	93-20-044
246-924-440	REP-P	93-02-067	248-14-075	NEW-P	93-18-022	250-40-060	AMD-P	93-11-091
246-924-440	REP	93-07-036	248-14-080	AMD-P	93-18-022	250-40-060	AMD-E	93-13-034
246-924-450	REP-P	93-02-067	248-14-240	AMD-P	93-18-022	250-40-060	AMD	93-20-044
246-924-450	REP	93-07-036	248-14-249	AMD-P	93-18-022	250-40-070	AMD-P	93-11-091
246-924-475	NEW-P	93-11-038	248-172-101	REP-P	93-21-079	250-40-070	AMD-E	93-13-034
246-924-475	NEW-E	93-12-042	248-172-101	REP-E	93-21-080	250-40-070	AMD	93-20-044
246-924-475	NEW	93-16-027	248-172-201	REP-P	93-21-079	250-44-050	AMD	93-07-061
246-930-499	AMD-P	93-10-072	248-172-201	REP-E	93-21-080	250-44-110	AMD	93-07-061
246-933-499	AMD	93-14-095	248-172-202	REP-P	93-21-079	250-44-130	AMD	93-07-061
246-933-010	AMD-P	93-04-079	248-172-202	REP-E	93-21-080	250-61-010	REP-P	93-12-106
246-933-010	AMD	93-08-029	248-172-203	REP-P	93-21-079	250-61-010	REP-S	93-18-027
246-933-180	NEW-P	93-04-079	248-172-203	REP-E	93-21-080	250-61-020	REP-P	93-12-106
246-933-180	NEW	93-08-029	248-172-204	REP-P	93-21-079	250-61-020	REP-S	93-18-027
246-933-190	NEW-P	93-13-052	248-172-204	REP-E	93-21-080	250-61-030	REP-P	93-12-106
246-933-190	NEW	93-21-007	248-172-205	REP-P	93-21-079	250-61-030	REP-S	93-18-027
246-933-980	AMD-P	93-04-079	248-172-205	REP-E	93-21-080	250-61-040	REP-P	93-12-106
246-933-980	AMD	93-08-029	248-172-206	REP-P	93-21-079	250-61-040	REP-S	93-18-027
246-933-990	AMD-P	93-04-121	248-172-206	REP-E	93-21-080	250-61-050	REP-P	93-12-106
246-933-990	AMD	93-08-028	248-172-301	REP-P	93-21-079	250-61-050	REP-S	93-18-027
246-933-990	AMD-P	93-10-071	248-172-301	REP-E	93-21-080	250-61-060	REP-P	93-12-106
246-933-990	AMD	93-14-011	248-172-302	REP-P	93-21-079	250-61-060	REP-S	93-18-027
246-935-060	AMD-P	93-08-081	248-172-302	REP-E	93-21-080	250-61-070	REP-P	93-12-106
246-935-060	AMD	93-12-126	248-172-303	REP-P	93-21-079	250-61-070	REP-S	93-18-027
246-935-070	AMD-P	93-04-079	248-172-303	REP-E	93-21-080	250-61-080	REP-P	93-12-106
246-935-070	AMD	93-08-029	248-172-304	REP-P	93-21-079	250-61-080	REP-S	93-18-027
246-935-080	REP-P	93-04-079	248-172-304	REP-E	93-21-080	250-61-090	REP-P	93-12-106
246-935-080	REP	93-08-029	248-172-401	REP-P	93-21-079	250-61-090	REP-S	93-18-027
246-935-125	AMD-P	93-04-079	248-172-401	REP-E	93-21-080	250-61-100	REP-P	93-12-106
246-935-125	AMD	93-08-029	248-172-402	REP-P	93-21-079	250-61-100	REP-S	93-18-027
246-935-990	AMD-P	93-10-071	248-172-402	REP-E	93-21-080	250-61-110	REP-P	93-12-106
246-935-990	AMD	93-14-011	250-18-010	AMD-P	93-16-076	250-61-110	REP-S	93-18-027
246-976-470	AMD-P	93-13-124	250-18-010	AMD	93-20-004	250-61-120	REP-P	93-12-106
246-976-470	AMD	93-20-063	250-18-020	AMD-P	93-16-076	250-61-120	REP-S	93-18-027
246-976-510	AMD-P	93-13-124	250-18-020	AMD	93-20-004	250-61-130	REP-P	93-12-106
246-976-510	AMD	93-20-063	250-18-050	AMD-P	93-16-076	250-61-130	REP-S	93-18-027
246-976-520	AMD-P	93-13-124	250-18-050	AMD	93-20-004	250-61-140	REP-P	93-12-106
246-976-520	AMD	93-20-063	250-18-060	AMD-P	93-16-076	250-61-140	REP-S	93-18-027
246-976-560	AMD-P	93-13-124	250-18-060	AMD	93-20-004	250-61-150	REP-P	93-12-106
246-976-560	AMD	93-20-063	250-20-011	AMD-P	93-03-087	250-61-150	REP-S	93-18-027
246-976-600	AMD-P	93-13-124	250-20-011	AMD-E	93-04-070	250-61-160	REP-P	93-12-106
246-976-600	AMD	93-20-063	250-20-011	AMD	93-08-010	250-61-160	REP-S	93-18-027
246-976-610	AMD-P	93-13-124	250-20-015	AMD-P	93-03-087	250-61-170	REP-P	93-12-106
246-976-610	AMD	93-20-063	250-20-015	AMD-E	93-04-070	250-61-170	REP-S	93-18-027
246-976-650	AMD-P	93-13-124	250-20-015	AMD	93-08-010	250-61-180	REP-P	93-12-106
246-976-650	AMD	93-20-063	250-20-021	AMD-P	93-03-087	250-61-180	REP-S	93-18-027
246-976-680	AMD-P	93-13-124	250-20-021	AMD-E	93-04-070	250-62-010	NEW-P	93-12-106
246-976-680	AMD	93-20-063	250-20-021	AMD	93-08-010	250-62-010	NEW-S	93-18-027
246-976-720	AMD-P	93-13-124	250-20-031	AMD-P	93-03-087	250-62-020	NEW-P	93-12-106
246-976-720	AMD	93-20-063	250-20-031	AMD-E	93-04-070	250-62-020	NEW-S	93-18-027
246-976-730	AMD-P	93-13-124	250-20-031	AMD	93-08-010	250-62-030	NEW-P	93-12-106
246-976-730	AMD	93-20-063	250-20-041	AMD-P	93-03-087	250-62-030	NEW-S	93-18-027
246-976-770	AMD-P	93-13-124	250-20-041	AMD-E	93-04-070	250-62-040	NEW-P	93-12-106
246-976-770	AMD	93-20-063	250-20-041	AMD	93-08-010	250-62-040	NEW-S	93-18-027
246-976-780	AMD-P	93-13-124	250-20-051	AMD-P	93-03-087	250-62-050	NEW-P	93-12-106
246-976-780	AMD	93-20-063	250-20-051	AMD-E	93-04-070	250-62-050	NEW-S	93-18-027
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246-976-790	AMD	93-20-063	250-25	AMD-C	93-14-098	250-62-060	NEW-S	93-18-027
246-976-810	AMD-P	93-13-124	250-25-060	AMD-P	93-11-088	250-62-070	NEW-P	93-12-106
246-976-810	AMD	93-20-063	250-25-060	AMD	93-19-023	250-62-070	NEW-S	93-18-027
246-976-820	AMD-P	93-13-124	250-25-070	AMD-P	93-11-088	250-62-080	NEW-P	93-12-106
246-976-820	AMD	93-20-063	250-25-070	AMD	93-19-023	250-62-080	NEW-S	93-18-027
246-976-830	NEW-P	93-13-124	250-25-080	AMD-P	93-11-088	250-62-090	NEW-P	93-12-106
246-976-830	NEW	93-20-063	250-25-080	AMD	93-19-023	250-62-090	NEW-S	93-18-027
246-976-840	NEW-P	93-13-124	250-40	AMD-C	93-15-043	250-62-100	NEW-P	93-12-106
246-976-840	NEW	93-20-063	250-40-030	AMD-P	93-11-093	250-62-100	NEW-S	93-18-027
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250-62-120	NEW-S	93-18-027	251-17-090	AMD-P	93-16-095	260-08-410	REP-P	93-20-115
250-62-130	NEW-P	93-12-106	251-17-090	AMD	93-19-078	260-08-420	REP-P	93-20-115
250-62-130	NEW-S	93-18-027	251-18-180	AMD-E	93-13-008	260-08-430	REP-P	93-20-115
250-62-140	NEW-P	93-12-106	251-18-180	AMD-P	93-16-095	260-08-440	REP-P	93-20-115
250-62-140	NEW-S	93-18-027	251-18-180	AMD	93-19-078	260-08-450	REP-P	93-20-115
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250-62-150	NEW-S	93-18-027	251-18-190	AMD-P	93-16-095	260-08-470	REP-P	93-20-115
250-62-160	NEW-P	93-12-106	251-18-190	AMD	93-19-078	260-08-480	REP-P	93-20-115
250-62-160	NEW-S	93-18-027	251-18-240	AMD-E	93-13-008	260-08-490	REP-P	93-20-115
250-62-170	NEW-P	93-12-106	251-18-240	AMD-E	93-14-092	260-08-500	REP-P	93-20-115
250-62-170	NEW-S	93-18-027	251-18-240	AMD-P	93-16-020	260-08-510	REP-P	93-20-115
250-62-180	NEW-P	93-12-106	251-18-240	AMD-P	93-16-095	260-08-520	REP-P	93-20-115
250-62-180	NEW-S	93-18-027	251-18-240	AMD-W	93-19-077	260-08-530	REP-P	93-20-115
250-62-190	NEW-P	93-12-106	251-18-240	AMD	93-19-147	260-08-540	REP-P	93-20-115
250-62-190	NEW-S	93-18-027	251-18-260	AMD-E	93-14-092	260-08-550	REP-P	93-20-115
250-62-200	NEW-P	93-12-106	251-18-260	AMD-P	93-16-020	260-08-560	REP-P	93-20-115
250-62-200	NEW-S	93-18-027	251-18-260	AMD	93-19-147	260-08-570	REP-P	93-20-115
250-62-210	NEW-P	93-12-106	251-18-280	AMD-E	93-14-092	260-08-580	REP-P	93-20-115
250-62-210	NEW-S	93-18-027	251-18-280	AMD-P	93-16-020	260-08-590	REP-P	93-20-115
250-65	AMD-C	93-14-099	251-18-280	AMD	93-19-147	260-08-600	NEW-P	93-20-114
250-65-030	AMD-P	93-11-089	251-19-010	AMD-E	93-13-008	260-08-610	NEW-P	93-20-114
250-65-030	AMD	93-19-022	251-19-010	AMD-P	93-16-095	260-08-620	NEW-P	93-20-114
250-65-040	AMD-P	93-11-089	251-19-010	AMD	93-19-078	260-08-630	NEW-P	93-20-114
250-65-040	AMD	93-19-022	251-19-060	AMD-E	93-13-008	260-08-640	NEW-P	93-20-114
250-65-050	AMD-P	93-11-089	251-19-060	AMD-P	93-16-095	260-08-650	NEW-P	93-20-114
250-65-050	AMD	93-19-022	251-19-060	AMD	93-19-078	260-08-660	NEW-P	93-20-114
250-65-060	AMD-P	93-11-089	251-19-100	AMD-E	93-13-008	260-08-670	NEW-P	93-20-114
250-65-060	AMD	93-19-022	251-19-100	AMD-P	93-16-095	260-08-680	NEW-P	93-20-114
250-66-020	AMD-P	93-11-094	251-19-100	AMD	93-19-078	260-08-690	NEW-P	93-20-123
250-66-020	AMD-C	93-14-103	251-22-116	NEW	93-14-115	260-08-700	NEW-P	93-20-123
250-66-020	AMD	93-19-014	251-22-167	AMD-P	93-11-103	260-08-710	NEW-P	93-20-123
250-70-030	AMD-P	93-11-090	251-22-167	AMD	93-14-115	260-08-720	NEW-P	93-20-123
250-70-030	AMD-C	93-14-100	251-22-167	AMD	93-16-061	260-08-730	NEW-P	93-20-123
250-70-030	AMD	93-19-024	251-22-195	AMD-P	93-11-103	260-08-740	NEW-P	93-20-123
250-76-020	AMD-P	93-11-091	251-22-195	AMD	93-14-115	260-08-750	NEW-P	93-20-123
250-76-020	AMD-C	93-14-101	251-22-195	AMD	93-16-061	260-08-760	NEW-P	93-20-124
250-76-020	AMD	93-19-025	251-22-197	NEW-P	93-11-103	260-08-770	NEW-P	93-20-124
250-76-070	AMD-P	93-11-091	251-22-197	NEW	93-14-115	260-08-780	NEW-P	93-20-124
250-76-070	AMD-C	93-14-101	251-22-200	AMD-P	93-11-103	260-08-790	NEW-P	93-20-124
250-76-070	AMD	93-19-025	251-22-200	AMD	93-14-115	260-08-800	NEW-P	93-20-124
250-78-050	AMD-P	93-11-092	251-22-215	REP	93-06-032	260-08-810	NEW-P	93-20-124
250-78-050	AMD-C	93-14-102	260-08-005	AMD-P	93-20-121	260-08-820	NEW-P	93-20-124
250-78-050	AMD	93-19-015	260-08-010	REP-P	93-20-115	260-08-830	NEW-P	93-20-124
250-78-060	AMD-P	93-11-092	260-08-030	REP-P	93-20-115	260-12-010	AMD-P	93-20-116
250-78-060	AMD-C	93-14-102	260-08-040	REP-P	93-20-115	260-12-090	REP-P	93-20-115
250-78-060	AMD	93-19-015	260-08-050	REP-P	93-20-115	260-24-010	AMD-P	93-20-117
251-04-030	AMD-E	93-14-092	260-08-060	REP-P	93-20-115	260-24-080	AMD-P	93-20-117
251-04-030	AMD-P	93-16-020	260-08-070	REP-P	93-20-115	260-24-110	AMD-P	93-20-117
251-04-030	AMD	93-19-147	260-08-080	REP-P	93-20-115	260-24-120	AMD-P	93-20-117
251-04-040	AMD-E	93-14-092	260-08-090	REP-P	93-20-115	260-24-140	AMD-P	93-20-117
251-04-040	AMD-P	93-16-020	260-08-100	REP-P	93-20-115	260-24-150	AMD-P	93-20-117
251-04-040	AMD	93-19-147	260-08-110	REP-P	93-20-115	260-24-170	AMD-P	93-20-117
251-04-050	AMD-E	93-14-092	260-08-120	REP-P	93-20-115	260-24-180	AMD-P	93-20-117
251-04-050	AMD-P	93-16-020	260-08-130	REP-P	93-20-115	260-24-200	AMD-P	93-20-117
251-04-050	AMD	93-19-147	260-08-140	REP-P	93-20-115	260-24-210	AMD-P	93-20-122
251-06-020	AMD-E	93-14-092	260-08-230	REP-P	93-20-115	260-24-285	NEW-P	93-20-118
251-06-020	AMD-E	93-16-020	260-08-240	REP-P	93-20-115	260-24-290	AMD-P	93-20-122
251-06-020	AMD	93-19-147	260-08-250	REP-P	93-20-115	260-24-315	NEW-P	93-20-118
251-08-005	AMD-E	93-14-092	260-08-260	REP-P	93-20-115	260-24-440	AMD-P	93-20-122
251-08-005	AMD-P	93-16-020	260-08-270	REP-P	93-20-115	260-24-460	AMD-P	93-20-122
251-08-005	AMD	93-19-147	260-08-280	REP-P	93-20-115	260-24-470	AMD-P	93-20-122
251-08-090	AMD-E	93-14-092	260-08-290	REP-P	93-20-115	260-24-500	NEW-P	93-20-118
251-08-090	AMD-P	93-16-020	260-08-300	REP-P	93-20-115	260-24-510	NEW-P	93-20-118
251-08-090	AMD	93-19-147	260-08-310	REP-P	93-20-115	260-24-520	NEW-P	93-20-118
251-10-060	AMD-E	93-13-008	260-08-320	REP-P	93-20-115	260-32-115	NEW-P	93-18-071
251-10-060	AMD-P	93-16-095	260-08-330	REP-P	93-20-115	260-34-030	AMD-P	93-20-119
251-10-060	AMD	93-19-078	260-08-340	REP-P	93-20-115	260-44-060	AMD-P	93-18-070
251-10-061	NEW-E	93-13-008	260-08-350	REP-P	93-20-115	260-48-110	AMD-E	93-09-008
251-10-061	NEW-P	93-16-095	260-08-360	REP-P	93-20-115	260-48-110	AMD-P	93-11-060
251-10-061	NEW	93-19-078	260-08-370	REP-P	93-20-115	260-48-110	AMD	93-14-124
251-12-240	AMD	93-06-033	260-08-380	REP-P	93-20-115	260-48-328	AMD-P	93-11-101

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-48-328	AMD	93-14-125	275-19-900	REP-P	93-18-008	275-56-700	NEW-P	93-19-09
260-48-331	NEW-P	93-11-102	275-19-910	REP-P	93-18-008	275-56-700	NEW-E	93-19-09
260-48-331	NEW	93-14-126	275-19-920	REP-P	93-18-008	275-56-710	NEW-P	93-19-09
260-70-010	AMD-P	93-20-120	275-19-930	REP-P	93-18-008	275-56-710	NEW-E	93-19-09
260-70-025	AMD-E	93-15-020	275-19-940	REP-P	93-18-008	275-56-720	NEW-P	93-19-09
260-70-025	AMD-P	93-18-072	275-19-950	REP-P	93-18-008	275-56-720	NEW-E	93-19-09
260-70-028	AMD-E	93-15-021	275-19-960	REP-P	93-18-008	275-155-020	AMD-P	93-14-07
260-70-028	AMD-P	93-18-073	275-19-970	REP-P	93-18-008	275-155-020	AMD	93-17-02
275-16-030	AMD-P	93-16-002	275-19-980	REP-P	93-18-008	275-155-050	AMD-P	93-14-07
275-16-030	AMD-E	93-16-004	275-19-985	REP-P	93-18-008	275-155-050	AMD	93-17-02
275-16-030	AMD-S	93-19-055	275-19-990	REP-P	93-18-008	284-07-060	NEW-C	93-04-06
275-16-030	AMD-E	93-20-052	275-25	AMD-E	93-11-051	284-07-060	NEW	93-07-02
275-16-030	RESCIND	93-20-054	275-25	AMD-P	93-11-053	284-07-070	NEW-P	93-15-10
275-19-010	REP-P	93-18-008	275-25	AMD	93-15-013	284-07-070	NEW	93-19-00
275-19-020	REP-P	93-18-008	275-25-010	AMD-E	93-11-051	284-12-200	NEW-P	93-15-11
275-19-030	REP-P	93-18-008	275-25-010	AMD-P	93-11-053	284-12-200	NEW	93-19-00
275-19-040	REP-P	93-18-008	275-25-010	AMD	93-15-013	284-12-210	NEW-P	93-15-11
275-19-050	REP-P	93-18-008	275-25-040	AMD-E	93-11-051	284-12-210	NEW	93-19-00
275-19-060	REP-P	93-18-008	275-25-040	AMD-P	93-11-053	284-12-220	NEW-P	93-15-11
275-19-070	REP-P	93-18-008	275-25-040	AMD	93-15-013	284-12-220	NEW	93-19-00
275-19-075	REP-P	93-18-008	275-25-300	REP-E	93-11-051	284-12-230	NEW-P	93-15-11
275-19-080	REP-P	93-18-008	275-25-300	REP-P	93-11-053	284-12-230	NEW	93-19-00
275-19-100	REP-P	93-18-008	275-25-300	REP	93-15-013	284-12-250	NEW-P	93-15-11
275-19-110	REP-P	93-18-008	275-25-310	REP-E	93-11-051	284-12-250	NEW	93-19-00
275-19-130	REP-P	93-18-008	275-25-310	REP-P	93-11-053	284-12-260	NEW-P	93-15-11
275-19-135	REP-P	93-18-008	275-25-310	REP	93-15-013	284-12-260	NEW	93-19-00
275-19-140	REP-P	93-18-008	275-25-330	REP-E	93-11-051	284-12-270	NEW-P	93-15-11
275-19-145	REP-P	93-18-008	275-25-330	REP-P	93-11-053	284-12-270	NEW	93-19-00
275-19-150	REP-P	93-18-008	275-25-330	REP	93-15-013	284-12-280	NEW-P	93-15-11
275-19-160	REP-P	93-18-008	275-25-340	REP-E	93-11-051	284-12-280	NEW	93-19-00
275-19-165	REP-P	93-18-008	275-25-340	REP-P	93-11-053	284-13-160	NEW-P	93-15-10
275-19-170	REP-P	93-18-008	275-25-340	REP	93-15-013	284-13-160	NEW	93-19-00
275-19-180	REP-P	93-18-008	275-25-810	REP-E	93-11-051	284-13-210	NEW-P	93-15-10
275-19-200	REP-P	93-18-008	275-25-810	REP-P	93-11-053	284-13-210	NEW	93-19-00
275-19-210	REP-P	93-18-008	275-25-810	REP	93-15-013	284-13-220	NEW-P	93-15-10
275-19-220	REP-P	93-18-008	275-25-840	REP-E	93-11-051	284-13-220	NEW	93-19-00
275-19-230	REP-P	93-18-008	275-25-840	REP-P	93-11-053	284-13-280	NEW-P	93-15-11
275-19-240	REP-P	93-18-008	275-25-840	REP	93-15-013	284-13-280	NEW	93-19-00
275-19-250	REP-P	93-18-008	275-26-065	AMD	93-04-029	284-13-310	NEW-P	93-15-11
275-19-260	REP-P	93-18-008	275-27-220	AMD-E	93-21-077	284-13-310	NEW	93-19-00
275-19-270	REP-P	93-18-008	275-27-220	AMD-P	93-21-078	284-13-320	NEW-P	93-15-11
275-19-280	REP-P	93-18-008	275-27-221	NEW-E	93-21-077	284-13-320	NEW	93-19-00
275-19-300	REP-P	93-18-008	275-27-221	NEW-P	93-21-078	284-13-330	NEW-P	93-15-11
275-19-320	REP-P	93-18-008	275-27-223	AMD-E	93-21-077	284-13-330	NEW	93-19-00
275-19-400	REP-P	93-18-008	275-27-223	AMD-P	93-21-078	284-13-340	NEW-P	93-15-11
275-19-410	REP-P	93-18-008	275-38-860	AMD-P	93-14-074	284-13-340	NEW	93-19-00
275-19-430	REP-P	93-18-008	275-38-860	AMD-E	93-14-076	284-13-350	NEW-P	93-15-11
275-19-450	REP-P	93-18-008	275-38-860	AMD	93-17-034	284-13-350	NEW	93-19-00
275-19-455	REP-P	93-18-008	275-38-906	AMD-P	93-14-074	284-13-360	NEW-P	93-15-11
275-19-500	REP-P	93-18-008	275-38-906	AMD-E	93-14-076	284-13-360	NEW	93-19-00
275-19-530	REP-P	93-18-008	275-38-906	AMD	93-17-034	284-13-370	NEW-P	93-15-11
275-19-550	REP-P	93-18-008	275-56-015	AMD-P	93-19-095	284-13-370	NEW	93-19-00
275-19-560	REP-P	93-18-008	275-56-015	AMD-E	93-19-098	284-13-380	NEW-P	93-15-11
275-19-570	REP-P	93-18-008	275-56-600	NEW-P	93-19-095	284-13-380	NEW	93-19-00
275-19-580	REP-P	93-18-008	275-56-600	NEW-E	93-19-098	284-13-390	NEW-P	93-15-11
275-19-585	REP-P	93-18-008	275-56-610	NEW-P	93-19-095	284-13-390	NEW	93-19-00
275-19-590	REP-P	93-18-008	275-56-610	NEW-E	93-19-098	284-13-400	NEW-P	93-15-11
275-19-595	REP-P	93-18-008	275-56-620	NEW-P	93-19-095	284-13-400	NEW	93-19-00
275-19-600	REP-P	93-18-008	275-56-620	NEW-E	93-19-098	284-13-410	NEW-P	93-15-11
275-19-610	REP-P	93-18-008	275-56-630	NEW-P	93-19-095	284-13-410	NEW	93-19-00
275-19-650	REP-P	93-18-008	275-56-630	NEW-E	93-19-098	284-13-420	NEW-P	93-15-11
275-19-660	REP-P	93-18-008	275-56-640	NEW-P	93-19-095	284-13-420	NEW	93-19-00
275-19-675	REP-P	93-18-008	275-56-640	NEW-E	93-19-098	284-13-500	NEW-P	93-15-10
275-19-680	REP-P	93-18-008	275-56-650	NEW-P	93-19-095	284-13-500	NEW	93-19-00
275-19-700	REP-P	93-18-008	275-56-650	NEW-E	93-19-098	284-13-510	NEW-P	93-15-10
275-19-710	REP-P	93-18-008	275-56-660	NEW-P	93-19-095	284-13-510	NEW	93-19-00
275-19-750	REP-P	93-18-008	275-56-660	NEW-E	93-19-098	284-13-520	NEW-P	93-15-10
275-19-760	REP-P	93-18-008	275-56-670	NEW-P	93-19-095	284-13-520	NEW	93-19-00
275-19-770	REP-P	93-18-008	275-56-670	NEW-E	93-19-098	284-13-540	NEW-P	93-15-10
275-19-800	REP-P	93-18-008	275-56-680	NEW-P	93-19-095	284-13-540	NEW	93-19-00
275-19-810	REP-P	93-18-008	275-56-680	NEW-E	93-19-098	284-13-550	NEW-P	93-15-10
275-19-820	REP-P	93-18-008	275-56-690	NEW-P	93-19-095	284-13-550	NEW	93-19-00
275-19-830	REP-P	93-18-008	275-56-690	NEW-E	93-19-098	284-13-560	NEW-P	93-15-10

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-13-560	NEW	93-19-002	284-18-450	NEW-P	93-15-107	284-92-470	NEW-P	93-15-108
284-13-570	NEW-P	93-15-104	284-18-450	NEW	93-19-005	284-92-470	NEW	93-19-006
284-13-570	NEW	93-19-002	284-18-460	NEW-P	93-15-107	284-92-480	NEW-P	93-15-108
284-13-580	NEW-P	93-15-104	284-18-460	NEW	93-19-005	284-92-480	NEW	93-19-006
284-13-580	NEW	93-19-002	284-18-910	NEW-P	93-15-107	284-92-490	NEW-P	93-15-108
284-13-590	NEW-P	93-15-104	284-18-910	NEW	93-19-005	284-92-490	NEW	93-19-006
284-13-590	NEW	93-19-002	284-18-920	NEW-P	93-15-107	284-92-500	NEW-P	93-15-108
284-13-700	NEW-P	93-15-113	284-18-920	NEW	93-19-005	284-92-500	NEW	93-19-006
284-13-700	NEW	93-19-011	284-18-930	NEW-P	93-15-107	284-92-510	NEW-P	93-15-108
284-13-710	NEW-P	93-15-113	284-18-930	NEW	93-19-005	284-92-510	NEW	93-19-006
284-13-710	NEW	93-19-011	284-18-940	NEW-P	93-15-107	286-20-010	AMD-P	93-20-099
284-13-720	NEW-P	93-15-113	284-18-940	NEW	93-19-005	286-27-060	AMD-P	93-20-098
284-13-720	NEW	93-19-011	284-18-990	REP-P	93-15-107	287-04-030	REP	93-04-008
284-13-730	NEW-P	93-15-113	284-18-990	REP	93-19-005	287-04-031	NEW	93-04-008
284-13-730	NEW	93-19-011	284-18-99001	REP-P	93-15-107	296-04-270	AMD	93-04-100
284-13-740	NEW-P	93-15-113	284-18-99001	REP	93-19-005	296-04-280	AMD	93-04-100
284-13-740	NEW	93-19-011	284-22-010	AMD-P	93-14-072	296-14-350	AMD-P	98-18-105
284-15-100	NEW-P	93-15-110	284-22-010	AMD-P	93-17-105	296-14-420	AMD-P	98-18-105
284-15-100	NEW	93-19-008	284-22-010	AMD	93-20-019	296-14-900	AMD-P	98-18-105
284-18-010	REP-P	93-15-107	284-22-020	AMD-P	93-14-072	296-14-910	AMD-P	98-18-105
284-18-010	REP	93-19-005	284-22-020	AMD-P	93-17-105	296-14-930	AMD-P	98-18-105
284-18-020	REP-P	93-15-107	284-22-020	AMD	93-20-019	296-14-940	AMD-P	98-18-105
284-18-020	REP	93-19-005	284-22-030	AMD-P	93-14-072	296-14-950	REP-P	98-18-105
284-18-030	REP-P	93-15-107	284-22-030	AMD-P	93-17-105	296-14-960	REP-P	98-18-105
284-18-030	REP	93-19-005	284-22-030	AMD	93-20-019	296-15-022	AMD-P	93-07-115
284-18-040	REP-P	93-15-107	284-22-050	AMD-P	93-14-072	296-15-022	AMD	93-11-064
284-18-040	REP	93-19-005	284-22-050	AMD-P	93-17-105	296-15-023	AMD-P	93-07-115
284-18-050	REP-P	93-15-107	284-22-050	AMD	93-20-019	296-15-023	AMD	93-11-064
284-18-050	REP	93-19-005	284-22-060	AMD-P	93-14-072	296-15-030	AMD-P	93-07-115
284-18-060	REP-P	93-15-107	284-22-060	AMD-P	93-17-105	296-15-030	AMD	93-11-064
284-18-060	REP	93-19-005	284-22-060	AMD	93-20-019	296-15-060	AMD-P	93-07-115
284-18-070	REP-P	93-15-107	284-32-140	AMD-P	93-15-103	296-15-060	AMD	93-11-064
284-18-070	REP	93-19-005	284-32-140	AMD	93-19-001	296-15-065	AMD-P	93-07-115
284-18-080	REP-P	93-15-107	284-44-241	NEW-P	93-15-092	296-15-065	AMD	93-11-064
284-18-080	REP	93-19-005	284-44-241	NEW-C	93-18-074	296-17-350	AMD-P	93-07-114
284-18-090	REP-P	93-15-107	284-44-241	NEW-C	93-20-046	296-17-350	AMD	93-12-093
284-18-090	REP	93-19-005	284-46-576	NEW-P	93-15-093	296-17-430	AMD-P	93-07-114
284-18-100	REP-P	93-15-107	284-46-576	NEW-C	93-18-074	296-17-430	AMD	93-12-093
284-18-100	REP	93-19-005	284-46-576	NEW-C	93-20-046	296-17-440	AMD-P	93-07-114
284-18-110	REP-P	93-15-107	284-92-010	NEW-P	93-15-108	296-17-440	AMD	93-12-093
284-18-110	REP	93-19-005	284-92-010	NEW	93-19-006	296-17-450	AMD-P	93-07-114
284-18-120	REP-P	93-15-107	284-92-020	NEW-P	93-15-108	296-17-450	AMD	93-12-093
284-18-120	REP	93-19-005	284-92-020	NEW	93-19-006	296-17-501	AMD-P	93-07-114
284-18-300	NEW-P	93-15-107	284-92-210	NEW-P	93-15-108	296-17-501	AMD	93-12-093
284-18-300	NEW	93-19-005	284-92-210	NEW	93-19-006	296-17-506	AMD-P	93-07-114
284-18-310	NEW-P	93-15-107	284-92-220	NEW-P	93-15-108	296-17-506	AMD	93-12-093
284-18-310	NEW	93-19-005	284-92-220	NEW	93-19-006	296-17-50601	AMD-P	93-07-114
284-18-320	NEW-P	93-15-107	284-92-230	NEW-P	93-15-108	296-17-50601	AMD	93-12-093
284-18-320	NEW	93-19-005	284-92-230	NEW	93-19-006	296-17-50602	AMD-P	93-07-114
284-18-330	NEW-P	93-15-107	284-92-240	NEW-P	93-15-108	296-17-50602	AMD	93-12-093
284-18-330	NEW	93-19-005	284-92-240	NEW	93-19-006	296-17-510	AMD-P	93-07-114
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284-18-360	NEW	93-19-005	284-92-270	NEW	93-19-006	296-17-52102	AMD-P	93-07-114
284-18-370	NEW-P	93-15-107	284-92-280	NEW-P	93-15-108	296-17-52102	AMD	93-12-093
284-18-370	NEW	93-19-005	284-92-280	NEW	93-19-006	296-17-52108	AMD-P	93-07-114
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284-18-440	NEW-P	93-15-107	284-92-460	NEW-P	93-15-108	296-17-538	AMD	93-12-093
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296-17-56101	NEW-P	93-07-114	296-17-758	AMD	93-12-093	296-20-125	AMD-P	93-11-095
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296-17-568	AMD	93-12-093	296-17-762	AMD-P	93-07-114	296-20-12502	REP	93-16-072
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296-17-56901	AMD	93-12-093	296-17-76201	AMD-P	93-07-114	296-20-132	AMD	93-16-072
296-17-57001	AMD-P	93-07-114	296-17-76201	AMD	93-12-093	296-20-135	AMD-P	93-11-095
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296-17-57002	AMD	93-12-093	296-17-76204	AMD-P	93-07-114	296-20-170	AMD-P	93-11-095
296-17-57003	AMD-P	93-07-114	296-17-76204	AMD	93-12-093	296-20-170	AMD	93-16-072
296-17-57003	AMD	93-12-093	296-17-76205	AMD-P	93-07-114	296-20-17002	AMD-P	93-11-095
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296-17-579	AMD	93-12-093	296-17-855	AMD-P	93-20-132	296-21	AMD-P	93-11-095
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296-17-580	AMD	93-12-093	296-17-873	AMD	93-12-093	296-21-140	REP-P	93-11-095
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296-17-58502	NEW-P	93-07-114	296-17-895	AMD-P	93-20-132	296-21-170	REP	93-16-072
296-17-58502	NEW	93-12-093	296-17-89501	NEW-P	93-07-114	296-21-180	REP-P	93-11-095
296-17-594	AMD-P	93-07-114	296-17-89501	NEW	93-12-093	296-21-180	REP	93-16-072
296-17-594	AMD	93-12-093	296-17-896	REP-P	93-07-114	296-21-190	REP-P	93-11-095
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296-17-618	AMD-P	93-07-114	296-17-917	AMD	93-18-083	296-21-210	REP	93-16-072
296-17-618	AMD	93-12-093	296-17-919	AMD-P	93-20-132	296-21-230	REP-P	93-11-095
296-17-61804	AMD-P	93-07-114	296-17-920	AMD-P	93-20-132	296-21-230	REP	93-16-072
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296-17-646	AMD-P	93-07-114	296-20-010	AMD	93-16-072	296-21-240	NEW	93-16-072
296-17-646	AMD	93-12-093	296-20-01002	AMD-P	93-11-095	296-21-250	NEW-P	93-11-095
296-17-669	AMD-P	93-07-114	296-20-01002	AMD	93-16-072	296-21-250	NEW	93-16-072
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296-17-67602	AMD	93-12-093	296-20-023	AMD-P	93-18-105	296-21-290	NEW-P	93-11-095
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296-17-686	AMD	93-12-093	296-20-030	AMD	93-16-072	296-21-300	NEW-P	93-11-095
296-17-690	AMD-P	93-07-114	296-20-03001	AMD-P	93-11-095	296-21-300	NEW	93-16-072
296-17-690	AMD	93-12-093	296-20-03001	AMD	93-16-072	296-21-310	NEW-P	93-11-095
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296-17-704	AMD-P	93-07-114	296-20-051	AMD-P	93-11-095	296-21-320	NEW	93-16-072
296-17-704	AMD	93-12-093	296-20-051	AMD	93-16-072	296-21A-010	REP-P	93-11-095
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296-17-707	AMD	93-12-093	296-20-06101	AMD	93-16-072	296-21A-011	REP-P	93-11-095
296-17-708	AMD-P	93-07-114	296-20-065	AMD-P	93-11-095	296-21A-011	REP	93-16-072
296-17-708	AMD	93-12-093	296-20-065	AMD	93-16-072	296-21A-013	REP-P	93-11-095
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296-17-715	AMD	93-12-093	296-20-1102	AMD-P	93-11-095	296-21A-01401	REP-P	93-11-095
296-17-721	AMD-P	93-07-114	296-20-1102	AMD	93-16-072	296-21A-01401	REP	93-16-072
296-17-721	AMD	93-12-093	296-20-1103	AMD-P	93-11-095	296-21A-035	REP-P	93-11-095
296-17-724	AMD-P	93-07-114	296-20-1103	AMD	93-16-072	296-21A-035	REP	93-16-072
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296-22-370	REP-P	93-11-095	296-23-079	REP	93-16-072	296-23-220	AMD-P	93-21-073
296-22-370	REP	93-16-072	296-23-07901	REP-P	93-11-095	296-23-221	REP-P	93-11-095
296-22-375	REP-P	93-11-095	296-23-07901	REP	93-16-072	296-23-221	REP	93-16-072
296-22-375	REP	93-16-072	296-23-07902	REP-P	93-11-095	296-23-224	REP-P	93-11-095
296-22-405	REP-P	93-11-095	296-23-07902	REP	93-16-072	296-23-224	REP	93-16-072
296-22-405	REP	93-16-072	296-23-07903	REP-P	93-11-095	296-23-225	NEW-P	93-11-095
296-22-410	REP-P	93-11-095	296-23-07903	REP	93-16-072	296-23-225	NEW	93-16-072
296-22-410	REP	93-16-072	296-23-07905	REP-P	93-11-095	296-23-228	REP-P	93-11-095
296-22-413	REP-P	93-11-095	296-23-07905	REP	93-16-072	296-23-228	REP	93-16-072
296-22-413	REP	93-16-072	296-23-07906	REP-P	93-11-095	296-23-230	NEW-P	93-11-095
296-22-415	REP-P	93-11-095	296-23-07906	REP	93-16-072	296-23-230	NEW	93-16-072
296-22-415	REP	93-16-072	296-23-07907	REP-P	93-11-095	296-23-230	AMD-P	93-21-073
296-22-420	REP-P	93-11-095	296-23-07907	REP	93-16-072	296-23-231	AMD-P	93-21-073
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296-22-425	REP	93-16-072	296-23-080	REP-P	93-11-095	296-23-232	REP-P	93-11-095
296-22-427	REP-P	93-11-095	296-23-080	REP	93-16-072	296-23-232	REP	93-16-072
296-22-427	REP	93-16-072	296-23-120	REP-P	93-11-095	296-23-235	NEW-P	93-11-095
296-22-430	REP-P	93-11-095	296-23-120	REP	93-16-072	296-23-235	NEW	93-16-072
296-22-430	REP	93-16-072	296-23-125	REP-P	93-11-095	296-23-240	NEW-P	93-11-095
296-22-435	REP-P	93-11-095	296-23-125	REP	93-16-072	296-23-240	NEW	93-16-072
296-22-435	REP	93-16-072	296-23-130	REP-P	93-11-095	296-23-245	NEW-P	93-11-095
296-22-440	REP-P	93-11-095	296-23-130	REP	93-16-072	296-23-245	NEW	93-16-072
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296-22-445	REP-P	93-11-095	296-23-135	NEW	93-16-072	296-23-250	NEW	93-16-072
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296-23-01001	REP	93-16-072	296-23-175	NEW-P	93-11-095	296-23-440	REP-P	93-11-095
296-23-01002	REP-P	93-11-095	296-23-175	NEW	93-16-072	296-23-440	REP	93-16-072
296-23-01002	REP	93-16-072	296-23-180	NEW-P	93-11-095	296-23-450	REP-P	93-11-095
296-23-01004	REP-P	93-11-095	296-23-180	NEW	93-16-072	296-23-450	REP	93-16-072
296-23-01004	REP	93-16-072	296-23-185	NEW-P	93-11-095	296-23-460	REP-P	93-11-095
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296-23-01007	REP-P	93-11-095	296-23-195	NEW	93-16-072	296-23-480	REP	93-16-072
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296-23-01008	REP-P	93-11-095	296-23-200	REP	93-16-072	296-23-485	REP	93-16-072
296-23-01008	REP	93-16-072	296-23-201	REP-P	93-11-095	296-23-490	REP-P	93-11-095
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296-23-020	REP	93-16-072	296-23-20102	REP-P	93-11-095	296-23-500	REP-P	93-11-095
296-23-025	REP-P	93-11-095	296-23-20102	REP	93-16-072	296-23-500	REP	93-16-072
296-23-025	REP	93-16-072	296-23-204	REP-P	93-11-095	296-23-50001	REP-P	93-11-095
296-23-030	REP-P	93-11-095	296-23-204	REP	93-16-072	296-23-50001	REP	93-16-072
296-23-030	REP	93-16-072	296-23-205	NEW-P	93-11-095	296-23-50002	REP-P	93-11-095
296-23-035	REP-P	93-11-095	296-23-205	NEW	93-16-072	296-23-50002	REP	93-16-072
296-23-035	REP	93-16-072	296-23-208	REP-P	93-11-095	296-23-50003	REP-P	93-11-095
296-23-040	REP-P	93-11-095	296-23-208	REP	93-16-072	296-23-50003	REP	93-16-072
296-23-040	REP	93-16-072	296-23-210	NEW-P	93-11-095	296-23-50004	REP-P	93-11-095
296-23-045	REP-P	93-11-095	296-23-210	NEW	93-16-072	296-23-50004	REP	93-16-072
296-23-045	REP	93-16-072	296-23-212	REP-P	93-11-095	296-23-50005	REP-P	93-11-095
296-23-050	REP-P	93-11-095	296-23-212	REP	93-16-072	296-23-50005	REP	93-16-072
296-23-050	REP	93-16-072	296-23-215	NEW-P	93-11-095	296-23-50006	REP-P	93-11-095
296-23-055	REP-P	93-11-095	296-23-215	NEW	93-16-072	296-23-50006	REP	93-16-072

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296-23-50007	REP	93-16-072	296-23A-242	REP-P	93-11-095	296-24-73501	AMD-P	93-21-071
296-23-50008	REP-P	93-11-095	296-23A-242	REP	93-16-072	296-30-010	AMD-P	93-21-072
296-23-50008	REP	93-16-072	296-23A-244	REP-P	93-11-095	296-30-020	AMD-P	93-21-072
296-23-50009	REP-P	93-11-095	296-23A-244	REP	93-16-072	296-30-050	AMD-P	93-21-072
296-23-50009	REP	93-16-072	296-23A-246	REP-P	93-11-095	296-30-060	AMD-P	93-21-072
296-23-50010	REP-P	93-11-095	296-23A-246	REP	93-16-072	296-30-080	AMD-E	93-20-069
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296-23-50011	REP-P	93-11-095	296-23A-248	REP	93-16-072	296-30-081	AMD-E	93-20-069
296-23-50011	REP	93-16-072	296-23A-250	REP-P	93-11-095	296-30-081	AMD-P	93-21-072
296-23-50012	REP-P	93-11-095	296-23A-250	REP	93-16-072	296-30-130	AMD-P	93-21-072
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296-23-50014	REP-P	93-11-095	296-23A-254	REP	93-16-072	296-31-060	AMD-P	93-21-072
296-23-50014	REP	93-16-072	296-23A-256	REP-P	93-11-095	296-31-065	AMD-E	93-20-069
296-23-50015	REP-P	93-11-095	296-23A-256	REP	93-16-072	296-31-065	AMD-P	93-21-072
296-23-50015	REP	93-16-072	296-23A-258	REP-P	93-11-095	296-31-080	AMD-E	93-20-069
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296-23-610	REP-P	93-11-095	296-23A-260	REP	93-16-072	296-31-090	AMD-P	93-21-072
296-23-610	REP	93-16-072	296-23A-262	REP-P	93-11-095	296-31-095	REP-E	93-20-069
296-23-615	REP-P	93-11-095	296-23A-262	REP	93-16-072	296-31-095	REP-P	93-21-072
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296-23-715	REP-P	93-11-095	296-23A-268	REP	93-16-072	296-46-220	AMD	93-06-072
296-23-715	REP	93-16-072	296-23A-300	AMD-P	93-11-095	296-46-225	NEW	93-06-072
296-23-720	REP-P	93-11-095	296-23A-300	AMD	93-16-072	296-46-23040	AMD	93-06-072
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296-23-990	REP	93-16-072	296-23A-400	AMD-P	93-11-095	296-56-60235	AMD-W	93-19-141
296-23A-100	AMD-P	93-11-095	296-23A-400	AMD	93-16-072	296-62	AMD-C	93-15-031
296-23A-100	AMD	93-16-072	296-23A-400	AMD-P	93-21-073	296-62-07105	AMD-P	93-10-101
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296-23A-200	AMD-P	93-11-095	296-24	AMD-C	93-15-031	296-62-07403	AMD	93-21-075
296-23A-200	AMD	93-16-072	296-24-11001	AMD-P	93-21-071	296-62-07405	NEW-P	93-02-057
296-23A-205	AMD-P	93-11-095	296-24-11003	AMD-P	93-10-101	296-62-07405	NEW	93-07-044
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296-23A-235	AMD	93-16-072	296-24-58503	AMD-P	93-21-071	296-62-07411	NEW-P	93-02-057
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296-62-07413	NEW	93-07-044	296-62-07658	NEW	93-04-111	296-104-700	AMD	93-12-014
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296-62-07413	AMD	93-21-075	296-62-07662	NEW	93-04-111	296-116-082	AMD-P	93-06-052
296-62-07415	NEW-P	93-02-057	296-62-07664	NEW	93-04-111	296-116-082	AMD	93-09-016
296-62-07415	NEW	93-07-044	296-62-07666	NEW	93-04-111	296-116-110	AMD-P	93-04-109
296-62-07417	NEW-P	93-02-057	296-62-07668	NEW	93-04-111	296-116-110	AMD	93-07-076
296-62-07417	NEW	93-07-044	296-62-07670	NEW	93-04-111	296-116-185	AMD-C	93-03-001
296-62-07417	NEW	93-07-044	296-62-07672	NEW	93-04-111	296-116-185	AMD	93-03-080
296-62-07417	NEW	93-07-044	296-62-07711	AMD-P	93-10-101	296-116-185	AMD-P	93-10-102
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296-62-07419	NEW-P	93-02-057	296-62-3090	AMD	93-19-142	296-116-300	AMD-P	93-08-027
296-62-07419	NEW	93-07-044	296-62-14501	AMD-P	93-10-101	296-116-300	AMD-C	93-12-009
296-62-07421	NEW-P	93-02-057	296-62-14501	AMD-W	93-19-141	296-116-300	AMD	93-12-133
296-62-07421	NEW	93-07-044	296-62-14503	AMD-P	93-10-101	296-116-360	AMD-P	93-04-110
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296-62-07425	AMD	93-21-075	296-62-14509	AMD-P	93-10-101	296-155	AMD-C	93-15-031
296-62-07427	NEW-P	93-02-057	296-62-14509	AMD-W	93-19-141	296-155-012	AMD-P	93-10-101
296-62-07427	NEW	93-07-044	296-62-14511	AMD-P	93-10-101	296-155-012	AMD-W	93-19-141
296-62-07427	NEW	93-07-044	296-62-14511	AMD-W	93-19-141	296-155-173	NEW	93-04-111
296-62-07429	NEW-P	93-02-057	296-62-14513	AMD-P	93-10-101	296-155-17301	NEW	93-04-111
296-62-07429	NEW	93-07-044	296-62-14513	AMD-P	93-10-101	296-155-17301	NEW	93-04-111
296-62-07431	NEW-P	93-02-057	296-62-14513	AMD-W	93-19-141	296-155-17305	NEW	93-04-111
296-62-07431	NEW	93-07-044	296-62-14515	AMD-P	93-10-101	296-155-17307	NEW	93-04-111
296-62-07431	NEW	93-07-044	296-62-14515	AMD-P	93-10-101	296-155-17309	NEW	93-04-111
296-62-07433	NEW-P	93-02-057	296-62-14515	AMD-W	93-19-141	296-155-17311	NEW	93-04-111
296-62-07433	NEW	93-07-044	296-62-14517	AMD-P	93-10-101	296-155-17313	NEW	93-04-111
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296-62-07441	NEW	93-07-044	296-62-14519	AMD-P	93-10-101	296-155-17317	NEW	93-04-111
296-62-07441	NEW	93-07-044	296-62-14519	AMD-P	93-10-101	296-155-17319	NEW	93-04-111
296-62-07441	AMD-P	93-16-108	296-62-14521	AMD-P	93-10-101	296-155-17321	NEW	93-04-111
296-62-07441	AMD	93-21-075	296-62-14521	AMD-W	93-19-141	296-155-17322	NEW	93-04-111
296-62-07443	NEW-P	93-02-057	296-62-14521	AMD-W	93-19-141	296-155-17325	NEW	93-04-111
296-62-07443	NEW	93-07-044	296-62-14523	AMD-P	93-10-101	296-155-17327	NEW	93-04-111
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296-62-07445	AMD	93-21-075	296-62-14527	AMD-P	93-10-101	296-155-17335	NEW	93-04-111
296-62-07447	NEW-P	93-02-057	296-62-14527	AMD-W	93-19-141	296-155-17337	NEW	93-04-111
296-62-07447	NEW	93-07-044	296-62-14529	AMD-P	93-10-101	296-155-17339	NEW	93-04-111
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296-62-07447	AMD	93-21-075	296-62-14540	NEW-P	93-10-101	296-155-17343	NEW	93-04-111
296-62-07449	NEW-P	93-02-057	296-62-14540	AMD-W	93-19-141	296-155-17345	NEW	93-04-111
296-62-07449	NEW	93-07-044	296-62-14542	NEW-P	93-10-101	296-155-17347	NEW	93-04-111
296-62-07449	AMD-P	93-16-108	296-62-14542	AMD-W	93-19-141	296-155-17349	NEW	93-04-111
296-62-07449	AMD	93-21-075	296-62-14542	AMD-W	93-19-141	296-155-17351	NEW	93-04-111
296-62-07451	NEW	93-02-057	296-62-14545	NEW-P	93-10-101	296-155-17353	NEW	93-04-111
296-62-07451	NEW	93-07-044	296-62-14545	AMD-W	93-19-141	296-155-17355	NEW	93-04-111
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296-62-07611	NEW	93-04-111	296-67-005	AMD-P	93-16-108	296-155-17603	NEW-P	93-17-106
296-62-07613	NEW	93-04-111	296-67-005	AMD	93-21-075	296-155-17605	NEW-P	93-17-106
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296-62-07631	NEW	93-04-111	296-104-200	AMD-P	93-08-073			
296-62-07633	NEW	93-04-111	296-104-200	AMD	93-12-014			
296-62-07635	NEW	93-04-111	296-104-500	AMD-P	93-08-073			
296-62-07637	NEW	93-04-111	296-104-500	AMD	93-12-014			

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296-155-17619	PREP	93-17-109	296-306-015	AMD-P	93-21-071	296-306-115	AMD-P	93-21-071
296-155-17621	NEW-P	93-17-106	296-306-020	AMD-P	93-21-071	296-306-120	AMD-P	93-21-071
296-155-17621	PREP	93-17-109	296-306-025	REP-P	93-21-071	296-306-125	REP-P	93-21-071
296-155-17623	NEW-P	93-17-106	296-306-030	AMD-P	93-21-071	296-306-130	REP-P	93-21-071
296-155-17623	PREP	93-17-109	296-306-035	AMD	93-07-012	296-306-135	REP-P	93-21-071
296-155-17625	NEW-P	93-17-106	296-306-045	REP-P	93-21-071	296-306-140	REP-P	93-21-071
296-155-17627	NEW-P	93-17-106	296-306-050	REP-P	93-21-071	296-306-145	AMD	93-07-012
296-155-17629	NEW-P	93-17-106	296-306-055	REP-P	93-21-071	296-306-145	REP-P	93-21-071
296-155-17631	NEW-P	93-17-106	296-306-057	AMD-P	93-21-071	296-306-14501	NEW-W	93-10-041
296-155-17635	NEW-P	93-17-106	296-306-060	AMD	93-07-012	296-306-14503	NEW-W	93-10-041
296-155-17650	NEW-P	93-17-106	296-306-060	AMD-P	93-21-071	296-306-14505	NEW-W	93-10-041
296-155-17652	NEW-P	93-17-106	296-306-061	NEW	93-07-012	296-306-14507	NEW-W	93-10-041
296-155-17652	PREP	93-17-109	296-306-061	REP-P	93-21-071	296-306-14509	NEW-W	93-10-041
296-155-17654	NEW-P	93-17-106	296-306-06101	NEW-W	93-10-041	296-306-146	NEW-W	93-10-041
296-155-17654	PREP	93-17-109	296-306-06103	NEW-W	93-10-041	296-306-147	NEW-W	93-10-041
296-155-17656	NEW-P	93-17-106	296-306-06105	NEW-W	93-10-041	296-306-148	NEW-W	93-10-041
296-155-203	AMD-P	93-10-101	296-306-06107	NEW-W	93-10-041	296-306-160	AMD-P	93-21-071
296-155-203	AMD-W	93-19-141	296-306-06109	NEW-W	93-10-041	296-306-165	AMD	93-07-012
296-155-20301	AMD-P	93-10-101	296-306-06111	NEW-W	93-10-041	296-306-165	AMD-P	93-21-071
296-155-20301	AMD-W	93-19-141	296-306-06113	NEW-W	93-10-041	296-306-175	AMD-P	93-21-071
296-155-20307	AMD-P	93-10-101	296-306-06115	NEW-W	93-10-041	296-306-200	AMD	93-07-012
296-155-20307	AMD-W	93-19-141	296-306-06117	NEW-W	93-10-041	296-306-200	AMD-P	93-21-071
296-155-24510	AMD-P	93-10-101	296-306-06119	NEW-W	93-10-041	296-306-25007	AMD-P	93-21-071
296-155-24510	AMD	93-19-142	296-306-062	NEW-W	93-10-041	296-306-260	AMD-P	93-21-071
296-155-300	AMD-P	93-10-101	296-306-063	NEW-W	93-10-041	296-306-26001	AMD	93-07-012
296-155-300	AMD	93-19-142	296-306-064	NEW-W	93-10-041	296-306-265	AMD	93-07-012
296-155-305	AMD-P	93-10-101	296-306-06401	NEW-W	93-10-041	296-306-265	AMD-P	93-21-071
296-155-305	AMD	93-19-142	296-306-06403	NEW-W	93-10-041	296-306-270	AMD	93-07-012
296-155-310	AMD-P	93-10-101	296-306-06405	NEW-W	93-10-041	296-306-27095	AMD	93-07-012
296-155-310	AMD	93-19-142	296-306-06407	NEW-W	93-10-041	296-306-300	AMD-P	93-21-071
296-155-375	AMD	93-04-111	296-306-06409	NEW-W	93-10-041	296-306-330	NEW	93-07-012
296-155-444	AMD-P	93-10-101	296-306-06411	NEW-W	93-10-041	296-306-33001	NEW-W	93-10-041
296-155-444	AMD	93-19-142	296-306-06413	NEW-W	93-10-041	296-306-400	AMD	93-07-012
296-155-447	AMD-P	93-10-101	296-306-06415	NEW-W	93-10-041	296-306-400	AMD-P	93-21-071
296-155-447	AMD	93-19-142	296-306-06417	NEW-W	93-10-041	296-306-40003	AMD	93-07-012
296-155-449	AMD-P	93-10-101	296-306-065	REP-P	93-21-071	296-306-40007	NEW	93-07-012
296-155-449	AMD	93-19-142	296-306-067	NEW-W	93-19-041	296-306-40009	NEW	93-07-012
296-155-459	AMD-P	93-10-101	296-306-06701	NEW-W	93-10-041	296-306-40011	NEW	93-07-012
296-155-459	AMD	93-19-142	296-306-06703	NEW-W	93-10-041	296-401-075	NEW	93-03-048
296-155-462	AMD-P	93-10-101	296-306-06705	NEW-W	93-10-041	296-401-163	NEW-P	93-19-140
296-155-462	AMD	93-19-142	296-306-06707	NEW-W	93-10-041	296-401-165	AMD-P	93-19-140
296-200-110	NEW-E	93-17-057	296-306-06709	NEW-W	93-10-041	296-401-175	AMD-P	93-19-140
296-200-110	NEW-P	93-18-106	296-306-068	NEW-W	93-10-041	308-13-020	AMD-P	93-12-105
296-200-111	NEW-E	93-17-057	296-306-06801	NEW-W	93-10-041	308-13-020	AMD	93-16-009
296-200-111	NEW-P	93-18-106	296-306-06803	NEW-W	93-10-041	308-13-022	REP-P	93-12-105
296-200-112	NEW-E	93-17-057	296-306-06805	NEW-W	93-10-041	308-13-022	REP	93-16-009
296-200-112	NEW-P	93-18-106	296-306-070	AMD	93-07-012	308-13-024	NEW-P	93-12-105
296-304	AMD-C	93-15-031	296-306-070	REP-P	93-21-071	308-13-024	NEW	93-16-009
296-304-01001	AMD-P	93-10-101	296-306-075	REP-P	93-21-071	308-13-025	REP-P	93-12-105
296-304-01001	AMD-W	93-19-141	296-306-080	REP-P	93-21-071	308-13-025	REP	93-16-009
296-304-020	AMD	93-04-111	296-306-081	NEW-W	93-10-041	308-13-032	AMD-P	93-12-105
296-304-02003	AMD-P	93-10-101	296-306-08101	NEW-W	93-10-041	308-13-032	AMD	93-16-009
296-304-02003	AMD	93-19-142	296-306-08103	NEW-W	93-10-041	308-13-100	AMD-P	93-12-105
296-304-03001	AMD-P	93-10-101	296-306-08105	NEW-W	93-10-041	308-13-100	AMD	93-16-009
296-304-03001	AMD	93-19-142	296-306-082	NEW-W	93-10-041	308-17-150	AMD-P	93-07-099
296-304-03005	AMD-P	93-10-101	296-306-08201	NEW-W	93-10-041	308-17-150	AMD-W	93-12-040
296-304-03005	AMD	93-19-142	296-306-083	NEW-W	93-10-041	308-17-150	AMD-P	93-13-146
296-304-03007	AMD-P	93-10-101	296-306-08301	NEW-W	93-10-041	308-17-150	AMD	93-16-060
296-304-03007	AMD	93-19-142	296-306-08307	NEW-W	93-10-041	308-18-150	AMD-P	93-07-098
296-304-04001	AMD-P	93-10-101	296-306-084	NEW	93-07-012	308-18-150	AMD	93-11-025
296-304-04001	AMD	93-19-142	296-306-084	REP-P	93-21-071	308-19-010	NEW-P	93-18-100
296-304-04005	AMD-P	93-10-101	296-306-08401	NEW-W	93-10-041	308-19-010	NEW	93-21-053
296-304-04005	AMD	93-19-142	296-306-08403	NEW-W	93-10-041	308-19-020	NEW-P	93-18-100
296-304-09003	AMD-P	93-10-101	296-306-08405	NEW-W	93-10-041	308-19-020	NEW	93-21-053
296-304-09003	AMD	93-19-142	296-306-08407	NEW-W	93-10-041	308-19-030	NEW-P	93-18-100
296-306	AMD-C	93-02-031	296-306-08409	NEW-W	93-10-041	308-19-030	NEW	93-21-053
296-306-003	AMD-P	93-21-071	296-306-085	REP-P	93-21-071	308-19-100	NEW-P	93-18-100
296-306-010	AMD	93-07-012	296-306-090	REP-P	93-21-071	308-19-100	NEW	93-21-053
296-306-010	AMD-P	93-21-071	296-306-095	REP-P	93-21-071	308-19-110	NEW-P	93-18-100
296-306-01001	NEW-P	93-02-057	296-306-100	REP-P	93-21-071	308-19-110	NEW	93-21-053
296-306-01001	NEW	93-07-044	296-306-105	AMD	93-07-012	308-19-120	NEW-P	93-18-100
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308-19-140	NEW-P	93-18-100	308-61-330	REP	93-08-076	308-104-056	AMD-P	93-19-158
308-19-140	NEW	93-21-053	308-61-340	REP	93-08-076	308-104-057	REP-P	93-19-158
308-19-150	NEW-P	93-18-100	308-61-400	REP	93-08-076	308-104-080	AMD-P	93-19-158
308-19-150	NEW	93-21-053	308-61-405	REP	93-08-076	308-104-090	AMD-P	93-19-158
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308-19-160	NEW	93-21-053	308-61-420	REP	93-08-076	308-104-140	REP-P	93-19-158
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308-19-210	NEW-P	93-18-100	308-61-450	REP	93-08-076	308-124A-025	AMD-P	93-17-099
308-19-210	NEW	93-21-053	308-63-010	NEW	93-08-076	308-124A-440	AMD-P	93-17-099
308-19-220	NEW-P	93-18-100	308-63-020	NEW	93-08-076	308-124A-450	AMD-P	93-17-099
308-19-220	NEW	93-21-053	308-63-030	NEW	93-08-076	308-124A-460	AMD-P	93-17-099
308-19-230	NEW-P	93-18-100	308-63-040	NEW	93-08-076	308-125-010	AMD-P	93-12-127
308-19-230	NEW	93-21-053	308-63-050	NEW	93-08-076	308-125-010	AMD	93-17-020
308-19-240	NEW-P	93-18-100	308-63-060	NEW	93-08-076	308-125-020	AMD-P	93-12-127
308-19-240	NEW	93-21-053	308-63-070	NEW	93-08-076	308-125-020	AMD	93-17-020
308-19-250	NEW-P	93-18-100	308-63-080	NEW	93-08-076	308-125-030	AMD-P	93-12-127
308-19-250	NEW	93-21-053	308-63-090	NEW	93-08-076	308-125-030	AMD	93-17-020
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308-19-300	NEW	93-21-053	308-63-110	NEW	93-08-076	308-125-035	REP	93-17-020
308-30-005	NEW	93-05-009	308-63-120	NEW	93-08-076	308-125-040	AMD-P	93-12-127
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308-30-020	AMD	93-05-009	308-63-140	NEW	93-08-076	308-125-040	AMD-P	93-21-068
308-30-030	AMD	93-05-009	308-63-150	NEW	93-08-076	308-125-045	AMD-P	93-12-127
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308-30-050	AMD	93-05-009	308-65-010	NEW	93-08-076	308-125-050	AMD-P	93-12-127
308-30-060	AMD	93-05-009	308-65-020	NEW	93-08-076	308-125-050	AMD	93-17-020
308-30-070	AMD	93-05-009	308-65-030	NEW	93-08-076	308-125-060	AMD-P	93-12-127
308-30-080	AMD	93-05-009	308-65-040	NEW	93-08-076	308-125-060	AMD	93-17-020
308-30-090	AMD	93-05-009	308-65-050	NEW	93-08-076	308-125-065	NEW-P	93-12-127
308-30-110	NEW-W	93-08-083	308-65-060	NEW	93-08-076	308-125-065	NEW	93-17-020
308-30-120	NEW	93-05-009	308-65-070	NEW	93-08-076	308-125-070	AMD-P	93-12-127
308-30-130	NEW	93-05-009	308-65-080	NEW	93-08-076	308-125-070	AMD	93-17-020
308-30-140	NEW	93-05-009	308-65-090	NEW	93-08-076	308-125-085	AMD-P	93-12-127
308-30-150	NEW	93-05-009	308-65-100	NEW	93-08-076	308-125-085	AMD	93-17-020
308-30-155	NEW	93-05-009	308-65-110	NEW	93-08-076	308-125-090	AMD-P	93-12-127
308-30-160	NEW	93-05-009	308-65-120	NEW	93-08-076	308-125-090	AMD	93-17-020
308-30-170	NEW-W	93-08-083	308-65-130	NEW	93-08-076	308-125-100	AMD-P	93-12-127
308-30-180	NEW-W	93-08-083	308-65-140	NEW	93-08-076	308-125-100	AMD	93-17-020
308-30-190	NEW-W	93-08-083	308-65-150	NEW	93-08-076	308-125-110	AMD-P	93-12-127
308-56A-115	AMD-P	93-10-073	308-65-160	NEW	93-08-076	308-125-110	AMD	93-17-020
308-56A-115	AMD	93-14-084	308-65-170	NEW	93-08-076	308-125-130	AMD-P	93-12-127
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308-56A-125	AMD	93-14-084	308-65-190	NEW	93-08-076	308-125-140	AMD-P	93-12-127
308-56A-140	AMD-P	93-10-073	308-66-196	NEW-P	93-10-073	308-125-140	AMD	93-17-020
308-56A-140	AMD	93-14-084	308-66-196	NEW	93-14-084	308-125-160	REP-P	93-12-127
308-56A-160	NEW-P	93-10-073	308-90-080	AMD-W	93-14-120	308-125-160	REP	93-17-020
308-56A-160	NEW	93-14-084	308-93-050	AMD-P	93-11-076	308-125-180	AMD-P	93-12-127
308-56A-322	NEW-P	93-20-078	308-93-050	AMD	93-14-082	308-125-180	AMD	93-17-020
308-56A-323	NEW-P	93-20-078	308-93-070	AMD-P	93-11-076	308-125-190	AMD-P	93-12-127
308-56A-420	AMD-P	93-10-073	308-93-070	AMD	93-14-082	308-125-190	AMD	93-17-020
308-56A-420	AMD	93-14-084	308-93-174	NEW-P	93-11-076	308-125-210	AMD-P	93-12-127
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308-61-010	REP	93-08-076	308-93-460	AMD-P	93-11-076	308-125-225	NEW-P	93-12-127
308-61-025	REP	93-08-076	308-93-460	AMD	93-14-082	308-125-225	NEW	93-17-020
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308-61-030	REP	93-08-076	308-96A-005	AMD	93-14-083	308-128A-030	AMD-P	93-21-063
308-61-040	REP	93-08-076	308-96A-057	AMD-P	93-11-069	308-128A-040	AMD-P	93-21-063
308-61-135	AMD	93-08-076	308-96A-057	AMD	93-14-083	308-128C-040	AMD-P	93-21-063
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308-61-200	REP	93-08-076	308-96A-066	NEW	93-14-083	308-128D-010	AMD-P	93-21-063
308-61-205	REP	93-08-076	308-96A-072	NEW-P	93-11-069	308-128D-030	AMD-P	93-21-063
308-61-210	REP	93-08-076	308-96A-072	NEW	93-14-083	308-128D-040	AMD-P	93-21-063
308-61-220	REP	93-08-076	308-96A-295	AMD-P	93-11-069	308-128D-070	AMD-P	93-21-063
308-61-230	REP	93-08-076	308-96A-295	AMD	93-14-083	308-128E-011	AMD-P	93-21-063
308-61-240	REP	93-08-076	308-96A-330	AMD-P	93-11-069	308-128F-020	AMD-P	93-21-063
308-61-250	REP	93-08-076	308-96A-330	AMD	93-14-083	308-330-005	NEW-P	93-20-079
308-61-260	REP	93-08-076	308-96A-560	AMD-P	93-11-069	308-330-010	NEW-P	93-20-079
308-61-270	REP	93-08-076	308-96A-560	AMD	93-14-083	308-330-030	NEW-P	93-20-079
308-61-300	REP	93-08-076	308-100-030	REP-P	93-19-158	308-330-100	NEW-P	93-20-079
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308-330-118	NEW-P	93-20-079	308-330-439	NEW-P	93-20-079	314-12-020	AMD-W	93-10-069
308-330-121	NEW-P	93-20-079	308-330-442	NEW-P	93-20-079	314-12-020	AMD-P	93-12-117
308-330-123	NEW-P	93-20-079	308-330-445	NEW-P	93-20-079	314-12-020	AMD	93-15-024
308-330-127	NEW-P	93-20-079	308-330-448	NEW-P	93-20-079	314-12-025	AMD-P	93-07-110
308-330-133	NEW-P	93-20-079	308-330-451	NEW-P	93-20-079	314-12-025	AMD	93-10-070
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308-330-139	NEW-P	93-20-079	308-330-457	NEW-P	93-20-079	314-12-030	AMD	93-10-092
308-330-142	NEW-P	93-20-079	308-330-460	NEW-P	93-20-079	314-12-030	AMD-P	93-15-117
308-330-145	NEW-P	93-20-079	308-330-462	NEW-P	93-20-079	314-12-030	AMD	93-18-094
308-330-148	NEW-P	93-20-079	308-330-464	NEW-P	93-20-079	314-12-140	AMD-P	93-07-110
308-330-151	NEW-P	93-20-079	308-330-466	NEW-P	93-20-079	314-12-140	AMD	93-10-070
308-330-154	NEW-P	93-20-079	308-330-469	NEW-P	93-20-079	314-12-142	NEW-P	93-17-070
308-330-157	NEW-P	93-20-079	308-330-472	NEW-P	93-20-079	314-12-142	NEW-W	93-21-019
308-330-160	NEW-P	93-20-079	308-330-475	NEW-P	93-20-079	314-15-010	NEW-E	93-15-061
308-330-163	NEW-P	93-20-079	308-330-478	NEW-P	93-20-079	314-15-010	NEW-P	93-19-122
308-330-169	NEW-P	93-20-079	308-330-481	NEW-P	93-20-079	314-15-020	NEW-E	93-15-061
308-330-172	NEW-P	93-20-079	308-330-500	NEW-P	93-20-079	314-15-020	NEW-P	93-19-122
308-330-175	NEW-P	93-20-079	308-330-505	NEW-P	93-20-079	314-15-030	NEW-E	93-15-061
308-330-178	NEW-P	93-20-079	308-330-510	NEW-P	93-20-079	314-15-030	NEW-P	93-19-122
308-330-181	NEW-P	93-20-079	308-330-515	NEW-P	93-20-079	314-15-040	NEW-E	93-15-061
308-330-184	NEW-P	93-20-079	308-330-520	NEW-P	93-20-079	314-15-040	NEW-P	93-19-122
308-330-187	NEW-P	93-20-079	308-330-525	NEW-P	93-20-079	314-15-050	NEW-E	93-15-061
308-330-190	NEW-P	93-20-079	308-330-530	NEW-P	93-20-079	314-15-050	NEW-P	93-19-122
308-330-195	NEW-P	93-20-079	308-330-535	NEW-P	93-20-079	314-16-020	AMD-P	93-07-110
308-330-197	NEW-P	93-20-079	308-330-540	NEW-P	93-20-079	314-16-020	AMD	93-10-070
308-330-200	NEW-P	93-20-079	308-330-545	NEW-P	93-20-079	314-16-030	AMD-P	93-07-110
308-330-205	NEW-P	93-20-079	308-330-550	NEW-P	93-20-079	314-16-030	AMD-W	93-10-069
308-330-210	NEW-P	93-20-079	308-330-555	NEW-P	93-20-079	314-16-050	AMD-P	93-17-068
308-330-215	NEW-P	93-20-079	308-330-560	NEW-P	93-20-079	314-16-050	AMD-W	93-21-019
308-330-220	NEW-P	93-20-079	308-330-565	NEW-P	93-20-079	314-16-090	AMD-P	93-12-118
308-330-225	NEW-P	93-20-079	308-330-600	NEW-P	93-20-079	314-16-090	AMD	93-15-025
308-330-230	NEW-P	93-20-079	308-330-610	NEW-P	93-20-079	314-16-150	AMD-P	93-17-069
308-330-235	NEW-P	93-20-079	308-330-620	NEW-P	93-20-079	314-16-150	AMD-W	93-21-019
308-330-240	NEW-P	93-20-079	308-330-630	NEW-P	93-20-079	314-16-190	AMD-P	93-06-066
308-330-245	NEW-P	93-20-079	308-330-640	NEW-P	93-20-079	314-16-190	AMD	93-10-092
308-330-250	NEW-P	93-20-079	308-330-650	NEW-P	93-20-079	314-16-196	AMD-P	93-06-066
308-330-255	NEW-P	93-20-079	308-330-660	NEW-P	93-20-079	314-16-196	AMD	93-10-092
308-330-260	NEW-P	93-20-079	308-330-700	NEW-P	93-20-079	314-16-250	AMD-P	93-12-119
308-330-265	NEW-P	93-20-079	308-330-705	NEW-P	93-20-079	314-16-250	AMD	93-15-026
308-330-270	NEW-P	93-20-079	308-330-710	NEW-P	93-20-079	314-20-015	AMD-P	93-07-109
308-330-275	NEW-P	93-20-079	308-330-720	NEW-P	93-20-079	314-20-015	AMD	93-11-028
308-330-300	NEW-P	93-20-079	308-330-730	NEW-P	93-20-079	314-20-030	AMD-P	93-07-110
308-330-305	NEW-P	93-20-079	308-330-740	NEW-P	93-20-079	314-20-030	AMD	93-10-070
308-330-307	NEW-P	93-20-079	308-330-800	NEW-P	93-20-079	314-20-070	AMD-P	93-06-066
308-330-309	NEW-P	93-20-079	308-330-810	NEW-P	93-20-079	314-20-070	AMD	93-10-092
308-330-310	NEW-P	93-20-079	308-330-815	NEW-P	93-20-079	314-20-180	NEW-E	93-11-027
308-330-312	NEW-P	93-20-079	308-330-820	NEW-P	93-20-079	314-20-180	NEW-P	93-12-116
308-330-314	NEW-P	93-20-079	308-330-825	NEW-P	93-20-079	314-20-180	NEW	93-15-023
308-330-316	NEW-P	93-20-079	308-330-910	NEW-P	93-20-079	314-24-095	AMD-P	93-07-109
308-330-320	NEW-P	93-20-079	314-10-010	NEW-E	93-15-062	314-24-095	AMD	93-11-028
308-330-322	NEW-P	93-20-079	314-10-010	NEW-P	93-19-123	314-24-160	AMD-P	93-07-109
308-330-325	NEW-P	93-20-079	314-10-020	NEW-E	93-15-062	314-24-160	AMD	93-11-028
308-330-327	NEW-P	93-20-079	314-10-020	NEW-P	93-19-123	314-24-190	AMD-P	93-20-087
308-330-329	NEW-P	93-20-079	314-10-030	NEW-E	93-15-062	314-24-200	AMD-P	93-20-087
308-330-330	NEW-P	93-20-079	314-10-030	NEW-P	93-19-123	314-38-050	NEW-P	93-17-071
308-330-360	NEW-P	93-20-079	314-10-040	NEW-P	93-19-123	314-38-050	NEW	93-20-031
308-330-365	NEW-P	93-20-079	314-10-050	NEW-E	93-15-062	314-40-030	AMD-P	93-07-109
308-330-370	NEW-P	93-20-079	314-10-050	NEW-P	93-19-123	314-40-030	AMD	93-11-028
308-330-375	NEW-P	93-20-079	314-10-060	NEW-E	93-15-062	314-52-080	AMD-P	93-07-109
308-330-400	NEW-P	93-20-079	314-10-060	NEW-P	93-19-123	314-52-080	AMD	93-11-028
308-330-403	NEW-P	93-20-079	314-10-070	NEW-E	93-15-062	314-70-050	NEW-P	93-07-109
308-330-406	NEW-P	93-20-079	314-10-070	NEW-P	93-19-123	314-70-050	NEW	93-11-028
308-330-408	NEW-P	93-20-079	314-10-080	NEW-E	93-15-062	315-02-230	NEW	93-04-004
308-330-409	NEW-P	93-20-079	314-10-080	NEW-P	93-19-123	315-06-120	AMD	93-04-004
308-330-412	NEW-P	93-20-079	314-10-090	NEW-E	93-15-062	315-06-125	AMD	93-04-004
308-330-415	NEW-P	93-20-079	314-10-090	NEW-P	93-19-123	315-06-125	AMD-P	93-07-121
308-330-418	NEW-P	93-20-079	314-10-100	NEW-E	93-15-062	315-06-125	AMD	93-11-056
308-330-421	NEW-P	93-20-079	314-10-100	NEW-P	93-19-123	315-06-125	AMD-P	93-16-096
308-330-423	NEW-P	93-20-079	314-10-110	NEW-E	93-15-062	315-06-125	AMD-W	93-19-032
308-330-425	NEW-P	93-20-079	314-10-110	NEW-P	93-19-123	315-06-125	AMD-P	93-19-133
308-330-430	NEW-P	93-20-079	314-12-015	AMD-P	93-12-120	315-06-130	AMD	93-04-004

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
315-11-400	REP-P	93-12-104	315-11-520	REP	93-15-019	315-11-971	NEW	93-07-0
315-11-400	REP	93-15-019	315-11-521	REP-P	93-12-104	315-11-972	NEW-P	93-03-0
315-11-401	REP-P	93-12-104	315-11-522	REP	93-15-019	315-11-972	NEW	93-07-0
315-11-401	REP	93-15-019	315-11-522	REP-P	93-12-104	315-11-980	NEW-P	93-07-1
315-11-402	REP-P	93-12-104	315-11-522	REP	93-15-019	315-11-980	NEW	93-11-0
315-11-402	REP	93-15-019	315-11-530	REP-P	93-12-104	315-11-981	NEW-P	93-07-1
315-11-410	REP-P	93-12-104	315-11-530	REP	93-15-019	315-11-981	NEW	93-11-0
315-11-410	REP	93-15-019	315-11-531	REP-P	93-12-104	315-11-982	NEW-P	93-07-1
315-11-411	REP-P	93-12-104	315-11-531	REP	93-15-019	315-11-982	NEW	93-11-0
315-11-411	REP	93-15-019	315-11-532	REP-P	93-12-104	315-11-990	NEW-P	93-07-1
315-11-412	REP-P	93-12-104	315-11-532	REP	93-15-019	315-11-990	NEW	93-11-0
315-11-412	REP	93-15-019	315-11-540	REP-P	93-12-104	315-11-990	AMD-P	93-16-0
315-11-420	REP-P	93-12-104	315-11-540	REP	93-15-019	315-11-990	AMD	93-19-0
315-11-420	REP	93-15-019	315-11-541	REP-P	93-12-104	315-11-991	NEW-P	93-07-1
315-11-421	REP-P	93-12-104	315-11-541	REP	93-15-019	315-11-991	NEW	93-11-0
315-11-421	REP	93-15-019	315-11-542	REP-P	93-12-104	315-11-991	AMD-P	93-16-0
315-11-422	REP-P	93-12-104	315-11-542	REP	93-15-019	315-11-991	AMD	93-19-0
315-11-422	REP	93-15-019	315-11-550	REP-P	93-12-104	315-11-992	NEW-P	93-07-1
315-11-430	REP-P	93-12-104	315-11-550	REP	93-15-019	315-11-992	NEW	93-11-0
315-11-430	REP	93-15-019	315-11-551	REP-P	93-12-104	315-11-992	AMD-P	93-16-0
315-11-431	REP-P	93-12-104	315-11-551	REP	93-15-019	315-11-992	AMD	93-19-0
315-11-431	REP	93-15-019	315-11-552	REP-P	93-12-104	315-11A-100	NEW-P	93-07-1
315-11-432	REP-P	93-12-104	315-11-552	REP	93-15-019	315-11A-100	NEW	93-11-0
315-11-432	REP	93-15-019	315-11-560	REP-P	93-12-104	315-11A-101	NEW-P	93-12-1
315-11-440	REP-P	93-12-104	315-11-560	REP	93-15-019	315-11A-101	NEW	93-15-0
315-11-440	REP	93-15-019	315-11-561	REP-P	93-12-104	315-11A-102	NEW-P	93-12-1
315-11-441	REP-P	93-12-104	315-11-561	REP	93-15-019	315-11A-102	NEW	93-15-0
315-11-441	REP	93-15-019	315-11-562	REP-P	93-12-104	315-11A-103	NEW-P	93-12-1
315-11-442	REP-P	93-12-104	315-11-562	REP	93-15-019	315-11A-103	NEW	93-15-0
315-11-442	REP	93-15-019	315-11-570	REP-P	93-12-104	315-11A-104	NEW-P	93-12-1
315-11-450	REP-P	93-12-104	315-11-570	REP	93-15-019	315-11A-104	NEW	93-15-0
315-11-450	REP	93-15-019	315-11-571	REP-P	93-12-104	315-11A-105	NEW-P	93-12-1
315-11-451	REP-P	93-12-104	315-11-571	REP	93-15-019	315-11A-105	NEW	93-15-0
315-11-451	REP	93-15-019	315-11-572	REP-P	93-12-104	315-11A-106	NEW-P	93-16-0
315-11-452	REP-P	93-12-104	315-11-572	REP	93-15-019	315-11A-106	NEW	93-19-0
315-11-452	REP	93-15-019	315-11-580	REP-P	93-12-104	315-11A-107	NEW-P	93-16-0
315-11-460	REP-P	93-12-104	315-11-580	REP	93-15-019	315-11A-107	NEW	93-19-0
315-11-460	REP	93-15-019	315-11-581	REP-P	93-12-104	315-11A-108	NEW-P	93-16-0
315-11-461	REP-P	93-12-104	315-11-581	REP	93-15-019	315-11A-108	NEW	93-19-0
315-11-461	REP	93-15-019	315-11-582	REP-P	93-12-104	315-11A-109	NEW-P	93-16-0
315-11-462	REP-P	93-12-104	315-11-582	REP	93-15-019	315-11A-109	NEW	93-19-0
315-11-462	REP	93-15-019	315-11-590	REP-P	93-12-104	315-11A-110	NEW-P	93-19-1
315-11-470	REP-P	93-12-104	315-11-590	REP	93-15-019	315-11A-111	NEW-P	93-19-1
315-11-470	REP	93-15-019	315-11-591	REP-P	93-12-104	315-11A-112	NEW-P	93-19-1
315-11-471	REP-P	93-12-104	315-11-591	REP	93-15-019	315-11A-113	NEW-P	93-19-1
315-11-471	REP	93-15-019	315-11-592	REP-P	93-12-104	315-20-005	NEW-P	93-12-1
315-11-472	REP-P	93-12-104	315-11-592	REP	93-15-019	315-20-005	NEW	93-15-0
315-11-472	REP	93-15-019	315-11-890	AMD-P	93-03-094	315-20-070	REP-P	93-12-1
315-11-480	REP-P	93-12-104	315-11-890	AMD	93-07-016	315-20-070	REP	93-15-0
315-11-480	REP	93-15-019	315-11-920	NEW	93-03-008	315-20-075	NEW-P	93-12-1
315-11-481	REP-P	93-12-104	315-11-921	NEW	93-03-008	315-20-075	NEW	93-15-0
315-11-481	REP	93-15-019	315-11-922	NEW	93-03-008	315-20-080	REP-P	93-12-1
315-11-482	REP-P	93-12-104	315-11-930	NEW	93-03-008	315-20-080	REP	93-15-0
315-11-482	REP	93-15-019	315-11-931	NEW	93-03-008	315-20-085	NEW-P	93-12-1
315-11-490	REP-P	93-12-104	315-11-932	NEW	93-03-008	315-20-085	NEW	93-15-0
315-11-490	REP	93-15-019	315-11-940	NEW	93-03-008	315-20-090	REP-P	93-12-1
315-11-491	REP-P	93-12-104	315-11-941	NEW	93-03-008	315-20-090	REP	93-15-0
315-11-491	REP	93-15-019	315-11-942	NEW	93-03-008	315-20-095	NEW-P	93-12-1
315-11-492	REP-P	93-12-104	315-11-950	NEW-P	93-03-094	315-20-095	NEW	93-15-0
315-11-492	REP	93-15-019	315-11-951	NEW	93-07-016	315-20-100	REP-P	93-12-1
315-11-500	REP-P	93-12-104	315-11-951	NEW-P	93-03-094	315-20-100	REP	93-15-0
315-11-500	REP	93-15-019	315-11-952	NEW	93-07-016	315-20-105	NEW-P	93-12-1
315-11-501	REP-P	93-12-104	315-11-952	NEW-P	93-03-094	315-20-105	NEW	93-15-0
315-11-501	REP	93-15-019	315-11-960	NEW	93-07-016	315-20-110	REP-P	93-12-1
315-11-502	REP-P	93-12-104	315-11-960	NEW-P	93-03-094	315-20-110	REP	93-15-0
315-11-502	REP	93-15-019	315-11-961	NEW	93-07-016	315-20-115	NEW-P	93-12-1
315-11-510	REP-P	93-12-104	315-11-961	NEW-P	93-03-094	315-20-115	NEW	93-15-0
315-11-510	REP	93-15-019	315-11-962	NEW	93-07-016	315-20-120	REP-P	93-12-1
315-11-511	REP-P	93-12-104	315-11-962	NEW-P	93-03-094	315-20-120	REP	93-15-0
315-11-511	REP	93-15-019	315-11-970	NEW	93-07-016	315-20-130	REP-P	93-12-1
315-11-512	REP-P	93-12-104	315-11-970	NEW-P	93-03-094	315-20-130	REP	93-15-0
315-11-512	REP	93-15-019	315-11-971	NEW	93-07-016	315-20-140	REP-P	93-12-1
315-11-520	REP-P	93-12-104	315-11-971	NEW-P	93-03-094	315-20-140	REP	93-15-0

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
315-20-150	REP-P	93-12-104	317-20-060	NEW	93-07-005	317-30-140	NEW	93-07-003
315-20-150	REP	93-15-019	317-20-065	NEW-P	93-02-055	317-30-150	NEW-P	93-02-054
315-33A-030	AMD-P	93-16-096	317-20-065	NEW	93-07-005	317-30-150	NEW	93-07-003
315-33A-030	AMD	93-19-052	317-20-066	NEW-P	93-02-055	317-30-900	NEW-P	93-02-054
315-33A-050	AMD-P	93-16-096	317-20-066	NEW	93-07-005	317-30-900	NEW	93-07-003
315-33A-050	AMD	93-19-052	317-20-070	NEW-P	93-02-055	317-100-010	NEW-P	93-09-070
315-33A-060	AMD-P	93-16-096	317-20-070	NEW	93-07-005	317-100-010	NEW	93-14-097
315-33A-060	AMD	93-19-052	317-20-080	NEW-P	93-02-055	317-100-020	NEW-P	93-09-070
315-33B-060	AMD-P	93-16-096	317-20-080	NEW	93-07-005	317-100-020	NEW	93-14-097
315-33B-060	AMD	93-19-052	317-20-090	NEW-P	93-02-055	317-100-030	NEW-P	93-09-070
315-34-040	AMD	93-03-008	317-20-090	NEW	93-07-005	317-100-030	NEW	93-14-097
317-01-010	NEW-P	93-06-086	317-20-100	NEW-P	93-02-055	317-100-040	NEW-P	93-09-070
317-01-010	NEW	93-11-004	317-20-100	NEW	93-07-005	317-100-040	NEW	93-14-097
317-01-020	NEW-P	93-06-086	317-20-110	NEW-P	93-02-055	317-100-050	NEW-P	93-09-070
317-01-020	NEW	93-11-004	317-20-110	NEW	93-07-005	317-100-050	NEW	93-14-097
317-01-030	NEW-P	93-06-086	317-20-120	NEW-P	93-02-055	317-100-060	NEW-P	93-09-070
317-01-030	NEW	93-11-004	317-20-120	NEW	93-07-005	317-100-060	NEW	93-14-097
317-02-010	NEW-P	93-06-087	317-20-130	NEW-P	93-02-055	317-100-070	NEW-P	93-09-070
317-02-010	NEW	93-11-003	317-20-130	NEW	93-07-005	317-100-070	NEW	93-14-097
317-02-020	NEW-P	93-06-087	317-20-140	NEW-P	93-02-055	317-100-080	NEW-P	93-09-070
317-02-020	NEW	93-11-003	317-20-140	NEW	93-07-005	317-100-080	NEW	93-14-097
317-02-030	NEW-P	93-06-087	317-20-150	NEW-P	93-02-055	317-100-090	NEW-P	93-09-070
317-02-030	NEW	93-11-003	317-20-150	NEW	93-07-005	317-100-090	NEW	93-14-097
317-02-040	NEW-P	93-06-087	317-20-155	NEW	93-07-005	318-04-020	AMD-P	93-11-072
317-02-040	NEW	93-11-003	317-20-160	NEW-P	93-02-055	318-04-020	AMD	93-14-105
317-02-050	NEW-P	93-06-087	317-20-160	NEW	93-07-005	318-04-030	AMD-P	93-11-072
317-02-050	NEW	93-11-003	317-20-165	NEW-P	93-02-055	318-04-030	AMD	93-14-105
317-02-060	NEW-P	93-06-087	317-20-165	NEW	93-07-005	318-04-030	AMD-E	93-14-106
317-02-060	NEW	93-11-003	317-20-170	NEW-P	93-02-055	318-04-050	AMD-P	93-11-072
317-02-070	NEW-P	93-06-087	317-20-170	NEW	93-07-005	318-04-050	AMD	93-14-105
317-02-070	NEW	93-11-003	317-20-180	NEW-P	93-02-055	318-04-050	AMD-P	93-11-072
317-02-080	NEW-P	93-06-087	317-20-180	NEW	93-07-005	318-04-050	AMD	93-14-105
317-02-080	NEW	93-11-003	317-20-190	NEW-P	93-02-055	326-02-031	NEW-P	93-12-135
317-02-090	NEW-P	93-06-087	317-20-190	NEW	93-07-005	326-02-031	NEW-E	93-12-136
317-02-090	NEW	93-11-003	317-20-200	NEW-P	93-02-055	326-02-032	NEW-P	93-12-135
317-02-100	NEW-P	93-06-087	317-20-200	NEW	93-07-005	326-02-032	NEW-E	93-12-136
317-02-100	NEW	93-11-003	317-20-210	NEW-P	93-02-055	326-02-033	NEW-P	93-12-135
317-02-110	NEW-P	93-06-087	317-20-210	NEW	93-07-005	326-02-033	NEW-E	93-12-136
317-02-110	NEW	93-11-003	317-20-220	NEW-P	93-02-055	326-02-033	NEW-E	93-12-136
317-02-120	NEW-P	93-06-087	317-20-220	NEW	93-07-005	326-02-034	NEW	93-16-080
317-02-120	NEW	93-11-003	317-20-230	NEW-P	93-02-055	326-02-034	NEW-P	93-12-135
317-03-010	NEW-P	93-06-088	317-20-230	NEW	93-07-005	326-02-034	NEW-E	93-12-136
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317-10-035	AMD	93-14-096	317-30-050	NEW-P	93-02-054	332-24-735	NEW-P	93-19-080
317-10-060	AMD-P	93-06-089	317-30-050	NEW	93-07-003	332-26-010	NEW-E	93-15-048
317-10-060	AMD	93-11-001	317-30-060	NEW-P	93-02-054	332-26-040	NEW-E	93-15-048
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352-70-050	AMD-P	93-16-065	356-18-060	AMD-C	93-12-084	356-35-010	AMD-C	93-06-0
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356-05-157	NEW-C	93-08-046	356-18-110	AMD-P	93-08-072	356-47-010	REP-E	93-14-0
356-05-157	NEW-W	93-10-026	356-18-110	AMD-C	93-12-084	356-47-010	REP-P	93-14-0
356-05-157	NEW-P	93-10-028	356-18-110	AMD-C	93-14-060	356-47-010	REP	93-19-1
356-05-157	NEW-C	93-14-056	356-18-110	AMD-E	93-14-066	356-47-020	REP-E	93-14-0
356-05-157	NEW-C	93-18-048	356-18-110	AMD-C	93-18-052	356-47-020	REP-P	93-14-0
356-05-157	NEW-W	93-19-156	356-18-110	AMD	93-19-152	356-47-020	REP	93-19-1
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356-05-171	NEW-E	93-14-066	356-18-145	NEW-C	93-14-060	356-47-030	REP	93-19-1
356-05-171	NEW-C	93-18-052	356-18-145	NEW-E	93-14-066	356-47-040	REP-E	93-14-0
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356-05-307	NEW-W	93-16-021	356-18-150	AMD-C	93-12-084	356-47-045	REP-P	93-14-0
356-06-003	NEW-E	93-14-092	356-18-150	AMD-C	93-14-060	356-47-045	REP	93-19-1
356-06-003	NEW-P	93-16-020	356-18-150	AMD-E	93-14-066	356-47-046	REP-E	93-14-0
356-06-003	NEW	93-19-147	356-18-150	AMD-C	93-18-052	356-47-046	REP-P	93-14-0
356-06-080	AMD-E	93-14-092	356-18-150	AMD	93-19-152	356-47-046	REP	93-19-1
356-06-080	AMD-P	93-16-020	356-18-230	REP-P	93-02-037	356-47-060	REP-E	93-14-0
356-06-080	AMD	93-19-147	356-18-230	REP	93-06-081	356-47-060	REP-P	93-14-0
356-09-040	AMD-P	93-12-100	356-22-005	NEW-P	93-10-028	356-47-060	REP	93-19-1
356-09-040	AMD-W	93-16-021	356-22-005	NEW-C	93-14-056	356-47-065	REP-E	93-14-0
356-09-050	AMD-P	93-12-100	356-22-005	NEW-C	93-18-048	356-47-065	REP-P	93-14-0
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356-10-020	AMD-E	93-14-092	356-22-070	AMD	93-02-040	356-47-070	REP-E	93-14-0
356-10-020	AMD-P	93-16-020	356-22-070	AMD-P	93-08-047	356-47-070	REP-P	93-14-0
356-10-020	AMD	93-19-147	356-22-070	AMD	93-12-085	356-47-070	REP	93-19-1
356-10-030	AMD-P	93-04-097	356-22-125	NEW-P	93-14-065	356-47-080	REP-E	93-14-0
356-10-030	AMD-C	93-08-046	356-22-125	NEW-C	93-18-046	356-47-080	REP-P	93-14-0
356-10-030	AMD-W	93-10-026	356-26-030	AMD-P	93-08-042	356-47-080	REP	93-19-1
356-10-050	AMD-P	93-14-064	356-26-030	AMD	93-12-088	356-47-090	REP-E	93-14-0
356-10-050	AMD-C	93-18-049	356-26-040	AMD	93-02-040	356-47-090	REP-P	93-14-0
356-10-050	AMD-C	93-19-144	356-26-060	AMD-P	93-02-038	356-47-090	REP	93-19-1
356-10-060	AMD-P	93-08-043	356-26-060	AMD-C	93-06-077	356-47-100	REP-E	93-14-0
356-10-060	AMD-C	93-12-083	356-26-060	AMD	93-08-048	356-47-100	REP-P	93-14-0
356-10-060	AMD-C	93-14-058	356-26-060	AMD-P	93-12-102	356-47-100	REP	93-19-1
356-10-060	AMD-P	93-14-064	356-26-060	AMD-E	93-14-092	356-47-120	REP-E	93-14-0
356-10-060	AMD-C	93-18-049	356-26-060	AMD-P	93-16-020	356-47-120	REP-P	93-14-0
356-10-060	AMD	93-19-154	356-26-060	AMD-W	93-16-021	356-47-120	REP	93-19-1
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356-14-075	AMD	93-12-087	356-26-075	NEW-P	93-18-051	356-56-020	NEW-C	93-19-1
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365-24-010	REP	93-19-102	365-24-834	REP-P	93-15-086	365-195-730	NEW	93-17-040
365-24-020	REP-P	93-15-086	365-24-834	REP	93-19-102	365-195-735	NEW-P	93-13-138
365-24-020	REP	93-19-102	365-24-840	REP-P	93-15-086	365-195-735	NEW	93-17-040
365-24-030	REP-P	93-15-086	365-24-840	REP	93-19-102	365-195-740	NEW-P	93-13-138
365-24-030	REP	93-19-102	365-24-850	REP-P	93-15-086	365-195-740	NEW	93-17-040
365-24-040	REP-P	93-15-086	365-24-850	REP	93-19-102	365-195-745	NEW-P	93-13-138
365-24-040	REP	93-19-102	365-24-852	REP-P	93-15-086	365-195-745	NEW	93-17-040
365-24-050	REP-P	93-15-086	365-24-852	REP	93-19-102	365-195-750	NEW-P	93-13-138
365-24-050	REP	93-19-102	365-24-854	REP-P	93-15-086	365-195-750	NEW	93-17-040
365-24-060	REP-P	93-15-086	365-24-854	REP	93-19-102	365-195-755	NEW-P	93-13-138
365-24-060	REP	93-19-102	365-24-856	REP-P	93-15-086	365-195-755	NEW	93-17-040
365-24-100	REP-P	93-15-086	365-24-856	REP	93-19-102	365-195-760	NEW-P	93-13-138
365-24-100	REP	93-19-102	365-24-858	REP-P	93-15-086	365-195-760	NEW	93-17-040
365-24-110	REP-P	93-15-086	365-24-858	REP	93-19-102	365-195-765	NEW-P	93-13-138
365-24-110	REP	93-19-102	365-24-860	REP-P	93-15-086	365-195-765	NEW	93-17-040
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365-24-210	REP	93-19-102	365-24-862	REP-P	93-15-086	365-195-770	NEW	93-17-040
365-24-220	REP-P	93-15-086	365-24-862	REP	93-19-102	365-195-800	AMD-P	93-13-138
365-24-220	REP	93-19-102	365-24-870	REP-P	93-15-086	365-195-800	AMD	93-17-040
365-24-230	REP-P	93-15-086	365-24-870	REP	93-19-102	365-195-805	NEW-P	93-13-138
365-24-230	REP	93-19-102	365-24-880	REP-P	93-15-086	365-195-805	NEW	93-17-040
365-24-240	REP-P	93-15-086	365-24-880	REP	93-19-102	365-195-810	AMD-P	93-13-138
365-24-240	REP	93-19-102	365-24-882	REP-P	93-15-086	365-195-810	AMD	93-17-040
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365-24-310	REP	93-19-102	365-24-884	REP-P	93-15-086	365-195-815	NEW	93-17-040
365-24-312	REP-P	93-15-086	365-24-884	REP	93-19-102	365-195-820	AMD-P	93-13-138
365-24-312	REP	93-19-102	365-24-910	REP-P	93-15-086	365-195-820	AMD	93-17-040
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365-24-320	REP	93-19-102	365-24-920	REP-P	93-15-086	365-195-825	NEW	93-17-040
365-24-330	REP-P	93-15-086	365-24-920	REP	93-19-102	365-195-830	AMD-P	93-13-138
365-24-330	REP	93-19-102	365-24-930	REP-P	93-15-086	365-195-830	AMD	93-17-040
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365-24-430	REP-P	93-15-086	365-24-950	REP	93-19-102	365-195-845	NEW-P	93-13-138
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365-24-440	REP	93-19-102	365-135-020	AMD-P	93-09-061	365-195-850	NEW	93-17-040
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365-24-530	REP-P	93-15-086	365-140-030	AMD	93-18-021	365-300-010	NEW	93-11-039
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365-24-610	REP	93-19-102	365-140-060	AMD-P	93-08-087	365-300-030	NEW-P	93-07-112
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365-24-710	REP	93-19-102	365-195-220	AMD-P	93-13-138	365-300-040	NEW	93-11-039
365-24-720	REP-P	93-15-086	365-195-220	AMD	93-17-040	365-300-050	NEW-E	93-07-063
365-24-720	REP	93-19-102	365-195-620	AMD-P	93-13-138	365-300-050	NEW-P	93-07-112
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365-24-730	REP	93-19-102	365-195-700	AMD-P	93-13-138	365-300-060	NEW-E	93-07-063
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365-24-810	REP	93-19-102	365-195-705	NEW-P	93-13-138	365-300-060	NEW	93-11-039
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388-37-032	REP	93-16-058	388-40-060	REP-P	93-15-080	388-43-080	NEW-E	93-21-080
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388-96-757	NEW	93-19-074	388-150-250	AMD-P	93-13-056	388-160-240	NEW-P	93-05-031
388-96-762	AMD-P	93-14-078	388-150-250	AMD	93-18-001	388-160-240	NEW	93-15-124
388-96-762	AMD-E	93-14-079	388-150-270	AMD-P	93-13-056	388-160-250	NEW-P	93-05-031
388-96-762	AMD	93-19-074	388-150-270	AMD	93-18-001	388-160-250	NEW	93-15-124
388-96-764	AMD-P	93-14-078	388-150-280	AMD-P	93-13-056	388-160-260	NEW-P	93-05-031
388-96-764	AMD-E	93-14-079	388-150-280	AMD	93-18-001	388-160-260	NEW	93-15-124
388-96-764	AMD	93-19-074	388-150-295	NEW-P	93-13-056	388-160-270	NEW-P	93-05-031
388-96-765	AMD-P	93-14-078	388-150-295	NEW	93-18-001	388-160-270	NEW	93-15-124
388-96-765	AMD-E	93-14-079	388-150-330	AMD-P	93-13-056	388-160-280	NEW-P	93-05-031
388-96-765	AMD	93-19-074	388-150-330	AMD	93-18-001	388-160-280	NEW	93-15-124
388-96-768	AMD-P	93-14-078	388-150-340	AMD-P	93-13-056	388-160-290	NEW-P	93-05-031
388-96-768	AMD-E	93-14-079	388-150-340	AMD	93-18-001	388-160-290	NEW	93-15-124
388-96-768	AMD	93-19-074	388-150-390	AMD-P	93-13-056	388-160-300	NEW-P	93-05-031
388-96-774	AMD-P	93-08-065	388-150-390	AMD	93-18-001	388-160-300	NEW	93-15-124
388-96-774	AMD	93-12-051	388-150-460	AMD-P	93-13-056	388-160-310	NEW-P	93-05-031
388-96-774	AMD-P	93-14-075	388-150-460	AMD	93-18-001	388-160-310	NEW	93-15-124
388-96-774	AMD-E	93-14-077	388-150-470	AMD-P	93-13-056	388-160-320	NEW-P	93-05-031
388-96-774	AMD	93-17-033	388-150-470	AMD	93-18-001	388-160-320	NEW	93-15-124
388-96-775	REP-P	93-14-078	388-150-490	AMD-P	93-13-056	388-160-340	NEW-P	93-05-031
388-96-775	REP-E	93-14-079	388-150-490	AMD	93-18-001	388-160-340	NEW	93-15-124
388-96-775	REP	93-19-074	388-150-500	AMD-P	93-13-056	388-160-350	NEW-P	93-05-031
388-99-010	AMD-P	93-03-060	388-150-500	AMD	93-18-001	388-160-350	NEW	93-15-124
388-99-010	AMD-E	93-03-061	388-160	NEW-C	93-08-009	388-160-360	NEW-P	93-05-031
388-99-010	AMD	93-06-037	388-160	NEW-C	93-10-020	388-160-360	NEW	93-15-124
388-99-011	AMD-P	93-14-023	388-160	NEW-C	93-12-095	388-160-370	NEW-P	93-05-031
388-99-011	AMD	93-17-035	388-160	NEW-C	93-13-025	388-160-370	NEW	93-15-124
388-99-020	AMD-E	93-04-087	388-160	NEW-C	93-15-039	388-160-380	NEW-P	93-05-031
388-99-020	AMD-P	93-04-090	388-160-010	NEW-P	93-05-031	388-160-380	NEW	93-15-124
388-99-020	AMD	93-07-028	388-160-010	NEW	93-15-124	388-160-390	NEW-P	93-05-031
388-99-020	AMD-P	93-16-054	388-160-020	NEW-P	93-05-031	388-160-390	NEW	93-15-124
388-99-020	AMD-E	93-16-055	388-160-020	NEW	93-15-124	388-160-400	NEW-P	93-05-031
388-99-020	AMD	93-19-037	388-160-030	NEW-P	93-05-031	388-160-400	NEW	93-15-124
388-99-030	AMD-P	93-16-107	388-160-030	NEW	93-15-124	388-160-410	NEW-P	93-05-031
388-99-030	AMD	93-19-137	388-160-040	NEW-P	93-05-031	388-160-410	NEW	93-15-124
388-99-035	AMD-E	93-20-050	388-160-040	NEW	93-15-124	388-160-420	NEW-P	93-05-031
388-99-035	AMD-P	93-20-055	388-160-050	NEW-P	93-05-031	388-160-420	NEW	93-15-124
388-99-055	AMD-E	93-04-088	388-160-050	NEW	93-15-124	388-160-430	NEW-P	93-05-031
388-99-055	AMD-P	93-04-089	388-160-060	NEW-P	93-05-031	388-160-430	NEW	93-15-124
388-99-055	AMD	93-07-125	388-160-060	NEW	93-15-124	388-160-440	NEW-P	93-05-031
388-99-055	AMD-P	93-17-049	388-160-070	NEW-P	93-05-031	388-160-440	NEW	93-15-124
388-99-055	AMD	93-19-135	388-160-070	NEW	93-15-124	388-160-450	NEW-P	93-05-031
388-99-060	AMD-P	93-13-024	388-160-080	NEW-P	93-05-031	388-160-450	NEW-W	93-15-123

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-160-460	NEW-P	93-05-031	388-235	NEW-C	93-12-050	388-235-7500	NEW-P	93-08-074
388-160-460	NEW	93-15-124	388-235	NEW-C	93-13-022	388-235-7500	NEW	93-16-058
388-160-470	NEW-P	93-05-031	388-235	NEW-C	93-14-085	388-235-7600	NEW-P	93-08-074
388-160-470	NEW	93-15-124	388-235-0010	NEW-P	93-08-074	388-235-7600	NEW	93-16-058
388-160-480	NEW-P	93-05-031	388-235-0010	NEW	93-16-058	388-235-8000	NEW-P	93-08-074
388-160-480	NEW	93-15-124	388-235-0020	NEW-P	93-08-074	388-235-8000	NEW	93-16-058
388-160-490	NEW-P	93-05-031	388-235-0020	NEW	93-16-058	388-235-8100	NEW-P	93-08-074
388-160-490	NEW	93-15-124	388-235-0030	NEW-P	93-08-074	388-235-8100	NEW	93-16-058
388-160-500	NEW-P	93-05-031	388-235-0030	NEW	93-16-058	388-235-8130	NEW-P	93-08-074
388-160-500	NEW	93-15-124	388-235-0040	NEW-P	93-08-074	388-235-8130	NEW	93-16-058
388-160-510	NEW-P	93-05-031	388-235-0040	NEW	93-16-058	388-235-8140	NEW-P	93-08-074
388-160-510	NEW	93-15-124	388-235-0050	NEW-P	93-08-074	388-235-8140	NEW	93-16-058
388-160-520	NEW-P	93-05-031	388-235-0050	NEW	93-16-058	388-235-8150	NEW-P	93-08-074
388-160-520	NEW	93-15-124	388-235-0060	NEW-P	93-08-074	388-235-8150	NEW	93-16-058
388-160-530	NEW-P	93-05-031	388-235-0060	NEW	93-16-058	388-235-8200	NEW-P	93-08-074
388-160-530	NEW	93-15-124	388-235-0070	NEW-P	93-08-074	388-235-8200	NEW	93-16-058
388-160-540	NEW-P	93-05-031	388-235-0070	NEW	93-16-058	388-235-9000	NEW-P	93-08-074
388-160-540	NEW	93-15-124	388-235-0080	NEW-P	93-08-074	388-235-9000	NEW	93-16-058
388-160-560	NEW-P	93-05-031	388-235-0080	NEW	93-16-058	388-235-9100	NEW-P	93-08-074
388-160-560	NEW	93-15-124	388-235-0090	NEW-P	93-08-074	388-235-9100	NEW	93-16-058
388-230	NEW-C	93-12-049	388-235-0090	NEW	93-16-058	388-235-9200	NEW-P	93-08-074
388-230	NEW-C	93-13-023	388-235-0100	NEW-P	93-08-074	388-235-9200	NEW	93-16-058
388-230	NEW-C	93-14-086	388-235-0100	NEW	93-16-058	388-235-9300	NEW-P	93-08-074
388-230-0010	NEW-P	93-08-064	388-235-0110	NEW-P	93-08-074	388-235-9300	NEW	93-16-058
388-230-0010	NEW	93-16-059	388-235-0110	NEW	93-16-058	388-235-9500	NEW-P	93-08-074
388-230-0030	NEW-P	93-08-064	388-235-1500	NEW-P	93-08-074	388-235-9500	NEW-W	93-21-059
388-230-0030	NEW	93-16-059	388-235-1500	NEW	93-16-058	388-235-9520	NEW-P	93-08-074
388-230-0040	NEW-P	93-08-064	388-235-2000	NEW-P	93-08-074	388-235-9520	NEW-W	93-21-059
388-230-0040	NEW	93-16-059	388-235-2000	NEW	93-16-058	388-235-9530	NEW-P	93-08-074
388-230-0050	NEW-P	93-08-064	388-235-3000	NEW-P	93-08-074	388-235-9530	NEW-W	93-21-059
388-230-0050	NEW	93-16-059	388-235-3000	NEW	93-16-058	388-235-9540	NEW-P	93-08-074
388-230-0060	NEW-P	93-08-064	388-235-4000	NEW-P	93-08-074	388-235-9540	NEW-W	93-21-059
388-230-0060	NEW	93-16-059	388-235-4000	NEW	93-16-058	388-235-9550	NEW-P	93-08-074
388-230-0080	NEW-P	93-08-064	388-235-5000	NEW-P	93-08-074	388-235-9550	NEW-W	93-21-059
388-230-0080	NEW	93-16-059	388-235-5000	NEW	93-16-058	388-235-9560	NEW-P	93-08-074
388-230-0090	NEW-P	93-08-064	388-235-5040	NEW-P	93-08-074	388-235-9560	NEW-W	93-21-059
388-230-0090	NEW	93-16-059	388-235-5050	NEW-P	93-08-074	388-235-9570	NEW-P	93-08-074
388-230-0110	NEW-P	93-08-064	388-235-5050	NEW	93-16-058	388-235-9570	NEW-W	93-21-059
388-230-0110	NEW	93-16-059	388-235-5060	NEW	93-16-058	388-235-9580	NEW-P	93-08-074
388-230-0120	NEW-P	93-08-064	388-235-5070	NEW-P	93-08-074	388-235-9580	NEW-W	93-21-059
388-230-0120	NEW	93-16-059	388-235-5070	NEW	93-16-058	388-235-9600	NEW-P	93-08-074
388-230-0140	NEW-P	93-08-064	388-235-5080	NEW-P	93-08-074	388-235-9600	NEW-W	93-21-059
388-230-0140	NEW	93-16-059	388-235-5080	NEW	93-16-058	388-240-0010	NEW-P	93-15-080
388-233-0010	NEW-P	93-14-006	388-235-5090	NEW-P	93-08-074	388-240-0010	NEW	93-19-039
388-233-0010	NEW-E	93-14-007	388-235-5090	NEW	93-16-058	388-240-0020	NEW-P	93-15-080
388-233-0010	NEW	93-17-029	388-235-5100	NEW-P	93-08-074	388-240-0020	NEW	93-19-039
388-233-0020	NEW-P	93-14-006	388-235-5100	NEW	93-16-058	388-240-1100	NEW-P	93-15-080
388-233-0020	NEW-E	93-14-007	388-235-5200	NEW-P	93-08-074	388-240-1100	NEW	93-19-039
388-233-0020	NEW	93-17-029	388-235-5200	NEW	93-16-058	388-240-1200	NEW-P	93-15-080
388-233-0030	NEW-P	93-14-006	388-235-5300	NEW-P	93-08-074	388-240-1200	NEW	93-19-039
388-233-0030	NEW-E	93-14-007	388-235-5300	NEW	93-16-058	388-240-2100	NEW-P	93-15-080
388-233-0030	NEW	93-17-029	388-235-5400	NEW-P	93-08-074	388-240-2100	NEW	93-19-039
388-233-0040	NEW-P	93-14-006	388-235-5400	NEW	93-16-058	388-240-2300	NEW-P	93-15-080
388-233-0040	NEW-E	93-14-007	388-235-5500	NEW-P	93-08-074	388-240-2300	NEW	93-19-039
388-233-0040	NEW	93-17-029	388-235-5500	NEW	93-16-058	388-240-2400	NEW-P	93-15-080
388-233-0050	NEW-P	93-14-006	388-235-5600	NEW-P	93-08-074	388-240-2400	NEW	93-19-039
388-233-0050	NEW-E	93-14-007	388-235-5600	NEW	93-16-058	388-240-2450	NEW-P	93-15-080
388-233-0050	NEW	93-17-029	388-235-5700	NEW-P	93-08-074	388-240-2450	NEW	93-19-039
388-233-0060	NEW-P	93-14-006	388-235-5700	NEW	93-16-058	388-240-2500	NEW-P	93-15-080
388-233-0060	NEW-E	93-14-007	388-235-5800	NEW-P	93-08-074	388-240-2500	NEW	93-19-039
388-233-0060	NEW	93-17-029	388-235-5800	NEW	93-16-058	388-240-2550	NEW-P	93-15-080
388-233-0070	NEW-P	93-14-006	388-235-5900	NEW-P	93-08-074	388-240-2550	NEW	93-19-039
388-233-0070	NEW-E	93-14-007	388-235-5900	NEW	93-16-058	388-240-2570	NEW-P	93-15-080
388-233-0070	NEW	93-17-029	388-235-6000	NEW-P	93-08-074	388-240-2570	NEW	93-19-039
388-233-0080	NEW-P	93-14-006	388-235-6000	NEW	93-16-058	388-240-2600	NEW-P	93-15-080
388-233-0080	NEW-E	93-14-007	388-235-7000	NEW-P	93-08-074	388-240-2600	NEW	93-19-039
388-233-0080	NEW	93-17-029	388-235-7000	NEW	93-16-058	388-240-3100	NEW-P	93-15-080
388-233-0090	NEW-P	93-14-006	388-235-7100	NEW-P	93-08-074	388-240-3100	NEW	93-19-039
388-233-0090	NEW-E	93-14-007	388-235-7100	NEW	93-16-058	388-240-4100	NEW-P	93-15-080
388-233-0090	NEW	93-17-029	388-235-7200	NEW-P	93-08-074	388-240-4100	NEW	93-19-039
388-233-0100	NEW-P	93-14-006	388-235-7200	NEW	93-16-058	388-240-4200	NEW-P	93-15-080
388-233-0100	NEW-E	93-14-007	388-235-7300	NEW-P	93-08-074	388-240-4200	NEW	93-19-039
388-233-0100	NEW	93-17-029	388-235-7300	NEW	93-16-058	388-240-4400	NEW-P	93-15-080

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-240-4400	NEW	93-19-039	388-538-090	NEW-P	93-14-046	390-12-170	AMD	93-19-034
388-240-4600	NEW-P	93-15-080	388-538-090	NEW-E	93-14-047	390-16-011	AMD-P	93-10-049
388-240-4600	NEW	93-19-039	388-538-090	NEW	93-17-039	390-16-011	AMD-E	93-10-051
388-240-5100	NEW-P	93-15-080	388-538-095	NEW-P	93-14-046	390-16-011	AMD	93-15-004
388-240-5100	NEW	93-19-039	388-538-095	NEW-E	93-14-047	390-16-012	AMD-P	93-10-049
388-240-6100	NEW-P	93-15-080	388-538-095	NEW	93-17-039	390-16-012	AMD-E	93-10-051
388-240-6100	NEW	93-19-039	388-538-100	NEW-P	93-14-046	390-16-012	AMD	93-15-004
388-280-1010	NEW-P	93-08-075	388-538-100	NEW-E	93-14-047	390-16-031	AMD-P	93-04-127
388-280-1010	NEW	93-12-054	388-538-100	NEW	93-17-039	390-16-031	AMD	93-09-002
388-280-1020	NEW-P	93-08-075	388-538-110	NEW-P	93-14-046	390-16-034	NEW-P	93-19-033
388-280-1020	NEW	93-12-054	388-538-110	NEW-E	93-14-047	390-16-038	AMD-P	93-12-024
388-280-1030	NEW-P	93-08-075	388-538-110	NEW	93-17-039	390-16-038	AMD-P	93-16-062
388-280-1030	NEW	93-12-054	388-538-120	NEW-P	93-14-046	390-16-038	AMD-E	93-16-063
388-280-1040	NEW-P	93-08-075	388-538-120	NEW-E	93-14-047	390-16-041	AMD-P	93-04-127
388-280-1040	NEW	93-12-054	388-538-120	NEW	93-17-039	390-16-041	AMD	93-09-002
388-280-1050	NEW-P	93-08-075	388-538-130	NEW-P	93-14-046	390-16-044	NEW-P	93-15-002
388-280-1050	NEW	93-12-054	388-538-130	NEW-E	93-14-047	390-16-044	NEW-E	93-15-003
388-280-1060	NEW-P	93-08-075	388-538-130	NEW	93-17-039	390-16-044	NEW	93-19-034
388-280-1060	NEW	93-12-054	388-538-140	NEW-P	93-14-046	390-16-200	AMD-P	93-12-025
388-280-1070	NEW-P	93-08-075	388-538-140	NEW-E	93-14-047	390-16-207	AMD-P	93-12-026
388-280-1070	NEW	93-12-054	388-538-140	NEW	93-17-039	390-16-207	AMD	93-16-064
388-280-1080	NEW-P	93-08-075	388-538-150	NEW-P	93-14-046	390-16-207	AMD-P	93-17-107
388-280-1080	NEW	93-12-054	388-538-150	NEW-E	93-14-047	390-16-226	NEW-P	93-12-031
388-280-1090	NEW-P	93-08-075	388-538-150	NEW	93-17-039	390-16-226	NEW	93-16-064
388-280-1090	NEW	93-12-054	388-539-001	NEW-P	93-14-024	390-16-230	AMD-P	93-12-027
388-280-1100	NEW-P	93-08-075	388-539-001	NEW-E	93-14-028	390-16-230	AMD	93-16-064
388-280-1100	NEW	93-12-054	388-539-001	NEW	93-17-037	390-16-230	AMD-P	93-17-107
388-280-1110	NEW-P	93-08-075	388-539-050	NEW-P	93-14-024	390-16-232	NEW-P	93-12-032
388-280-1110	NEW	93-12-054	388-539-050	NEW-E	93-14-028	390-16-232	NEW	93-16-064
388-280-1120	NEW-P	93-08-075	388-539-050	NEW	93-17-037	390-16-234	NEW-P	93-12-033
388-280-1120	NEW	93-12-054	388-539-100	NEW-P	93-14-024	390-16-234	NEW	93-16-064
388-280-1130	NEW-P	93-08-075	388-539-100	NEW-E	93-14-028	390-16-240	AMD-P	93-12-028
388-280-1130	NEW	93-12-054	388-539-100	NEW	93-17-037	390-16-240	AMD	93-16-064
388-280-1140	NEW-P	93-08-075	388-539-150	NEW-P	93-14-024	390-16-308	AMD	93-04-072
388-280-1140	NEW	93-12-054	388-539-150	NEW-E	93-14-028	390-16-309	NEW-P	93-19-033
388-280-1150	NEW-P	93-08-075	388-539-150	NEW	93-17-037	390-16-310	AMD-P	93-12-029
388-280-1150	NEW	93-12-054	388-540-001	NEW-P	93-13-001	390-16-310	AMD	93-16-064
388-280-1160	NEW-P	93-08-075	388-540-001	NEW-E	93-13-130	390-16-312	AMD-P	93-12-030
388-280-1160	NEW	93-12-054	388-540-001	NEW	93-16-039	390-16-312	AMD	93-16-064
388-320-350	AMD-P	93-21-043	388-540-005	NEW-P	93-13-001	390-17-011	NEW-P	93-12-018
388-320-400	AMD-P	93-21-043	388-540-005	NEW-E	93-13-130	390-17-011	NEW	93-16-064
388-320-450	AMD-P	93-21-043	388-540-005	NEW	93-16-039	390-17-013	NEW-P	93-12-018
388-330-010	AMD-P	93-07-035	388-540-010	NEW-P	93-13-001	390-17-013	NEW	93-16-064
388-330-010	AMD-C	93-10-018	388-540-010	NEW-E	93-13-130	390-17-015	NEW-P	93-12-018
388-330-010	AMD-C	93-12-096	388-540-010	NEW	93-16-039	390-17-015	NEW	93-16-064
388-330-010	AMD	93-15-040	388-540-020	NEW-P	93-13-001	390-17-017	NEW-P	93-12-018
388-330-020	AMD-P	93-07-035	388-540-020	NEW-E	93-13-130	390-17-017	NEW	93-16-064
388-330-020	AMD-C	93-10-018	388-540-020	NEW	93-16-039	390-17-030	NEW-P	93-12-018
388-330-020	AMD-C	93-12-096	388-540-030	NEW-P	93-13-001	390-17-030	NEW	93-16-064
388-330-020	AMD	93-15-040	388-540-030	NEW-E	93-13-130	390-17-050	NEW-P	93-12-018
388-330-030	AMD-P	93-07-035	388-540-030	NEW	93-16-039	390-17-050	NEW-P	93-16-062
388-330-030	AMD-C	93-10-018	388-540-040	NEW-P	93-13-001	390-17-050	NEW-E	93-16-063
388-330-030	AMD-C	93-12-096	388-540-040	NEW-E	93-13-130	390-17-052	NEW-P	93-12-018
388-330-030	AMD	93-15-040	388-540-040	NEW	93-16-039	390-17-052	NEW	93-16-064
388-330-050	AMD-P	93-07-035	388-540-050	NEW-P	93-13-001	390-17-060	NEW-P	93-12-018
388-330-050	AMD-C	93-10-018	388-540-050	NEW-E	93-13-130	390-17-060	NEW-P	93-12-046
388-330-050	AMD-C	93-12-096	388-540-050	NEW	93-16-039	390-17-060	NEW-P	93-19-033
388-330-050	AMD	93-15-040	388-540-060	NEW-P	93-13-001	390-17-060	NEW-E	93-19-035
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392-121-250	AMD-P	93-19-091	392-139-675	REP-P	93-18-062	392-140-315	REP	93-21-091
392-121-255	AMD-P	93-19-091	392-139-675	REP	93-21-092	392-140-316	REP-P	93-18-019
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392-121-259	NEW-P	93-19-091	392-139-676	AMD	93-21-092	392-140-317	REP-P	93-18-019
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392-167A-045	NEW	93-12-016	392-171-462	NEW-P	93-15-085	392-171-910	NEW	93-19-063
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392-315-020	REP-E	93-08-037	392-315-140	REP-P	93-11-033	415-08-250	REP-P	93-08-054
392-315-020	REP-P	93-11-033	392-315-140	REP	93-17-007	415-08-250	REP	93-11-079
392-315-020	REP	93-17-007	392-315-145	REP-E	93-08-037	415-08-260	REP-P	93-08-054
392-315-025	REP-E	93-08-037	392-315-145	REP-P	93-11-033	415-08-260	REP	93-11-079
392-315-025	REP-P	93-11-033	392-315-145	REP	93-17-007	415-08-270	REP-P	93-08-054
392-315-025	REP	93-17-007	392-315-150	REP-E	93-08-037	415-08-270	REP	93-11-079
392-315-030	REP-E	93-08-037	392-315-150	REP-P	93-11-033	415-08-280	AMD-P	93-08-054
392-315-030	REP-P	93-11-033	392-315-150	REP	93-17-007	415-08-280	AMD	93-11-079
392-315-030	REP	93-17-007	392-315-155	REP-E	93-08-037	415-08-290	REP-P	93-08-054
392-315-035	REP-E	93-08-037	392-315-155	REP-P	93-11-033	415-08-290	REP	93-11-079
392-315-035	REP-P	93-11-033	392-315-155	REP	93-17-007	415-08-300	REP-P	93-08-054
392-315-035	REP	93-17-007	392-315-160	REP-E	93-08-037	415-08-300	REP	93-11-079
392-315-040	REP-E	93-08-037	392-315-160	REP-P	93-11-033	415-08-310	REP-P	93-08-054
392-315-040	REP-P	93-11-033	392-315-160	REP	93-17-007	415-08-310	REP	93-11-079
392-315-040	REP	93-17-007	392-315-165	REP-E	93-08-037	415-08-320	REP-P	93-08-054
392-315-045	REP-E	93-08-037	392-315-165	REP-P	93-11-033	415-08-320	REP	93-11-079
392-315-045	REP-P	93-11-033	392-315-165	REP	93-17-007	415-08-330	REP-P	93-08-054
392-315-045	REP	93-17-007	399-10-010	AMD-P	93-15-089	415-08-330	REP	93-11-079
392-315-050	REP-E	93-08-037	399-10-020	AMD-P	93-15-089	415-08-340	REP-P	93-08-054
392-315-050	REP-P	93-11-033	399-10-030	AMD-P	93-15-089	415-08-340	REP	93-11-079
392-315-050	REP	93-17-007	399-30-040	AMD-P	93-15-090	415-08-350	REP-P	93-08-054
392-315-055	REP-E	93-08-037	415-04-010	AMD-P	93-08-054	415-08-350	REP	93-11-079
392-315-055	REP-P	93-11-033	415-04-010	AMD	93-11-079	415-08-360	REP-P	93-08-054
392-315-055	REP	93-17-007	415-04-020	AMD-P	93-08-054	415-08-360	REP	93-11-079
392-315-060	REP-E	93-08-037	415-04-020	AMD	93-11-079	415-08-370	REP-P	93-08-054
392-315-060	REP-P	93-11-033	415-08-010	AMD-P	93-08-054	415-08-370	REP	93-11-079
392-315-060	REP	93-17-007	415-08-010	AMD	93-11-079	415-08-380	REP-P	93-08-054
392-315-065	REP-E	93-08-037	415-08-020	AMD-P	93-08-054	415-08-380	REP	93-11-079
392-315-065	REP-P	93-11-033	415-08-020	AMD	93-11-079	415-08-390	REP-P	93-08-054
392-315-065	REP	93-17-007	415-08-025	NEW-P	93-08-054	415-08-390	REP	93-11-079
392-315-070	REP-E	93-08-037	415-08-025	NEW	93-11-079	415-08-400	REP-P	93-08-054
392-315-070	REP-P	93-11-033	415-08-030	AMD-P	93-08-054	415-08-400	REP	93-11-079
392-315-070	REP	93-17-007	415-08-030	AMD	93-11-079	415-08-410	REP-P	93-08-054
392-315-075	REP-E	93-08-037	415-08-040	AMD-P	93-08-054	415-08-410	REP	93-11-079
392-315-075	REP-P	93-11-033	415-08-040	AMD	93-11-079	415-08-420	AMD-P	93-08-054
392-315-075	REP	93-17-007	415-08-060	REP-P	93-08-054	415-08-420	AMD	93-11-079
392-315-080	REP-E	93-08-037	415-08-060	REP	93-11-079	415-08-430	REP-P	93-08-054
392-315-080	REP-P	93-11-033	415-08-080	AMD-P	93-08-054	415-08-430	REP	93-11-079
392-315-080	REP	93-17-007	415-08-080	AMD	93-11-079	415-08-440	REP-P	93-08-054
392-315-085	REP-E	93-08-037	415-08-090	AMD-P	93-08-054	415-08-440	REP	93-11-079
392-315-085	REP-P	93-11-033	415-08-090	AMD	93-11-079	415-08-450	REP-P	93-08-054
392-315-085	REP	93-17-007	415-08-100	AMD-P	93-08-054	415-08-450	REP	93-11-079
392-315-090	REP-E	93-08-037	415-08-100	AMD	93-11-079	415-08-460	REP-P	93-08-054
392-315-090	REP-P	93-11-033	415-08-105	NEW-P	93-08-054	415-08-460	REP	93-11-079
392-315-090	REP	93-17-007	415-08-105	NEW	93-11-079	415-08-470	REP-P	93-08-054
392-315-095	REP-E	93-08-037	415-08-110	REP-P	93-08-054	415-08-470	REP	93-11-079
392-315-095	REP-P	93-11-033	415-08-110	REP	93-11-079	415-08-480	REP-P	93-08-054
392-315-095	REP	93-17-007	415-08-120	REP-P	93-08-054	415-08-480	REP	93-11-079
392-315-100	REP-E	93-08-037	415-08-120	REP	93-11-079	415-104-011	NEW-P	93-08-053
392-315-100	REP-P	93-11-033	415-08-130	REP-P	93-08-054	415-104-011	NEW	93-11-078
392-315-100	REP	93-17-007	415-08-130	REP	93-11-079	415-104-782	NEW-P	93-08-053
392-315-105	REP-E	93-08-037	415-08-140	REP-P	93-08-054	415-104-782	NEW	93-11-078
392-315-105	REP-P	93-11-033	415-08-140	REP	93-11-079	415-104-783	NEW-P	93-08-053
392-315-105	REP	93-17-007	415-08-150	REP-P	93-08-054	415-104-783	NEW	93-11-078
392-315-110	REP-E	93-08-037	415-08-150	REP	93-11-079	415-104-784	NEW-P	93-08-053
392-315-110	REP-P	93-11-033	415-08-160	REP-P	93-08-054	415-104-784	NEW	93-11-078
392-315-110	REP	93-17-007	415-08-160	REP	93-11-079	415-104-785	NEW-P	93-08-053
392-315-115	REP-E	93-08-037	415-08-170	REP-P	93-08-054	415-104-785	NEW	93-11-078
392-315-115	REP-P	93-11-033	415-08-170	REP	93-11-079	415-108-010	AMD-P	93-08-052
392-315-115	REP	93-17-007	415-08-180	REP-P	93-08-054	415-108-010	AMD	93-11-077
392-315-120	REP-E	93-08-037	415-08-180	REP	93-11-079	415-108-100	REP-P	93-08-052
392-315-120	REP-P	93-11-033	415-08-190	REP-P	93-08-054	415-108-100	REP	93-11-077
392-315-120	REP	93-17-007	415-08-190	REP	93-11-079	415-108-110	REP-P	93-08-052
392-315-125	REP-E	93-08-037	415-08-200	REP-P	93-08-054	415-108-110	REP	93-11-077
392-315-125	REP-P	93-11-033	415-08-200	REP	93-11-079	415-108-120	REP-P	93-08-052
392-315-125	REP	93-17-007	415-08-210	REP-P	93-08-054	415-108-120	REP	93-11-077
392-315-130	REP-E	93-08-037	415-08-210	REP	93-11-079	415-108-130	REP-P	93-08-052
392-315-130	REP-P	93-11-033	415-08-220	REP-P	93-08-054	415-108-130	REP	93-11-077
392-315-130	REP	93-17-007	415-08-220	REP	93-11-079	415-108-150	REP-P	93-08-052
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415-108-160	REP-P	93-08-052	434-19-085	REP-P	93-21-093	434-50-045	AMD-E	93-14-107
415-108-160	REP	93-11-077	434-19-086	AMD-E	93-14-081	434-50-045	REP-P	93-16-114
415-108-620	NEW-P	93-08-052	434-19-086	REP-P	93-21-093	434-50-045	REP	93-20-072
415-108-620	NEW	93-11-077	434-19-087	AMD-E	93-14-081	434-50-050	AMD-E	93-14-080
415-108-630	NEW-P	93-08-052	434-19-087	REP-P	93-21-093	434-50-050	AMD-E	93-14-107
415-108-630	NEW	93-11-077	434-19-088	AMD-E	93-14-081	434-50-050	REP-P	93-16-114
415-108-640	NEW-P	93-08-052	434-19-088	REP-P	93-21-093	434-50-050	REP	93-20-072
415-108-640	NEW	93-11-077	434-19-097	AMD-E	93-14-081	434-50-055	AMD-E	93-14-080
415-108-650	NEW-P	93-08-052	434-19-097	REP-P	93-21-093	434-50-055	AMD-E	93-14-107
415-108-650	NEW	93-11-077	434-19-098	AMD-E	93-14-081	434-50-055	REP-P	93-16-114
415-108-660	NEW-P	93-08-052	434-19-098	REP-P	93-21-093	434-50-055	REP	93-20-072
415-108-660	NEW	93-11-077	434-19-100	REP-P	93-21-093	434-60-010	NEW-P	93-15-058
415-108-671	NEW-E	93-15-059	434-19-101	AMD-E	93-14-081	434-60-010	NEW	93-18-053
415-108-671	NEW-P	93-15-082	434-19-101	REP-P	93-21-093	434-60-020	NEW-P	93-15-058
415-108-671	NEW	93-20-020	434-19-102	REP-E	93-14-081	434-60-020	NEW	93-18-053
415-112-015	NEW-P	93-08-051	434-19-102	REP-P	93-21-093	434-60-030	NEW-P	93-15-058
415-112-015	NEW-S	93-17-023	434-19-110	REP-P	93-21-093	434-60-030	NEW	93-18-053
415-112-015	NEW	93-20-021	434-19-114	AMD-E	93-14-081	434-60-040	NEW-P	93-15-058
415-112-535	REP-P	93-08-051	434-19-114	REP-P	93-21-093	434-60-040	NEW	93-18-053
415-112-535	REP-S	93-17-023	434-19-115	REP-P	93-21-093	434-60-050	NEW-P	93-15-058
415-112-535	REP	93-20-021	434-19-118	AMD-E	93-14-081	434-60-050	NEW	93-18-053
415-112-561	NEW-E	93-15-059	434-19-118	REP-P	93-21-093	434-60-060	NEW-P	93-15-058
415-112-561	NEW-P	93-15-082	434-19-190	AMD-E	93-14-081	434-60-060	NEW	93-18-053
415-112-561	NEW	93-20-020	434-19-190	REP-P	93-21-093	434-60-070	NEW-P	93-15-058
415-112-722	REP-P	93-08-051	434-19-191	AMD-E	93-14-081	434-60-070	NEW	93-18-053
415-112-722	REP-S	93-17-023	434-19-191	REP-P	93-21-093	434-60-080	NEW-P	93-15-058
415-112-722	REP	93-20-021	434-19-192	AMD-E	93-14-081	434-60-080	NEW	93-18-053
415-112-810	AMD-P	93-08-051	434-19-192	REP-P	93-21-093	434-60-090	NEW-P	93-15-058
415-112-810	AMD-S	93-17-023	434-19-193	AMD-E	93-14-081	434-60-090	NEW	93-18-053
415-112-810	AMD	93-20-021	434-19-193	REP-P	93-21-093	434-60-100	NEW-P	93-15-058
415-112-820	AMD-P	93-08-051	434-19-194	AMD-E	93-14-081	434-60-100	NEW	93-18-053
415-112-820	AMD-S	93-17-023	434-19-194	REP-P	93-21-093	434-60-110	NEW-P	93-15-058
415-112-820	AMD	93-20-021	434-19-195	AMD-E	93-14-081	434-60-110	NEW	93-18-053
415-112-830	NEW-P	93-08-051	434-19-195	REP-P	93-21-093	434-60-120	NEW-P	93-15-058
415-112-830	NEW-S	93-17-023	434-19-230	REP-P	93-21-093	434-60-120	NEW	93-18-053
415-112-830	NEW	93-20-021	434-50-010	AMD-E	93-14-080	434-60-130	NEW-P	93-15-058
434-19-010	REP-P	93-21-093	434-50-010	AMD-E	93-14-107	434-60-130	NEW	93-18-053
434-19-012	AMD-E	93-14-081	434-50-010	REP-P	93-16-114	434-60-140	NEW-P	93-15-058
434-19-012	REP-P	93-21-093	434-50-010	REP	93-20-072	434-60-140	NEW	93-18-053
434-19-013	REP-P	93-21-093	434-50-015	AMD-E	93-14-080	434-60-150	NEW-P	93-15-058
434-19-014	AMD-E	93-14-081	434-50-015	AMD-E	93-14-107	434-60-150	NEW	93-18-053
434-19-014	REP-P	93-21-093	434-50-015	REP-P	93-16-114	434-60-160	NEW-P	93-15-058
434-19-015	REP-P	93-21-093	434-50-015	REP	93-20-072	434-60-160	NEW	93-18-053
434-19-016	REP-P	93-21-093	434-50-020	AMD-E	93-14-080	434-60-170	NEW-P	93-15-058
434-19-017	REP-P	93-21-093	434-50-020	AMD-E	93-14-107	434-60-170	NEW	93-18-053
434-19-018	REP-P	93-21-093	434-50-020	REP-P	93-16-114	434-60-180	NEW-P	93-15-058
434-19-020	AMD-E	93-14-081	434-50-020	REP	93-20-072	434-60-180	NEW	93-18-053
434-19-020	REP-P	93-21-093	434-50-025	REP-P	93-16-114	434-60-190	NEW-P	93-15-058
434-19-050	REP-P	93-21-093	434-50-025	REP	93-20-072	434-60-190	NEW	93-18-053
434-19-051	REP-P	93-21-093	434-50-030	REP-P	93-16-114	434-60-200	NEW-P	93-15-058
434-19-052	REP-P	93-21-093	434-50-030	REP	93-20-072	434-60-200	NEW	93-18-053
434-19-053	REP-P	93-21-093	434-50-031	NEW-E	93-14-080	434-79-010	AMD-E	93-14-088
434-19-054	REP-P	93-21-093	434-50-031	NEW-E	93-14-107	434-110-010	NEW-P	93-16-114
434-19-055	REP-P	93-21-093	434-50-032	NEW-E	93-14-080	434-110-010	NEW	93-20-072
434-19-056	AMD-E	93-14-081	434-50-032	NEW-E	93-14-107	434-110-020	NEW-P	93-16-114
434-19-056	REP-P	93-21-093	434-50-033	NEW-E	93-14-080	434-110-020	NEW	93-20-072
434-19-059	REP-P	93-21-093	434-50-033	NEW-E	93-14-107	434-110-030	NEW-P	93-16-114
434-19-060	REP-P	93-21-093	434-50-034	NEW-E	93-14-080	434-110-030	NEW	93-20-072
434-19-061	REP-P	93-21-093	434-50-034	NEW-E	93-14-107	434-110-040	NEW-P	93-16-114
434-19-075	REP-P	93-21-093	434-50-035	AMD-E	93-14-080	434-110-040	NEW	93-20-072
434-19-077	REP-P	93-21-093	434-50-035	AMD-E	93-14-107	434-110-050	NEW-P	93-16-114
434-19-078	REP-P	93-21-093	434-50-035	REP-P	93-16-114	434-110-050	NEW	93-20-072
434-19-080	AMD-E	93-14-081	434-50-035	REP	93-20-072	434-110-060	NEW-P	93-16-114
434-19-080	REP-P	93-21-093	434-50-036	NEW-E	93-14-080	434-110-060	NEW	93-20-072
434-19-081	AMD-E	93-14-081	434-50-036	NEW-E	93-14-107	434-110-070	NEW-P	93-16-114
434-19-081	REP-P	93-21-093	434-50-037	NEW-E	93-14-080	434-110-070	NEW	93-20-072
434-19-082	AMD-E	93-14-081	434-50-037	NEW-E	93-14-107	434-110-075	NEW-P	93-16-114
434-19-082	REP-P	93-21-093	434-50-038	NEW-E	93-14-109	434-110-075	NEW	93-20-072
434-19-083	AMD-E	93-14-081	434-50-040	AMD-E	93-14-080	434-110-080	NEW-P	93-16-114
434-19-083	REP-P	93-21-093	434-50-040	AMD-E	93-14-107	434-110-080	NEW	93-20-072
434-19-084	AMD-E	93-14-081	434-50-040	REP-P	93-16-114	434-110-090	NEW-P	93-16-114
434-19-084	REP-P	93-21-093	434-50-040	REP	93-20-072	434-110-090	NEW	93-20-072
434-19-085	AMD-E	93-14-081	434-50-045	AMD-E	93-14-080	434-110-100	NEW-P	93-16-114

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434-110-100	NEW	93-20-072	434-663-050	NEW-P	93-14-001	440-22-460	NEW-P	93-18-00
434-110-120	NEW-P	93-16-114	434-663-060	NEW-P	93-14-001	440-22-465	NEW-P	93-18-00
434-110-120	NEW	93-20-072	434-663-070	NEW-P	93-14-001	440-22-500	NEW-P	93-18-00
434-110-130	NEW-P	93-16-114	437-10-030	AMD-P	93-20-096	440-22-505	NEW-P	93-18-00
434-110-130	NEW	93-20-072	437-10-040	AMD-P	93-20-096	440-22-510	NEW-P	93-18-00
434-110-140	NEW	93-20-072	437-10-060	AMD-P	93-20-096	440-22-515	NEW-P	93-18-00
434-120-010	NEW-P	93-21-093	440-22-001	NEW-P	93-18-008	440-22-520	NEW-P	93-18-00
434-120-015	NEW-P	93-21-093	440-22-005	NEW-P	93-18-008	440-22-525	NEW-P	93-18-00
434-120-020	NEW-P	93-21-093	440-22-010	NEW-P	93-18-008	440-22-530	NEW-P	93-18-00
434-120-025	NEW-P	93-21-093	440-22-015	NEW-P	93-18-008	440-22-550	NEW-P	93-18-00
434-120-030	NEW-P	93-21-093	440-22-020	NEW-P	93-18-008	440-22-560	NEW-P	93-18-00
434-120-100	NEW-P	93-21-093	440-22-025	NEW-P	93-18-008	440-22-565	NEW-P	93-18-00
434-120-105	NEW-P	93-21-093	440-22-030	NEW-P	93-18-008	440-22-600	NEW-P	93-18-00
434-120-115	NEW-P	93-21-093	440-22-035	NEW-P	93-18-008	440-22-610	NEW-P	93-18-00
434-120-120	NEW-P	93-21-093	440-22-040	NEW-P	93-18-008	440-22-620	NEW-P	93-18-00
434-120-125	NEW-P	93-21-093	440-22-045	NEW-P	93-18-008	440-22-900	NEW-P	93-18-00
434-120-130	NEW-P	93-21-093	440-22-050	NEW-P	93-18-008	440-22-905	NEW-P	93-18-00
434-120-140	NEW-P	93-21-093	440-22-055	NEW-P	93-18-008	440-22-910	NEW-P	93-18-00
434-120-145	NEW-P	93-21-093	440-22-060	NEW-P	93-18-008	440-22-915	NEW-P	93-18-00
434-120-155	NEW-P	93-21-093	440-22-065	NEW-P	93-18-008	440-22-920	NEW-P	93-18-00
434-120-160	NEW-P	93-21-093	440-22-070	NEW-P	93-18-008	440-22-925	NEW-P	93-18-00
434-120-170	NEW-P	93-21-093	440-22-075	NEW-P	93-18-008	440-22-930	NEW-P	93-18-00
434-120-175	NEW-P	93-21-093	440-22-080	NEW-P	93-18-008	440-22-935	NEW-P	93-18-00
434-120-210	NEW-P	93-21-093	440-22-085	NEW-P	93-18-008	440-25-005	NEW-E	93-11-05
434-120-215	NEW-P	93-21-093	440-22-090	NEW-P	93-18-008	440-25-005	NEW-P	93-11-05
434-120-220	NEW-P	93-21-093	440-22-100	NEW-P	93-18-008	440-25-005	NEW	93-15-01
434-120-225	NEW-P	93-21-093	440-22-105	NEW-P	93-18-008	440-25-010	NEW-E	93-11-05
434-120-240	NEW-P	93-21-093	440-22-110	NEW-P	93-18-008	440-25-010	NEW-P	93-11-05
434-120-250	NEW-P	93-21-093	440-22-115	NEW-P	93-18-008	440-25-010	NEW	93-15-01
434-120-255	NEW-P	93-21-093	440-22-120	NEW-P	93-18-008	440-25-020	NEW-E	93-11-05
434-120-260	NEW-P	93-21-093	440-22-125	NEW-P	93-18-008	440-25-020	NEW-P	93-11-05
434-120-265	NEW-P	93-21-093	440-22-150	NEW-P	93-18-008	440-25-020	NEW	93-15-01
434-120-270	NEW-P	93-21-093	440-22-155	NEW-P	93-18-008	440-25-030	NEW-E	93-11-05
434-120-280	NEW-P	93-21-093	440-22-160	NEW-P	93-18-008	440-25-030	NEW-P	93-11-05
434-120-300	NEW-P	93-21-093	440-22-165	NEW-P	93-18-008	440-25-030	NEW	93-15-01
434-120-305	NEW-P	93-21-093	440-22-175	NEW-P	93-18-008	440-25-040	NEW-E	93-11-05
434-120-310	NEW-P	93-21-093	440-22-180	NEW-P	93-18-008	440-25-040	NEW-P	93-11-05
434-120-320	NEW-P	93-21-093	440-22-200	NEW-P	93-18-008	440-25-040	NEW	93-15-01
434-120-330	NEW-P	93-21-093	440-22-205	NEW-P	93-18-008	440-25-050	NEW-E	93-11-05
434-120-335	NEW-P	93-21-093	440-22-210	NEW-P	93-18-008	440-25-050	NEW-P	93-11-05
434-120-340	NEW-P	93-21-093	440-22-215	NEW-P	93-18-008	440-25-050	NEW	93-15-01
434-120-350	NEW-P	93-21-093	440-22-220	NEW-P	93-18-008	440-25-060	NEW-E	93-11-05
434-600-010	NEW	93-04-001	440-22-225	NEW-P	93-18-008	440-25-060	NEW-P	93-11-05
434-610-010	NEW	93-04-001	440-22-230	NEW-P	93-18-008	440-25-060	NEW	93-15-01
434-610-020	NEW	93-04-001	440-22-240	NEW-P	93-18-008	440-25-070	NEW-E	93-11-05
434-610-025	NEW	93-04-001	440-22-245	NEW-P	93-18-008	440-25-070	NEW-P	93-11-05
434-610-030	NEW	93-04-001	440-22-250	NEW-P	93-18-008	440-25-070	NEW	93-15-01
434-610-040	NEW	93-04-001	440-22-260	NEW-P	93-18-008	440-25-080	NEW-E	93-11-05
434-610-050	NEW	93-04-001	440-22-270	NEW-P	93-18-008	440-25-080	NEW-P	93-11-05
434-610-060	NEW	93-04-001	440-22-275	NEW-P	93-18-008	440-25-080	NEW	93-15-01
434-610-070	NEW	93-04-001	440-22-280	NEW-P	93-18-008	440-25-090	NEW-E	93-11-05
434-610-080	NEW	93-04-001	440-22-285	NEW-P	93-18-008	440-25-090	NEW-P	93-11-05
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434-610-100	NEW	93-04-001	440-22-290	NEW-P	93-18-008	440-25-100	NEW-E	93-11-05
434-610-110	NEW	93-04-001	440-22-292	NEW-P	93-18-008	440-25-100	NEW-P	93-11-05
434-610-120	NEW	93-04-001	440-22-294	NEW-P	93-18-008	440-25-100	NEW	93-15-01
434-615-010	NEW	93-04-001	440-22-296	NEW-P	93-18-008	440-25-110	NEW-E	93-11-05
434-615-020	NEW	93-04-001	440-22-298	NEW-P	93-18-008	440-25-110	NEW-P	93-11-05
434-615-030	NEW	93-04-001	440-22-300	NEW-P	93-18-008	440-25-110	NEW	93-15-01
434-620-010	NEW	93-04-001	440-22-310	NEW-P	93-18-008	440-25-120	NEW-E	93-11-05
434-624-010	NEW	93-04-001	440-22-320	NEW-P	93-18-008	440-25-120	NEW-P	93-11-05
434-624-020	NEW	93-04-001	440-22-325	NEW-P	93-18-008	440-25-120	NEW	93-15-01
434-624-030	NEW	93-04-001	440-22-330	NEW-P	93-18-008	446-40-070	AMD-P	93-10-00
434-624-040	NEW	93-04-001	440-22-335	NEW-P	93-18-008	446-40-070	AMD	93-15-07
434-624-050	NEW	93-04-001	440-22-350	NEW-P	93-18-008	446-50-040	REP-P	93-20-03
434-626-010	NEW	93-04-001	440-22-355	NEW-P	93-18-008	446-55-005	REP-P	93-20-03
434-626-020	NEW	93-04-001	440-22-400	NEW-P	93-18-008	446-55-010	REP-P	93-20-03
434-660-010	NEW-P	93-14-002	440-22-405	NEW-P	93-18-008	446-55-020	REP-P	93-20-03
434-660-010	NEW	93-19-051	440-22-410	NEW-P	93-18-008	446-55-030	REP-P	93-20-03
434-663-001	NEW-P	93-14-001	440-22-420	NEW-P	93-18-008	446-55-040	REP-P	93-20-03
434-663-005	NEW-P	93-14-001	440-22-430	NEW-P	93-18-008	446-55-050	REP-P	93-20-03
434-663-020	NEW-P	93-14-001	440-22-450	NEW-P	93-18-008	446-55-060	REP-P	93-20-03
434-663-030	NEW-P	93-14-001	440-22-455	NEW-P	93-18-008	446-55-070	REP-P	93-20-03

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446-55-090	REP-P	93-20-033	458-19-045	NEW-P	93-18-087	458-61-010	REP-E	93-21-067
446-55-100	REP-P	93-20-033	458-19-050	NEW-P	93-18-087	458-61-015	NEW-E	93-14-015
446-55-110	REP-P	93-20-033	458-19-055	NEW-P	93-18-087	458-61-015	NEW-E	93-21-067
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446-55-165	REP-P	93-20-033	458-20-101	PREP	93-02-046	458-61-030	AMD-E	93-21-067
446-55-170	REP-P	93-20-033	458-20-101	AMD-P	93-08-013	458-61-040	REP-E	93-14-015
446-55-180	REP-P	93-20-033	458-20-101	AMD	93-13-126	458-61-040	REP-E	93-21-067
446-55-190	REP-P	93-20-033	458-20-102	AMD-E	93-13-085	458-61-050	AMD-E	93-14-015
446-55-220	REP-P	93-20-033	458-20-102	PREP	93-17-086	458-61-050	AMD-E	93-21-067
446-55-230	REP-P	93-20-033	458-20-102	AMD-E	93-21-056	458-61-060	AMD-E	93-14-015
446-55-250	REP-P	93-20-033	458-20-115	PREP	93-12-111	458-61-060	AMD-E	93-21-067
446-55-260	REP-P	93-20-033	458-20-115	AMD-P	93-15-064	458-61-070	AMD-E	93-14-015
446-55-270	REP-P	93-20-033	458-20-115	AMD	93-19-017	458-61-070	AMD-E	93-21-067
446-55-280	REP-P	93-20-033	458-20-116	PREP	93-12-112	458-61-080	AMD-E	93-14-015
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446-60-010	REP-P	93-20-033	458-20-116	AMD	93-19-018	458-61-090	AMD-E	93-14-015
446-60-015	REP-P	93-20-033	458-20-117	PREP	93-12-113	458-61-090	AMD-E	93-21-067
446-60-020	REP-P	93-20-033	458-20-117	AMD-P	93-15-066	458-61-100	AMD-E	93-14-015
446-60-030	REP-P	93-20-033	458-20-117	AMD	93-19-019	458-61-100	AMD-E	93-21-067
446-60-040	REP-P	93-20-033	458-20-119	AMD-P	93-07-069	458-61-110	REP-E	93-14-015
446-60-050	REP-P	93-20-033	458-20-119	AMD-C	93-18-079	458-61-110	REP-E	93-21-067
446-60-060	REP-P	93-20-033	458-20-121	PREP	93-17-085	458-61-120	AMD-E	93-14-015
446-60-070	REP-P	93-20-033	458-20-122	PREP	93-16-086	458-61-120	AMD-E	93-21-067
446-60-080	REP-P	93-20-033	458-20-124	AMD-P	93-07-070	458-61-130	AMD-E	93-14-015
446-60-090	REP-P	93-20-033	458-20-124	AMD-C	93-18-080	458-61-130	AMD-E	93-21-067
446-65-010	AMD-P	93-20-033	458-20-125	PREP	93-16-083	458-61-140	REP-E	93-14-015
446-80-005	NEW-P	93-13-119	458-20-149	REP	93-03-005	458-61-140	REP-E	93-21-067
446-80-005	NEW	93-18-043	458-20-150	PREP	93-12-114	458-61-150	AMD-E	93-14-015
446-80-010	NEW-P	93-13-119	458-20-150	AMD-P	93-15-067	458-61-150	AMD-E	93-21-067
446-80-010	NEW	93-18-043	458-20-150	AMD	93-19-020	458-61-200	AMD-E	93-14-015
448-13-080	AMD-P	93-18-013	458-20-165	PREP	93-16-084	458-61-200	AMD-E	93-21-067
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458-12-010	AMD-P	93-05-016	458-20-167	PREP	93-12-115	458-61-210	AMD-E	93-21-067
458-12-010	AMD	93-08-049	458-20-168	AMD-E	93-13-086	458-61-220	AMD-E	93-14-015
458-12-240	REP-P	93-05-016	458-20-168	AMD-E	93-21-057	458-61-220	AMD-E	93-21-067
458-12-240	REP	93-08-049	458-20-168	PREP	93-21-054	458-61-230	AMD-E	93-14-015
458-12-342	AMD-P	93-05-016	458-20-174	PREP	93-02-047	458-61-230	AMD-E	93-21-067
458-12-342	AMD	93-08-049	458-20-179	PREP	93-17-083	458-61-235	NEW-E	93-14-015
458-14-015	AMD-P	93-05-015	458-20-17901	AMD-P	93-04-045	458-61-235	NEW-E	93-21-067
458-14-015	AMD	93-08-050	458-20-17901	AMD	93-07-066	458-61-240	REP-E	93-14-015
458-14-025	AMD-P	93-05-015	458-20-185	PREP	93-17-082	458-61-240	REP-E	93-21-067
458-14-025	AMD	93-08-050	458-20-186	PREP	93-17-082	458-61-250	AMD-E	93-14-015
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458-14-127	AMD-P	93-05-015	458-20-226	PREP	93-17-081	458-61-255	NEW-E	93-21-067
458-14-127	AMD	93-08-050	458-20-229	AMD	93-04-077	458-61-270	REP-E	93-14-015
458-14-170	AMD-P	93-05-015	458-20-230	AMD	93-03-004	458-61-270	REP-E	93-21-067
458-14-170	AMD	93-08-050	458-20-258	PREP	93-18-042	458-61-280	REP-E	93-14-015
458-14-171	NEW-P	93-05-015	458-20-258	AMD-E	93-21-055	458-61-280	REP-E	93-21-067
458-14-171	NEW	93-08-050	458-20-261	PREP	93-17-080	458-61-300	AMD-E	93-14-015
458-16	PREP	93-18-066	458-20-900	NEW-E	93-13-087	458-61-300	AMD-E	93-21-067
458-16-160	NEW-E	93-16-012	458-20-901	NEW-E	93-21-058	458-61-310	REP-E	93-14-015
458-16-210	AMD-E	93-16-012	458-30-262	AMD-P	93-04-020	458-61-310	REP-E	93-21-067
458-16-240	AMD-E	93-16-012	458-30-262	AMD-E	93-04-021	458-61-320	REP-E	93-14-015
458-16-300	AMD-E	93-16-012	458-30-262	AMD	93-07-067	458-61-320	REP-E	93-21-067
458-16-310	AMD-E	93-16-012	458-40-610	PREP	93-17-110	458-61-330	AMD-E	93-14-015
458-18-215	NEW-P	93-21-023	458-40-634	PREP	93-07-068	458-61-330	AMD-E	93-21-067
458-18-220	AMD-P	93-03-024	458-40-634	AMD-P	93-11-081	458-61-335	AMD-E	93-14-015
458-18-220	AMD-E	93-03-025	458-40-634	AMD	93-14-090	458-61-335	AMD-E	93-21-067
458-18-220	AMD	93-06-096	458-40-640	PREP	93-13-102	458-61-340	AMD-E	93-14-015
458-19	PREP	93-16-103	458-40-650	PREP	93-17-110	458-61-340	AMD-E	93-21-067
458-19-005	NEW-P	93-18-087	458-40-660	AMD-P	93-10-091	458-61-360	REP-E	93-14-015
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458-19-020	NEW-P	93-18-087	458-40-670	AMD	93-14-051	458-61-370	AMD-E	93-21-067
458-19-025	NEW-P	93-18-087	458-40-670	PREP	93-19-155	458-61-375	NEW-E	93-14-015
458-19-030	NEW-P	93-18-087	458-40-690	PREP	93-09-029	458-61-375	NEW-E	93-21-067
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458-61-380	REP-E	93-14-015	463-30-055	NEW	93-12-013	478-116-480	REP-P	93-08-11
458-61-380	REP-E	93-21-067	463-39	AMD-P	93-18-104	478-116-480	REP	93-14-11
458-61-390	REP-E	93-14-015	463-39-005	AMD-P	93-18-104	478-116-490	REP-P	93-08-11
458-61-390	REP-E	93-21-067	463-39-020	AMD-P	93-18-104	478-116-490	REP	93-14-11
458-61-400	AMD-E	93-14-015	463-39-030	AMD-P	93-18-104	478-116-500	REP-P	93-08-11
458-61-400	AMD-E	93-21-067	463-39-100	AMD-P	93-18-104	478-116-500	REP	93-14-11
458-61-410	AMD-E	93-14-015	463-39-120	AMD-P	93-18-104	478-116-510	REP-P	93-08-11
458-61-410	AMD-E	93-21-067	463-39-140	NEW-P	93-18-104	478-116-510	REP	93-14-11
458-61-420	AMD-E	93-14-015	468-16-030	AMD	93-03-020	478-116-511	REP-P	93-08-11
458-61-420	AMD-E	93-21-067	468-16-040	AMD	93-03-020	478-116-511	REP	93-14-11
458-61-430	AMD-E	93-14-015	468-16-050	AMD	93-03-020	478-116-520	AMD-P	93-08-11
458-61-430	AMD-E	93-21-067	468-16-060	AMD	93-03-020	478-116-520	AMD	93-14-11
458-61-440	REP-E	93-14-015	468-16-070	AMD	93-03-020	478-116-530	REP-P	93-08-11
458-61-440	REP-E	93-21-067	468-16-090	AMD	93-03-020	478-116-530	REP	93-14-11
458-61-450	REP-E	93-14-015	468-16-100	AMD	93-03-020	478-116-540	AMD-P	93-08-11
458-61-450	REP-E	93-21-067	468-16-120	AMD	93-03-020	478-116-540	AMD	93-14-11
458-61-460	REP-E	93-14-015	468-16-130	AMD	93-03-020	478-116-550	AMD-P	93-08-11
458-61-460	REP-E	93-21-067	468-16-140	AMD	93-03-020	478-116-550	AMD	93-14-11
458-61-470	AMD-E	93-14-015	468-16-150	AMD	93-03-020	478-116-560	REP-P	93-08-11
458-61-470	AMD-E	93-21-067	468-16-160	AMD	93-03-020	478-116-560	REP	93-14-11
458-61-480	AMD-E	93-14-015	468-16-170	AMD	93-03-020	478-116-582	AMD-P	93-08-11
458-61-480	AMD-E	93-21-067	468-16-180	AMD	93-03-020	478-116-582	AMD	93-14-11
458-61-490	REP-E	93-14-015	468-16-190	AMD	93-03-020	478-116-586	AMD-P	93-08-11
458-61-490	REP-E	93-21-067	468-16-200	AMD	93-03-020	478-116-586	AMD	93-14-11
458-61-500	REP-E	93-14-015	468-38-075	NEW-P	93-17-067	478-116-588	AMD-P	93-08-11
458-61-500	REP-E	93-21-067	468-38-075	NEW	93-21-008	478-116-588	AMD	93-14-11
458-61-510	AMD-E	93-14-015	468-38-100	AMD-P	93-17-067	478-116-589	NEW-P	93-08-11
458-61-510	AMD-E	93-21-067	468-38-100	AMD-W	93-21-009	478-116-589	NEW	93-14-11
458-61-520	AMD-E	93-14-015	468-38-280	AMD-P	93-16-069	478-116-601	AMD-P	93-08-11
458-61-520	AMD-E	93-21-067	468-38-280	AMD	93-19-056	478-116-601	AMD	93-14-11
458-61-530	REP-E	93-14-015	468-38-360	AMD	93-04-071	458-355-010	AMD-P	93-19-16
458-61-530	REP-E	93-21-067	468-52-010	NEW	93-03-033	458-355-020	AMD-P	93-19-16
458-61-540	AMD-E	93-14-015	468-52-020	NEW	93-03-033	478-355-030	AMD-E	93-19-01
458-61-540	AMD-E	93-21-067	468-52-030	NEW	93-03-033	458-355-030	AMD-P	93-19-16
458-61-548	NEW-E	93-14-015	468-52-040	NEW	93-03-033	458-355-060	AMD-P	93-19-16
458-61-548	NEW-E	93-21-067	468-52-050	NEW	93-03-033	480-09-012	NEW-P	93-18-09
458-61-550	AMD-E	93-14-015	468-52-060	NEW	93-03-033	480-09-115	AMD-P	93-19-16
458-61-550	AMD-E	93-21-067	468-52-070	NEW	93-03-033	480-09-120	AMD-P	93-18-09
458-61-553	NEW-E	93-14-015	468-95-035	NEW-C	93-07-055	480-09-210	AMD-P	93-18-09
458-61-553	NEW-E	93-21-067	468-95-035	NEW-C	93-10-068	480-09-220	AMD-P	93-18-09
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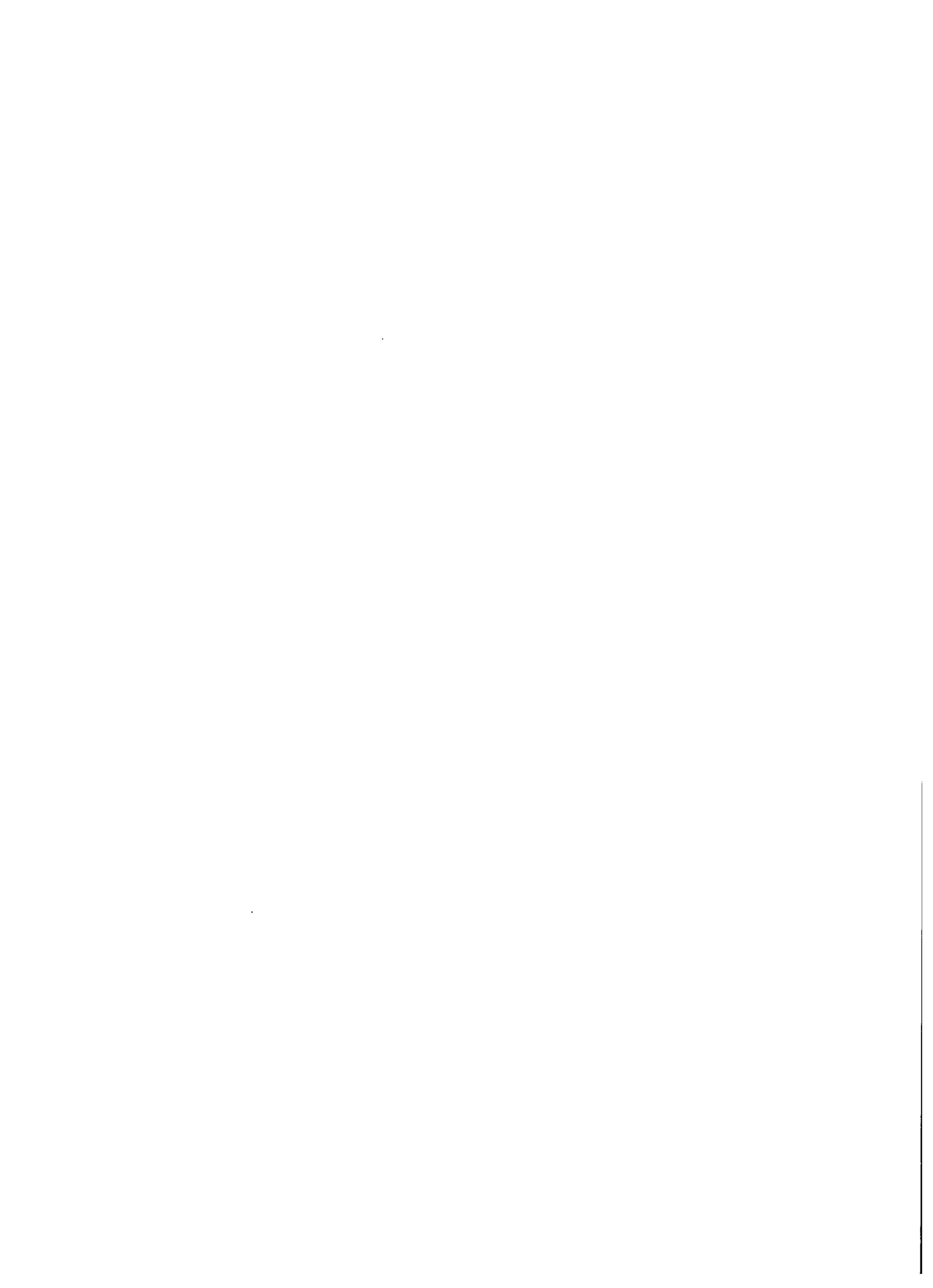
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