

Washington State Register

DECEMBER 1, 1993

OLYMPIA, WASHINGTON

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This issue contains documents officially
filed not later than November 17, 1993

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 December 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.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) deleted material is (~~lined out between double parentheses~~);
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE 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

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<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
93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994
94-01	Nov 24	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 25
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
94-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
94-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
94-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
94-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
94-09	Mar 23	Apr 6	Apr 20	May 4	May 24
94-10	Apr 6	Apr 20	May 4	May 18	Jun 7
94-11	Apr 20	May 4	May 18	Jun 1	Jun 21
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94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995

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;

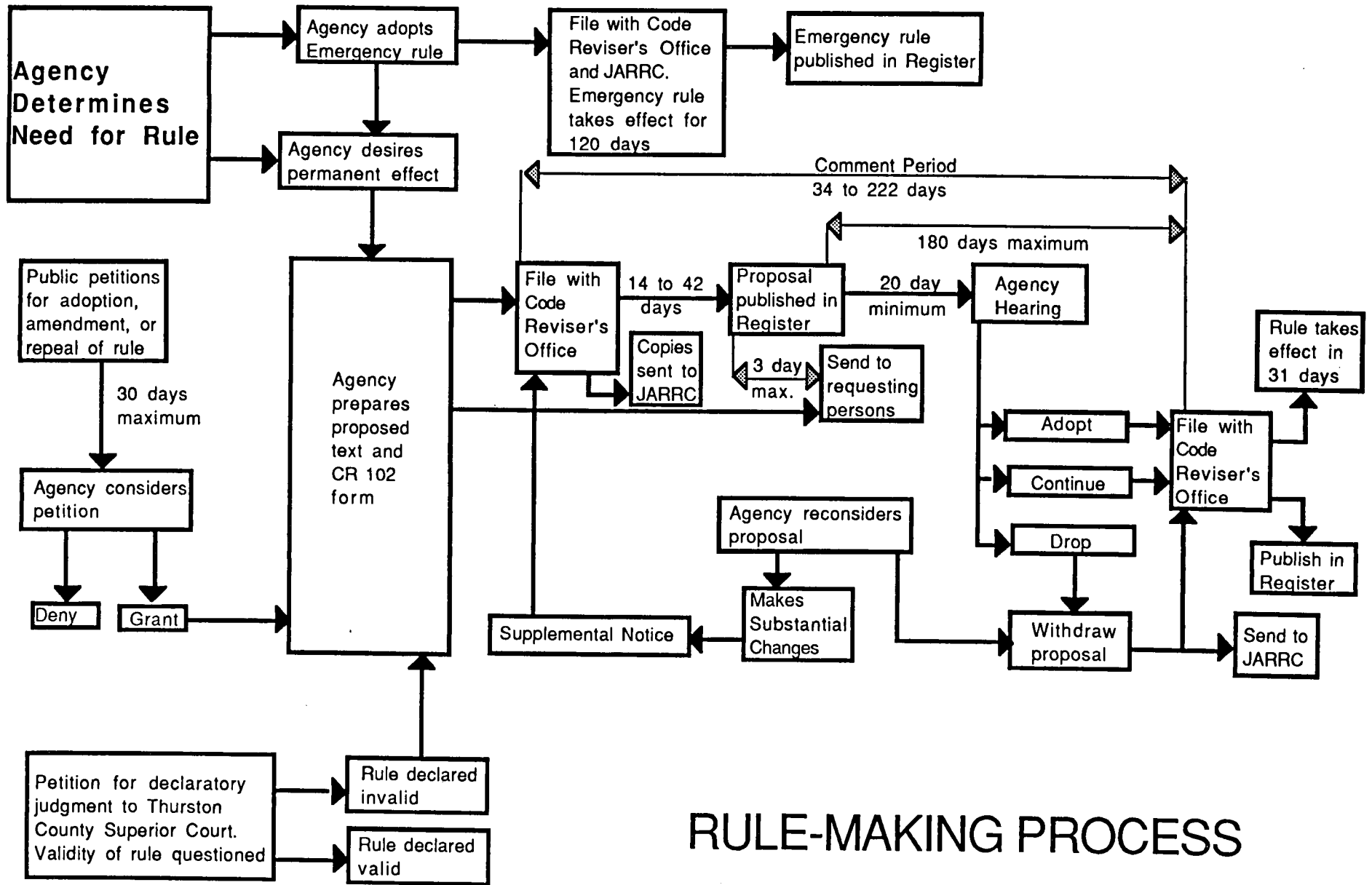
There is no economic impact on business;

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 93-23-002
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
 [Filed November 3, 1993, 3:55 p.m.]

Continuance of WSR 93-22-023.

Title of Rule: Chapter 388-88 WAC, Medical care—
 Nursing home care.

Purpose: To comply with federal regulations implementing the preadmission screening and annual resident review (PASARR) requirements for nursing facilities published in the November 30, 1992, Federal Register and effective January 29, 1993. To simplify/clarify state discharge/transfer and utilization review regulations and ensure compliance with federal 42 CFR 431, as amended, 42 CFR 483.12 and 483.100 through 483.138. Amends discharge planning and relocation.

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

Date of Intended Adoption: November 10, 1993.
 November 3, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

WSR 93-23-003
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Health)
 [Filed November 3, 1993, 3:58 p.m.]

Continuance of WSR 93-22-022.

Title of Rule: WAC 248-14-001 Definitions, 248-14-075 Nursing home fees, 248-14-080 Licensure—Disqualification, 248-14-240 Personnel, and 248-14-249 Criminal history disclosure and background inquiries.

Purpose: Criminal History: Incorporate legislative requirements; revise procedure for nursing homes requesting criminal history inquiries; simplify and condense several current WAC sections into one. Nursing Home Change of Ownership: Administrative change to assure department review when controlling interest in a corporation change.

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

Date of Intended Adoption: November 10, 1993.
 November 3, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

WSR 93-23-004
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed November 4, 1993, 10:12 a.m.]

Original Notice.

Title of Rule: WAC 246-815-990 Dental hygiene fees.

Purpose: Establishes required fees for dental hygiene program services. Provides a reduction in the renewal, late penalty and certification fees. Also provides some clarifying information.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: Chapter 18.29 RCW.

Summary: Reduces required fees for dental hygiene program services, as stipulated in purpose.

Reasons Supporting Proposal: A positive impact economically for the public. This fee reduction is possible due to an increase in the licensee number base since the existing fees were adopted and also due to prudent management of funds.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Lewis, Olympia, Washington, 586-1867.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It establishes a decrease in required dental hygiene program service fees. This will be a positive economical impact on the public. It reduces the renewal, late penalty and certification fees.

Proposal Changes the Following Existing Rules: Reduces renewal, late penalty and certification fees. Also provides clarifying information.

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

No impact to small business.

Hearing Location: OB-2 Auditorium, 12th and Jefferson, Olympia, Washington 98504, on December 21, 1993, at 1 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, P.O. Box 47902, Olympia, WA 98504-7902, by December 20, 1993.

Date of Intended Adoption: December 21, 1993.
 November 3, 1993
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending WSR 93-16-015, filed 8/2/93, effective 9/2/93)

WAC 246-815-990 Dental hygiene fees. The following nonrefundable fees shall be charged: ~~((by the professional licensing division of the department of health:))~~

Title of Fee	Fee
Application examination and reexamination	\$200.00
Renewal	((95.00)) 60.00
Late renewal penalty	((60.00)) 50.00
Credentialing application	300.00
Temporary license application	115.00
Duplicate license	15.00
Certification	((35.00)) 25.00
Education program evaluation	200.00

All fees shall be payable, in U.S. funds, by check or money order to "Washington State Treasurer" or "Department of Health".

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 93-23-025
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed November 10, 1993, 9:15 a.m.]

Continuance of WSR 93-20-056.

Title of Rule: WAC 388-91-007 Drugs—Drug discount agreement, 388-91-010 Drugs—Not requiring prior authorization, and 388-91-020 Drugs—Requiring authorization.

Purpose: Sets up a supplemental pharmaceutical manufacturers' state discount in order for their drug to be prescribed without special authorization by medical assistance administration. Deletes the requirement that the department not require prior authorization for new drugs for a six-month period.

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

Date of Intended Adoption: December 7, 1993.

November 10, 1993
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

**WSR 93-23-026
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Filed November 10, 1993, 9:17 a.m.]

Continuance of WSR 93-19-095.

Title of Rule: Chapter 275-56 WAC, new sections WAC 275-56-600 through 275-56-720, and amending WAC 275-56-015 Definitions.

Purpose: Allows implementation of the federally mandated waiver of the Title XIX program. Creates rules for managed care prepaid healthcare plans in accordance with federally approved Title XIX waiver, including client eligibility, enrollment, disenrollment, exceptions, grievances, ombuds services, quality assurance, and payment.

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

Date of Intended Adoption: November 17, 1993.

November 10, 1993
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

**WSR 93-23-027
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed November 10, 1993, 9:18 a.m.]

Original Notice.

Title of Rule: WAC 388-95-360 Allocation of income and resources—Institutionalized client.

Purpose: Adds provision of a specified personal needs allowance for a veteran living in a Medicaid-certified state veteran's home nursing facility in the amount of one hundred sixty dollars per month.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Comply with provisions of ESSB 5966.

Reasons Supporting Proposal: Adds provision of a specified personal needs allowance for a veteran living in a Medicaid-certified state veteran's home nursing facility.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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 21, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by December 7, 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 December 14, 1993.

Date of Intended Adoption: December 22, 1993.

November 10, 1993
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-95-360 Allocation of income and resources—Institutionalized client. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-95-335 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-95-380 and 388-95-395.

(2) In reducing payment to the institution, the department shall consider the eligible institutional client's excess resources available to meet cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under ~~((WAC 388-95-360(2)))~~ subsection (2) of this section to reduce income under ~~((WAC 388-95-360(4)))~~ subsection (4) of this section.

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts ~~((excluded))~~ disregarded in determining eligibility:

(a) Specified personal needs allowance as follows:

(i) ~~(((\$41.62 for a client in an institution; or))~~ One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) ~~(((\$90.00))~~ Ninety dollars for a single veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.

(b) Unearned income which:

(i) Is mandatorily withheld for income tax purposes before receipt by the client; and

(ii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.

(c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less-restrictive placement. When determining this deduction, the department shall:

(A) Not allow a deduction for employment expenses; and

(B) Apply the client's wages not deducted under this subsection to the client's cost of care.

(d) An amount an SSI(~~(;)~~) or AFDC(~~(, or FIP-related))~~) client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

~~((e) The current personal needs allowance plus wages the SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the person for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level. When determining this deduction, the department shall:~~

~~(i) Not allow a deduction for employment expenses; and~~

~~(ii) Apply the excess wages to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.~~

~~((d))~~ (e) A monthly needs allowance for the community spouse not to exceed one thousand seven hundred sixty-nine dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance ~~((shall be))~~ is:

(i) An amount added to the community spouse's income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified ~~((#))~~ under subsection (5) of this section.

~~((e))~~ (f) An amount for the maintenance needs of each dependent family member residing with the community spouse:

(i) ~~((An amount))~~ Equal to one-third of the amount one thousand one hundred seventy-nine dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) ~~((A))~~ "Family member (~~((#))~~) " means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

~~((f))~~ (g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home (~~((#))~~) equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

~~((g))~~ (h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

~~((h))~~ (i) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) When a physician has certified that ~~((either of the persons))~~ the client is likely to return to the home within ~~((that))~~ the six-month period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, the department shall ensure excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Shall not exceed three hundred fifty-three dollars and seventy cents, effective April 1, 1993.

(6) The department shall only ensure the amount the institutional spouse allocates to the community spouse may be greater than the amount in subsection (4)(d)(i) of this section ~~((only))~~ when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified ~~((#))~~ under subsection (4) of this section ~~((;))~~ toward payment of the client's cost of care at the department rate.

(8)(a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

- (i) Stay in the institution or facility is not expected to exceed three months; and
- (ii) SSI-related clients plan to return to former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

WSR 93-23-029
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed November 10, 1993, 9:21 a.m.]

Original Notice.

Title of Rule: WAC 388-92-036 SSI-related income exemptions.

Purpose: Specify when the child's allowance deduction can be taken.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Specify when the child's allowance deduction is allowed and from whose income.

Reasons Supporting Proposal: Clarification of conflicting current rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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 21, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by December 7, 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 December 14, 1993.

Date of Intended Adoption: December 22, 1993.

November 10, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

AMENDATORY SECTION (Amending Order 3533, filed 4/7/93, effective 5/8/93)

WAC 388-92-036 SSI-related income exemptions.

- (1) The department shall exempt:
 - (a) Any public agency's refund of taxes paid on real property or on food;
 - (b) State public assistance and supplemental security income (SSI) based on financial need;
 - (c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at an educational institution;
 - (d) Income a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;
 - (e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit private child-placement or child-care agency;
 - (f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;
 - (g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall apply no such exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;
 - (h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;
 - (i) Tax rebates or special payments exempted by other statutes;
 - (j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;
 - (k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse has no income, an amount to meet the needs of an ineligible minor ((child's needs residing)) child living in the household of an ((SSI or)) SSI-related ((client)) parent. See WAC 388-92-027 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;
 - (l) Veteran's benefits designated for the veteran's:
 - (i) Dependent; or
 - (ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-95-340(6).
 - (m) Title II Social Security Administration benefits. The department shall:
 - (i) Determine current client eligibility for categorically needy medical assistance under WAC 388-82-115(4), including all Title II cost of living adjustment (COLA) benefit increases received by the:
 - (A) Client since termination from SSI/SSP; or
 - (B) Client's spouse and/or other financially responsible family member living in the same household during the time period under subsection (1)(m)(i) of this section; and

(ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in the cost of the institutionalized client's care.

(n) A fee a guardian charges as reimbursement for providing services;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client, such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383 and any interest earned from such payment;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income.

(2) For the SSI-related client, the department shall exclude the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

WSR 93-23-030
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed November 10, 1993, 9:22 a.m.]

Original Notice.

Title of Rule: WAC 388-92-045 Exempt resources.

Purpose: Clarifies the treatment of sales contracts. Effective December 1, 1993, in order for a sales contract whose market value exceeds the resource limit to be exempt, it must be compensation for the client's principal place of residence prior to institutionalization, provide a reasonable rate of return, and be paid off in a period not to exceed thirty years. Clarifies technical language.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarifies the treatment of sales contracts as a resource. Clarifies other technical language to facilitate understanding.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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 21, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by December 7, 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 December 14, 1993.

Date of Intended Adoption: December 22, 1993.

November 10, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3518, filed 2/24/93, effective 3/27/93)

WAC 388-92-045 Exempt resources. (1) The department shall exempt the following resources in determining eligibility for medical care programs:

(a) Home((-));

(i) A home means any shelter:

(A) In which the client has ownership interest; and

(B) The client uses as the principal place of residence.

The department shall consider only one home as the client's principal place of residence.

(ii) Client's absence from the home shall not affect the home (~~(exclusion)~~) exemption. The client's home shall remain the principal place of residence as long as:

(A) The client intends to return home. The department shall accept the client's statement of intent without challenge; or

(B) A client's spouse or dependent relative uses the home during the client's absence. The department shall:

(I) Consider a person a dependent relative when such person is either financially or medically dependent on the client; and

(II) Accept the client's or dependent relative's written statement of dependency or relationship unless the department has reason to question such statement.

(iii) The department shall (~~(exclude)~~) exempt the (~~(client's)~~) proceeds from the sale of the (~~(excluded)~~) home

providing the client uses the proceeds to purchase another home within three months of the receipt of the proceeds. Proceeds include real estate contracts, or any similar home financing arrangements, and the income produced.

(iv) The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-95-395.

(b) Household goods and personal effects(-);

(c) Automobile or automobiles(-);

(i) The department shall exempt one automobile regardless of its value if, for the client or a member of the client's household, the automobile is:

(A) Necessary for employment; or

(B) Necessary for the treatment of a specific or regular medical problem; or

(C) Modified for operation by, or transportation of, a handicapped person; or

(D) Necessary due to climate, terrain, distance, or similar factors to provide transportation to perform essential daily activities.

(ii) The department shall:

(A) Exempt one of the client's automobiles to the extent its current market value does not exceed four thousand five hundred dollars;

(B) Count any excess against the resource limit; and

(C) Exempt an automobile under this subdivision only if an automobile is not exempt under subsection (1)(c)(i) of this section.

(iii) The department shall treat the client's ownership of other automobiles as nonexempt resources and count the client's automobile equity value toward the resource limit.

(d) Property essential to self-support. The department shall exempt:

(i) Property regardless of value, when the client uses the property:

(A) In a trade or business;

(B) As an employee for work; or

(C) As authorized by the government for income producing activity.

(ii) Nonbusiness property up to six thousand dollars equity, when the client uses the property for producing goods or services essential to daily activities, solely for the client's household.

(iii) Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce an annual income return of six percent or more of the exempt equity or is expected to produce at least a six percent return within a twenty-month period as long as the client:

(A) Currently uses the property in ~~((items))~~ the activities described in (1)(d) ((i), (ii), and (iii)) of this section ~~((in the described activity))~~; or

(B) Is expected to resume ~~((the use of))~~ using the property in ~~((items))~~ the activities described in (1)(d) ((i), (ii), and (iii)) of this section ~~((in the described activity))~~ within twelve months.

(e) ~~((Resources of a blind or disabled person. The department shall exempt))~~ Resources necessary to fulfill an approved plan for a blind or disabled client to achieve self-support as long as such plan remains in effect.

(f) Alaska Native Claims Settlement Act~~((The department shall exempt))~~:

(i) Shares of stock held in a regional or village corporation;

(ii) Cash received from a native corporation, including cash dividends on stock received from a native corporation to the extent it does not exceed two thousand dollars per person per year;

(iii) Stock issued or distributed by a native corporation as a dividend or distribution on the stock;

(iv) A partnership interest;

(v) Land or an interest in land, including land or an interest in land received from a native corporation as a dividend or distribution on stock;

(vi) An interest in a settlement trust.

(g) Life insurance(-);

(i) The department shall exempt the total cash surrender value if the total face value of all the policies held by each person is one thousand five hundred dollars or less.

(ii) The cash surrender value applies to the resource limit if the face value of all the policies held by each person is over one thousand five hundred dollars.

(iii) When determining total face value in subsection (1)(g)(i) of this section, the department shall ~~((exempt))~~ not include term or burial insurance with no cash surrender value.

(h) ~~((Restricted allotted land. The department shall exempt))~~ Restricted allotted land owned by an enrolled tribal member and spouse, if married, if such land cannot be sold, transferred, or otherwise disposed of without permission of other persons, the tribe, or an agency of the federal government.

(i) Insurance settlements~~((The department shall exempt cash))~~ the client receives from an insurance company for purposes of repairing or replacing a resource providing the client uses the total amount of the cash to repair or replace the exempt resource within nine months. The department may extend the nine-month period based on circumstances beyond the control of the client to a maximum of nine additional months. The department shall consider any cash not used within the time period as an available resource.

(j) ~~((Burial spaces. The department shall exempt the value of))~~ Burial spaces for the client, the client's spouse, or any member of the client's immediate family.

(i) Burial spaces include conventional gravesites, crypts, mausoleums, urns, and other repositories customarily and traditionally used for the remains of deceased persons.

(ii) Burial spaces include a burial space purchase agreement as well as any interest accrued on and left to accumulate as part of the value of the burial space purchase agreement.

(iii) For purposes of subsection (1)(j) and (k) of this section, immediate family means a client's minor and adult children, including adopted children and stepchildren; a client's brothers, sisters, parents, adoptive parents, and the spouses of those persons. The department shall consider neither dependency nor living-in-the-same-household as factors in determining whether a person is an immediate family member.

(k) Burial funds(-);

(i) Funds specifically set aside for the burial arrangements of a client or the client's spouse shall not exceed one thousand five hundred dollars for each spouse. The depart-

ment shall count burial funds in excess of this limit toward the resource limit in WAC 388-92-050.

(ii) The department shall require funds set aside for burial expenses be kept separate from all other resources (~~(not intended for the burial of the client or the client's spouse)~~) and separately identified and designated as set aside for burial. If the exempt burial funds are mixed with other resources (~~(not intended for burial)~~), the department shall not apply this exemption to any portion of the funds. The department may exempt designated burial funds retroactively back to the first day of the month in which the person intended the funds to be set aside for burial.

(iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or other financial instruments with a definite cash value the person clearly designates as set aside for the person's or spouse's burial expenses.

(iv) The department shall reduce the one thousand five hundred dollar exemption by:

(A) The face value of the client's insurance policies owned by the person or spouse on the life of the person if the policies have been exempted as provided in subsection (1)(g) of this section; and

(B) Amounts in an irrevocable burial trust.

(v) The department shall exempt the interest earned on exempt burial funds and appreciation in the value of exempt burial arrangements if the exempt interest and appreciation are left to accumulate and become part of the separately identified burial fund.

(vi) When used for other purposes, the department shall consider as available income any exempt burial funds, interest, or appreciated values set aside for burial expenses (~~(as available income)~~) if, at the first of the month of use(;) when added to other nonexempt resources, the total exceeds the resource limit.

(l) Other resources considered exempt by federal statute.

(m) (~~Retroactive payments. The department shall exempt~~) Retroactive SSI payments including benefits a client receives under the interim assistance reimbursement agreement with the Social Security administration, or OASDI payments for six months following the month of receipt. This exemption applies to:

(i) Payments the client, spouse, or any other person receives that the department considers available to meet the client's needs;

(ii) SSI payments made to the client for benefits due for a month before the month of payment;

(iii) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(iv) Payments that remain in the form of cash, checking accounts or saving accounts. The department shall not apply this exemption once the retroactive payment has been converted to any other form.

(n) Payments for medical or social services(~~(The department shall exempt, from resources)~~), for one-calendar month following the month of receipt, certain cash payments an SSI person receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services.

(o) (~~Restitution to civilians relocated and interned during war time. The department shall exempt~~) Payments

to persons of Japanese or Aleut ancestry for restitution to civilians relocated and interned during war time, under P.L. 100-383.

(p) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41.

(q) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201.

(r) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's law for compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt.

(s) Unspent assistance payments the client receives because of a presidentially declared major disaster, under P.L. 93-288, are exempt for nine months from date of receipt.

(i) The exemption may extend an additional nine months, if circumstances beyond the client's control:

(A) Prevents the client from repairing or replacing the damaged or destroyed property; or

(B) Keeps the client from contracting for such repair or replacement.

(ii) Interest earned on the exempt resource is exempt for the period the exclusion applies.

(t) Earned income tax credit refunds and payments, received on or after January 1, 1991, during the month of receipt and the following month.

(u) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

(v) Payments, or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(w) (~~Effective September 1, 1991,)~~ Payments under section 500 through 506 of the Austrian General Social Insurance Act:

(i) The department shall not consider such payments as income or resources for determining eligibility or post eligibility;

(ii) The earned interest from such payments is countable income for the client.

(2) The department shall consider a sales contract:

(a) An exempt resource when the current market value of the contract:

(i) Is zero; or

(ii) When combined with other resources, exceeds the resource limit; and

(A) The sales contract was executed on or before November 30, 1993; or

(B) The sales contract was executed on or after December 1, 1993; and

(I) Was received as compensation for the sale of the client's principal place of residence. For an institutionalized client, this rule shall apply only to the client's principal place of residence before institutionalization of the client; and

(II) Provides for an interest rate within prevailing rates at the time of sale; and

(III) Requires the repayment of a principal amount equal to the fair market value of the property; and

(IV) Payment on the amount owed does not exceed thirty years.

(iii) The department shall consider payment of principal and interest on a sales contract meeting the criteria of subsection (2)(a)(i) or (ii) under WAC 388-83-041 (2)(f).

(b) An available resource when the ~~((value of the sales contract, combined with other countable resources, is within the resource limit))~~ current market value of a sales contract does not meet the requirements in subsection (2)(a)(i) or (ii) of this section. For a sales contract the department determines to be an available resource, the department shall consider the payment that represents:

- (i) Principal, an available resource.
- (ii) Interest, under WAC 388-83-041 (2)(g).

(c) An available resource when transferred by the client to a person other than the client's spouse. See WAC 388-95-395.

(3) ~~((The client may transfer or exchange exempt resources except the home or a sales contract.))~~ The department shall consider cash received from the sale of an exempt resource as a nonexempt resource to the extent that the cash is not ~~((used to))~~:

- (a) Used to replace an exempt resource; or
- (b) ~~((Be))~~ Invested in an exempt resource within the same month, unless specified differently under this section.

WSR 93-23-039
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health)

[Filed November 10, 1993, 4:27 p.m.]

The Department of Social and Health Services is withdrawing WAC 248-14-075 filed as a proposed new section with the office of the code reviser under WSR 93-18-022 on August 25, 1993; and WAC 248-14-071 filed as a proposed repealed section with the office of the code reviser under WSR 93-18-022 on August 25, 1993.

Dewey Brock, Chief
Office of Vendor Services
Administrative Services

WSR 93-23-044
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE

[Filed November 12, 1993, 12:45 p.m.]

Original Notice.

Title of Rule: WAC 132H-160-180 Refund policy.

Purpose: Repeals WAC 132H-160-180.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: Repeals current refund policy for Community College District VIII. This section will be replaced by a new, easier to understand section which modifies rules for refunds.

Reasons Supporting Proposal: The college has changed its policy for granting refunds and instituted a schedule change fee which are codified in a new section.

Name of Agency Personnel Responsible for Drafting: Donald Noble, B202, (206) 641-2446; Implementation and Enforcement: Tomas Ybarra, B231, (206) 641-2454.

Name of Proponent: Bellevue Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This section governing Community College District VIII's refund policy is being repealed and will be replaced by a new section.

Proposal Changes the Following Existing Rules: Repeals current refund policy.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B202, Bellevue, WA 98007-6484, on December 21, 1993, at 8:00 a.m.

Submit Written Comments to: Elise Erickson, Secretary, Board of Trustees, 3000 Landerholm Circle S.E., B202, Bellevue, WA 98007-6484, by December 21, 1993.

Date of Intended Adoption: December 21, 1993.

November 12, 1993

Elise J. Erickson

Executive Assistant

Pres, Secretary Board of Trustees

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132H-160-180 Refund policy.

WSR 93-23-045
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE

[Filed November 12, 1993, 12:49 p.m.]

Original Notice.

Title of Rule: WAC 132H-160-182 Student schedule changes—Refund policy and administrative fees.

Purpose: Establishes rules under which refunds for withdrawal for courses may be given and fees for administrative fees for schedule changes.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: Established refund policy for students withdrawing from a course(s) or withdrawing from school and authorizes registrar to collect an administrative fee for course changes.

Reasons Supporting Proposal: Clarifies old policy and adds new dates for refunds.

Name of Agency Personnel Responsible for Drafting: Donald Noble, B202, (206) 641-2446; Implementation and Enforcement: Tomas Ybarra, B231, (206) 641-2454.

Name of Proponent: Bellevue Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Describes rules under which refunds may be given to students when they withdraw from a course(s) or withdraw from school. Establishes authority for registrar to charge an administrative fee for course changes.

Proposal Changes the Following Existing Rules: Replaces repealed WAC 132H-160-180.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B202, Bellevue, WA 98007-6484, on December 21, 1993, at 8:00 a.m.

Submit Written Comments to: Elise Erickson, Secretary, Board of Trustees, 3000 Landerholm Circle S.E., B202, Bellevue, WA 98007-6484, by December 21, 1993.

Date of Intended Adoption: December 21, 1993.

November 12, 1993

Elise J. Erickson

Executive Assistant

Pres, Secretary Board of Trustees

NEW SECTION

WAC 132H-160-182 Student schedule changes—Refund policy and administrative fees. Community College District VIII board of trustees has authorized the registrar to collect an administrative fee when a student adds or drops course(s) or withdraws from the college. In addition, the registrar is also authorized to refund fees when a student withdraws from college or a course(s). The registrar has the authority to make judgments regarding refunds in extraordinary circumstances. A student who is requested to withdraw for disciplinary reasons will not be eligible for a refund. Refund provisions for students receiving Title IV Federal aid are described in WAC 132H-160-185, Refund for Title IV Federal Aid Recipients.

Tuition and related fees are refunded upon withdrawal from college or a course(s) as follows:

(1) Tuition and fees will be refunded at 100% prior to the third day of the quarter for complete withdrawal from college, withdrawal from a course(s) (reduction of class load below 10 credits), and for classes the college has cancelled.

(2) Tuition and fees will be refunded at 50% from day four through fourth week of the quarter for complete withdrawal from college or withdrawal from a course(s) (reduction of class load below 10 credits).

(3) Tuition and fees will not be refunded after fourth week of the quarter

(4) If an insurance claim has been filed, no refund will be granted for insurance fees.

(5) Self support programs may develop different refund policies based upon programmatic reasons, with institutional approval. Policies pertaining to these programs will be listed in the quarterly schedule.

WSR 93-23-048

PROPOSED RULES

FOREST PRACTICES BOARD

[Filed November 12, 1993, 3:50 p.m.]

Original Notice.

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

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

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

Statute Being Implemented: Chapter 76.09 RCW.

Summary: The proposed rules protect the marbled murrelet by defining options for "suitable marbled murrelet habitat" and by identifying critical wildlife habitat (state) for this species.

Reasons Supporting Proposal: To modify forest practice rules to provide protection for the marbled murrelet, which was listed as a threatened species by the United States Fish and Wildlife Service in October 1992.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal provides definitions that relate to marbled murrelet activity periods, nesting season, occupied sites, and suitable habitat. It also explains critical wildlife habitat (state) for the species and places specific types of forest practices into the Class IV-Special category.

Proposal Changes the Following Existing Rules: Two options are provided for review and comments by the public: (1) The "occupied stand approach" and (2) the marbled murrelet watershed administrative unit (MM-WAU) approach. The Forest Practices Board solicits public comment on both of these approaches.

Small Business Economic Impact Statement: The Forest Practices Board (FPB) is considering rules to protect the critical wildlife habitat (state) of the marbled murrelet, a federal and state listed threatened species. Surveys indicate the upland critical wildlife habitat may be five to 25 acre stands or larger of old growth timber within 50+ miles of marine waters. Suitable habitat is scarce because much of the state and private old growth conifer forests below 3,200' elevation have been harvested and most of the remnant old growth forests fragmented.

The proposed rules contain detailed descriptions of habitat, habitat buffers, nesting season, and the forest practices that may impact the marbled murrelet. There is a provision for a site specific special wildlife management plan developed by the landowner as a preferred alternative to the rules.

There are two proposed rule approaches, the occupied stand approach, and the marbled murrelet-watershed administrative unit approach (MM-WAU). The rules are very similar for both approaches, but the MM-WAU approach designates as Class IV Special forest practices (those subject to environmental review) harvesting that would impact a marbled murrelet site, including any harvest of suitable marbled murrelet habitat within the same WAU.

The landowner proposing Class IV Special forest practices must complete an environmental review prior to approval. Unless identified environmental impacts are adequately mitigated the proposal may be issued a Declaration of Significance and an environmental impact statement (EIS) required before further processing of the forest practices application. Compilation of data and information and the preparation of an EIS may result in substantial costs and there is no certainty the forest practices would be approved.

There are provisions in both approaches for removal of down trees or road construction outside the critical nesting season, April 1 to August 15 or where a current survey does not detect use of the habitat by marbled murrelet.

Both approaches are the same on a number of other Class IV Special forest practices that impact occupied sites. Delays and increased operational and capital outlay costs may occur from regulation of forest practices during the critical nesting season, April 1 to August 15 and during the daily peak activity periods of the nesting season near sunrise and sunset.

Significant economic costs could result from the regulated harvest of standing timber in the occupied marbled murrelet site and reduced harvest within the managed buffer zone of the site.

Neither approach requires the landowner to conduct marbled murrelet surveys to determine the presence of the bird. However, within a MM-WAU, additional costs could result from delayed Department of Wildlife surveys and the need for landowner marbled murrelet surveys verifying the absence of the bird to allow forest practices in the unoccupied suitable habitat of the MM-WAU.

Both approaches state the preferred option of a landowner developed site specific special management plan. However, the plan may require surveys and other administrative and management expense with only a potential of increased operational freedom or certainty of forest practices application approval of operations within or near marbled murrelet habitat.

Characteristics of suitable marbled murrelet habitat are the same for both approaches: Old growth timber within 40 miles of marine water in stands (5, 10, 25) acres in extent and composed of 40% or more, Douglas fir, western hemlock, western red cedar or Sitka spruce with 8 trees/acre or more that are 32" dbh or larger. There are other characteristics, and there are provisions for the Department of Wildlife to identify other occupied marbled murrelet sites.

Both approaches have regulated buffer zones averaging 300' width that surround occupied marbled murrelet sites. Where the trees exist, the buffer is to have a minimum of 75 trees/acre composed of 5 trees/acre 20" dbh or larger, and 25 trees/acre 12" dbh or larger, and 45 trees/acre over 6" dbh.

Occupied sites of 5 acres with a minimum buffer of 18 acres affects 23 acres.

Occupied sites of 10 acres with a minimum buffer of 23 acres affects 33 acres.

Occupied sites of 25 acres with a minimum buffer of 32 acres affects 57 acres.

Buffer acreages were calculated for a uniform circle, the minimum possible size. The actual acreage in a buffer would usually exceed the minimums shown in the comparison.

According to data based on 1988 satellite imagery and classification of probable marbled murrelet habitats in Washington state by Eby and Snyder, there are about: 610,000 acres of suitable habitat on federal lands; 57,000 acres of habitat on state lands, and 50,000 acres of habitat on private lands. The classification included forest lands less than 3,200' elevation within 50 miles of marine waters. (All detected marbled murrelets have been within 52.25 miles of marine waters with 98.5% of all detections within 40 miles of marine waters, Hamer, et al., 1992, in preparation.)

The March 1993 report by the Washington Department of Wildlife listed 148 marbled murrelet status 1-3 sites (nests and occupation sites) with 114 on federal land, 19 on private land and 15 on state lands. There were an additional 278 sightings that could not be assigned a status. If these are all assumed to be status 1-3 sites there would be 331 on federal land, 61 on private land and 34 on state lands for a total of 426 sites.

Average timber volume was estimated at 30,000 bf/acre (net) on federal and private forest lands, and 40,000 bf/acre (net) on state lands. The required buffer strip leave trees and timber volume was estimated at an average volume of 7,000 bf/acre. The habitat sites are assumed to be decadent or remnant old growth, and average stand volume and quality was assumed to be only fair with the average stumpage value estimated at \$800 Mbf.

Marbled murrelet habitat on private forest lands has an estimated value of \$24,000/acre, times 61 status 1-4 sites, times 5 acres (minimum size), totalling about \$7.3 million. Marbled murrelet site buffers on private forest lands have an estimated value of \$2,100/acre at \$300 Mbf, times 18 acres (minimum size), totalling about \$2.3 million. The combined total is \$9.6 million for the estimated minimum cost to private landowners from the occupied site approach.

The MM-WAU approach would cost more if the landowner performed surveys to allow operations in survey determined nonoccupied habitat. There could be increased losses if additional marbled murrelet sites were discovered.

The landowner may elect to develop a specific site management plan or pursue forest practices application approval through environmental review and the potential cost of preparing an environmental impact statement. Costs or losses of these alternatives have not been estimated.

Volumes and values cannot be determined accurately with available data and information, and buffer strip economic impacts would vary with the number, size and condition of trees in the existing timber stand.

Estimating the regulatory impacts on small business, costs, profits, hourly wages, \$100 of sales, etc. is impractical. The economic impacts on small forest landowners with marbled murrelet sites on their lands would vary with the size and conditions of the ownership. A disproportionate economic impact to the small landowner could occur if the land had suitable habitat and an occupied marbled murrelet site.

However, the marbled murrelet is sensitive to disturbance, both visual and noise, and prefers large habitat areas for nest sites. Most small forest landowners holdings are second or third growth forests near roads and areas of human activity, locations and timber stands that are not suitable for marbled murrelet habitat.

References on the number of occupied sites, the acreage and landownership of suitable habitat were: The March 1993, Washington Department of Wildlife Draft, Status of the Marbled Murrelet (*Brachyramphus marmoratus*) in Washington and the Report of the Science Advisory Group to the Forest Practices Board on marbled murrelet rule making, 1993, Marbled Murrelet Protection on Nonfederal Forest Lands in Washington. Reference for average old growth and mature timber volume/acre by ownership was Timber Resources Statistics for Western Washington; C. D. MacLean, P. M. Bassett, G. Yeary; 1993; United States Forest Service; PNW-RB-191.

Additional information on volume and timber stumpage values were personal communications, Charles J. Chambers, Biometrician, Department of Natural Resources, Olympia, Washington and The Yield of Douglas Fir in the Pacific Northwest, R. E. McArdle, 1949, United States Forest Service, Tech. Bull. No. 201.

Prepared by Dan Bigger, Forest Practices Specialist, Department of Natural Resources, November 12, 1993.

Hearing Location: Natural Resources Building, Conference Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on May 10, 1994, at 7 p.m. The Forest Practices Board will hold additional hearings in Western Washington on this proposal. Hearing locations may include Grays Harbor County and the Olympic Peninsula. Dates, times and specific locations will be published in the Washington State Register well in advance of the hearings.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, by June 30, 1994.

Date of Intended Adoption: August 10, 1994.

November 12, 1993

Jennifer M. Belcher

Commissioner of Public Lands

Reviser's note: The material contained in this filing will appear in the 93-24 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 93-23-055

WITHDRAWAL OF PROPOSED RULES LIQUOR CONTROL BOARD

[Filed November 15, 1993, 10:42 a.m.]

The Washington State Liquor Control Board voted today to withdraw proposed changes to WAC 314-24-190 and 314-24-200 as published in WSR 93-20-087. The board conducted the public hearing on this date as scheduled and, following the hearing, voted to withdraw the proposals.

Joe McGavick
Chairman

WSR 93-23-057

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed November 15, 1993, 11:28 a.m.]

Original Notice.

Title of Rule: WAC 180-51-105 Exceptions to graduation requirements for former education clinic students, 180-95-010 Definitions, 180-95-020 Criteria for certification as an educational clinic, 180-95-030 Application procedures for certification as an educational clinic, 180-95-040 Length of certification, 180-95-050 Withdrawal of certification as an educational clinic, and 180-95-060 Fee revision—Appeal procedure.

Purpose: To change the name of "educational clinic" to "education center."

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: John Pearson, Superintendent of Public Instruction, Old Capitol Building, 753-1545; and Enforcement: Barbara Mertens, Superintendent of Public Instruction, Old Capitol Building, 753-1142.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Educational Service District 113, Thurston Room, 601 McPhee Road S.W., Olympia, WA 98502, on January 13, 1994, at 9 a.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by January 11, 1994.

Date of Intended Adoption: January 14, 1994.

November 15, 1993

Dr. Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-51-105 Exceptions to graduation requirements for former educational clinic students. Pursuant to the provisions of RCW 28A.205.030 and chapter 392-184 WAC, the provisions of this chapter are modified in order to provide for the exemptions required by RCW 28A.205.030 for former (~~educational clinic~~) education center students.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-95-010 Definitions. The following definitions shall apply to terms used in this chapter:

(1) (~~"Educational clinic"~~) "Education center" shall mean a private educational institution certified by the state board of education which employs a clinical, client-centered approach and is devoted to (a) teaching the basic academic skills including specific attention to improvement of student motivation for achieving and (b) employment orientation: *Provided*, That no (~~educational clinic~~) education center

certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050, or proprietary school under chapter 18.82 RCW.

(2) "Basic academic skills" shall mean the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and courses deemed nonessential to the accrediting of common schools or the approval of private schools under RCW 28A.305.130.

(3) "A clinical, client-centered basis" shall mean an approach to education which includes the individual diagnosis of the person's educational abilities, determining and setting of individual goals, prescribing and providing individual programs of instruction, and evaluating the individual student's progress in his or her educational program.

(4) "Individual diagnostic procedure" shall mean the individual assessment by a certified teacher, or when deemed necessary, by a psychometrist, psychologist, and/or another professional who is appropriately certificated or licensed to conduct specific diagnostic evaluations and to prescribe an individual educational and instructional program in conjunction with the teacher, student, parents, and others as necessary.

(5) "General educational development (GED) tests" shall mean that battery of tests designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the state superintendent of public instruction.

(6) "Educational gain" shall mean (a) measurable increases in the student's achievement, (b) increased motivation for achieving, and/or (c) increased knowledge and skills relevant to employment orientation as defined in (8) below: *Provided*, That consideration is given to the student's background in determining the extent of such gain.

(7) "Eligible common school dropout" shall be defined as set forth in WAC 392-185-010(2).

(8) "Employment orientation" shall normally include, but not be restricted to instruction and practical experience in the following areas: Job applications, interview techniques, expectations for attendance and production, learning to translate skills and abilities in terms of job needs, examination by the student of job descriptions and exploration of the student's ability to fulfill the job needs.

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-020 Criteria for certification of ~~((educational clinics))~~ education centers. To be certified as an ~~((educational clinic))~~ education center, a private educational institution must apply to the state board of education and provide evidence that it:

(1) Qualifies under the definition set forth in WAC 180-95-010(1).

(2) Offers instruction in the basic academic skills as defined in WAC 180-95-010(2) and employment orientation as defined in WAC 180-95-010(8).

(3) Employs, for purposes of diagnosing and instructing students, professionally trained personnel who meet requirements for certification set forth in chapters 180-80 and/or 180-84 WAC: *Provided*, That for specific diagnostic evaluations, a professional who is otherwise appropriately licensed does not have to meet certification requirements.

(4) Operates on a clinical, client-centered basis as defined in WAC 180-95-010(3).

(5) Conducts individualized diagnosis and instruction which includes as a minimum:

(a) Consideration by qualified personnel of the student's achievement, abilities, interests, and aptitudes;

(b) Delineation of individual learning objectives and education and/or employment goals;

(c) Development and implementation of curriculum and instruction appropriate to diagnosed needs and specified objectives and goals;

(d) Provision for evaluation of the student's progress toward and attainment of learning objectives and education and/or employment goals.

(6) Produces educational gains in students which relate directly to the individual learning objectives and educational and/or employment goals established for the student.

(7) Maintains accurate and complete financial and personnel records.

(8) Is financially sound and capable of fulfilling its educational commitment, i.e., that it has definite and certain resources to meet its current obligations.

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-030 Application procedures for certification as an ~~((educational clinic))~~ education center.

A private educational institution shall apply for certification to the state board of education on a form provided by the state board of education. The state board of education or its designee(s) shall determine by on-site visitation and documentary evidence submitted by the applicant whether all criteria set forth in WAC 180-95-020 are satisfied. The state board of education shall notify the applicant institution of its certification status within ten weeks after the date state board of education receives a completed application.

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-040 Length of certification. A private educational institution shall be certified as an ~~((educational clinic))~~ education center by the state board of education for no more than three years and shall report annually any changes relevant to certification criteria set forth in WAC 180-95-020 to the state board of education on a form provided by the state board of education.

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-050 Withdrawal of certification as an (~~educational clinic~~) education center. The state board of education may withdraw certification if the board finds that a clinic fails:

(1) To provide adequate instruction in basic academic skills which shall mean:

(a) The clinic does not offer or make provision for instruction in all the basic skills defined in WAC 180-95-010(2), or

(b) Evidence/data do not verify educational gains which relate directly to the individual learning objectives and the educational and/or employment goals established, or

(c) The (~~clinic~~) center does not provide opportunities for employment orientation.

(2) To meet any of the criteria for certification of (~~educational clinics~~) education centers as established in WAC 180-95-020.

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-060 Fee revision—Appeal procedure. The state board of education shall either grant or deny proposed fee revisions no later than its second regularly scheduled meeting after receipt of notification of such appeal and shall conduct such an appeal as follows:

(1) The time and place for filing an appeal from the decision of the superintendent of public instruction to deny a requested fee revision shall be as stated in WAC 392-185-080.

(2) The decision on appeal will be based solely on the record. The record will consist of (a) the documentation in support of the increase submitted by the certified (~~educational clinic~~) education center to the superintendent of public instruction, (b) a statement by the superintendent of public instruction setting forth the reasons the fee revision was denied, (c) any other information or documentation the state board of education may request, and (d) the additional documentation (if any) that the certified (~~educational clinic~~) education center may submit in rebuttal of the superintendent of public instruction's statement.

(3) The decision of the state board of education shall be final. The decision of the state board of education may not be appealed to superior court.

WSR 93-23-058**PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed November 15, 1993, 11:30 a.m.]

Original Notice.

Title of Rule: WAC 180-50-115 Mandatory areas of study in the common schools, 180-50-120 Washington state history and government requirements, 180-51-075 Social studies requirements—Mandatory courses—Equivalencies, and 180-16-200 Total program hour offering—Basic skills and work skills requirements—Waiver.

Purpose: Makes clear that languages other than English must be offered and may include American Indian languages

and that Washington state history may include information on American Indian people.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: John Pearson, Superintendent of Public Instruction, Old Capitol Building, 753-1545; and Enforcement: Barbara Mertens, Superintendent of Public Instruction, Old Capitol Building, 753-1142.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Educational Service District 113, Thurston Room, 601 McPhee Road S.W., Olympia, WA 98502, on January 13, 1994, at 9 a.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by January 11, 1994.

Date of Intended Adoption: January 14, 1994.

November 15, 1993

Dr. Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 91-01-067, filed 12/14/90, effective 1/14/91)

WAC 180-50-115 Mandatory areas of study in the common school. (1) Pursuant to RCW 28A.230.020 all school districts shall provide instruction in reading, penmanship, spelling, mathematics, geography, English grammar, physiology, hygiene, and history of the United States.

(2) Pursuant to RCW 28A.230.030, unless instruction in a language other than English will aid the educational advancement of the student, all students shall be taught in English.

(3) Pursuant to RCW 28A.230.130, after July 1, 1986, each school district offering a high school program shall provide a course of study which includes the preparation for uniform college and university entrance requirements as published by the council of postsecondary education.

(4) In addition to the requirements in the above subsections, each such school district shall offer all required courses for a high school diploma as provided in chapter 180-51 WAC and shall provide an opportunity for high school students to take at least one course in the following areas of study:

- (a) Art;
- (b) Career education;
- (c) Computer education;
- (d) Consumer education;
- (e) Economics;

(f) ~~((Foreign language))~~ A language other than English which may include American Indian languages;

- (g) Health education;
- (h) Home and family life;
- (i) Music;

(j) Remedial education, including at least, remedial education in reading, language arts, and mathematics.

(5) Districts shall make available to all high school students enrolled therein the areas of study enumerated above either within the district or by alternative means which shall include equivalent education programs set forth in this chapter, interdistrict cooperative programs as permitted by RCW 28A.225.220, and/or the full-time or part-time release of such students to attend nonresident districts pursuant to chapter 392-137 WAC.

(6) Pursuant to RCW 28A.230.020 instruction about conservation, natural resources, and the environment shall be provided at all grade levels in an interdisciplinary manner through science, the social studies, the humanities, and other appropriate areas with an emphasis on solving the problems of human adaptation to the environment.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-50-120 Washington state history and government requirements. (1) Grades 1-6. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades one through six.

(2) Grades 7-12. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades seven through twelve. Such course shall include a study of the Washington state Constitution and is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state. Pursuant to RCW 28A.230.170, 28A.230.060, and 28A.230.090 this course also shall be required for high school graduation unless waived pursuant to WAC 180-51-075.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-51-075 Social studies requirement—Mandatory courses—Equivalencies. The social studies requirement in WAC 180-51-060 shall consist of the following mandatory courses or equivalencies:

(1) Pursuant to the provisions of RCW 28A.230.170, 28A.230.060, and 28A.230.090, one credit shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement;

(2) Pursuant to the provisions of RCW 28A.230.170, 28A.230.060, and 28A.230.090, one-half credit shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington and is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state. The

provisions of WAC 180-51-030 notwithstanding, the Washington state history and government course requirement may be fulfilled by students in grades seven or eight or both. Credits earned in grades seven or eight shall not be applied toward the minimum number of credits required for high school graduation. For students who transfer from without the state, northwest history and government may serve as an equivalent course for Washington state history and government in grades seven through twelve if such course included the study of the Constitution of the state of Washington pursuant to RCW 28A.230.170 or if this statutory requirement is fulfilled through an alternative learning experience. The Washington state history and government requirement for twelfth grade students who transfer from without the state who have or will have earned two credits in social studies at graduation but who will not be able to make normal progress toward graduation with their class without an exception may have this requirement waived by their principal;

(3) Pursuant to the provision of chapter 28A.230 RCW, one credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

AMENDATORY SECTION (Amending WSR 92-17-053, filed 8/17/92, effective 9/17/92)

WAC 180-16-200 Total program hour offering—Basic skills and work skills requirements—Waiver. (1) Total program hour offering—Definition.

(a) Each school district shall make available to students enrolled at least a total program hour offering as set forth in subsections (2) through (6) of this section. For the purpose of this section, "total program hour offering" shall mean those hours of sixty minutes each, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for purposes of discussing students' educational needs or progress—exclusive of time actually spent for eating lunchtime meals—when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district.

For special education/handicapped programs operating in separate facilities in a school district, do not exclude the time actually spent for eating lunchtime meals if that time is specifically identified and utilized as instructional meal training for each student in the program.

(b) Adjustments of program hour offerings between grade level groupings. Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in subsections (2) through (6) of this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

(c) Each school district shall make available to students enrolled at least an instructional hour offering as set forth in

subsections (3) through (6) of this section. For the purpose of this section, "instructional hour offering" shall mean those hours of sixty minutes each—exclusive of recess time, passing time, total lunch intermission time, and noncountable release time on early dismissal days—when students are provided the opportunity to engage in the basic skills and/or work skills offered by and under the direction of school district staff, as directed by the administration and board of directors of the district.

(d) A school district has "provided the opportunity to engage in" the basic skills and work skills activities required by this section when the district actually conducts basic skills and work skills instruction for students. If a district is not actually conducting the percentage(s) of basic skills and/or work skills required by this section, such district nevertheless shall be deemed to be in compliance with such requirements if such district's instructional time offered to students in basic skills and work skills instruction equals or exceeds the minimum instructional hour requirements in each grade level grouping as specified in subsections (3) through (6) of this section. A school district that makes a reasonable and good faith effort through the first day of the school term to provide students the opportunity to take the section(s) or course(s) necessary to comply with the basic skills and work skills percentages, as specified in subsections (3) through (6) of this section and no student enrolled in such section(s) or course(s), may count that section(s) or course(s) toward the total basic skills and work skills percentages offered to students that term. Each of the basic skills areas specified in subsections (2) through (6) of this section for a particular grade level grouping must be offered each school year to students at one or more of the grade levels within the particular grade level grouping. Instruction in at least one of the following work skills must be offered each school year to students at one or more of the grade levels within each of the grade level groupings specified in subsections (5) and (6) of this section: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(e) Five percent variation—Basic skills and work skills requirements. A school district may establish minimum course mix percentages that deviate within any grade level grouping by up to five percentage points above or below the minimums established by subsections (3) through (6) of this section, provided the total program hour offering requirement for the grade level grouping is met.

(2) **Kindergarten.** Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours each school year. The program shall include reading, arithmetic, language skills and such other subjects and activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program.

(3) **Grades 1 through 3.** Each school district shall make available to students in grades one through three at least a total program hour offering of two thousand seven hundred hours each school year. A minimum of ninety-five percent (ninety percent with the five percent variation included, or 2,430 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills

areas of reading/language arts (which may include (~~foreign languages~~) a language other than English), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(4) **Grades 4 through 6.** Each school district shall make available to students in grades four through six at least a total program offering of two thousand nine hundred seventy hours each school year. A minimum of ninety percent (eighty-five percent with the five percent variation included, or 2,524.5 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include (~~foreign languages~~) a language other than English), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(5) **Grades 7 through 8.** Each school district shall make available to students in grades seven through eight at least a total program hour offering of one thousand nine hundred eighty hours each school year. A minimum of eighty-five percent (eighty percent with the five percent variation included, or 1,584 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include (~~foreign languages~~) a language other than English), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent (five percent with the five percent variation included, or 99 instructional hours) of the total program offerings shall be in the instruction of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(6) **Grades 9 through 12.**

(a) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours each school year. A minimum of sixty percent (fifty-five percent with the five percent variation included, or 2,376 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of language arts, (~~foreign language~~) a language other than English, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent (fifteen percent with the five percent variation included, or 648 instructional hours) of the total program hour offerings shall be in the instruction of work skills. The remainder of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades: *Provided*, That, whether or not the five percent deviations in course mix percentages allowed by subsection (2)(d) of this section are applied, not less than four hundred and thirty-two instructional hours (*i.e.*, ten percent of the total program hour requirement) of such

remaining instructional hours shall consist of basic skills and/or work skills: *Provided*, That any program hours and/or instructional hours not achieved due to the implementation of WAC 180-16-215(4) relating to students graduating from high school, shall not be deducted from the total program hours calculated.

(b) Grade nine option. Each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours. Each school district shall state which option is in use when providing compliance documentation to the superintendent of public instruction.

(7) Basis and means for determining compliance with basic skills and work skills percentage requirements.

(a) Each school district shall adopt a written policy and procedure for establishing the basis and means for determining and monitoring compliance with the basic skills and work skills percentages, the course requirements and instructional hour minimums as established by this section. Written documentation of such annual determinations and monitoring activities shall be maintained on file by each school district.

(b) Handicapped education programs, vocational-technical institute programs, state institution, state residential school programs and alternative education programs where students are provided access to the basic skills/work skills offered in the regular program, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) Waiver option.

(a) A district, desiring to implement a local plan to provide an effective educational system to enhance the educational program for all students, may apply for a waiver from the provisions of subsections (2) through (6) of this section, pertaining to the total program hour offerings requirement and the basic skills/work skills percentages/instructional hours requirement. The state board of education shall grant said waiver. Approval of district waivers shall occur at a state board of education meeting prior to implementation. A district's application for a waiver shall be in the form of a resolution adopted by the district board of directors which includes a request for the waiver, and a plan for restructuring the educational program of one or more schools consisting of at least the following information:

- (i) Identification of the requirements to be waived;
- (ii) Specific standards for increased student learning that the district expects to achieve;
- (iii) How the district plans to achieve the higher standards, including timelines for implementation;
- (iv) How the district plans to determine if the higher standards are met;
- (v) Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan; and

(vi) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan.

(b) Application procedure.

The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the state board of education meeting where consideration of the waiver shall occur. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(c) Renewal procedure.

Waivers granted by the state board of education under this section shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. The school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers before filing the request. The request to the state board of education shall include information regarding the activities and programs implemented as a result of the waivers, whether higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

(d) Minimum instructional hour offerings. If a school district intends to waive total program hour offerings requirements under this subsection, it shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours, and to students enrolled in grades one through twelve at least a district-wide annual average total instructional hour offering of one thousand hours.

**WSR 93-23-059
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 15, 1993, 11:42 a.m.]**

The Department of Labor and Industries hereby withdraws the proposed rule WAC 296-20-098 Tinnitus expressed as a percentage of compensable hearing impairment, filed with your office September 1, 1993, as part of WSR 93-18-105.

Mark O. Brown
Director

**WSR 93-23-062
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed November 16, 1993, 9:19 a.m.]**

Continuance of WSR 93-16-110.
Title of Rule: Policies and procedures for consideration of statewide and local amendments to the state building code.

Purpose: See WSR 93-16-110.

Other Identifying Information: The rulemaking is continued until November 19, 1993.

Statutory Authority for Adoption: Chapter 19.27 RCW.

Statute Being Implemented: RCW 19.27.035.

Summary: See WSR 93-16-110.

Name of Agency Personnel Responsible for Drafting and Implementation: Willy O'Neil, P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-0486.

Name of Proponent: Washington Association of Building Officials, private; and Washington State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 93-16-110.

Proposal Changes the Following Existing Rules: See WSR 93-16-110.

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

Date of Intended Adoption: November 19, 1993.

November 12, 1993

Gene Colin
Chair

WSR 93-23-063

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed November 16, 1993, 11:10 a.m.]

Continuance of WSR 93-19-124.

Title of Rule: Chapter 16-316 WAC, Seed certification.

Date of Intended Adoption: November 23, 1993.

November 16, 1993

K. Diane Dolstad
Assistant Director

WSR 93-23-064

PROPOSED RULES

DEPARTMENT OF

FINANCIAL INSTITUTIONS

[Filed November 16, 1993, 12:22 p.m.]

Original Notice.

Title of Rule: Exempt transactions, WAC 460-44A-500 through 460-44A-506.

Purpose: To adapt to changes in federal Regulation D and raise the dollar limitation of WAC 460-44A-504 to \$500,000 from \$250,000.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.320 (1), (9), and (17).

Summary: Changes to address Regulation S; modifying the definition of "accredited investor" to include certain ERISA plans; modify the nonfinancial information requirements; recognize disqualification provision changes. Increases dollar limitation of WAC 460-44A-504.

Reasons Supporting Proposal: Presently, Washington law is not uniform with federal law; and raising dollar limitation of WAC 460-44A-504 will enhance capital formation without significant erosion of investor protection.

Name of Agency Personnel Responsible for Drafting: Brad Ferber, 405 Black Lake Boulevard, 753-6928; Implementation: John L. Bley, 1400 South Evergreen Drive S.W. #120, 753-6520; and Enforcement: Jack L. Beyers, 405 Black Lake Boulevard, 753-6928.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adapt to changes in federal Regulation D rules: These changes include recognizing that offerings conducted outside of the United States pursuant to Regulation S will not be consolidated with offerings within the jurisdiction under Regulation D; expanding the definition of "accredited investor" to cover certain additional Employee Retirement Income Security Act plans; modify the nonfinancial information requirements of Regulation D; to adapt to changes in paragraph designations relating to disqualification provisions. In addition, to increase the aggregate offering price limitations for WAC 460-44A-504 offerings to \$500,000 from \$250,000.

Proposal Changes the Following Existing Rules: Modify preliminary note and definition and terms provisions to address Regulation S; amend accredited investor definition; amend nonfinancial information provision; amend disqualification provision reference; increase aggregate offering price provision of WAC 460-44A-504.

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

The Securities Division has considered whether these rule changes require the preparation of a small business economic impact statement under the Regulatory Fairness Act and has determined that they do not. These changes involve either no economic impact, impose minor or negligible impact, and/or recognize changes in federal law.

Hearing Location: Second Floor Conference Room, 405 Black Lake Boulevard S.W., Olympia, WA 98502, on December 28, 1993, at 10:00 a.m.

Submit Written Comments to: Jack L. Beyers, Administrator, P.O. Box 9033, Olympia, WA 98507-9033, FAX (206) 586-5068, by December 23, 1993.

Date of Intended Adoption: January 14, 1994.

November 2, 1993

John L. Bley
Director

AMENDATORY SECTION (Amending WSR 90-09-059, filed 4/17/90, effective 5/18/90)

WAC 460-44A-500 Preliminary notes. (1) The rules of WAC 460-44A-501 through 460-44A-508 relate to transactions exempted from the registration requirements of the Federal Securities Act of 1933 and RCW 21.20.140. WAC 460-44A-504 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 504 or Rule 147. WAC 460-44A-505 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 505. WAC 460-44A-506 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 506. Such transactions are not exempt from the anti-fraud,

civil liability, or other provisions of the federal and state securities laws. Issuers are reminded of their obligation to provide such further material information, if any, as may be necessary to make the information required under these rules, in light of the circumstances under which it is furnished, not misleading.

(2) Attempted compliance with the exemption of WAC 460-44A-504, 460-44A-505, or 460-44A-506 does not act as an exclusive election; the issuer can also claim the availability of any other applicable exemption.

(3) These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. The rules provide an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

(4) In any proceeding involving the rules in WAC 460-44A-501 through 460-44A-508, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

(5) The effective date of the adoption of rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506 is May 25, 1982. Existing rules WAC 460-44A-010 through 460-44A-045 will be repealed on the adoption and effectiveness of the permanent rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506; no filings for exemption under rules WAC 460-44A-010 through 460-44A-045 will be accepted after repeal. For those offerings made in compliance with WAC 460-44A-010 through 460-44A-045 which commence or commenced prior to the date of repeal and which continue past the date of repeal, no registration is required if the offering terminates before June 30, 1983.

(6) For offerings commenced but not completed prior to the amendment of WAC 460-44A-501 through 460-44A-508, issuers may opt to follow the rules in effect at the date of filing notice of the offering.

(7) Securities offered and sold outside the United States in accordance with Securities and Exchange Commission Regulation S need not be registered under chapter 21.20 RCW. Regulation S may be relied upon for such offers and sales even if coincident offers and sales are made in accordance with Regulation D and WAC 460-44A-501 through 460-44A-508 inside the United States. Thus, for example, persons who are offered and sold securities in accordance with Regulation S would not be counted in the calculation of the number of purchasers under Regulation D and WAC 460-44A-501 through 460-44A-508. Similarly proceeds from such sales would not be included in the aggregate offering price. The provisions of this subsection, however, do not apply if the issuer elects to rely solely on Regulation D for offers or sales to persons made outside the United States.

AMENDATORY SECTION (Amending WSR 90-09-059, filed 4/17/90, effective 5/18/90)

WAC 460-44A-501 Definitions and terms. As used in rules WAC 460-44A-501 through 460-44A-508, the following terms shall have the meaning indicated:

(1) "Accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following

categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3 (a)(2) of the Securities Act of 1933, or any savings and loan association or other institution as defined in section 3 (a)(5)(A) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934; any insurance company as defined in section 2(13) of the Securities Act of 1933; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2 (a)(48) of that act; any small business investment company licensed by the U.S. Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of ((Title I of)) the Employee Retirement Income Security Act of 1974((;)) if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such act, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202 (a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in section 501 (c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(e) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000;

(f) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year;

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in 17 CFR Sec. 230.506 (b)(2)(ii); and

(h) Any entity in which all of the equity owners are accredited investors.

(2) "Affiliate" an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified;

(3) "Aggregate offering price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration to be received by an issuer for issuance of its

securities. Where securities are being offered for both cash and noncash consideration, the aggregate offering price shall be based on the price at which the securities are offered for cash. Any portion of the aggregate offering price attributable to cash received in a foreign currency shall be translated into United States currency at the currency exchange rate in effect at a reasonable time prior to or on the date of the sale of the securities. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard. Such valuations of noncash consideration must be reasonable at the time made;

(4) "Business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange for all or a part of its own or its parent's stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition);

(5) "Calculation of number of purchasers." For purposes of calculating the number of purchasers under WAC 460-44A-504, 460-44A-505, and 460-44A-506 the following shall apply:

(a) The following purchasers shall be excluded:

(i) Any relative, spouse or relative of the spouse of a purchaser who has the same principal residence as the purchaser;

(ii) Any trust or estate in which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interests);

(iii) Any corporation or other organization of which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (ii) collectively are beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests; and

(iv) Any accredited investor.

(b) A corporation, partnership or other entity shall be counted as one purchaser. If, however, that entity is organized for the specific purpose of acquiring the securities offered and is not an accredited investor under WAC 460-44A-501 (1)(h), then each beneficial owner of equity securities or equity interests in the entity shall count as a separate purchaser for all provisions of WAC 460-44A-501 through 460-44A-508, except to the extent provided in (a) of this subsection.

(c) A noncontributory employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974 shall be counted as one purchaser where the trustee makes all investment decisions for the plan.

Note: The issuer must satisfy all the other provisions of WAC 460-44A-501 through 460-44A-506 for all purchasers whether or not they are included in calculating the number of purchasers. Clients of an investment adviser or customers of a broker-dealer shall be considered the "purchasers" under WAC 460-44A-501 through 460-44A-506 regardless of the amount of discretion given to the investment adviser or broker-dealer to act on behalf of the client or customer.

(6) "Executive officer" shall mean the president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy making function, or any other person who performs similar policy making functions for the issuer. Executive officers of subsidiaries may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

(7) "Issuer" as defined in Section 2(4) of the Securities Act of 1933 or RCW 21.20.005(7) shall apply, except that in the case of a proceeding under the Federal Bankruptcy Code (11 U.S.C. 101 et seq.), the trustee or debtor in possession shall be considered the issuer in an offering under a plan or reorganization, if the securities are to be issued under the plan.

(8) "Purchaser representative" shall mean any person who satisfies all of the following conditions or who the issuer reasonably believes satisfies all of the following conditions:

(a) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of 10 percent or more of any class of the equity securities or 10 percent or more of the equity interest in the issuer, except where the purchaser is:

(i) A relative of the purchaser representative by blood, marriage or adoption and not more remote than a first cousin;

(ii) A trust or estate in which the purchaser representative and any person related to him as specified in WAC 460-44A-501 (8)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interest) or of which the purchaser representative serves as trustee, executor, or in any similar capacity; or

(iii) A corporation or other organization of which the purchaser representative and any persons related to him as specified in WAC 460-44A-501 (8)(a)(i) or (ii) collectively are the beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests;

(b) Has such knowledge and experience in financial and business matters that he is capable of evaluating, alone, or together with other purchaser representatives of the purchaser, or together with the purchaser, the merits and risks of the prospective investment;

(c) Is acknowledged by the purchaser in writing, during the course of the transaction, to be his purchaser representative in connection with evaluating the merits and risks of the prospective investment; and

(d) Discloses to the purchaser in writing a reasonable time prior to the sale of securities to that purchaser any material relationship between himself or his affiliates and the issuer or its affiliates that then exists, that is mutually understood to be contemplated, or that has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship.

Note 1: A person acting as a purchaser representative should consider the applicability of the registration and anti-fraud provisions relating to broker-dealers under chapter 21.20 RCW and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended) and relating to investment advisers under chapter 21.20 RCW and the Investment Advisers Act of 1940.

- Note 2: The acknowledgment required by paragraph (8)(c) and the disclosure required by paragraph (8)(d) of this WAC 460-44A-501 must be made with specific reference to each prospective investment. Advance blanket acknowledgment, such as for "all securities transactions" or "all private placements," is not sufficient.
- Note 3: Disclosure of any material relationships between the purchaser representative or his affiliates and the issuer or its affiliates does not relieve the purchaser representative of his obligation to act in the best interest of the purchaser.

AMENDATORY SECTION (Amending WSR 90-09-059, filed 4/17/90, effective 5/18/90)

WAC 460-44A-502 General conditions to be met. The following conditions shall be applicable to offers and sales made under WAC 460-44A-504, 460-44A-505, or 460-44A-506:

(1) "Integration." All sales that are part of the same offering under these rules must meet all of the terms and conditions of these rules. Offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering, will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under these rules, other than those offers or sales of securities under an employee benefit plan.

Note: The term "offering" is not defined in the securities acts. If the issuer offers or sells securities for which the safe harbor rule in WAC 460-44A-502(1) is unavailable, the determination as to whether separate sales of securities are part of the same offering (i.e. are considered "integrated") depends on the particular facts and circumstances. Generally, transactions otherwise meeting the requirements of an exemption will not be integrated with simultaneous offerings being made outside the United States in compliance with Securities and Exchange Commission Regulation S.

The following factors should be considered in determining whether offers and sales should be integrated for purposes of the exemptions under these rules:

- (a) Whether the sales are part of a single plan of financing;
- (b) Whether the sales involve issuance of the same class of securities;
- (c) Whether the sales have been made at or about the same time;
- (d) Whether the same type of consideration is received; and
- (e) Whether the sales are made for the same general purpose.

See Securities and Exchange Commission Release No. 33-4552 (November 6, 1962).

(2) Information requirements.

(a) When information must be furnished.

If the issuer sells securities under WAC 460-44A-505 or 460-44A-506 to any purchaser that is not an accredited investor, the issuer shall furnish the information specified in WAC 460-44A-502 (2)(b) to such purchaser a reasonable time prior to sale. The issuer is not required to furnish the specified information when it sells securities under WAC 460-44A-504, or to any accredited investor.

Note: When an issuer provides information to investors pursuant to WAC 460-44A-502 (2)(a), it should consider providing such information to accredited investors as well, in view of the anti-fraud provisions of the federal and state securities laws.

(b) Type of information to be furnished.

(i) If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the following information, to the extent material to an understanding of the issuer, its business, and the securities being offered:

~~((A) Offerings up to \$2,000,000. The same kind of information as would be required in Part II of Form 1-A, 17 CFR Sec. 239.90, except that the issuer's balance sheet, which shall be dated within one hundred twenty days of the start of the offering, must be audited.~~

~~(B) Offerings up to \$7,500,000. The same kind of information as would be required in Part I of Form S-18 under the Securities Act of 1933, except that only the financial statements for the issuer's most recent fiscal year must be certified by an independent public or certified accountant. If Form S-18 is not available to an issuer, then the issuer shall furnish the same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use, except that only the financial statements for the most recent two fiscal years prepared in accordance with generally accepted accounting principles shall be furnished and only the financial statements for the issuer's most recent fiscal year shall be certified by an independent public or certified accountant.) (A) Nonfinancial statement information. If the issuer is eligible to use Regulation A, the same kind of information as would be required in Part II of Form 1-A, 17 CFR Sec. 239.90. If the issuer is not eligible to use Regulation A, the same kind of information as required in Part I of a registration statement filed under the Securities Act on the form that the issuer would be entitled to use.~~

(B) Financial statement information.

(I) Offerings up to \$2,000,000. The information required in Item 310 of Regulation S-B, 17 CFR Sec. 228.310, except that only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited.

(II) Offerings up to \$7,500,000. The financial statement information required in Form SB-2, 17 CFR Sec. 239.10. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

~~((C)) (III) Offerings over \$7,500,000. ((The same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use.)) The financial statement as would be required in a registration~~

statement filed under the Act on the form that the issuer would be entitled to use. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

~~((D))~~ (C) If the issuer is a foreign private issuer eligible to use Form 20-F, the issuer shall disclose the same kind of information required to be included in a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. The financial statements need be certified only to the extent required by (2)(b)(i)(B) ~~((or (C)))~~ (I), (II) or (III) of this subsection, as appropriate.

(ii) If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the information required by Securities and Exchange Commission Regulation D, Rule 502 (b)(2)(ii) as appropriate.

(iii) Exhibits required to be filed with the administrator of securities or the securities and exchange commission as part of a registration statement or report, other than an annual report to shareholders or parts of that report incorporated by reference in a Form 10-K and Form 10-KSB report, need not be furnished to each purchaser that is not an accredited investor if the contents of material exhibits are identified and such exhibits are made available to a purchaser, upon his written request, a reasonable time prior to his purchase.

(iv) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall furnish to the purchaser a brief description in writing of any material written information concerning the offering that has been provided by the issuer to any accredited investor but not previously delivered to such unaccredited purchaser. The issuer shall furnish any portion or all of this information to the purchaser, upon his written request a reasonable time prior to his purchase.

(v) The issuer shall also make available to each purchaser at a reasonable time prior to his purchase of securities in a transaction under WAC 460-44A-505 or 460-44A-506 the opportunity to ask questions and receive answers concerning the terms and conditions of the offering and to obtain any additional information which the issuer possesses or can acquire without unreasonable effort or expense that is necessary to verify the accuracy of information furnished under WAC 460-44A-502 (2)(b)(i) or (ii).

(vi) For business combinations or exchange offers, in addition to information required by Form S-4, 17 CFR Sec. 239.25, the issuer shall provide to each purchaser at the time the plan is submitted to security holders, or, with an exchange, during the course of the transaction and prior to sale, written information about any terms or arrangements of the proposed transactions that are materially different from those

for all other security holders. For purposes of this subsection, an issuer which is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 may satisfy the requirements of Part I.B. or C. of Form S-4 by compliance with (b)(i) of this subsection.

(vii) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall advise the purchaser of the limitations on resale in the manner contained in subsection (4)(b) of this section. Such disclosure may be contained in other materials required to be provided by this paragraph.

(3) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio; and

(b) Any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

(4) Limitations on resale. Securities acquired in a transaction under WAC 460-44A-501 through 460-44A-508 shall have the status of restricted securities acquired in a nonpublic offering transaction under section 4(2) of the Securities Act of 1933 and RCW 21.20.320(1) and cannot be resold without registration under the Securities Act of Washington or an exemption therefrom. The issuer shall exercise reasonable care to assure that the securities are restricted and that the purchasers of the securities are not underwriters within the meaning of section 2(11) of the Securities Act of 1933, which reasonable care may be demonstrated by the following:

(a) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(b) Written disclosure to each purchaser prior to sale that the securities have not been registered under the Securities Act of 1933, and the Washington administrator of securities has not reviewed or recommended the offering or offering circular and the securities have not been registered under the Securities Act of Washington, chapter 21.20 RCW, and, therefore, cannot be resold unless they are registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW or unless an exemption from registration is available; and

(c) Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW and setting forth or referring to the restrictions on transferability and sale of the securities.

(d) A written disclosure or legend will be deemed to comply with the provisions of WAC 460-44A-502 (4)(b) or (c) if it complies with the North American Securities Administrators Association Uniform Disclosure Guidelines on Legends, NASAA Reports CCH Para. 1352 (1989).

While taking these actions will establish the requisite reasonable care, it is not the exclusive method to demonstrate such care. Other actions by the issuer may satisfy this provision. In addition, WAC 460-44A-502 (2)(b)(vii) requires the delivery of written disclosure of the limitations on resale to investors in certain instances.

AMENDATORY SECTION (Amending WSR 90-09-059, filed 4/17/90, effective 5/18/90)

WAC 460-44A-504 Exemption for limited offers and sales of securities not exceeding ~~((\$250,000))~~ \$500,000 to not more than twenty purchasers. (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.504 and 230.508 as made effective in Release No. 33-6389, and as amended in Release Nos. 33-6437, 33-6663, 33-6758, ~~((and))~~ 33-6825, 33-6863, 33-6949, and 33-6996 or in compliance with the Securities Act of 1933, Rule 230.147 as made effective in Release No. 33-5450 that satisfy the conditions in subsections (2) and (3) of this section shall be exempt under RCW 21.20.320(9).

(2) General conditions to be met. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503 and 460-44A-508.

(3) Specific conditions to be met.

(a) Limitation on aggregate offering price. The aggregate offering price for an offering of securities under this section, as defined in WAC 460-44A-501(3), shall not exceed ~~((\$250,000))~~ \$500,000, within or without this state, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this section in reliance on any exemption under RCW 21.20.320(9) or sections 3 (a)(11) or 3(b) of the Securities Act of 1933 or in violation of RCW 21.20.140 or section 5(a) of the Securities Act of 1933.

(b) No commissions. No commission, fee, or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in the state of Washington.

(c) Limitation on number of purchasers. There are no more than or the issuer reasonably believes that there are no more than twenty purchasers of securities in this state from the issuer in any offering in reliance on this section.

(d) In all sales to nonaccredited investors in this state under this section the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, one of the following conditions, (i) or (ii) of this subsection, is satisfied:

(i) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable. This presumption is rebuttable; or

(ii) The purchaser either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment.

(e) Disqualifications. No exemption under this section shall be available for the securities of any issuer if any of the parties described in the Securities Act of 1933, Regulation A, Rule ~~((230.252, sections (c), (d), (e), or (f))~~) 230.262 is disqualified for any of the reasons listed in WAC 460-

44A-505 (2)(d) unless inapplicable or waived as set forth in WAC 460-44A-505 (2)(d)(vi) and (vii).

(f) Notice filing. The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

(g) Advice about the limitations on resale.

The issuer, at a reasonable time prior to the sale of securities, shall advise each purchaser of the limitations on resale in the manner contained in WAC 460-44A-502 (4)(b).

(4) Transactions which are exempt under this section may not be combined with offers and sales exempt under any other rule or section of the Securities Act of Washington, however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for the exemption of this section, the issuer may claim the availability of any other applicable exemption.

Note 1: WAC 460-44A-504 is not the exclusive method by which issuers may make offerings under Securities and Exchange Commission Rules 504 and 147. For example, offers and sales of an issuer in compliance with Securities and Exchange Commission Rule 504 or Rule 147 may also be registered by qualification under chapter 21.20 RCW. An issuer that qualifies may elect to register an offering pursuant to the Uniform Limited Offering Registration as set out in chapter 460-17A WAC. An issuer may also elect to claim the corporate limited offering exemption as set out in chapter 460-46A WAC.

Note 2: Issuers are reminded that nothing in these rules alters their obligation under RCW 21.20.010. RCW 21.20.010(2) renders it unlawful "to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading . . ." In addition, issuers must otherwise comply with the anti-fraud provisions of the federal and state securities laws. No format for disclosure is prescribed. However, issuers may wish to consider the question and answer disclosure format of Form ULOR-C of chapter 460-17A WAC, or the corporate limited offering exemption of chapter 460-46A WAC, in determining the disclosure they make. If either form is used, the issuer should indicate that the disclosure form is being used for an exempt offering under this section rather than in an offering under the chapters under which the form was adopted.

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-505 Uniform offering exemption for limited offers and sales of securities not exceeding \$5,000,000. (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.503; 230.505; and 230.508 as made effective in Release No. 33-6389, and as amended in Release Nos. 33-6437, 33-6663, 33-6758, ~~((and))~~ 33-6825, 33-6863, 33-6949, and 33-6996 that satisfy the conditions in subsection (2) of this section shall be exempt transactions under RCW 21.20.320(17).

(2) Conditions to be met.

(a) General conditions. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503.

Note: In order to comply with this section the issuer must comply with the provisions of Rule 505 (17 CFR Sec. 230.505) of the Federal Securities and Exchange Commission.

(b) Specific conditions.

(i) No commission, fee, or other remuneration shall be paid or given directly or indirectly, to any person for soliciting any prospective purchaser that is not an accredited investor in the state of Washington unless such person is registered in this state as a broker-dealer or salesperson.

(ii) It is a defense to a violation of (b)(i) of this subsection if the issuer sustains the burden of proof to establish that he did not know and in the exercise of reasonable care could not have known that the person who offered or sold the security was not appropriately registered in this state.

(c) In all sales to nonaccredited investors in this state under this section the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, one of the following conditions, (i) or (ii) of this subsection, is satisfied:

(i) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable. This presumption is rebuttable; or

(ii) The purchaser either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment.

(d) No exemption under this rule shall be available for the securities of any issuer if any of the parties described in Securities Act of 1933, Regulation A, Rule ~~((230.252 sections (c), (d), (e), or (f)))~~ 230.262:

(i) Has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to the Securities Act of Washington, chapter 21.20 RCW, or any other state's securities law, within five years prior to the filing of the notice required under this exemption.

(ii) Has been convicted within ten years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny, or conspiracy to defraud.

(iii) Is currently subject to any state administrative enforcement order or judgment entered by the Washington state administrator of securities or any other state's securities administrator within five years prior to the filing of the notice required under this section or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption.

(iv) Is subject to an order or judgment of the Washington state administrator of securities or any other state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities.

(v) Is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, permanently restraining or enjoining, such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any filing with this or any state entered within five years prior to the filing of the notice required under this exemption.

(vi) The prohibitions of (d)(i), (ii), (iii), and (v) of this subsection shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in this state and the Form B-D filed with this state discloses the order, conviction, judgment or decree relating to such person. No person disqualified under (d) of this subsection may act in a capacity other than that for which the person is licensed or registered.

(vii) Any disqualification caused by (d) of this subsection is automatically waived if the Washington state administrator of securities or the state securities administrator or other agency which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption of this section be denied.

(viii) It is a defense to a violation of this paragraph (d) if the issuer sustains the burden of proof to establish that the issuer did not know and in the exercise of reasonable care could not have known that a disqualification under this paragraph existed.

(e) The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

(3) Transactions which are exempt under this section may not be combined with offers and sales exempt under any other rule or section of the Securities Act of Washington, however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for the exemption of this section, the issuer may claim the availability of any other applicable exemption.

(4) The Washington state administrator of securities may, by rule or order, waive the conditions of this section.

(5) The exemption authorized by this section shall be known and may be cited as the "Washington uniform limited offering exemption."

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-506 Exemption for nonpublic offers and sales without regard to dollar amount of offering.

(1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.503; 230.506; and 230.508 as made effective in Release No. 33-6389, and as amended in Release Nos. 33-6437, 33-6663, 33-6758, ~~((and))~~ 33-6825, 33-6863, 33-6949, and 33-6996 that satisfy the conditions in subsection (2) of this section shall be deemed to be exempt transactions within the meaning of RCW 21.20.320(1).

(2) Conditions to be met.

(a) General conditions. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503.

Note: In order to comply with this section the issuer must comply with the provisions of Rule 506 (17 CFR Sec. 230.506) of the Federal Securities and Exchange Commission.

(b) Specific conditions.

(i) No selling commission unless registered as a broker-dealer or salesperson.

(A) No commission, fee, or other remuneration shall be paid or given directly or indirectly, to any person for soliciting any prospective purchaser that is not an accredited investor in the state of Washington unless such person is registered in this state as a broker-dealer or salesperson.

(B) It is a defense to a violation of (b)(i)(A) of this subsection if the issuer sustains the burden of proof to establish that he did not know and in the exercise of reasonable care could not have known that the person who received a commission, fee or other remuneration was not appropriately registered in this state.

(ii) Limitation on selling expenses.

(A) Selling expenses in any offering under this section shall not exceed fifteen percent of the aggregate offering price. For the purposes of this section, "selling expenses" means the total underwriting and brokerage discounts and commissions (including fees of the underwriters' attorneys paid by the issuer) paid in connection with the offering plus all other expenses actually incurred by the issuer relating to printing, engraving, mailing, salaries of employees while engaged in sales activity, charges of transfer agents, registrars, trustees, escrow holders, depositories, and engineers and other experts, expenses of qualification of the sale of the securities under federal and state laws, including taxes and fees, and any other expenses actually incurred by the issuer and directly related to the offering and sale of the securities, but excluding accountants' and the issuer's attorneys' fees and options to underwriters.

(B) The number of shares or units called for by options issuable to underwriters or other persons as compensation, in whole or in part, for the offer or sale of securities in reliance on this section shall not exceed ten percent of the number of shares or units actually sold in the offering.

(3) Offers or sales which are exempted under this section may not be combined in the same offering with offers or sales exempted under any other rule or section of chapter 21.20 RCW; however, nothing in this limitation shall act as an election. Should for any reason an offering fail to comply with all of the conditions for this section, the issuer may claim the availability of any other applicable exemption.

(4) The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

WSR 93-23-067
PROPOSED RULES
DEPARTMENT OF PERSONNEL
[Filed November 16, 1993, 2:00 p.m.]

Continuance of WSR 93-16-019, 93-19-146, and 93-22-086.

Title of Rule: New sections WAC 356-56-020 and 356-56-021.

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

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

Date of Intended Adoption: December 10, 1993.

November 12, 1993

Dennis Karras

Director

WSR 93-23-068
PREPROPOSAL COMMENTS
DEPARTMENT OF ECOLOGY
[Filed November 16, 1993, 2:02 p.m.]

Subject of Possible Rule Making: Ecology is planning to adopt numeric water quality criteria for the protection of human health into the existing surface water quality standards regulation (chapter 173-201A WAC). These criteria would establish limits on the concentrations of pollutants which pose a threat to human health through ingestion of contaminated drinking water or fish or shellfish.

Persons may comment on this subject in writing, Mark Hicks, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600. Public comments must be postmarked by April 17, 1995.

Other Information or Comments by Agency at this Time, if any: Ecology will begin the rule development process by holding a series of statewide public workshops. At this time the locations and specific dates have not been established. It is expected that these workshops will be held between February 21 to March 11, 1994. To be placed on a mailing list for obtaining information on the upcoming workshops and the human health rule development process contact Mark Hicks, (206) 407-6477 or Cheryl Niemi, (206) 407-6440, or write to the above listed address.

November 16, 1993

Mark Paul Hicks

Standards Coordinator

WSR 93-23-070
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL
[Filed November 16, 1993, 2:13 p.m.]

The Personnel Resources Board is withdrawing two notices of proposed rule making (CR-102).

The first withdrawal is originally from WSR 93-14-062 and since continued on WSR 93-18-047, 93-19-145, and 93-22-085.

The second withdrawal is originally from WSR 93-14-064 and since continued on WSR 93-18-049, 93-19-144, and 93-22-084.

If you have any questions regarding the above withdrawn notices, please contact our agency rules coordinator, Lori Parker at 586-1770.

Dennis Karras
Director

WSR 93-23-073
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed November 16, 1993, 4:38 p.m.]

Original Notice.

Title of Rule: Short-term health insurance reform: Portability of health insurance benefits, guaranteed renewability of health policies, limitations on certain health insurance rate and form modification practices.

Purpose: To implement the short-term health insurance reforms enacted by the legislature during the 1993 session to improve individual and group access to needed health insurance coverage during the transition to a fully reformed health services system.

Statutory Authority for Adoption: RCW 48.01.200, 48.02.060 (3)(a), 48.20.540, 48.21.340, 48.30.300, 48.44.490, 48.46.550, and 48.46.560.

Statute Being Implemented: RCW 48.20.540, 48.21.340, 48.30.300, 48.44.480, 48.44.490, 48.46.550, and 48.46.560.

Summary: This rule requires all disability insurance companies, health care service contractors, and health maintenance organizations issuing and renewing health insurance coverage to waive certain preexisting condition exclusions for persons applying for coverage who had similar insurance in the immediately preceding ninety days. Insurers may not avoid these requirements by refusing to issue coverage or by limiting coverage because of a health condition covered under the applicant's prior insurance policy; nor may an insurer devise or modify rate classifications that have the effect of avoiding these requirements by isolating high risk applicants. For purposes of this requirement, similar coverage. If a comparison between the two policies reveal that both covered the same things, that the new policy is no more than twenty-five percent richer in benefits, and that the applicant had not used up all the benefits under the prior policy, the policies are similar. Health insurance policies issued or renewed on or after July 1, 1994, must be guaranteed renewable. Policies may be cancelled or nonrenewed for certain causes including nonpayment of premium and material breach of the insurance policy. Policies may be discounted for health reasons only if the insurer has obtained similar coverage without medical underwriting for the person being cancelled. Certain types of policies need not be guaranteed renewable if the insurer obtains advance written permission from the insurance commissioner after a commissioner finding that the policy in question is of a unique, limited, or short-term purpose. In addition, an insurer may request the use of a guaranteed renewable endorsement that conditions renewal on the insurer's legal ability to continue the sale of such coverage after long-term health care reform measures become effective. A health insurer may not modify either

the coverage or rates of an in-force policy unless the insurer makes the same modification in all such outstanding policies. Procedures are established for insurer discontinuance of particular policy forms including requirements that similar replacement coverage without medical underwriting be made available to policyholders covered under the discontinued policy form.

Reasons Supporting Proposal: Many citizens of this state fear a change of employment because of the potential for the loss of health insurance benefits that may arise with the new insurer's imposition of conditions, limitations, and exclusions of coverage for preexisting health conditions. In some instances, the person changing employment may not be able to obtain new insurance at all. The portability of benefits rules will remedy most of these problems by prohibiting health insurers, contractors, and HMOs from imposing any new coverage restrictions, conditions, or limitations that were not contained in a similar, previous insurance policy covering the applicant. These same rules will apply to policies purchased by the individual rather than by an employer. In addition, health insurers, contractors, and HMOs will be required to guarantee the renewability of health insurance on or after July 1, 1994, and will be permitted to cancel coverage under limited circumstances. These rules will protect individuals and groups from an insurer's decision to discontinue the individual or group coverage because of a decline in the health of the individual or group. Finally, health insurers, contractors, and HMOs will be prohibited from engaging in rate and form modification practices that have the effect of isolating persons in poor health from more moderate risks thereby subjecting persons in poor health to very high premium rates.

Name of Agency Personnel Responsible for Drafting: John Conniff, Insurance Building, Olympia, 664-3786; **Implementation and Enforcement:** Mark McDermott, Insurance Building, Olympia, 753-5396.

Name of Proponent: [Insurance Commissioner], governmental.

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

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

Proposal does not change existing rules.

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

This rule implements the short-term insurance reform provisions of the Health Care Reform Act, chapter 492, Laws of 1993, which were specifically designed to impact all insurers, health care services contractors, and health maintenance organizations regardless of their size, number of employees, cost per employee, cost per hour of labor or cost per \$100 of sales. The statute passed requires these insurers, contractors, and HMOs to modify their health insurance practices for the benefit of all Washington residents.

Hearing Location: Providence Medical Center, 500 17th Avenue, Seattle, WA 98124, on December 21, 1993, at 6 p.m. - 10 p.m.

Submit Written Comments to: John Conniff, P.O. Box 40255, Olympia, WA 98504, by December 28, 1993.

Date of Intended Adoption: January 7, 1994.

November 16, 1993
Deborah Senn
Insurance Commissioner

**Chapter 284-10 WAC
SHORT-TERM HEALTH INSURANCE REFORM**

NEW SECTION

WAC 284-10-010 Purpose, intent, and authority.

The purpose of this chapter is to effectuate the short-term health insurance reforms enacted as part of the Health Care Reform Act (sections 280 through 291, chapter 492, Laws of 1993). These rules are intended to improve individual and small group access to needed health insurance coverage during the transition to a fully reformed health services system by limiting the use of preexisting condition limitations and exclusions; by requiring guaranteed renewability of health insurance; and by limiting health insurers' rate and form modification practices that tend to isolate high risk individuals and groups from low and moderate risk individuals and groups. This chapter shall be liberally construed to fulfill the legislative intent of increasing public access to needed health insurance coverage.

NEW SECTION

WAC 284-10-015 Scope and applicability. The rules contained in this chapter shall apply to all health insurers and all health insurance policies, as defined in this chapter, according to the following effective dates:

(1) WAC 284-10-030 (portability) apply to all health insurance policies in force, issued, or renewed on or after January 1, 1994.

(2) WAC 284-10-060 (guaranteed renewability) apply to all health insurance policies issued or renewed on or after July 1, 1994.

(3) WAC 284-10-070 through 284-10-200 (anti-blocking) apply to all health insurance policies issued or renewed on or after July 1, 1994.

NEW SECTION

WAC 284-10-020 Definitions. Unless otherwise specifically provided, the definitions contained in this section apply throughout this chapter.

"Health insurer" or "insurer" means a disability insurer, health care service contractor, or health maintenance organization authorized to do business in this state.

"Health insurance," "health insurance policy" or "policy" means an individual or group: Disability insurance policy providing coverage against loss arising from medical, surgical, hospital, or emergency care services; health care service contract; or health maintenance agreement. "Health insurance" does not mean or include: Hospital indemnity benefits (benefits paid on other than an expense incurred basis) of two hundred dollars per day or less; specified disease benefit regulated under chapter 48.70 RCW; long-term care benefits regulated under chapter 48.84 RCW; Medicare supplemental health insurance regulated under chapter 48.66 RCW; or coverage on preschool, grammar school, high school, and college students for accidents only,

including athletic injuries, either on a twenty-four-hour basis or a "to and from school" basis.

"Insured" means a person covered by a health insurance policy including an enrollee, subscriber, policyholder, or in the case of group policies, beneficiaries of the group policy.

"Preexisting condition" means any medical condition, illness, or injury for which, in the ninety-day period before the effective date of health insurance coverage: The insured received treatment; the insured received medical advice; or a prudent person would have sought medical aid or advice.

NEW SECTION

WAC 284-10-030 Portability of health insurance benefits.

(1) Except as otherwise provided in this chapter, every health insurer shall waive any preexisting condition exclusion or limitation for persons who had similar health insurance under a different policy in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person satisfied a waiting period under such preceding policy. If the person was continuously insured for at least twelve months under the preceding policy, the insurer may not impose a waiting period for coverage of preexisting conditions except for benefits not provided under such preceding policy. If the person was continuously insured for less than twelve months under the preceding policy, the insurer may not impose a waiting period for a preexisting condition that exceeds the difference between the waiting period under the preceding and new policies except for benefits not provided under the preceding policy. For example:

If both the preceding and new policies impose a waiting period of six months and the person satisfied three months of the preceding six-month waiting period, the new policy may not impose a waiting period longer than three months.

If the preceding policy did not provide maternity benefits and the new policy provides such benefits, the new policy may impose a waiting period without regard to the satisfaction of any waiting period under the preceding policy except as otherwise restricted by this chapter or other law.

(2) An insurer may not avoid the portability requirements of this section by denying an application for a new policy based upon health conditions that were covered under a preceding policy. If the person applies for health insurance within the three-month period immediately following the termination of coverage under the preceding policy, the insurer shall issue a health insurance policy irrespective of the health status of the person seeking coverage except for those health conditions excluded under the preceding policy. However, if a health condition was subject to a rider under the preceding policy that excluded, limited, or reduced coverage or benefits for a specifically named or described condition, the new policy shall credit the period satisfied by the insured under the preceding policy so that such rider may be cancelled in accordance with the procedures described in RCW 48.20.510, 48.21.290, 48.44.430 and 48.46.500. For example:

An insurer may not refuse to issue a policy or exclude coverage for a diabetic condition if the preceding policy covered such diabetic condition.

If the preceding policy contained a rider for a particular cancer and the insured was covered under such preceding

policy for a continuous period of four years, the new policy must permit the insured to seek a cancellation of a similar rider, if contained in the new policy, according to the procedures described in RCW 48.20.510, 48.21.290, 48.44.430, or 48.46.500 at the expiration of a one-year period under the new policy.

(3) An insurer may not avoid the portability requirements of this section by establishing new rate classifications or by modifying rate classifications in existence on January 1, 1994, if the effect of such new or modified classifications would isolate applicants taking advantage of the portability provisions of this section.

(4) For purposes of this section only, a new policy is similar to the preceding policy if:

(a) The particular condition, service, or supply in question was covered in whole or in part by the preceding policy and is covered in whole or in part by the new policy;

(b) The actuarial value of the particular benefit under the new policy is not more than twenty-five percent greater than the particular benefit provided under the preceding policy when all cost-sharing and other benefit limitations are taken into consideration; and

(c) The insured has not met any current annual benefit maximum or limit applied to the particular benefit under the preceding policy.

A comparison between the preceding and new policy should be made in an effort to determine whether the policies are roughly equivalent rather than in an effort to determine whether the policies are exactly the same or nearly the same. Minor questions as to the similarity of coverage between the preceding and new policies shall be resolved in favor of the insured.

NEW SECTION

WAC 284-10-060 Guaranteed renewability—Health insurance. (1) Except as provided in subsection (5) of this section, all health insurance policies issued or renewed on or after July 1, 1994, shall contain on the first page thereof a clearly worded clause which guarantees the continuity of coverage of the contract.

(2) For the purposes of this section, a policy is "renewed" when it is continued beyond the earliest date after June 30, 1994, upon which, at the health insurer's sole option, the policy could have been terminated for other than nonpayment of premium.

(3) The guarantee of continuity of coverage required in health insurance policies shall not prevent an insurer from cancelling or nonrenewing a policy, without the prior approval of the insurance commissioner, because of:

(a) The nonpayment of premium;

(b) The insured's violation of published policies of the insurer that have been approved by the insurance commissioner;

(c) The insured is entitled to become eligible for Medicare benefits and has failed to apply for a Medicare supplement plan offered by the insurer;

(d) The insured's failure to pay any deductible or copayment amount owed to the insurer and not the provider of health care services;

(e) The insured's fraudulent acts as to the insurer; or

(f) The insured's material breach of the policy.

(4)(a) The guarantee of continuity of coverage required in health insurance policies shall not prevent an insurer from cancelling or nonrenewing a health insurance policy, with the prior written approval of the insurance commissioner, because of a change in the insured's physical or mental condition or health.

(b) The insurance commissioner may approve the cancellation or nonrenewal of a health insurance policy because of a change in the insured's physical or mental condition or health only when the insurer has obtained for the insured comparable coverage, as defined in WAC 284-10-100 through 284-10-120, with another insurer.

(5) The provisions of this section do not apply to:

(a) Health insurance policies containing an endorsement approved by the insurance commissioner that permits the insured to continue coverage until the insurer is no longer permitted by provisions of chapter 43.72 RCW (health care reform) to offer or provide such coverage; or

(b) Health insurance policies deemed by the commissioner to be of a unique, limited or short-term purpose after a written request for such classification by the insurer and subsequent written approval by the commissioner.

NEW SECTION

WAC 284-10-070 Unfair practice—Modification of coverage or rates of in-force policies. (1) It is an unfair practice for a health insurer to modify either the coverage or rates of an in-force policy and fail to make the same modifications in all such issued and outstanding policies.

(2) For the purposes of this section, the modification of a policy will require the modification of all comparable policies, as defined in WAC 284-10-100 through 284-10-120.

NEW SECTION

WAC 284-10-080 Unfair practice—Ceasing the sale of a policy form. (1) It is an unfair practice for a health insurer to cease the sale of a health insurance policy form until:

(a) The insurance commissioner has issued his/her written approval of the cessation; and

(b) All insured under the discontinued form have been offered the opportunity to purchase comparable coverage without health screening.

(2) If an insured under a discontinued form declines the offer to purchase comparable coverage without health screening, coverage of that declining insured may be terminated at the next regularly occurring anniversary or renewal date of the discontinued form.

(3) Offers of comparable coverage without health screening may be limited by the insurer to a period of not less than thirty days commencing with the date the offer of comparable coverage is mailed to the last known address of the insured. An acceptance of an offer of comparable coverage which bears a postmark or other carrier receipt which indicates a transmission of the acceptance within the insurer's offer limitation period will be considered to be timely, even if actual receipt of the acceptance by the insurer occurs after the expiration of the limitation period.

NEW SECTION

WAC 284-10-090 Unfair practice—Rate increases on discontinued policies, contracts or agreements. (1) It is an unfair practice for a health insurer to increase rates on issued and outstanding, but discontinued policy forms, without first offering each insured under such discontinued form the opportunity to purchase comparable coverage without health screening.

(2) Requests for rate increases for guaranteed renewable policies after rejection of a valid offer of comparable coverage without health screening must be actuarially sound and based on credible claims experience. If the volume of claims experience for a discontinued form is so small that it is not credible, (in the opinion of the insurance commissioner), then the rate increase must be based upon the experience of a larger body of policies, or all forms currently in force. Requests for rate increases on discontinued forms may not include a request for an increase in the administrative component of the rate.

(3) Offers of comparable coverage without health screening may be limited by the insurer to a period of not less than thirty days commencing with the date the offer of comparable coverage is mailed to the last known address of the insured. An acceptance of an offer of comparable coverage which bears a postmark or other carrier receipt indicating a transmission of the acceptance within the insurer's offer limitation period will be considered to be timely, even if actual receipt of the acceptance by the insurer occurs after the expiration of the limitation period.

NEW SECTION

WAC 284-10-100 Comparable coverage—Generally. For purposes of WAC 284-10-070 through 284-10-090, a health insurer may satisfy a required offer of comparable coverage by offering the coverage of another insurer through an agreement between the insurers approved by the insurance commissioner.

NEW SECTION

WAC 284-10-110 Comparable coverage as to rates. (1) For the purposes of WAC 284-10-070 through 284-10-090, coverage shall be considered comparable in terms of premiums if:

(a) The premium is not increased more than ten percent; and

(b) The rating methodology is not changed.

(2) The commissioner may take additional matters into consideration in determining if the coverage is comparable in terms of premium including but not limited to:

(a) Changes to employee contributions to a group plan;

(b) Changes to rating pools; and

(c) All other rate factors (risk categories, etc.) which affect the setting or modifying of premiums.

NEW SECTION

WAC 284-10-120 Comparable coverage as to benefits. (1) For the purposes of WAC 284-10-070 through 284-10-090, a single line coverage policy form which provides for a single line of medical, surgical, hospital or emergency care services, (i.e., vision, dental, etc.) coverage

shall not be considered comparable in terms of benefits unless the succeeding plan is identical to the prior plan in benefits and levels of coverage.

(2) For the purposes of WAC 284-10-070 through 284-10-090, all other lines of policy forms which provide for medical, surgical, hospital or emergency care services, coverage shall not be considered comparable in terms of benefits unless the succeeding policy provides benefits and levels of coverage which are at least equivalent to those of the preceding policy. The commissioner may take additional matters into consideration in determining if the coverage is comparable in terms of benefits, including but not limited to:

(a) Definitions;

(b) Exclusions;

(c) Level and type of benefits;

(d) Managed care provisions;

(e) Provider network;

(f) Deductibles;

(g) Copayments;

(h) Cost-sharing arrangements;

(i) Co-insurance;

(j) The impact of the change on a particular individual or individuals.

(3) The succeeding policy must also provide credit towards all deductibles and other cost-sharing requirements under the prior policy to the extent they were satisfied.

NEW SECTION

WAC 284-10-130 Filing of plan comparison, proof of comparable coverage. (1) Until the insurer presents proof of comparability sufficient to the insurance commissioner, the provisions and rates of an existing policy and those of its replacement offering are not comparable. The insurer must file a policy comparison chart with the certification form set forth in WAC 284-10-180.

(2) The policy comparison chart must identify the rate(s) and each policy provision, including but not limited to, those matters as set forth in WAC 284-10-120 (2)(a) through (j) of the existing policy and the comparable rate(s) and policy provisions of the replacement policy to be offered. Only those policy provisions between the existing policy and the replacement policy which are different need be identified.

(3) If more than one replacement is to be offered, separate policy comparison charts must be filed for approval of each option.

(4) The policy comparison chart(s) must be provided to all insured after approval by the commissioner.

NEW SECTION

WAC 284-10-140 Discontinuance of a contract form. (1) An insurer requesting the approval of the commissioner to discontinue a policy form or rate must provide the commissioner with certain confirmations and guarantees. A policy form and rate may be discontinued, with approval of the commissioner, if:

(a) All insured have voluntarily terminated their policies; or

(b) Insured are offered "comparable coverage" without health screening.

(2) A certification in the form set forth in WAC 284-10-180 shall be filed with the commissioner.

NEW SECTION

WAC 284-10-150 Discontinued contract form—Five-year prohibition. A health insurer that ceases the sale of a policy form shall not establish a new block of business using the discontinued policy form or a comparable policy form for a period of five years after the discontinuance of the original policy form.

NEW SECTION

WAC 284-10-160 Revision of contract forms. Individual and group health insurance policyholders may initiate or accept changes to policy provisions. Health insurers are prohibited from unilaterally requiring policyholder acceptance of policy revisions as a condition of continued coverage unless such revisions are required by statute or regulation. The insurers shall make a certification to the commissioner in the form as provided in WAC 284-10-190.

NEW SECTION

WAC 284-10-170 Modification of negotiated rates. Modifications to negotiated rates may be made on the basis of a certification in the form set forth in WAC 284-10-200 filed with the commissioner stating that:

- (1) The rate change is voluntarily accepted by the policyholder and is actuarially justified; or
- (2) The modification is certified as necessary and actuarially justified, although not voluntarily accepted by the policyholder.

NEW SECTION

WAC 284-10-180 Form—Certification of impact of discontinuance.

STATE OF WASHINGTON
CERTIFICATION
IMPACT OF DISCONTINUANCE

Company Name: _____
Form number and generic description of form to which this certification applies: _____

"I hereby certify that the discontinuation of this form and rate will have no substantial impact on any person(s) currently covered by the contract.

I confirm that all covered persons shall be offered a transfer to a contract of comparable coverage without health screening. Such offering shall include a statement informing the contractholder that the transfer is an option, not a requirement.

I certify that the coverage and rate offered are comparable to, or more advantageous to the contractholder than the current coverage and rate.

I understand that if any person(s) offered such transfer chooses to maintain their current contract, it may not be discontinued."

Chief Executive Officer

NEW SECTION

WAC 284-10-190 Form—Certification of revision of contract form.

STATE OF WASHINGTON
CERTIFICATION
REVISION OF CONTRACT FORM

Company Name: _____
Form number and generic description of form to which this certification applies: _____

"I certify that changes in contract provisions included in this filing are initiated, or accepted by, the contractholder. I certify that the form does not contain or incorporate by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract and that all of the conditions pertaining to the coverage are explicitly stated in the contract.

I certify that the contractholder has been notified of the right to refuse any change(s) which is not mandated by law or regulation. The text of this notification is included on the first page of this filed contract."

Chief Executive Officer

NEW SECTION

WAC 284-10-200 Form—Certification of rate filing.

STATE OF WASHINGTON
CERTIFICATION
RATE FILING

Company Name: _____
Form number and generic description of form to which this certification applies: _____

"I certify that this rate filing is in compliance with the applicable laws and regulations of the state of Washington, that the benefits are reasonable in relation to the rates, that the calculations were based on my best estimate of the future experience including the need for contingency reserves and that the future experience has been projected only within a time period over which the rates may reasonably be expected to remain adequate."

- Check one The contractholder has voluntarily agreed to accept this rate modification.
- This rate modification is necessary, although the contractholder has not voluntarily agreed to it.

- _____
Check one Chief Executive Officer
- Actuary and Member of American Academy of Actuaries

**WSR 93-23-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Filed November 17, 1993, 9:40 a.m.]

Continuance of WSR 93-23-026.

Title of Rule: Chapter 275-56 WAC; new sections WAC 275-56-600 through 275-56-720; and amending WAC 275-56-015 Definitions.

Purpose: Allows implementation of the federally mandated waiver of the Title XIX program. Creates rules for managed care prepaid healthcare plans in accordance with federally approved Title XIX waiver, including client eligibility, enrollment, disenrollment, exceptions, grievances, ombuds services, quality assurance, and payment.

Date of Intended Adoption: November 30, 1993.

November 17, 1993
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

**WSR 93-23-080
PREPROPOSAL COMMENTS
GROWTH PLANNING
HEARINGS BOARDS**

[Filed November 17, 1993, 10:57 a.m.]

Subject of Possible Rule Making: In 1992, the three growth planning hearings boards jointly adopted rules of practice and procedure pursuant to RCW 36.70A.270(6). Those rules have been codified as chapters 242-02 and 242-04 WAC. Since the boards have been in operation for over a year now, board members have determined that the rules of practice and procedure need to be reviewed and updated based on board experience with the rules in actual cases.

Persons may comment on this subject in writing, M. Peter Philley, Rules Coordinator, Central Puget Sound Growth Planning Hearings Board, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, on or before December 10, 1993.

November 15, 1993
M. Peter Philley
Rules Coordinator

**WSR 93-23-081
PROPOSED RULES
DEPARTMENT OF HEALTH**

[Filed November 17, 1993, 11:15 a.m.]

Original Notice.

Title of Rule: Water works operator certification, chapter 246-292 WAC.

Purpose: To implement legislative changes authorizing the secretary to establish a schedule of fees at a level sufficient for recovery of costs and to bring WAC up-to-date with program changes.

Other Identifying Information: SHB 1357.

Statutory Authority for Adoption: Chapter 70.119 RCW.

Statute Being Implemented: Chapter 70.119 RCW.

Summary: Establishes a fee schedule for public water systems required to have certified operators and modifies existing water works operator fees. Updates WAC to be consistent with current program goals.

Reasons Supporting Proposal: To enable program to become totally fee supported.

Name of Agency Personnel Responsible for Drafting: Cheryl Bergener, Building 3, Airdustrial Center, Box 47822, 753-7433; Implementation: B. David Clark, Building 3, Airdustrial Center, Box 47822, 753-1280; and Enforcement: John Aden, Building 3, Airdustrial Center, Box 47822, 664-0441.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change will implement new fee structure establishing fees for public water systems required to have certified operators and increasing fees charged to water works operators. Effect will be to make program totally fee supported by those entities receiving the service.

Proposal Changes the Following Existing Rules: Establishes new fees for public water systems and increased fees for operators. Updates WAC to be consistent with existing program. Changes have not been made since 1983.

Small Business Economic Impact Statement: The Department of Health, Division of Drinking Water is responsible for implementing the provisions of chapter 70.119 RCW, which requires the secretary to establish a schedule of fees for certified operator applicants, renewal of licenses and public water systems. The statute further directs that the fees be set at a level sufficient for the department to recover the costs of the water works operator certification program.

The new and increased fees will impact all existing certified operators and all Group A public water systems required to employ certified operators. Larger systems will be required to pay a larger fee than smaller systems.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than twenty percent of all industries or more than ten percent of the businesses in any one industry (as defined by the three digit SIC code) be reviewed and altered to minimize their impact on small business. Small water supply industries as identified under SIC Code 494, make up more than ten percent of the industries in this category and therefore fall under the requirements of this act.

The water works operator certification fees which are proposed to be implemented under chapter 246-292 WAC clearly have a direct economic impact on small business. The department recognizes that the best way to minimize the impact is to establish a smaller fee for small systems and increasingly larger fees for larger systems. An example of this would be where a system serving less than 1,500 people would be charged seventy-five dollars a year and a system serving more than fifty thousand people would be charged four hundred fifty dollars a year.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on December 21, 1993, at 2:00 p.m.

Submit Written Comments to: Ann Foster, (206) 586-6894, DOH/Rules Management, P.O. Box 47902, Olympia, WA 98504-7902, by December 20, 1993.

Date of Intended Adoption: December 28, 1993.
November 17, 1993
Bruce Miyahara
Secretary

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

WAC 246-292-001 Purpose. Pursuant to the provisions of chapter 70.119 RCW, the regulations set forth in this chapter are adopted for the protection of public health through the establishment of minimum requirements and standards by which systems are operated and operators in ~~((direct responsible))~~ charge of public water systems are examined and certified as to their competency. Certification under this ~~((aet))~~ chapter is available to all operators who can meet the minimum qualifications of a given classification. ~~((All operators are encouraged to be certified to their highest degree of competency based on their responsibilities and their particular specialties within the field.))~~

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

WAC 246-292-010 Definitions. Abbreviations:

- BAT - backflow assembly tester.
- BTO - basic treatment operator.
- CCS - cross connection control specialist.
- GWU - ground water under the direct influence of surface water.
- NTNC - nontransient noncommunity.
- OIT - operator-in-training.
- TNC - transient noncommunity.
- WDM - water distribution manager.
- WDS - water distribution specialist.
- WTPO - water treatment plant operator.

"Basic filtration technology" means slow sand filtration and alternate filtration technologies such as cartridge filters, bag filters, and ultrafiltration.

~~((+))~~ "Board" ~~((The board established pursuant to RCW 70.95B.070 which shall be known as the))~~ means the water and wastewater operator certification board of examiners as established under RCW 70.95B.070 and 70.119.080.

"Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

"Certified operator" means a person who has met the applicable requirements of chapter 246-292 WAC.

"Complex filtration technology" means conventional, direct, in-line or diatomaceous earth filtration.

~~((2))~~ "Continuing education unit (CEU)" ~~((A))~~ means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact ~~((ecture))~~ hours of participation in an organized continuing education experience~~((;))~~ under responsible sponsorship, capable direction and qualified instruction. ~~((One CEU will also be awarded for twenty contact laboratory hours of approved training.))~~ Forty-five relevant CEUs equals forty-

five relevant college quarter credits or thirty relevant college semester credits as determined by the department.

"Contract operator" means a person in charge of the active, daily, technical operation of more than two public water systems.

"Cross connection control program" means a program protecting the health of water consumers and the potability of the public water supply as required under WAC 246-290-490.

~~((3))~~ "Department" ~~((The))~~ means the Washington state department of ~~((social and))~~ health ~~((services)).~~

~~((4))~~ "Direct responsible charge (DRC)" ~~DRC experience is defined as active daily, on-site charge and performance of the operation of a public water system, purification plant, distribution system, or a major segment of a distribution system or purification plant.~~

~~((5))~~ "Distribution system" ~~((That))~~ means that portion of a public water system ~~((not included within the scope of the purification plant. In most cases this shall include source, storage, and distribution network facilities and associated unit processes which are not part of the purification plant))~~ which conveys water from the source and/or treatment facilities to consumers.

~~((6))~~ "Governing body" ~~The policy setting body or individual(s) responsible for the supervision and management of a public water system.~~

~~((7))~~ "Ground water under the direct influence of surface water (GWU)" means any water beneath the surface of the ground with:

Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water condition.

"Group A water system" means a public water system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

"Group B water system" means a public water system with less than fifteen service connections and serving:

An average of less than twenty-five people per day for sixty or more days within a calendar year; or

Any number of people for less than sixty days within a calendar year.

"Nationally recognized association of certification authorities" ~~((An))~~ means an organization which ~~((serves));~~ Serves as an information center for certification activities~~((;))~~;

Recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems ~~((and))~~ wastewater facilities and certification of operators~~((;))~~;

Facilitates reciprocity between state programs; and Assists authorities in establishing new and updating existing certification programs ~~((and updating existing ones)).~~

~~((8))~~ "Nontransient noncommunity water system (NTNC)" means a Group A water system regularly serving

twenty-five or more of the same nonresidents for one hundred eighty or more days within a calendar year.

"Owner" (~~(--The policy setting body or individual(s) responsible for the supervision and management of)~~) means any agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that holds as property, a public water system.

((9)) "Professional growth reporting period" means a designated time period of not less than three years, in which a certified operator shall demonstrate professional growth.

"Public water system" (~~(--Any)~~) means any system (~~(or water supply intended or used)~~), excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption (~~(or other domestic uses)~~), including (~~(source)~~) any collection, treatment, storage, (~~(transmission and)~~) or distribution facilities (~~(where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use, but excluding water systems serving one single family residence)~~) under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

((10)) "Purification plant" (~~(--That)~~) means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards. Unit processes installed as necessary to perform water filtration, ion exchange, electro dialysis, reverse osmosis, or iron and manganese removal shall be included within the scope of the term purification plant. Unit processes installed as necessary to allow in-line fluoridation, in-line chlorination, or chemical addition to inhibit corrosion shall not be included within the scope of the term purification plant.

((11)) "Secretary" (~~(--The)~~) means the secretary of the department of (~~(social and)~~) health (~~(services)~~) or the secretary's designee.

((12)) "Service" (~~(--A connection between the purveyor's distribution system and the customer's system. If the customer's system distributes to more than one single family dwelling, individual dwelling unit, site, or lot, then each single family dwelling, individual dwelling unit, site, or lot shall be considered as one service connection))~~) means a connection to a public water system designed to serve a single family residence or other residential or nonresidential population. When the connection is to a system without clearly defined single family residences or with a nonresident population, the following formulas shall be used in determining equivalent number of services:

For group home or barracks-type accommodation, divide the average population served each day by two and one-half;

For NTNC systems, divide the average population served each day by two and one-half; and

For TNC systems, divide the average population served each day by twenty-five.

"Surface water" means a body of water open to the atmosphere and subject to surface runoff.

"Transient noncommunity water system (TNC)" means a Group A water system:

Having fifteen or more services used less than one hundred eighty days within a calendar year; or

Serving twenty-five or more different nonresidents for sixty or more days within a calendar year; or

Serving twenty-five or more of the same nonresidents for sixty or more days, but less than one hundred eighty days within a calendar year; or

Serving twenty-five or more residents for sixty or more days, but less than one hundred eighty days within a calendar year.

((13) "Voluntary certification program" Operators not required to be certified under the mandatory certification program are encouraged to seek certification under the voluntary certification program which shall be administered by the board and shall be identical to the mandatory certification program.

(14) "Water filtration system" A series of unit processes installed with the intent of reducing the quantity and quality of suspended and dissolved solids such that the treated water meets the quality standards set forth in the rules and regulations of the state board of health regarding public water systems (chapter 248-54 WAC:))

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

WAC 246-292-020 ((Applicability)) General system requirements. (1) ((After January 1, 1979, all public)) All Group A water systems (~~(are required to)~~) shall have ((a)) at least one certified operator (~~(if the system serves either)~~) as required under WAC 246-292-050 if the system:

(a) Serves one hundred or more services in use at any one time; or

(b) ((Twenty five or more persons which are supplied from a stream, lake or other surface water supply source and which are required by law to use a water filtration system)) Has a surface water or GWI source.

(2) ((Certified personnel)) When a certified operator is required, the operator shall be in ((direct responsible)) charge of the active, daily, technical (~~(direction and supervision))~~ operation of ((the following)) all portions of ((affected)) a public water ((systems:

(a) The entire public water system; or

(b) A major segment of a public water system necessary for monitoring or improving the quality of water provided separate individuals are assigned decision-making authority; or

(c) Shift supervisors, if shift work is practiced)) system.

(3) Where shift work is practiced, a certified operator shall be in charge of each operating shift. The certified operator shall be present or on call.

(4) When a system apportions responsibility for segments of a public water system, the system shall ensure that a certified operator is responsible for each segment.

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

WAC 246-292-030 Certification board. (1) The water and wastewater operator certification board of examiners (~~(established pursuant to RCW 70.95B.070))~~ (board) shall

oversee the administration of the certification program as required under RCW 70.95B.070 and 70.119.080.

(2) The board shall be composed of:

(a) One member from the department of ecology~~((-));~~₁

(b) One member from the department of ~~((social and))~~ health ~~((services-));~~₁

(c) One member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position ~~((and employs a certified operator-));~~₁

(d) Two members ~~((who are))~~ certified as water works operators holding a ~~((certificate of at least the second highest operator classification-))~~ WDM 3 or WTPO 3 certificate or higher;

(e) Two members ~~((who are))~~ certified under department of ecology certification rule as wastewater operators holding a ~~((certificate of at least the second highest classification-))~~ wastewater treatment plant operator 3 certificate or higher;

(f) One member who is a water district commissioner; and

(g) One member who is a sewer district commissioner. Board members are appointed by the governor with the exception of the department of health and the department of ecology members who are appointed by their respective agency heads.

(3) ~~((Duties of the))~~ The board or its designee shall ~~((include))~~:

(a) ~~((Recommend to the secretary classifications of distribution systems and purification plants and maintain records thereof;~~

(b) Develop operator qualification standards consistent with the distribution system and purification plant classification system and ~~examine the))~~ Examine qualifications of ~~((applicants))~~ operators applying for certification;

(b) Forward examination result recommendations to the secretary;

(c) ~~((Assist in the development of rules and regulations; prepare, administer and evaluate examinations of operator competency as required by law; and))~~ Recommend the issuance or revocation of certificates;

(d) Approve classification criteria applicable to purification plants and distribution systems;

(e) Approve operator qualification standards consistent with the purification plant and distribution system classifications;

(f) Approve criteria for determining the kind and nature of continued professional growth for renewal of certification; and

(g) Assist in the development of rules and regulations.

(4) ~~((To assist in the administration of this chapter,))~~ The board shall, either directly or through its review and oversight, prepare, administer, and evaluate the operator certification examinations. The department representative ~~((from the department on the board))~~ shall serve as board secretary on issues relating to the water works operator certification program.

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

WAC 246-292-040 Classification ~~((schedule for))~~ of public water systems. ~~((The secretary shall use classification procedures recommended by a nationally recognized association of certification to classify purification plants and distribution systems-))~~

(1) ~~((Purification))~~ The secretary shall classify purification plants ~~((are classified by the secretary in four))~~ into groups~~((s-))~~ according to the "Purification Plant Criteria" approved by the board in November 1993. Copies of the "Purification Plant Criteria" are available on request by contacting the Water Works Certification Program, Airdustrial Center #3, P.O. Box 47822, Olympia, Washington 98504-7822.

((a)) Classification	Total Points Assigned
Group 1	30 and less
Group 2	31 to 55
Group 3	56 to 75
Group 4	76 and greater

(b) Points are assigned to every item in Table 1 that applies to the purification plant being evaluated.

**TABLE 1
PURIFICATION PLANT CLASSIFICATION**

ITEM	POINTS ASSIGNED
SIZE	
Maximum Population Served (Peak Day)	1 point per 10,000 or part Maximum of 10 points
Design Flow (Average Day) Or Peak Month's Production (Average Day), Whichever Is Larger	1 point per MGD or part Maximum of 10 points
WATER SUPPLY SOURCE	
Groundwater	3
Surface Water	5
Average Raw Water Quality (Good to Poor)	See Table 2 for Variable Point Guide
COAGULATION, SEDIMENTATION, FILTRATION	
Presettling	4
Addition of Coagulant	4
Mixing, flocculation, settling, or Upflow solids contact	4 8
Filtration	6
CHEMICAL PRECIPITATION SOFTENING	
Presettling	4
Addition of chemicals/coagulants	4
Mixing, flocculation, settling, or Upflow solids contact	4 8
Recarbonation	2
Filtration	6
ION EXCHANGE SOFTENING	
Ion Exchange Softening	10
IRON OR IRON/MN REMOVAL	
Chemical Oxidation by KMnO ₄	4
Chemical Oxidation by Cl ₂	4

Aeration _____ 4
 Filtration _____ 6

ADJUSTMENT—Points assigned only for specific chemical treatment in addition to those listed above or where it is the only treatment provided:

Chemical Addition for Stabilization (polyphosphate, soda, lime, pH adjustment, etc.) _____ 4
 Taste and Odor or Color Control (KMnO₄, activated carbon, etc.) _____ 8

ADVANCED TREATMENT (deminceralization) _____ 15

WASTE HANDLING

In-plant treatment of sludge _____ 6

FLUORIDATION _____ 5

DISINFECTION

Chlorination or Comparable _____ 5
 On-site Generation of Disinfectant _____ 5

LABORATORY CONTROL BY PLANT PERSONNEL
 (See Table 2 for Variable Point Guide)

Bacteriological (Complexity) _____ 3-10
 Chemical/Physical (Complexity) _____ 1-10
 Total _____

* Each category should be considered a major unit process and points assigned only once for each unit or combined unit, i.e. for iron removal using oxidation and precipitate removal by filtration, only add ten points for iron removal and nothing for filtration.

(e) Table 2 is to be used as a supplement to Table 1.

**TABLE 2
 PURIFICATION PLANT VARIABLE POINT GUIDE**

Variation in Raw Water Quality _____ 0-10
 The key concept is the variation or change in the quality of the raw water source. Point values are:
 Little or no variation; no treatment provided except chlorination. _____ 0
 Raw water quality (other than turbidity) varies enough to require treatment changes approximately 10 percent of the time. _____ 2
 Raw water quality (turbidity) varies severely enough to require pronounced and/or very frequent treatment changes. _____ 5
 Raw water quality subject to periodic serious industrial waste pollution. _____ 10

Laboratory Control by Plant Personnel
 Bacteriological/biological (complexity) — The key concept is to credit bacti/bio lab work done on site by plant personnel. Point values are:
 Lab work done outside the plant. _____ 0
 Membrane filter procedures. _____ 3
 Use of fermentation tubes or any dilution method; fecal coliform determination. _____ 5
 Biological identification. _____ 7
 Virus studies or similarly complex work conducted on site. _____ 10

Chemical/physical (complexity) — The key concept is to credit chemical/physical lab work done on site by plant personnel. Point values are:
 Lab work done outside the plant. _____ 0
 Push button or colorimetric methods for simple tests such as chlorine residual, pH, up to _____ 3
 Additional procedures such as titration, jar tests, alkalinity, hardness up to _____ 5

More advanced determinations such as numerous inorganics up to _____ 7
 Highly sophisticated instrumentation such as atomic absorption and gas chromatography. _____ 10))

(2) The secretary shall classify distribution systems ((are classified by the secretary in four groups, according to the population served. The classification schedule is)) into groups as follows:

Classification	Population Served*
Group 1	less than 1,500
Group 2	1,501 - 15,000
Group 3	15,001 - 50,000
Group 4	greater than 50,000

* If the population served is not known((=then)), apply this formula:
 Number of Service Connections x ((3+)) 2.5 = Population Served

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

WAC 246-292-050 Minimum certification requirements for public water systems. (1) ((Public water systems)) Owners shall ((be classified by the secretary in accordance with the procedures in WAC 248-55-050. Accordingly, an operator)) have at least one certified ((at the appropriate level shall be)) operator in ((direct responsible)) charge of the active, daily, technical ((direction and supervision)) operation of ((the following portions of the public water)) their system((-)) as follows:

(a) ((Purification plant—)) A ((water treatment plant operator(-)) WTPO((+))) shall be ((in direct)) responsible ((charge of that portion of any public water system which is classified as a purification plant and which meets the conditions of WAC 248-55-030 (1)(a) or (b). The WTPO shall be responsible for the administration and)) for the operation of ((the)) a purification plant ((and shall be certified at a level determined by the complexity of the purification plant as determined by a point rating system. (See WAC 248-55-050(1) for point rating system details.)) utilizing complex filtration technology;

(b) ((Water distribution system—)) A BTO shall be responsible for the operation of:

(i) A purification plant utilizing basic filtration technology; or

(ii) An unfiltered Group A surface water or GWI system with less than one hundred services in use at any one time.

(c) A ((water distribution manager (WDM) shall be in direct responsible charge of all public water systems which meet the conditions of WAC 248-55-030 (1)(a) or (b). The)) WDM shall be responsible for the ((administration and)) operation of ((the entire public water system or)) a ((major segment of a public)) Group A water system ((necessary for monitoring or improving the quality of water and shall be certified at a level determined by the population served)) with:

(i) One hundred or more services in use at any one time; or

(ii) A purification plant utilizing complex filtration technology.

(d) A CCS shall be responsible for:

(i) The system's cross-connection control program;

PROPOSED

(ii) Initial inspection of premises served by the system, for cross-connections; and

(iii) Periodic reinspection of premises served by the system, for cross-connections.

(e) A BAT shall be responsible for inspecting, testing, and monitoring backflow prevention assemblies in accordance with WAC 246-290-490. ((See WAC 248-55-050(2) for rating details.))

(e) Distribution system specialties—A third classification of operator certification, water distribution specialist (WDS), shall be available to operators on a voluntary basis. Any person who is engaged in a specialized phase of waterworks operation such as main repair, meter repair, pump maintenance and operation, service installation, chlorination process operation, or watershed control but is not working in a direct responsible charge capacity is encouraged to become certified as a water distribution specialist.)

(2) ((#)) Owners may utilize a WDS to accomplish routine technical duties, provided they are under the supervision of an operator certified in accordance with WAC 246-292-020.

(3) A WTPO and WDM shall be certified at a level equal to or higher than the water system's classification rating assigned by the secretary in accordance with WAC 246-292-040.

(4) When the ((public)) Group A water system ((normally)) practices shift work((; then a)), the certified operator in charge of each shift shall be ((in direct responsible charge for each operating shift)) certified at a minimum of one level lower than the classification of the purification plant or distribution system.

(((3) The same individual may be certified as a WDM, WTPO, or WDS.))

NEW SECTION

WAC 246-292-055 Minimum requirements for contract operators. (1) Contract operators shall mean persons who are in charge of the active, daily, technical operation of more than two public water systems.

(2) Contract operators responsible for operation of a system shall be certified as follows:

(a) At a minimum, a WDM and CCS, with the WDM level determined by the largest public water system operated;

(b) A BTO for public water systems with basic filtration technology; and

(c) A WTPO for public water systems with complex filtration technology.

(3) Contract operators shall maintain twenty-four-hour telephone availability.

(4) Contract operators shall submit two copies of all signed operations contracts to the department within thirty days of the effective date.

(5) Contract operators who are satellite management agencies shall also comply with the provisions of RCW 70.116.134.

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

WAC 246-292-060 Minimum education and experience requirements for water works operators. (1) Minimum education and experience requirements for the following water works operator classifications and ((grades of operators)) levels shall be as indicated in Table 1:

((Table 3

MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS

EDUCATION/OPERATING EXPERIENCE

(DRC)	OIT *	I	II	III	IV
Water Distribution Manager (WDM)	12/3 months	12/1	12/3	14/4(2)	16/4(2)
Water Treatment Plant Operator (WTPO)	12/3 months	12/1	12/3	14/4(2)	16/4(2)
Water Distribution Specialist (WDS)	12/3 months	12/1	12/3	14/4(2)	16/4(2)
Cross-Connection Control Specialist (CC)	NA	**	***	NA	NA

(Education and experience requirements are expressed in years unless otherwise noted.)

*Operator in training experience can be fulfilled by 3 months experience or 30 hours of relevant classroom training (3 CEU)

**Experience required is a special 30-hour backflow prevention device testers class that includes hands-on training, lectures, and a field trip

***Experience required is training as a cross-connection control instructor and certification as a CCI)

Table 1
MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS

CLASSIFICATION	LEVEL									
	OIT*		1		2		3		4	
	Education	Experience	Education	Experience	Education	Experience	Education	Experience	Education	Experience
<u>Water Distribution Manager (WDM)</u>	<u>12 years</u>	<u>3 months</u>	<u>12 years</u>	<u>1 year</u>	<u>12 years</u>	<u>3 years</u>	<u>14 years</u>	<u>4 years</u>	<u>16 years</u>	<u>4 years</u>
<u>Water Treatment Plant Operator (WTPO)</u>	<u>12 years</u>	<u>3 months</u>	<u>12 years</u>	<u>1 year</u>	<u>12 years</u>	<u>3 years</u>	<u>14 years</u>	<u>4 years</u>	<u>16 years</u>	<u>4 years</u>
<u>Water Distribution Specialist (WDS)</u>	<u>12 years</u>	<u>3 months</u>	<u>12 years</u>	<u>1 year</u>	<u>12 years</u>	<u>3 years</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Cross-Connection Control Specialist (CCS)</u>	<u>NA</u>		<u>12 years</u>	<u>3 months</u>	<u>12 years</u>	<u>3 years</u>	<u>NA</u>		<u>NA</u>	
<u>Backflow Assembly Tester (BAT)</u>	<u>NA</u>		<u>NA</u>		<u>NA</u>		<u>NA</u>		<u>NA</u>	
<u>Basic Treatment Operator (BTO)</u>	<u>NA</u>		<u>NA</u>		<u>NA</u>		<u>NA</u>		<u>NA</u>	

* OIT experience may be fulfilled by three months operating experience or thirty hours of relevant classroom training (three CEUs or college credits).

~~(2) ((Substitution--))~~ Minimum education shall be the acceptable level of education, or experience which may be substituted for education. A department guideline titled "Water Works Certification Program Guideline" is available to assist operators in determining acceptable education and experience.

~~(3)~~ Minimum experience shall be the routine on-site performance of duties in a water purification plant or distribution system. Those duties shall affect plant or system performance and/or water quality.

~~(4)~~ The board may allow substitutions of a person's relevant experience when ((short-of)) the person cannot meet the formal education requirement, or vice versa in the WDM, WTPO, WDS and CCS classifications as outlined in the department guideline titled "Water Works Certification Program Guideline" available on request.

~~((3) Policy - A listing of minimum requirements and responsibilities for each classification and grade including rules regarding substitutions shall be adopted by the board and published by the department.))~~

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

WAC 246-292-070 Application and examination. (1) ((The board shall prepare examinations to be used in determining the competency of operators)) Applicants for operator certification shall:

(a) Meet the minimum education and experience criteria for the level of certification for which they are applying in accordance with WAC 246-292-060;

(b) Submit a completed application and applicable fee to the secretary;

(c) Pass the written examination for the appropriate classification and level; and

(d) For the BAT and BTO classifications, pass the practical examination.

~~(2) ((Periodic review and revision of the examinations shall be undertaken as necessary to ensure validity and applicability.~~

~~(3) Certificates of competency shall be issued to applicants who successfully pass the examination for the classification and grade for which they were eligible)) The secretary shall:~~

(a) Conduct examinations at least three times annually at convenient places and times as set by the board;

(b) Provide notice of places and times of regularly scheduled examinations; and

(c) Issue applicable certificates to applicants meeting all the conditions for certification.

~~((4)) (3) Applicants who fail ((to pass an)) or do not appear for their scheduled examination may ((repeat the same examination at no additional fee at the next)) reapply for a regularly scheduled examination by submitting a new application along with the applicable fee to the secretary.~~

~~((5) Examinations shall be held at least three times annually at convenient places and times as set by the board.~~

~~Advance announcements of places and times shall be published by the department.~~

~~(6) The board shall forward its recommendations for certification to the secretary.)~~

NEW SECTION

WAC 246-292-075 Reciprocity. The secretary may issue a certification without examination provided:

(1) A completed application and applicable fee are submitted to the secretary; and

(2) The applicant possesses a certificate from a state or province having substantially equivalent standards as determined by the secretary after consultation with the board.

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

WAC 246-292-080 Temporary certification (~~without examination~~). (1) The secretary (~~shall~~) may issue a temporary certificate (~~s without examination under the following conditions:~~

~~(a) Certificates, in appropriate classifications, shall be issued to operators who on January 1, 1978, held certificates of competency attained through the voluntary certification program sponsored jointly by the Pacific Northwest Section of the American Water Works Association and the department.~~

~~(b) Certificates shall be issued to persons certified by a governing body or owner of a public water system to have been the operators of a purification plant or distribution system on January 1, 1978, but only to those who are required to be certified in accordance with WAC 248-55-030. A certificate so issued shall be conditioned to be valid only for operating the existing plant or system.~~

~~(c) A nonrenewable certificate, temporary in nature, may be issued) to an operator ((for a period not to exceed twelve months to fill a vacated position required to have a certified operator)) without examination, provided:~~

~~(a) The public water system submits:~~

~~(i) A letter requesting a temporary certificate for the operator; and~~

~~(ii) The applicable fee.~~

~~(b) The operator completes and submits a certification application; and~~

~~(c) The operator meets or will meet the minimum education and experience requirements of the mandatory classification for the vacated position, prior to the expiration date of the temporary certificate.~~

~~(2) Only one ((such)) temporary certificate may be issued ((subsequent to)) in each instance of vacation of any ((such)) position.~~

~~((d) The board may, at its discretion, waive examinations for applicants holding certificates or licenses issued by other states or provinces having equivalent standards as determined by the board, and issue a class of certificate in accordance with the requirements contained herein.~~

~~(2) Certificates without examination shall be issued only upon receipt of a completed application form and fees as required in this chapter.)~~ (3) The temporary certificate shall be valid for up to twelve months.

(4) The temporary certificate shall be specific to the designated system.

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

WAC 246-292-090 Renewal of certificates. (1) ~~The ((terms for all)) operator certificate((s)) shall be ((for one)) renewed January 1st of each year ((from the date of issuance)). ((Every certificate shall be renewed annually upon the payment of a renewal fee and satisfactory evidence presented to the board that the operator has demonstrated continued professional growth in the field. The accumulation of three college credits or continuing education units every three years is considered satisfactory evidence of professional growth.))~~

(2) The secretary shall renew the operator certificate upon payment of the renewal fee and demonstration of professional growth in accordance with subsections (3), (4), and (5) of this section. The applicant shall provide evidence of professional growth acceptable to the department within the designated professional growth reporting period. A department guideline titled "Water Works Certification Program Guideline" is available to assist the applicant.

(3) To demonstrate professional growth, a holder of WDM, WTPO, WDS, or CCS certification shall accomplish one of the following activities during each professional growth reporting period:

(a) Accumulate a minimum of three CEUs, or college credits relevant to the operation, maintenance, or management of a water system;

(b) Advance by examination in the Washington water works operator certification program within the same classification to a level 2, 3, or 4; or

(c) Achieve certification by examination in a different classification as shown below:

(i) WDM to WTPO;

(ii) WTPO to WDM;

(iii) WDS to WDM or WTPO; or

(iv) CCS to WDM, WTPO, or WDS.

(4) To demonstrate professional growth, a holder of a BAT certification shall satisfactorily complete the board's backflow assembly tester practical and written examination during each professional growth reporting period.

(5) To demonstrate professional growth, a holder of a BTO certification shall satisfactorily complete the board's basic treatment operator refresher practical and written examinations during each professional growth reporting period.

(6) The secretary shall notify an operator((s)) failing to renew the operator certificate ((before the end of the certificate year)) by December 31st, that the certificate((s are)) is temporarily valid for two months ((following the end of the certificate year)) beginning January 1st.

(7) A certificate((s)) not renewed during the two month period shall become invalid. The secretary shall notify the holder((s)) of an invalid certificate((s)) with a written notice.

~~((3))~~ (8) An operator failing to renew ((the certificate pursuant to the)) their certification under provisions of this section may reapply for certification((The board may require the operator to)) and shall meet the requirements ((established)) for a new applicant((s)).

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

WAC 246-292-100 Revocation. (1) The secretary may ~~((, with the recommendation of the board and after hearing before same;))~~ revoke ~~((a))~~ an operator's certificate ~~((f))~~ when the operator:

(a) ~~((It is found to have been obtained))~~ Obtains a certificate by fraud or deceit;

(b) ~~((The operator))~~ Demonstrates gross negligence in the operation of a ((water)) purification plant or a ((public water)) distribution system((s operation or major segment thereof)); or

(c) ~~((The operator))~~ Intentionally violates the requirements of this chapter or any ((lawful)) department rules((, order or regulation of the secretary)) or orders.

(2) ~~((No person whose certificate has been revoked under this section shall be eligible for a certificate for one year from the effective date of the final order of revocation. Any such person who reapplies for recertification shall meet all the requirements established for new applications))~~ The secretary shall provide written notice of violation and reasonable opportunity for correction prior to taking action on revocation of a certificate.

(3) No action to revoke a certificate shall be initiated by the secretary unless and until the board has conducted a hearing to consider the appropriateness of revocation and the board has recommended revocation to the secretary.

(4) A revocation action brought under this section shall be conducted in accordance with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

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

WAC 246-292-110 ((Violations)) Enforcement. ~~((+))~~ Following thirty days written notice by the secretary violation of WAC 248-55-030 is a misdemeanor. Each day that a public water system operates in violation of WAC 248-55-030 constitutes a separate offense. Upon conviction, violators are subject to fines not exceeding one hundred dollars for each such offense.

~~((2))~~ In the case of fraud, deceit, or gross negligence under WAC 248-55-120 (1)(a) and (b), no revocation citation or change shall be made until proper written notice of violation and reasonable opportunity for correction has been made.) When any Group A water system or operator is out of compliance with these regulations, the department may initiate appropriate enforcement actions as authorized under chapter 70.119 and 70.119A RCW. These actions may include any one or combination of the following:

(1) Issuance of informal letters instructing or requiring appropriate corrective measures;

(2) Issuance of a compliance schedule;

(3) Issuance of a departmental order;

(4) Issuance of civil penalties for up to five thousand dollars per day per violation;

(5) Prosecution as a criminal misdemeanor with fines up to one hundred dollars per offense; and

(6) Other legal action by the attorney general or local prosecutor.

NEW SECTION

WAC 246-292-160 Water works certification fees.

(1) Operator fees:

(a) Applicable fees shall be as indicated in Table 2;

**Table 2
WATER WORKS OPERATOR FEES**

OPERATOR CLASSIFICATION	APPLICATION FEE	REAPPLICATION FEE	ANNUAL RENEWAL FEE	LATE FEE
WTPO	\$ 50.00	\$ 25.00	\$ 25.00 *	\$ 25.00 *
WDM	\$ 50.00	\$ 25.00	\$ 25.00 *	\$ 25.00 *
WDS	\$ 50.00	\$ 25.00	\$ 25.00 *	\$ 25.00 *
CCS	\$ 30.00	\$ 25.00	\$ 25.00 *	\$ 25.00 *
BAT	\$ 30.00	\$ 25.00	\$ 25.00	\$ 25.00
BTO	\$ 30.00	\$ 25.00	\$ 25.00	\$ 25.00

* The annual renewal fee and late fee for a WTPO, WDM, WDS and CCS certification shall be twenty-five dollars regardless of the number of classifications held.

(b) A late fee shall be assessed to operators failing to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity shall be one hundred dollars per classification.

(2) Group A system fees:

(a) Applicable fees shall be as indicated in Table 3.

**Table 3
ANNUAL SYSTEM CERTIFICATION FEES**

SYSTEM SIZE * (Number of Equivalent Services)	SYSTEM FEE
Less than 601 Services	\$ 75.00
601 to 6,000 Services	\$ 225.00
6,001 to 20,000 Services	\$ 300.00
More than 20,000 Services	\$ 450.00

* Systems designated by the department as approved satellite management agencies (SMAs) shall pay a fee based on total services in all systems owned by the SMA.

(b) Group A system fees shall be paid in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) A late fee shall be assessed against any system not submitting the applicable fee to the department within the designated time period. The late fee shall be based on the water system's classification and shall be an additional ten percent of the applicable system fee or twenty-five dollars, whichever is greater.

(d) The system fee for issuance of a temporary certificate shall be fifty dollars for each temporary position.

(3) Fees shall be nonrefundable and transfers of fees shall not be allowed.

(4) Payment of fees required under this chapter shall be in the form of a check or money order made payable to the

department of health and shall be mailed to Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099, or such successor organization or address as designated by the department.

NEW SECTION

WAC 246-292-170 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 246-292-120 Purpose.
- WAC 246-292-130 Notice of decision—Adjudicative proceeding.
- WAC 246-292-140 Certificate denial—Adjudicative procedure.
- WAC 246-292-150 Certificate suspension, modification, or revocation—Adjudicative procedure.
- WAC 246-292-990 Waterworks operator certification fees.

WSR 93-23-082
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed November 17, 1993, 11:18 a.m.]

Original Notice.

Title of Rule: Fee change physician assistant and shopkeeper.

Purpose: Changes WAC to reflect actual fees charged per official fee schedule.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This amendment would change the fees listed in WAC to agree with those actually charged based on the fee schedule which was changed with public input several years ago.

Reasons Supporting Proposal: The WAC should reflect the fees actually collected.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, 98504-7863, 753-6834.

Name of Proponent: Donald Williams, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The WAC which lists the fees show incorrect fees for physician assistants, which no longer are licensed or registered by the Board of Pharmacy and for shopkeepers. The purpose is to bring the WAC into agreement with actual fee schedule.

Proposal Changes the Following Existing Rules: Revises fees listed in WAC 246-907-030.

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

Hearing Location: OB-2 Auditorium, Olympia, Washington, on December 21, 1993, at 1:30 p.m.

Submit Written Comments to: Donald Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, by December 20, 1993.

Date of Intended Adoption: December 28, 1993.

November 4, 1993
 Bruce Miyahara
 Secretary
 Mimi L. Fields, MD, MPH

AMENDATORY SECTION (Amending WSR 93-18-015, filed 8/24/93, effective 9/24/93)

WAC 246-907-030 Fees. The following fees shall be charged by the professional licensing division of the department of health:

- (a) PHARMACY LOCATION
 - Original pharmacy fee \$275.00
 - Original pharmacy assistant utilization fee 50.00
 - Renewal pharmacy fee 200.00
 - Renewal pharmacy assistant utilization fee 60.00
 - Penalty pharmacy fee 275.00
- (b) VENDOR
 - Original fee 60.00
 - Renewal fee 60.00
 - Penalty fee 60.00
- (c) PHARMACIST
 - Exam fee (full exam) 200.00
 - Reexamination fee (jurisprudence portion) 40.00
 - Original license fee 100.00
 - Renewal fee, active and inactive license 105.00
 - Renewal fee, retired license 20.00
 - Penalty fee 105.00
 - Reciprocity fee 250.00
 - Certification of license status to other states 20.00
 - Retired license 20.00
 - Temporary permit 50.00
- (d) SHOPKEEPER
 - Original fee 25.00
 - Renewal fee 25.00
 - Penalty fee 12.50

SHOPKEEPER - with differential hours

 - Original fee 25.00
 - Renewal fee 25.00
 - Penalty fee ~~((40.00))~~ 12.50
- (e) DRUG MANUFACTURER
 - Original fee 450.00
 - Renewal fee 450.00
 - Penalty fee 450.00
- (f) DRUG WHOLESALER - full line
 - Original fee 450.00
 - Renewal fee 450.00
 - Penalty fee 450.00
- (g) DRUG WHOLESALER - OTC only
 - Original fee 250.00
 - Renewal fee 250.00
 - Penalty fee 250.00
- (h) DRUG WHOLESALER - export
 - Original fee 450.00
 - Renewal fee 450.00
 - Penalty fee 450.00
- (i) PHARMACY ASSISTANT - Level "A"
 - Original fee 40.00
 - Renewal fee 30.00
 - Penalty fee 40.00

(j) PHARMACY INTERN	
Original registration fee	15.00
Renewal registration fee	15.00
(k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS	
Dispensing registration fee (i.e. pharmacies)	65.00
Dispensing renewal fee (i.e. pharmacies)	50.00
Distributors registration fee (i.e. wholesalers)	90.00
Distributors renewal fee (i.e. wholesalers)	90.00
Manufacturers registration fee	90.00
Manufacturers renewal fee	90.00
(Physician assistant registration fee	15.00
Physician assistant renewal fee	10.00
ARNP with prescriptive authorization registration fee	20.00
ARNP with prescriptive authorization renewal fee	20.00
Sodium pentobarbital for animal euthanization registration fee	30.00
Sodium pentobarbital for animal euthanization renewal fee	30.00
Other CSA registrations	30.00
(l) LEGEND DRUG SAMPLE - distributor registration fees	
Original fee	275.00
Renewal fee	200.00
Penalty fee	200.00
(m) POISON MANUFACTURER/SELLER - license fees	
Original fee	30.00
Renewal fee	30.00
(n) Facility inspection fee	150.00
(o) PRECURSOR CONTROL PERMIT	
Original fee	50.00
Renewal fee	50.00
(p) LICENSE REISSUE	
Reissue fee	15.00

**WSR 93-23-083
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed November 17, 1993, 11:30 a.m.]

Original Notice.

Title of Rule: Amending WAC 480-50-010 and 480-50-040 relating to tariff filings for freight-only boat operators. The proposed amendatory sections are shown below as Appendix A, Docket No. TS-931257.

Purpose: To require freight-only boat operators to file their tariffs in compliance with existing provisions in chapter 480-149 WAC and define common carrier (freight-only) operators as used in the language of the statute and the rule.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, 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.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on December 22, 1993, at 9:00 a.m.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by December 9, 1993.

Date of Intended Adoption: December 22, 1993.

November 17, 1993

Steve McLellan

Secretary

APPENDIX A

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-50-010 ((Definition)) Definitions. For the purposes of these rules ~~((and regulations))~~, the term "~~((passenger and ferry steamboat companies))~~ commercial ferries" ~~((shall mean, when used herein, those steamboat companies which))~~ means commercial ferries that are required by chapter ~~((248, Laws of 1927))~~ 81.84 RCW to ~~((apply for and))~~ obtain ~~((from the Washington utilities and transportation commission))~~ certificates of public convenience and necessity from the commission before operating. The term "common carrier ferry companies" means every company owning, controlling, leasing, operating or managing any vessel on the waters of the state for the public use in the conveyance of persons or property for hire except towboats, tugs, scows, lighters, rowboats, sailboats under twenty gross tons, open steam launches five tons gross or under, and vessels under five tons gross powered by gas, fluid, naphtha, or electric motors.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-50-040 Tariffs. (1) ~~((Passenger and ferry steamboat companies))~~ Commercial ferries and common carrier ferry companies shall prepare, publish, file and ~~((when necessary))~~ reissue their tariffs ~~((drawn))~~ in accordance with ~~((and subject to))~~ the then-current provisions of

the commission's "Tariff Circular No. ~~((5;))6.~~" ~~((supplements thereto and reissues thereof.~~

(2) Tariffs of "~~((passenger and ferry steamboat companies commercial ferries~~" must be drawn in the name of the certificate holder and show ~~((the))~~ its certificate number ~~((in connection therewith)).~~

(3) Tariffs of "common carrier ferry companies" must contain a title page which identifies the name of the company; its business name, if any; its business address; its business telephone number; and the name, address and business telephone number of the issuing agent.

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 93-23-084
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed November 17, 1993, 11:32 a.m.]

Original Notice.

Title of Rule: Amending WAC 480-12-260 relating to bills of lading issued and retained by motor freight carriers. The proposed amendatory section is shown below as Appendix A, Docket No. TV-931256.

Purpose: Freight companies are presently required to maintain hard paper copies of all bills of lading for at least three years after transportation is performed subject to commission inspection. The amendment would allow carriers more flexibility and allow them to increase their efficiency by [by] permitting electronic filing and retention.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, 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 will have no adverse economic affect on business.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on December 22, 1993, at 9:00 a.m.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by December 9, 1993.

Date of Intended Adoption: December 22, 1993.

November 17, 1993

Steve McLellan
Secretary

APPENDIX A

AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)

WAC 480-12-260 Bills of lading. (1) Each common carrier transporting property for compensation is required to issue at time of shipment a bill of lading setting forth complete information as hereinafter required.

(2) Bills of lading shall not be required on the following:

(a) Shipments of grain, fruits or vegetables from farms to elevators, processing plants or warehouses on hauls of not over 50 miles;

(b) On regular milk routes from dairy farms to creamery or markets;

(c) On dump truck work;

(d) Shipments of forest products or coal;

(e) Hauling of garbage or other worthless materials;

(f) Local cartage in cities subject to regulation; and

(g) Where other orders of the commission authorize exceptions to this rule.

The foregoing exceptions shall apply when, and only when, a daily trip record is kept showing all information necessary for the determination of legal charges such as number of trips made, miles traveled, tonnage, number of cans, cubic yards, cords, or other transportation units, and such trip record is carried in lieu of bills of lading. Local cartage carriers in the cities subject to regulation shall use either bills of lading or a local cartage delivery sheet, way bill or expense bill containing sufficient information to indicate the origin and destination and weight of the commodity and the number of packages in the shipment.

~~(3)((a))~~ Bills of lading shall be those prescribed and set out in the governing classifications.

~~((b) Documents retained by carrier must be assigned a progressive number and filed numerically. All numbers in a series shall be accounted for. Such documents must be maintained at the main office of the carrier for a period of 3 years, subject to inspection by the commission.~~

~~(e))~~ Carriers may use a combination freight bill/bill of lading or other shipping form, providing that it incorporates all the essential provisions and contract terms and conditions of the standard bills of lading specified in ~~((a))~~ this subsection.

(4) Bills of lading shall be issued in triplicate (or more) and shall consist of an original bill of lading, a memorandum bill of lading and a shipping order. The three documents shall be signed by shipper and carrier. Original and a memorandum copy shall be delivered to shipper. Shipping orders must be retained by the carrier and must be numbered ~~((and filed in numerical order at the main office of the carrier for a period of three years subject to inspection by the commission)).~~ If freight bills or other documents are

also used (~~in addition thereto~~), a cross reference shall be shown on bill of lading (shipping order) as filed. Unless freight bills are used the bill of lading must show all information required by subsection (6) of this (~~rule~~) section. A copy of the bill of lading, manifest or freight bill, covering the goods being carried, must be in possession of the driver of the vehicle and subject to inspection by commission representatives.

(5) The goods covered by a bill of lading must be in the possession or control of the carrier at the time such bill of lading is issued. A bill of lading shall cover only goods received from one shipper, tendered at one time, picked up at one place, consigned to one consignee, at one destination and delivered to one place: *Provided, however*, That this rule shall not be construed as prohibiting a carrier from picking up or delivering separate portions contained in the bill of lading if such separate portions are identified and the provisions for such service are duly published in the applicable tariff.

(6) Common carriers who make a regular practice of issuing freight bills (or any equivalent documents by whatever term identified including "waybills" or "expense bills") are not required to show the "rate," "freight charges" or "total to collect" on bills of lading. When freight bills or manifests are used they shall contain all the information necessary to ascertain the legal charges such as routing, exact location of shipper, origin station, exact location of consignee, destination station, number and kind of packages, complete description of goods which can be identified in tariff usage, and weight, miles, hours, or other units on which rates or charges are based. When rates are based on hours of service, the time of beginning the service and the time that service is completed, as prescribed by applicable items in the commission's tariffs, must be shown on the billing documents. (~~Any records required by this subsection shall be retained in the files of the carriers in the same manner and for the same period required by subsection (4) of this rule for bills of lading (shipping orders).-~~)

(7) Shipments which are greater than the capacity of the available equipment of the carrier may be accepted on one bill of lading, providing the entire shipment is tendered to the carrier at one time and is accepted by and remains in the actual or constructive possession of the carrier until moved. On such shipments the first truck shall be loaded to its capacity. The remainder of the shipment must be moved from the premises of the shipper and started to its destination within 48 hours following the first load. The revenue billing for the shipment shall be made on one bill at the time shipment is accepted and showing the entire weight, the rate assessed and the total freight charge, and a notation showing what part is on the first truck and shall be carried on the first truck. Each succeeding truck shall carry a bill showing the part on it and giving reference to the revenue billing ahead for rate and total charges and must in every instance bear the notation "Part of Pro No. . . ." and then be attached to and become a part of original record. The provisions of this section do not apply to the transportation of liquid commodities in bulk or tank equipment. (Constructive possession means that the shipment is under the control of the carrier and that the carrier is in all ways responsible for its safe-keeping.)

(8) Bills of lading, shipping orders, daily trip records, manifests or other records required by this rule must be assigned consecutive numbers and a copy must be maintained in the main office of the carrier for a period of three years, available to inspection by the commission. All numbers in a series must be accounted for.

Required copies may consist of the original hard paper copy of the document or as electronically imaged or archived data.

(a) Hard paper copies may be filed in numerical order, alphabetically by customer name, by route designation, or chronologically by date of service.

(b) Carriers may elect to maintain required files as electronically imaged or archived material if the material is readily retrievable, the information is accessible to all authorized personnel, the information can be read, printed copies can be produced upon request, authenticity of stored data can be assured by appropriate means, the data cannot be altered after storage, and all information required by subsection (6) of this section is maintained.

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 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 is 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, 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

AMENDATORY SECTION

SWAPCA 400 General Regulations For Air Pollution Sources.

AMENDATORY SECTION

~~((Section))~~ SWAPCA 400-010 Policy and purpose.

~~((1))~~ ~~The Southwest Air Pollution Control Authority consisting of the Counties of Clark, Cowlitz, Lewis, Skamania, and Wahkiakum, having formed pursuant to Revised Code of Washington (RCW) 70.94 as amended, adopts these rules and regulations to control the emissions of air contaminants from sources within the jurisdiction of the Authority, to prevent violations of Federal and State Ambient Air Quality Standards, to provide for the uniform administration and enforcement of these rules and regulations, and to carry out the requirements and purposes of RCW 70.94 as amended.)~~

~~((2))~~ (1) It is ~~((hereby declared to be))~~ the ~~((public))~~ policy of the Southwest Air Pollution Control Authority (herein after referred to as the Authority and/or SWAPCA) to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistent with the economic and industrial well being of the ~~((territory))~~ jurisdiction of the Authority.

- (2) Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq) and the Clean Air Washington Act (70.94 RCW), the Authority has adopted regulations for the control of air contaminant emissions, including toxic air contaminants, substances for which primary and secondary National Ambient Air Quality Standards (NAAQS) have been established and volatile organic compounds, to prevent air pollution. In conformance with these laws, the policy of SWAPCA is to control and regulate the emission of air contaminants from sources within the jurisdiction of SWAPCA, to prevent violations of federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70.94 Revised Code of Washington.
- (1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.
- (a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. 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 any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

REPEALER**SECTION 400-020 Applicability****NEW SECTION****SWAPCA 400-020 Applicability.**

- (1) The provisions of this regulation shall apply within Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.
- (2) The Authority is authorized to enforce this regulation and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by Ecology, the Authority does not have jurisdiction over the following sources:
- (a) Specific source categories over which the State, by separate regulation, has assumed or hereafter assumes jurisdiction.
- (b) Automobiles, trucks, aircraft.
- (c) Those sources under the jurisdiction of the Energy Facility Site Evaluation Council.

AMENDATORY SECTION

~~((Section))~~ **SWAPCA 400-030 Definitions.** Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

- ~~((1))~~ "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The Authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.)
- ~~((2))~~ (3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. This includes any substance regulated as an air pollutant under WAC 173-460, NESHAPS, Section 112 of the Federal Clean Air Act Amendments or substance for which a primary or secondary National Ambient Air Quality Standard has been established and volatile organic compounds. "Air pollutant" means the same as "air contaminant".
- ~~((3))~~ (4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this regulation air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of various pesticides.
- ~~((4))~~ (5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is ~~limited in production rate or~~

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~~hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b) and (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.)~~ subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (a) The applicable standards as set forth in 40 CFR Part 60 or 61 (, if applicable to the source; or);
- (b) Any ((The)) applicable State Implementation Plan emission limitation including those with a future compliance date;
- (c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date; or
- ~~((e))~~ (d) The emission rate specified by an applicable regulatory order.

~~((5))~~ (6) "Ambient air" means the surrounding outside air.

~~((6))~~ (7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

~~((7))~~ (8) "Authority" means the Southwest Air Pollution Control Authority.

~~((8))~~ (9) "Best available control technology, (BACT)" means ~~((technology which will result in))~~ an emission limitation ~~((including visible emission standard))~~ based on the maximum degree of reduction for each air pollutant subject to ~~((this))~~ regulation ~~((which would be))~~ under Chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the ((permitting)) Authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source(s) or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, ((or treatment)) clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any air pollutants which ((would)) will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on May 7, 1993, or their later enactments as adopted by reference by the Authority by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990. ((If the reviewing agency determines that technological or economic limitations on

the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of Best Available Control Technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.((152))161 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as Best Available Control Technology.)

(10) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

~~((9))~~ (11) "Board" means the Board of Directors of the Southwest Air Pollution Control Authority.

~~((10))~~ (12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) ~~((or units))~~ in exchange for a decrease in emissions from another emissions unit(s) ~~((or units))~~, pursuant to RCW 70.94.155, and SWAPCA 400-120.

~~((13))~~ "Building, structure, facility, or installation" means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.)

~~((11))~~ (13) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

~~((12))~~ (14) "Class I area" means any ~~((federal, state, or indian land which is classified or reclassified))~~ area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area.

PERMANENT

The following areas are the Class I areas (~~in~~ ~~Washington State~~) potentially affected by emissions from sources within SWAPCA jurisdiction:

- 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;~~
- Mt. Hood Wilderness Area;
- Mt. Jefferson Wilderness Area.

- ~~((13))~~ (15) "Combustion and incineration sources" means ~~((sources))~~ emissions units using combustion for waste disposal, steam production, chemical recovery or other process requirements~~((:))~~, but excludes open burning.
- ~~((14))~~ (16) "Commenced construction" means that an owner or operator has all the necessary pre-construction approvals or permits and either has:
 - (a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
 - (b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- ~~((15))~~ (17) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.
- ~~((16))~~ (18) "Control Officer" means the ~~((air pollution control officer))~~ Executive Director of the Southwest Air Pollution Control Authority.
- ~~((18))~~ ~~"Department" means the Department of Ecology;)~~
- (19) "Director" means the director of the Washington State Department of Ecology or ~~((his))~~ duly authorized representative.
- ~~((17))~~ (20) "Dispersion technique" means ~~((any one of the following:~~
 - ~~(a) A stack whose height exceeds good engineering practice; or~~
 - ~~(b) an intermittent or supplemental control of pollutants varying with atmospheric conditions, including any method which attempts to affect the concentration of a pollutant according to atmospheric conditions and the manipulation of source process parameters or selective handling of exhaust gas streams; or~~
 - ~~(c) Use of a fan or reheater to obtain a less stringent emission limitation;)~~ a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.
- (21) "Ecology" means the Washington State Department of Ecology.

- ~~((20))~~ (22) "Emission" means a release of air contaminants into the ambient air.
- ~~((22))~~ (23) "Emission reduction credit (ERC)" means a credit granted ~~((to a source for a voluntary reduction in actual emissions;))~~ pursuant to SWAPCA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and to establish a framework to promote a market based approach to air pollution control.
- ~~((22))~~ (24) "Emission standard" ~~((means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission;))~~ and "emission limitation" mean a requirement established under the FCAA or Chapter 70.94 RCW or local regulation which limits the quantity, rate, or concentration of emissions of air ~~((pollutants))~~ contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment, work practice, or operational standard promulgated under the FCAA or Chapter 70.94 RCW.
- ~~((23))~~ (25) "Emissions unit" means any ~~((equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law;))~~ part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, Chapter 70.94 RCW or Chapter 70.98 RCW.
- ~~((24))~~ (26) "Excess emissions" means emissions of an air pollutant in excess of ~~((an))~~ any applicable emission standard.
- (27) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in SWAPCA 400-200(2).
- (28) "Executive Director" means the Control Officer of the Southwest Air Pollution Control Authority.
- (29) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are

located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.*

(30) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(31) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

~~((26)) "Fire Department" means fire control agency such as city fire department, local fire districts, or the Washington State Department of Natural Resources.)~~

~~(25)~~ (32) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((27))~~ (33) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, ((man's)) human activity, or both. ((Such as)) Unpaved roads, construction sites, ((or)) and tilled land ((Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind).)) are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

~~((28))~~ (34) "Fugitive emissions" means emissions which do not pass and which could not reasonably be collected to pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((29))~~ (35) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((30))~~ (36) "Good engineering practice (GEP)" refers to ((the height of a stack and means one of the following, whichever is the greatest:

~~(a) Sixty five meters; or~~

~~(b) Height determined by formula. For stacks in existence on or before January 12, 1979, formula height is two and one-half times the height of any nearby structure. For stacks constructed after January 12, 1979, formula height is the height of any nearby structure plus one and one-half times the height or width of said structure, whichever is lesser. The height of the nearby structure is measured from ground level at the base of the stack. "Nearby", as used in this paragraph, means that distance up to five times the lesser of the height or width dimension of said structure, but no greater than .8 kilometer; or~~

~~(c) Height determined by physical demonstration of need to prevent excessive concentrations of a~~

~~pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. To make such a demonstration it is required that maximum concentrations caused by the source's emissions from its proposed stack height, without consideration of nearby structures or terrain obstacles, will increase at least forty percent when the effects of the structures or terrain obstacles are considered. This difference in concentrations must be shown either by a fluid model study conducted in accordance with guidelines published by the environmental protection agency or by a field study which has been approved by the Authority. Such a study may be approved only after public involvement pursuant to Section 400-140.)~~

a calculated stack height based on the equation specified in SWAPCA 400-200 (2)(a)(ii).

~~((31))~~ (37) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((32))~~ (38) "In operation" means engaged in activity related to the primary design function of the source.

(39) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

~~((33))~~ (40) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source((;)) ~~((whichever is more stringent)).~~

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

~~((34)) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.)~~

~~((40))~~ (41) "Major modification" means ((a), (b) or (c) of this subsection, whichever is the most stringent:

~~(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions~~

increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

- (i) ~~Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or~~
 - (ii) ~~Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or~~
 - (iii) ~~Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or~~
 - (iv) ~~Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or~~
 - (v) ~~An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.~~
- (b) ~~Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.~~
- (c) ~~Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.)~~ any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone. A physical change or change in the method of operation shall not include:
- (a) Routine maintenance, repair, and replacement;
 - (b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation)

or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

- (c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;
 - (d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (e) Use of an alternative fuel or raw material by a stationary source which:
 - (i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a Prevention of Significant Deterioration permit or Notice of Construction approval; or
 - (ii) The source is approved to use under any federally enforceable notice of construction approval or a PSD permit issued by the Environmental Protection Agency;
 - (f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a Prevention of Significant Deterioration permit or a Notice of Construction approval;
 - (g) Any change in ownership at a stationary source.
- ((36) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.))
- (42) "Major stationary source" means:
- (a) Any stationary source which:
 - (i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the Washington State or Federal Clean Air Acts;
 - (ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;
 - (iii) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or
 - (iv) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.
 - (b) Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;
 - (c) A major stationary source that is major for VOCs or Nox shall be considered major for ozone;
 - (d) The fugitive emissions of a stationary source shall not be included in determining whether it is a

major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (a)(iii) or (iv) of this subsection:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cements plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(e) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

((35)) (43) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA.

The mandatory Class I federal areas potentially affected by emissions from sources within SWAPCA jurisdiction ((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;))
Mt. Hood Wilderness Area;
Mt. Jefferson Wilderness Area.

((37)) (44) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

((38)) (45) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(46) "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 source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

((39)) (47) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61((, as promulgated prior to December 1, 1986)).

(48) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

((40)) (49) "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

((a) Any increase in actual emissions of a pollutant resulting from a physical change in method of operation of a specific emission unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change: Provided, that

(i) Said other increase or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

- ~~(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and~~
- ~~(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.)~~
- (i) Any increase in actual emissions from a particular change or change in method of operation at a 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 the changes in actual emissions occur between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.
- (c) An increase or decrease in actual emissions is creditable only if:
- (i) It occurred no more than one year prior to the date of submittal of a complete Notice of Construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.
- (ii) The Authority or Ecology has not relied on it in issuing any permit or Order of Approval for the source under regulations approved pursuant to 40 CFR 51.165 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in emissions from the particular change occurs.
- (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (e) A decrease in actual emissions is creditable only to the extent that:
- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
- (ii) It is federally enforceable at and after the time that actual construction on the particular change begins;
- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
- (iv) The Authority has not relied on it in issuing any permit, regulatory order or Order of Approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 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.
- ~~((41)) (50) "New source" means: ((a source which commences construction after the effective date of this regulation. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source.))~~
- (a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted;
- (b) Any other project that constitutes a new source under the Federal Clean Air Act; or
- (c) Restart after a lapse in one year or more in payment of registration fees or operating permit fees.
- (d) Restart after a period of five years of non-operation where registration or operating permit fees have been paid.
- ~~((42)) (51) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60((, as promulgated prior to December 1, 1986)) and adopted by the Authority in SWAPCA 400-115.~~
- ~~((43)) (52) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a National Ambient Air Quality Standard or standards for one or more of the criteria pollutants.~~
- ~~((51)) (53) "Notice of Construction Application (NOC)" means a ((document which makes application for permission to construct a new source or to accomplish the modification of an existing source.)) written application to request approval for construction of a new source, modification of an existing stationary source or replace-~~

- ment or substantial alteration of control technology at an existing stationary source or portable source.
- ((45)) (54) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.
- ((46)) (55) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Open burning includes all forms of outdoor burning except those listed as exempt in SWAPCA 425-020. Wood waste disposal in wigwam burners is not considered open burning.
- (56) "Order" or Regulatory Order means any order issued by the Authority pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, compliance schedule, consent order, order of denial, order of violation, order of prevention and regulatory order.
- (57) "Order of Approval" and "Approval Order" mean a regulatory order issued by the Authority to approve the Notice of Construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source or portable source.
- ((48)) (58) "Particulate matter" or "particulates" means ~~((small discrete masses of liquid or solid, exclusive of uncombined water at standard conditions.))~~ any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- (59) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington State Implementation Plan.
- ((47)) (60) "~~((ppm-p))~~Parts per million~~((s))~~ (ppm)" means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppm of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.
- ((49)) (61) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- (62) "PM₁₀" 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.
- (63) "PM₁₀ 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.
- (64) "Potential to emit" means the maximum capacity (i.e., design capacity) of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.
- ((50)) (65) "Prevention of significant deterioration (PSD)" means ~~((the federal regulations set forth in 40 CFR Subpart 52.21 as promulgated prior to December 1, 1986, and as modified by WAC 173-403-080.))~~ the program set forth in WAC 173-400-141.
- (66) "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.
- (67) "Reasonably attributable" means attributable by visual observation or any other technique the Authority deems appropriate.
- ((51)) (68) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category ~~((may))~~ shall be adopted ~~((as an order or regulation))~~ only after public ~~((involvement per Section 400-140-))~~ notice and opportunity for comment are afforded. RACT shall apply to existing sources.
- ((52)) (69) "Regulatory order" means an order issued by the Authority to an air contaminant source ~~((which approves a notice of construction and/or limits emissions and/or establishes other~~

air pollution control requirements)) which applies to that source, any applicable provision of Chapter 70.94 RCW, or the rules adopted thereunder, or, the regulations of the Authority.

(70) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	40

~~((53))~~ "Significant emissions" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen Oxides	40		
Sulfur Dioxide	40	800	80
Volatile Organic Compounds	40		
Particulates	25	500	50
Lead	.6		
Total Reduced Sulfur (as H ₂ S)	10		
Total Fluoride	3)		

(71) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of a Class I area as defined in Section 162(a) of the FCAA. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

~~((54))~~ (72) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous and adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major

group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

~~((55))~~ (73) "Source category" means all sources of the same type or classification as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

(74) "Southwest Air Pollution Control Authority (SWAPCA)" or "Authority" means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(75) "Stack" means any emission point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(76) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

~~((56))~~ (77) "Standard conditions" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury except as otherwise specified.

(78) "State Implementation Plan, (SIP)" means a comprehensive plan developed/prepared by the Washington State Department of Ecology with assistance from the Southwest Air Pollution Control Authority, other regional air pollution control authorities and other interested planning and governing entities, and submitted to EPA for approval, which provides for implementation, maintenance and enforcement of the primary and secondary National Ambient Air Quality Standards.

(79) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.

(80) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(81) "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.

(82) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1992.

(83) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

(84) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

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- (85) "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.
- (86) "Volatile organic compound (VOC)" means:
 - (a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:
 - (i) Cyclic, branched, or linear completely fluorinated alkanes;
 - (ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and
 - (iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
 - (b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC.

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

AMENDATORY SECTION

~~(Section)~~ **SWAPCA 400-040 General standards for maximum emissions.** All sources and emissions units are required to meet the emission standards of this ~~(chapter)~~ section. Where an emission standard listed in another section is applicable to a specific emissions unit, such standard shall take precedent over a general emission standard listed in this section. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the

emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of this regulation ~~(§)~~ or any chapter of Title 173 WAC. ~~((In cases)) ((*)~~ Where current controls are determined to be less than ~~((reasonably available control technology - ()))~~ RACT ~~((,))~~, the Authority shall, ~~((on a case by case basis))~~ as provided in Section 8, Chapter 252, Washington State Laws of 1993, define RACT for each source or source category and issue a rule or regulatory order ~~((to the source or sources for))~~ requiring the installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined by certified observer in accordance with EPA Method 9 "Visual Determination of the Opacity of Emissions from Stationary Sources" as specified in 40 CFR 60 Appendix A except:

- (a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. ~~((As such, §))~~ This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Authority shall ~~((to))~~ be advised of the schedule.

~~((b))~~ ~~Hog fuel boilers.~~

- ~~(i)~~ ~~Hog fuel boilers shall meet all provisions of Section 400-040 and 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. As such, this practice is to be scheduled for the same specific times each day and the Authority shall be notified as to the schedule.~~

- ~~(ii)~~ ~~All hog fuel boilers shall utilize reasonable available control technology. All emissions units shall be operated and maintained to minimize emissions.)~~

~~((e))~~ (b) When ~~((to))~~ the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

~~((d))~~ (c) When two or more sources are connected to a common stack, ~~((an adjusted time limit may be allowed at the discretion of~~

~~the Control Officer.)~~ the Authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) ~~((Preventing particulate matter from being deposited.))~~ Fallout. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) Fugitive emissions. The owner or operator of any emissions unit ~~((involving))~~ engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use ~~((reasonably))~~ reasonable and available control ~~((technology))~~ methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated. ((Significance will be determined by EPA interpretive ruling for PSD and offsets on file with the Authority.))

(4) Odors.

~~((a))~~ (a) ((No)) Any person who shall ((allow)) cause((, let, permit)) or ((suffer)) allow the ((emission)) generation of any odor((ous gases)) from any source, ((except as provided in this regulation, in such concentration as to cause a public nuisance or exceed:)) which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

~~((a))~~ (b) A scentometer No. 1 odor strength or equivalent dilution in residential and commercial areas shall not be exceeded.

~~((b))~~ (c) A scentometer No. 3 odor strength or equivalent dilution in all other land use areas shall not be exceeded.

Scentometer Readings

Scentometer No.	Concentration Range No. of Thresholds
0	1 to 2
1	2 to 8
2	8 to 32
3	32 to 128
4	128

(d) A violation of this section shall have occurred when two measurements made within a period of one (1) hour, separated by at ((least)) least fifteen

(15) minutes, off the property surrounding the air contaminant source exceeds the scentometer limitations set hereunder.

(e) When the source is a manufacturing process, no violation of this section shall have occurred provided that the Best Available Control Technology ((shall be)) is provided.

(5) Emissions ~~((of air contaminants))~~ detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source~~((, including any air contaminant whose emission is not otherwise prohibited by this chapter.))~~ if ~~((the air contaminant causes))~~ it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide. No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent CO₂, as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes, except ((as follows)):

~~((a))~~ W) when the owner or operator of an emissions unit supplies emission data and can demonstrate to the Authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, the Authority may require ((the owner of operator to equip, operate and maintain continuous ambient air monitoring stations at locations approved by the Authority and using equipment approved by the Authority.)) specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results ((will)) shall be made available upon request and a monthly summary ((will)) shall be submitted to the Authority.

~~((b))~~ When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the authority.)

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this ~~((regulation))~~ section.

(8) Fugitive dust sources.

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to ~~((the nonattainment status of a designated nonattainment area shall be required to use reasonable available control tech-~~

PERMANENT

~~nology to control emissions. Significance will be determined by EPA interpretive ruling for PSD and offset as on file with the Authority.)~~ a PM₁₀ nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. Significance will be determined by the criteria found in SWAPCA 400-113(3).

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

AMENDATORY SECTION

~~((Section))~~ **SWAPCA 400-050** ~~((Minimum))~~ **Emission standards for combustion and incineration units.**

- (1) Combustion and incineration emissions units ~~((must))~~ shall meet all requirements of ~~((Section))~~ **SWAPCA 400-040** and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit ~~((utilizing the combustion of))~~ combusting wood derived fuels for the production of steam~~((s))~~. ~~((#))~~ No person shall allow or permit the emission of particulate matter from an emissions unit combusting wood derived fuels in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 or other acceptable sampling methods approved in advance by the Authority including but not limited to procedures contained in "Source Test Manual - Procedures For Compliance Testing", State of Washington, Department of Ecology, as of July 12, 1990, on file at the Authority.
- (2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable sampling methods or other acceptable procedures approved in advance by the Authority including but not limited to those methods contained in "Source Test Manual - Procedures for Compliance Testing", State of Washington, Department of Ecology, on file at the Authority. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the ~~((Control Officer))~~ Authority.
- (3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen, except when the Authority ~~((may))~~ determines that an alternate oxygen correction factor is more ~~((appropriate))~~ representative of normal operations.

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

NEW SECTION

SWAPCA 400-052 Stack sampling of major combustion sources

- (1) General Requirements. No owner or operator of a major source which is also a combustion or incineration source shall operate the source except in compliance with the requirements of this section.

- (2) Applicability. All sources that are designated as major as a result of the operation of a combustion or incineration unit (or units) where the combined emissions of a single pollutant from the combustion or incineration unit (or units) are 100 tons per year or more of oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds.
- (3) Emissions Sampling Requirements. The owner or operator of a major combustion or incineration source identified in (2) shall cause or conduct emissions tests at least once every two calendar years to quantify emissions of the pollutants for which the source has been designated major. In the event that the combined emissions of a single pollutant from several emissions units establishes the source as major, emissions tests shall be conducted at least once every two calendar years for all emissions units which emit 30 percent or more of the emissions of the pollutant for which the source has been designated major.
- (4) Sampling Methods. All emissions tests shall be conducted in accordance with the specific test methods approved in advance by the Authority.
- (5) Additional Requirements. Nothing in this section shall be construed as to limit the ability of the Authority to impose additional or supplemental emissions testing requirements for any emissions unit within the Authority's jurisdiction in accordance with SWAPCA 400-105(4).
- (6) Alternative Sampling Schedules. The Authority may on a case-by-case basis, accept or require an alternative emissions sampling schedule provided sufficient source-specific sampling data exists to adequately demonstrate that the source is capable of continuous compliance with any emission standards that are applicable to the source. Alternative sampling schedules shall be based upon measured emissions relative to the applicable emissions limitation. The Authority may reduce the frequency of the required emissions testing.
- (7) Continuous Emissions Monitors. The use of continuous emissions monitors shall be acceptable as an alternative emissions sampling schedule.

AMENDATORY SECTION

~~((Section))~~ **SWAPCA 400-060** ~~((Minimum))~~ **Emission standards for general process units.** General process units shall ~~((be required to))~~ meet all applicable provisions of ~~((Section))~~ **SWAPCA 400-040** ~~((above))~~ and, ~~((in addition,))~~ no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR Appendix A which are adopted by reference and any other appropriate test procedures approved in advance by the Authority including but not limited to the methods and procedures contained in Ecology's "Source Test Manual - Procedures For Compliance Testing" as of July 12, 1990, shall be used to determine compliance.

NEW SECTION

SWAPCA 400-070 Emission standards for certain source categories. The Authority finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of SWAPCA 400-040, SWAPCA 400-050 and SWAPCA 400-060.

- (1) Wigwam burners.
 - (a) The use of wigwam burners is prohibited effective January 1, 1994.
- (2) Hog fuel boilers.
 - (a) Hog fuel boilers shall meet all provisions of SWAPCA 400-040 and SWAPCA 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.
 - (b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.
- (3) Orchard heating.
 - (a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.
 - (b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.
- (4) Grain elevators. Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of SWAPCA 400-040 (1), (2), (3), (4), (5) and (8).
- (5) Catalytic cracking units.
 - (a) All existing catalytic cracking units shall meet all provisions of SWAPCA 400-040 (1), (2), (3), (4), (5), (6), (7) and (8):
 - (i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity.
 - (ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.
 - (b) All new catalytic cracking units shall install BACT which may be more stringent than the provisions of SWAPCA 400-115.

- (6) Other wood waste burners.
 - (a) Wood waste burners not specifically provided for in this section shall meet all provisions of SWAPCA 400-040.
 - (b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.
- (7) Sulfuric acid plants. No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.

REPEALER

Section 400-075 Emission standards for sources emitting hazardous air pollutants

NEW SECTION

SWAPCA 400-075 Emission standards for sources emitting hazardous air pollutants.

Section 173-400-075 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all aspects as though the sections were set forth herein in full.

NEW SECTION

SWAPCA 400-081 Startup and shutdown. In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the Authority shall consider any physical and operational constraints on the ability of a source to comply with the applicable standard during startup or shutdown. Where the Authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, the Authority shall include in the Operating Permit appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions. In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the Authority shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this section. Any emission limitation or other parameter adopted under this section which increases allowable emissions during startup or shutdown conditions over levels authorized in the Washington State Implementation Plan shall not take effect until approved by EPA as a SIP amendment.

NEW SECTION

SWAPCA 400-090 Voluntary limits on emissions. (1) Upon request by the owner or operator of a source, the Authority shall issue a regulatory order which reduces that

source's potential to emit to an amount agreed to by the owner or operator and the Authority.

(2) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of that air contaminant under all applicable requirements of Chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington State Implementation Plan.

(3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any emission limit established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of SWAPCA 400-105.

(4) Any order issued under this section shall be subject to the notice and comment procedures under SWAPCA 400-171.

(5) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington State Implementation Plan. Any proposed increase in emissions above limits contained in an order issued under this section shall require revision or revocation of the order.

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

October 1993
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ARTICLE 1
POLICY, SHORT TITLE, AND DEFINITIONS

ADOPTED: October 7, 1993

EFFECTIVE:

Section 1.01 Policy

The Benton Franklin Walla Walla Counties Air Pollution Control Authority, co-extensive with the boundaries of Benton, Franklin, and Walla Walla Counties, has been activated by the Washington Clean Air Act, Chapter 70.94 RCW as amended. The Benton Franklin Walla Walla Counties Air Pollution Control Authority, declared to be and directed to function as a multi-county authority, adopts this Regulation as well as Chapter 70.94 RCW as amended to control the emissions of air contaminants from all sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.

It is hereby declared to be the public policy of the Benton Franklin Walla Walla Counties Air Pollution Control Authority to secure and maintain such levels of air quality that protect human health and safety, including the most sensitive members of the population, to comply with the requirements of the federal clean air act, to prevent injury to plant and animal life and to property, to foster the comfort and convenience of its inhabitants, to promote the economic and social development of the Counties and to facilitate the enjoyment of the natural attractions of the Counties.

It is further the intent of this Regulation to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

This Regulation adopts the Revised Code of Washington (RCW) and Washington Administrative Codes (WAC) to the extent applicable to this Authority. This Authority has

included additional requirements to the adopted codes where the Authority deems it necessary.

Section 1.02 Name of Authority

The name of the Counties' Air Pollution Control Authority, co-extensive with the boundaries of Benton, Franklin, and Walla Walla Counties, shall be known as the "BENTON FRANKLIN WALLA WALLA COUNTIES AIR POLLUTION CONTROL AUTHORITY".

Section 1.03 Short Title

This regulation shall be known and cited as "Regulation 1 of the Benton Franklin Walla Walla Counties Air Pollution Control Authority."

ARTICLE 2
GENERAL PROVISIONS

ADOPTED: October 7, 1993

EFFECTIVE:

Section 2.01 Powers and Duties of the Board

Pursuant to the provisions of the "Washington Clean Air Act" RCW 70.94, the Board shall establish such procedures and take such action as may be required to implement Section 1.01 of this Regulation consistent with the State Act and other applicable laws. The Board may take such action as may be necessary to prevent air pollution including control and measurement of the emission of air contaminant from a source. The Board shall appoint a Control Officer competent in the control of air pollution who shall, with the Board's advice and approval, enforce the provisions of this Regulation and all ordinances, orders, resolutions, or rules and regulations of this Authority pertinent to the control and prevention of air pollution in the Counties.

The Board shall have the power to hold hearings relating to any aspect of or matter in the administration of this Regulation and in connection therewith issue subpoenas to compel the attendance of witnesses and production of evidence, administer oaths and take the testimony of any person under oath.

The Board shall have the power to adopt, amend and repeal its own ordinances, resolutions, rules, or orders and regulations. Any adoption, amendment, or repeal of the Board's ordinances, resolutions, rules, or orders and regulations shall be made after due consideration at a public hearing held in accordance with Chapter 42.30 RCW, and shall have the same force and effect as all other of the Board's ordinances, resolutions, rules, or orders and regulations as soon as adopted by the Board. (See RCW 70.94.141)

Section 2.02 Control Officer's Duties and Powers

- A. The Control Officer and/or his authorized agents shall observe and enforce the provisions of the State Law and all orders, ordinances, resolutions, or rules and regulations of the Authority pertaining to the control and prevention of air pollution pursuant to the policies set down by the Board.
- B. The Control Officer, with the approval of the Board, shall have the authority to appoint and remove such employees as are necessary to the

performance of the duties assigned to him and to incur necessary expenses within the limitations of the budget.

- C. The Control Officer shall maintain appropriate records and submit reports as required by the Board, the State Agency, and the appropriate Federal Agencies.
- D. The Control Officer may engage, at the Authority's expense, within the limitation of the budget, 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 within the Authority's jurisdiction.
- 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 duly authorized representatives 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 duly authorized representatives 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. (RCW 70.94.200)
- F. If the Control Officer or an authorized employee of the Authority during the course of an inspection 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 shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place, and the Control Officer or the authorized employee of the Authority shall give a receipt to the owner or lessee for the sample obtained.
- G. The Control Officer shall be empowered by the Board to sign official complaints or issue citations or initiate court suits or use other legal means to enforce the provisions of this Regulation.

Section 2.03 Confidential Information

Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, pursuant to Chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to adversely affect the competitive position of such owner or operator if released to the public or to a competitor and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Department of Ecology or the Authority. (RCW 70.94.205)

Section 2.04 Violations

- A. At least thirty days prior to the commencement of any formal enforcement action under Chapter

70.94.430 RCW or Chapter 70.94.431 RCW the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of the State Law or of this 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 Hearings 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.

Section 2.05 Orders and Hearings

- A. Any order issued by the Board or by the Control Officer, which is not preceded by a hearing, shall become final unless such order is appealed to the Hearings Board no later than thirty (30) days after the date the notice and order are served. All petitions of appeal from the notice and order are to be filed with the offices of the Pollution Control Hearings Board of Washington. (Chapter 43.21B RCW)

Section 2.06 Appeals From the Board, Judicial Review

- A. Any order issued by the Board after a hearing shall become final unless no later than thirty days after the issuance of such order, a notice of appeal is filed with the Hearings Board as provided in RCW 43.21(B).
- B. Any order issued by the Board after the hearing shall become final unless no later than thirty days after the issuance of such order, a petition requesting judicial review is filed in accordance with the provisions of Chapter 34.04 RCW and now or hereafter amended. When such a petition is filed, the Superior Court shall initiate a hearing pursuant to RCW 34.04.130 within ninety days after the receipt of the petition requesting judicial review. Every appeal from a decision of the Superior Court shall be heard by the appropriate appellate courts as soon as possible. Such appeals shall be considered a case involving issues of broad public import requiring prompt and ultimate determination.

Section 2.07 Status of Orders and Appeals

- A. Any order of the Board or the Control Officer shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing the Superior Court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.
- B. Nothing in this Regulation shall prevent the Board or Control Officer from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

Section 2.08 Falsification of Statement or Document, Unlawful Alteration of Documents, Display of Documents and Their Removal, Or Mutilation Prohibited

- A. No person shall willfully make a false or misleading statement to the Board or their authorized representatives as to any matter within the jurisdiction of the Board.
- B. No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate or other paper issued by the Agency if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.
- C. Any order or registration certificate required to be obtained by this Regulation shall be available on the premises designated on the order or certificate, unless otherwise authorized by the authority.
- D. In the event the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

Section 2.09 Service of Notice

- A. Service of any written notice required by this Regulation shall be made on the owner or lessee of equipment, or his agent as follows:
 1. Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order of registration certificate or at the address where the equipment is located, by United States Postal Service Certified Mail, return receipt requested, or,
 2. By leaving the notice with owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, then a member of the partnership or other concerned or with an officer or managing agent of the corporation.
- B. Service of any written notice required by this Regulation shall be made to the Authority as follows:
 1. Either by mailing the notice in a prepaid envelope directed to the Authority at its office, by United States Postal Service Certified Mail, return receipt requested, or
 2. By leaving the notice at the Authority office with an employee of the Authority.

Section 2.10 Severability

If any phrase, clause, subsection or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted the Regulation without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the Regula-

tion shall not be affected as a result of said part being held unconstitutional or invalid. (RCW 70.94.911)

Section 2.11 Penalties

A. Criminal Penalties

1. Any person who knowingly violates any of the provisions of Chapter 70.94 RCW or any regulation, ordinance, or resolution in force pursuant thereto, is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment in the county jail or by both fine and imprisonment as provided by Chapter 70.94 RCW 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 the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment or both as provided by Chapter 70.94 RCW.
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 the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment or both as provided by Chapter 70.94 RCW.
4. Any person who knowingly fails to disclose a potential conflict of interest under Chapter 70.94.100 RCW is guilty of a gross misdemeanor, and upon conviction thereof, is subject to a fine as provided by Chapter 70.94 RCW.

B. Other Penalties

1. 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 and regulations of the Department of Ecology or this Authority in force under this chapter may incur a civil penalty in an amount not to exceed that provided by Chapter 70.94 RCW for each violation. Each such violation is a separate and distinct offense, and in case of a continuing violation, each day's continuance is a separate and distinct violation.
- b. Any person who fails to take action as specified by an order issued pursuant to

Chapter 70.94 RCW or this Regulation is liable for a civil penalty in an amount not to exceed the penalty authorized by Chapter 70.94 RCW for each day of continued noncompliance.

2. Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by 19.52.020 RCW on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.
3. Each act of commission or omission which procures, aids, or abets in the violation is a violation under the provisions of this section and subject to the same penalty.
4. The penalty is 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 Pollution Control Hearings Board as provided in Chapter 43.21B RCW. When a request is made for a hearing, the penalty is 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 within thirty days after it becomes due and payable, and a request for a hearing has not been made, the Board or Control Officer, shall bring an action to recover such penalty. The penalties provided by Chapter 70.94 RCW and this section are imposed pursuant to Chapter 43.21B.300 RCW.
5. All penalties recovered under this section by the Authority are payable to the treasury of the Authority and credited to its funds.
6. To secure the penalty incurred under this section, the State or the Authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in Chapter 60.36.050 RCW.
7. In addition to other penalties provided by this section, persons falsifying emission data or other information used to set fees, or persons required to pay emission, registration, permit, or any other fee payable to the Authority who are more than ninety days late with such payments are subject to a penalty equal to three times the amount of the original fee owed.

Section 2.12 Restraining Order - Injunction - Other Court Order

Notwithstanding the existence or use of any other remedy whenever any person has engaged in, or is about to engage in, acts or practices which constitute or will constitute a violation of any provision of this regulation or any rule, regulation or order issued by the Board or Control Officer or his authorized agent, the Board, or their designee, after notice to such person and an opportunity to comply, may petition the County Superior Court for a restraining order or a temporary or permanent injunction or another appropriate order. (RCW 70.94.425)

ARTICLE 3 VARIANCES, WHEN PERMITTED

Adopted: October 7, 1993

Revised:

Section 3.01 Variances

- A. Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, including a group of persons who owns or controls like processes or like equipment, may apply to the Board for a variance from rules or regulations governing the quality, nature, duration, or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing or due notice, if it finds that:
 1. The emissions occurring or proposed to occur do not endanger public health or safety; and
 2. Compliance with the rules or regulations from which variances is sought would produce serious hardship without equal or greater benefits to the public.
- B. No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.
- C. Any variance or renewal thereof shall be granted within the requirements of Subsection A and for a time period and under conditions consistent with the reasons therefore, and within the following limitations:
 1. If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternate measure that the Board may prescribe.
 2. If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought

- will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable times, as in the view of the Board, is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.
3. If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in Item 1 and 2, it shall be for not more than one (1) year.
- D. Any variance granted pursuant to this section may be renewed on terms and conditions and for period which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.
 - E. A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. Any applicant adversely affected by the denial of the terms and conditions of the granting of an application for a variance or renewal of the variance by the Board, may obtain judicial review thereof only under the provisions of Chapter 43.21B RCW.
 - F. Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 of the Washington Clean Air Act to any person or his property. (RCW 70.94.181)

ARTICLE 4

Air Operating Permits

ADOPTED: October 7, 1993

EFFECTIVE:

Section 4.01 Intent to Implement

This article is a statement of intent to implement the Air Operating Permits program of Washington State pursuant to RCW 70.94 as amended and all regulations promulgated from RCW 70.94 and adopted on or before the effective date of this regulation (Regulation 1). Implementation of this program will be contingent on delegation of authority from the U.S. Environmental Protection Agency and the Washington State Department of Ecology.

Section 4.02 Applicability

- I. Operating permits shall apply to all sources where:

- A. It is required by the Federal Clean Air Act, and;
- B. For any source that may cause or contribute to air pollution in such quantity as to create a threat to public health and welfare. This subsection shall not apply to small businesses except when both of the following limitations are satisfied:
 1. That source is in an area exceeding or threatening to exceed federal or state air quality standards.
 2. The Authority provides reasonable justification that requiring a source to have a permit is necessary in order to meet federal or state air quality standards.

Section 4.03 Program Delegation

The delegation order authorizing the Benton Franklin Walla Walla Counties Air Pollution Control Authority to administer an air operating permit program shall become effective ninety days after approval by the United States Environmental Protection Agency.

Section 4.04 Permit Application

- A. Within one hundred eighty days after EPA approval of the Authority's permitting program, any source required to have a permit shall submit to the Authority a compliance plan and a permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided such sources submit complete and timely permit applications.
- B. New Sources which commence operation after EPA approval of the Authority's permitting program and which are required to have a permit shall file a complete permit application within twelve months after commencing operation.
- C. Unless the Authority determines that an application is not complete within sixty days of receipt of the application, such application shall be deemed to be complete.

Section 4.05 Permit Content

- A. Each air operating permit shall state the origin of the specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:
 1. The Federal Clean Air Act and rules implementing that act, including provisions of the approved state implementation plan, and;
 2. RCW 70.94 and the rules adopted thereunder, and;
 3. The requirements of any order or regulation adopted by the Authority, and;
 4. Chapter 70.98 RCW and rules adopted thereunder, and;
 5. Chapter 80.50 RCW and rules adopted thereunder.
- B. The Authority shall issue permits for a fixed term of five years.

Section 4.06 Permit Issuance, Renewal, Reopenings, and Revisions

- A. A proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Benton Franklin Walla Walla Counties Air Pollution Control Authority or the Department of Ecology.
- B. The Authority shall take final action on each permit application within eighteen months of receiving a complete application except during a transition period (not to exceed three years) that will begin the effective date of the permit program. During the transition period the Authority shall take final action on at least one-third of all operating permit applications annually.
- C. A source shall submit an application for permit renewal no later than six months prior to the expiration date of the permit.
- D. A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the Federal Clean Air Act.

Section 4.07 Public Involvement

All proposed permits shall be subject to public notice and comment. The Authority shall respond to comments received from interested parties prior to the time that the proposed permit is submitted to the EPA for review pursuant to Section 505(a) of the Federal Clean Air Act. In the event that the EPA objects to a proposed permit pursuant to Section 505(a) of the Federal Clean Air Act, the Authority shall not issue the permit, unless the permittee consents to the changes required by the EPA.

Section 4.08 Fee Assessment

All eligible sources under this chapter shall be subject to the interim and subsequent annual fees described in Article 10, Section 10.08 of this Regulation.

ARTICLE 5 Open Burning

ADOPTED: October 7, 1993

EFFECTIVE:

Section 5.01 WAC Adoption by Reference.

This article adopts all provisions of the following Washington Administrative Code by reference and makes it a part of Regulation 1 of this Authority: **WAC 173.425, "Open Burning."**

Section 5.02 Additional Requirements of this Authority

- A. For areas within the jurisdiction where burning is allowed, the Authority will make daily "burn" or "no-burn" designations based on current monitoring and meteorological data. This information will be provided daily on a published burn-message phone line, and/or through the local media.
- B. A person burning under this section must follow these requirements and restrictions:

1. Unless otherwise specified, on "burn days" open burning may be conducted in areas where open burning is allowed only between the hours of 9 a.m. and one hour before Sunset.
 2. The fire must not include the following materials: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke, or odors.
 3. A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.
 4. No fires are to be within fifty feet of structures.
 5. The pile must not be larger than four feet by four feet by three feet.
 6. Only one pile at a time may be burned, and each pile must be extinguished before lighting another.
 7. No outdoor fire is permitted in or within 500 feet of forest slash.
 8. If the fire creates a nuisance, it must be extinguished.
 9. Permission from the landowner or the landowner's designated representative must be obtained before starting an open fire.
- C. No open burning shall be allowed on construction or demolition sites.
- D. Special burning permits
1. No building, structure, or vessel may be demolished by intentional burning, either for demolition or for fire training, without a written approval, in the form of a special burning permit, from the Authority. The special permit will contain restrictions regarding prohibited materials, fire safety, asbestos removal or demolition, and other restrictions as deemed necessary. Special burn permits shall be subject to a fee as described in Section 10.09.
 2. No burning of large quantities of unprocessed or processed natural vegetation accumulated from land clearing or other activities or events is allowed except by written special permit from the Authority. Special burning permits will specify restrictions and conditions on a case by case basis. Special burning permits shall be subject to a fee as described in Section 10.09. Agricultural burning as defined in 173-430-020 on commercially viable agricultural enterprises is exempted.
 3. When anyone under the jurisdiction of this Authority would like to apply for a special

burning permit to allow them to perform an operation or procedure otherwise not granted under this Article, they may submit a Request for Special Burning Permit (RSBP) at least five (5) working days prior to the proposed activity to the Authority with an application fee as described in Article 10, Section 10.09. Payment of the fee shall not guarantee the applicant that the request will be approved. The RSBP must include the name, address and phone number of the applicant, a detailed explanation of the requested special permit, purpose of the special permit, and how the applicant would incur hardship without the special permit.

**ARTICLE 6
Agricultural Burning**

ADOPTED: October 7, 1993

EFFECTIVE:

Section 6.01 WAC Adoption by Reference.

This article adopts all provisions of the following Washington Administrative Code by reference and makes it a part of Regulation 1 of this Authority: **WAC 173.430, "Agricultural Burning."**

Section 6.02 Additional Requirements of this Authority

- A. Agricultural burning will be allowed only on designated "burn days." The Authority will make daily "burn" or "no-burn" designations based on current monitoring and meteorological data. This information will be provided daily on a published burn-message phone line, and/or through the local media.
- B. A person burning under this section must follow these requirements and restrictions:
 - 1. Unless otherwise specified, on "burn days" agricultural burning may be conducted in areas where burning is allowed only between the hours of 9 a.m. and one hour before Sunset.
 - 2. It is the responsibility of those conducting agricultural burning to be informed of any additional fire safety rules as determined by their local fire district or county.

**ARTICLE 7
Solid Fuel Burning Device Standards**

ADOPTED: October 7, 1993

EFFECTIVE:

Section 7.01 WAC Adoption by Reference.

This article adopts all provisions of the following Washington Administrative Code by reference and makes it a part of Regulation 1 of this Authority: **WAC 173.433, "Solid Fuel Burning Device Standards."**

Section 7.02 Additional Requirements of this Authority

- A. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away an uninstalled used uncertified woodstove within the Authority's jurisdiction.

**ARTICLE 8
Asbestos**

ADOPTED: October 7, 1993

EFFECTIVE:

Section 8.01 CFR Adoption by Reference.

This article adopts all provisions of the following Code of Federal Regulations by reference and makes it a part of Regulation 1 of this Authority: **40 CFR Part 61, Subpart M, "National Emission Standard for Asbestos."**

Section 8.02 Additional Requirements of this Authority

- A. All asbestos removal projects under Section 8.01 and those which do not fall under Sections 8.01 or 8.02(B) but are greater than 20 square feet or 35 linear feet are subject to the notification requirements and fee schedule described in Section 10.07.
- B. Residential units are defined as any building with four or fewer dwelling units each containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room." This term does not include any mixed-use building, structure, or installation that contains a residential unit.

Owners or operators of residential asbestos projects are exempt from Section 8.01, but are subject to the following restrictions:

- 1. A written notification on forms provided by the Authority shall be submitted to the Authority prior to the asbestos removal.
- 2. A filing fee as described in Section 10.07 of this regulation shall accompany the written notice.
- 3. The owner or operator of the residential project must participate in a prescribed educational program prepared by the Authority concerning the hazards of asbestos removal in the home. This program will include, but may not be limited to:
 - a. Watching an informational video,
 - b. Agreement to read and understand informational pamphlets, provided by the Authority, concerning proper residential asbestos removal. Any questions pertaining to this material shall be addressed by the Authority.
- 4. If after reviewing the notification form, interviewing the applicant about methods of removal and disposal, and inspecting the site as

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deemed necessary, the Authority may grant permission for owner or operator, or require a certified asbestos contractor to perform removal.

Section 8.03 Unexpected Discovery of Asbestos

- A. In the event of an unexpected discovery of asbestos during a renovation or demolition project, which was originally thought to contain no asbestos, the requirements of either Section 8.01 or 8.02 are applicable, and all work must stop until these requirements have been met.
- B. During an approved renovation or demolition project, if an unexpected discovery of additional asbestos is made which increases the project by 20% or greater than originally reported, an amendment or emergency waiver form must be filed with the Authority before work may continue.

ARTICLE 9 Source Registration

ADOPTED: October 7, 1993

EFFECTIVE:

Section 9.01 Registration Required

The classes of air contaminant sources listed in Exhibit "A" below shall be registered with the Authority.

Section 9.02 General Requirements for Registration

- A. Registration of an installation or facility shall be made by the owner or lessee of the source, or agent, on forms furnished by the Authority. The owner of the source and lessee are responsible for registration and for the accuracy of the information submitted.
- B. A separate registration shall be required for each source. The owner or operator shall register each facility with a detailed inventory of emission points, type, and quantity of emissions.
- C. Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee, and returned with the appropriate fee. Penalties can be assessed for non-compliance in accordance with Article 2, Section 2.11 (B)(7).

EXHIBIT "A"

1. All sources required to register according to WAC 173-400-100 Registration under General Regulations for Air Pollution Sources.
2. All facilities required to register according to WAC 173-491-030 Registration under Emission Standards and Controls for Sources Emitting Gasoline Vapors.
3. Any source or emission unit as defined in WAC 173-400-030 (63) and (24), respectively, with an emission greater than or equal to 20% of the amount of the regulated pollutants listed in WAC 173-400-030(61) excluding "major sources" as defined in WAC 173-401-200(18).

4. Any existing stationary source, which if new, the federal standard of performance (NSPS) would be applicable according to WAC 173-400-115 Standards of Performance for New Sources.
5. Any existing source, which if new, would be subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS).
6. Any new or existing source of toxic air pollutants as defined in WAC 173-460-020 (6) and (7), which exceeds small quantity emission rates defined in WAC 173-460-080 (2)(e). {WAC 173-460 Controls for New Sources of Toxic Air Pollutants}.
7. Any new source category required to undergo; and any existing source, which if new, would be required to undergo New Source Review (WAC 173-400-110).
8. Permanently located abrasive blasting operations.
9. Dry cleaners and dry cleaning plants.
10. Fuel burning equipment other than those serving dwellings of four or less families and has a heat input of more than 1,000,000 BTU per hour.
11. Insulation manufacturers.
12. Metal plating and anodizing operations.
13. Plastics and fiberglass fabrication facilities.
14. Permanently located surface coating operations including but not limited to coating of vehicles, metal, wood, plastic, rubber, or glass.
15. Permanently located vapor and gas collection systems including liquid stripping and flares.
16. Waste oil burners except waste oil burners used for space heating and which have an input not to exceed 0.5 million Btu per hour provided that such burners are operated in accordance with WAC 173-303-515.
17. Corpus crematoriums.

ARTICLE 10 Fees and Charges

ADOPTED: October 7, 1993

EFFECTIVE:

Section 10.01 Fees and Charges Required

A fee or service charge shall be paid to the Authority for issuance of permits and for providing services as hereinafter provided.

Section 10.02 Fees Otherwise Provided

All fees and charges provided for in this Article are in addition to fees otherwise provided for or required to be paid by Regulation 1, PROVIDED the Control Officer shall waive payment of any fee or service charge hereby required if such

fee is duplicative of a fee charged or required to be paid by another Article of this regulation.

Section 10.03 Fee Waiver, Indigency

The Control Officer shall waive payment of all or a portion of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that the permit or service requested is necessary and payment of the fee would cause hardship upon the applicant. An applicant may apply for a fee waiver by filing a Fee Waiver, Indigency Form supplied by the Authority.

Section 10.04 General Administrative Fees

- A. A fee of \$.25 per page shall be charged for photocopies.
- B. A fee of \$20.00 per hour shall be charged for all time expended preparing photocopies and for obtaining documents to be photocopied for requests covering more than ten pages.
- C. The actual cost of postage or shipping shall be charged for all material requested to be mailed.
- D. For other administrative services requested and performed by Authority staff which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.

Section 10.05 Registration Fees for Air Contaminant Sources

- A. The Authority shall charge an annual registration fee pursuant to RCW 70.94.151. The Authority shall levy annual registration fees for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the registration program. The Board will review the registration program on an annual basis.
- B. All air contaminant sources required by Article 9, EXHIBIT "A" to be registered shall be divided into the following three categories and are subject to the applicable fee:
 1. Class 1 sources are defined as all sources emitting pollutants, unless otherwise exempted by law or contained in Class 2 or Class 3. Class 1 sources shall pay an annual registration fee of \$100 at the time of registration.
 2. Class 2
 - a. Class 2 sources shall pay an annual registration fee at the time of registration. In no case shall the fee so calculated be less than \$350.00 per year.
 - b. Sources emitting a base amount of more than 20% of the amount of the regulated pollutants listed in the definition of significant emissions in WAC 173-400-030(61), except major sources as defined in WAC 173-401-200(18) which are eligible for

the Federal Clean Air Act Title V air operating permits (Article 4). For these emission sources, the Class 2 fee shall be an amount equal to the average BFWWC APCA "per ton" fee for air operating permittees times the actual tons of pollutants emitted each year in excess of the above defined base amount.

- c. Class 2 toxic sources are those sources emitting more than 1 ton of a single or more than 2.5 tons of a combination of toxic substances as defined in WAC 173-460-020 (6) & (7) except major sources [See 10.05 (B)(2)(b)] The Class 2 fee for sources emitting toxic pollutants shall be an amount equal to the average BFWWC APCA "per ton" fee for air operating permittees times the actual tons of toxic pollutants over the above defined base amount times a factor of seven (7).
3. Class 3 sources are those sources which meet the requirements for permitting under the air operating program as described in Article 4. Class 3 sources are subject to the fee schedule outlined in Section 10.08 of this Regulation.
- C. All gasoline facilities required by Article 9, Exhibit "A" to be registered shall register annually in accordance with WAC 173.491.030 and pay the following annual fees:
 1. Gasoline Loading Terminals five hundred dollars (\$500.00),
 2. Bulk Gasoline Plants two hundred dollars (\$200.00), and
 3. Gasoline Dispensing Facilities one hundred dollars (\$100.00).

Section 10.06 Application and Permit Fees for Notice of Construction and Application for Approval and for Notice of Intent to Install and Operate a Temporary Source

- A. All construction under RCW 70.94.152-153 shall be required to file a Notice of Construction and Application for Approval (NOC). A filing fee of \$50.00 shall be paid at the time of filing the NOC. If the registration fee required in Section 10.05 also applies to the construction, the filing fee shall be waived.
- B. For portable air contaminant sources which locate temporarily at particular sites within the Authority's jurisdiction, a Notice of Intent to Operate and Application for Approval must be filed with the Authority. A fee of \$100.00 shall be paid at the time of filing the Notice of Intent to operate.
- C. In addition to the filing fees provided in "A" and "B" above, when an inspection is deemed necessary by the Authority, a plan review and inspection fee shall be paid at a rate equal to the hourly rate of

the Authority's Air Operating Permit Engineer for a period not to exceed 10 hours.

- D. State Environmental Policy Act (SEPA) Fees under WAC 197-11. For every environmental checklist the Authority reviews when it is Lead Agency, the applicant shall first pay the Threshold Determination fee of \$50.00 prior to undertaking the Threshold Determination by the responsible official of the Authority. If the Authority decides it must prepare a statement in order to comply with the State Environmental Policy Act before taking any action on a Notice of Construction, the cost of preparing, publishing, and distributing such a statement at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer and such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.
- E. The cost of publishing a public notice (as defined in WAC 403-110) shall be borne by the applicant or other initiator of the action.
- F. When an operation for which a Notice of Intent to Operate is required commences prior to making application and receiving approval, the Control Officer or his authorized agent may conduct an investigation as part of the Notice of Intent review. In such a case, an investigation fee of \$300.00 shall be paid in addition to all other required fees in Section 10.06. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

Section 10.07 Asbestos

- A. Any owner or operator of a demolition or renovation activity required by federal regulation or Article 8 of this Regulation to notify the Authority prior to removal, or required by Federal Regulation to be approved or inspected by the Authority, shall give the required advance notice and pay a processing fee to the Authority determined by the following:
1. All single renovation or demolition projects under Section 8.01 or Section 8.02(A), require a ten (10) working day advance notification on a written "Notice of Intent to Remove or Encapsulate Asbestos Materials," and a \$50.00 fee.
 2. Annual notices under Section 8.01 require ten (10) working day advance notification, an annual written application for approval, and a fee of \$300.00.
 3. An amendment under Section 8.01 to an approved asbestos project requires prior notification, an amended application, and a \$25.00 fee for the 2nd amendment and any thereafter.

4. An emergency under Section 8.01 requires prior notification, an Emergency Waiver Request Letter submitted by the property owner, a Notice of Intent to Remove Asbestos, and a \$50.00 emergency fee as well as the normal application fee described in this Section.
5. A residential asbestos removal project under Section 8.02 requires prior notification, and a Residential Asbestos Removal Form accompanied by a filing fee of \$50.00.
6. A demolition project under Section 8.01 which contains no asbestos requires (10) working day advance notification.

Section 10.08 Operating Permit Fees

A. Interim Fee

1. Pursuant to RCW 70.94.161(14), the Authority shall collect interim fees from sources emitting one hundred or more tons per year of a regulated pollutant during fiscal year 1994 (July 1, 1993 to June 30, 1994), or until this Authority receives delegation to issue permits from the Environmental Protection Agency.
2. Pursuant to RCW 70.94.161, the Authority shall determine, assess, and collect annual fees sufficient to cover the direct and indirect costs of implementing the operating permit program. Ecology, too, will conduct a workload analysis determining its fiscal year 1994 costs and must allocate these costs among all sources in the state emitting one hundred tons or more of a regulated pollutant. The resulting fee is to be collected on behalf of Ecology by the local authority having jurisdiction over the particular source. Therefore, along with the local program fees, the Authority will also collect Ecology's development and oversight fees, and pass them on to Ecology.
3. The fee schedules developed shall fully cover and not exceed the permit administration costs and the program development and oversight costs. Both Ecology's and this Authority's fees are based on a 3 tier scale using fiscal year 1994 costs, and calendar year 1992 emissions data. The three tier formula used to assess fees for a given source includes:
 - a. The number of sources in the permit program;
 - b. The complexity of the source;
 - c. The amount of emissions of regulated pollutants from the source.

Each category shall comprise one third (1/3) of the total fees collected by the Authority.

B. Permanent annual fee determination and certification

1. Fee Determination

- a. **Fee Determination.** The Benton Franklin Walla Walla Counties Air Pollution Control Authority (BFWWC APCA) shall develop a fee schedule using the process outlined below, according to which it will collect fees from permit program sources under its jurisdiction. The fees shall be sufficient to cover all permit administration costs. The BFWWC APCA shall also collect its jurisdiction's share of the Washington State Department of Ecology's (Ecology) development and oversight costs. The fee schedule shall differentiate as separate line items the BFWWC APCA and Ecology's fees. Opportunities for public participation shall be afforded throughout the fee determination process, as provided in 10.08 (B)(3)(a)
- b. **Fee Eligible Activities.** The costs of permit administration and development and oversight activities are fee eligible.
 - i. **Permit Administration.** Permit administration costs are those incurred by BFWWC APCA in administering and enforcing the operating permit program with respect to sources under its jurisdiction. Permit administration costs are as follows:
 - A. Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or renewal;
 - B. Source inspection, testing, and other data-gathering activities necessary for the development of a permit, permit revision, or renewal;
 - C. Acting on an application for a permit, permit revision, or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision, or renewal, preparing a draft permit and fact sheet, and preparing a final permit, but excluding the costs of developing BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants;
 - D. Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;
 - E. Modeling necessary to establish permit limits or to determine compliance with permit limits;
 - F. Reviewing compliance certifications and emissions reports and conducting related compilation and reporting activities;
 - G. Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a source is complying with permit conditions;
 - H. Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;
 - I. The share attributable to permitted sources of the development and maintenance of emissions inventories;
 - J. The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;
 - K. Training for permit administration and enforcement;
 - L. Fee determination, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;
 - M. Required fiscal audits, periodic performance audits, and reporting activities;

- N. Tracking of time, revenues and expenditures, and accounting activities;
- O. Administering the permit program including the costs of clerical support, supervision, and management;
- P. Provision of assistance to small businesses under the jurisdiction of the permitting authority as required under section 507 of the federal clean air act; and
- Q. Other activities required by operating permit regulations issued by the United States environmental protection agency under the federal clean air act.
- ii. Ecology Development and Oversight. Development and oversight costs are those incurred by Ecology in developing and administering the state operating permit program and in overseeing the administration of the program by the delegated local authorities. Development and oversight costs are those enumerated in [Chapter 252, Laws of 1993 Section 6 (2)(b)].
- c. Workload Analysis.
- i. The BFWWC APCA shall conduct an annual workload analysis projecting resource requirements for the purpose of facilitating budget preparation for permit administration. The workload analysis shall include resource requirements for both the direct and indirect costs of the permit administration activities enumerated in Section 10.08 (B)(1)(b)(i).
- ii. Ecology will for the two-year period corresponding to each biennium, identify the development and oversight activities that it will perform during that biennium. The eligible activities are those referenced in Section 10.08 (B)(1)(b)(ii).
- d. Budget Development. The BFWWC APCA shall annually prepare an operating permit program budget. The budget shall be based on the resource requirements identified in an

annual workload analysis and shall take into account the projected fund balance at the start of the calendar year. The BFWWC APCA shall publish a draft budget for the following calendar year on or before May 31 and shall provide opportunity for public comment thereon in accordance with 10.08 (B)(3)(a). The BFWWC APCA shall publish a final budget for the following calendar year on or before June 30.

- e. Allocation Methodology.
- i. Permit Administration Costs. The BFWWC APCA shall allocate its permit administration costs and its share of Ecology's development and oversight costs among the permit program sources for whom it acts as permitting authority, according to a three-tiered model based upon:
- (A) the number of sources under its jurisdiction;
- (B) the complexity of the sources under its jurisdiction; and
- (C) the size of the sources under its jurisdiction, as measured by the quantity of each regulated pollutant emitted.

The quantity of each regulated pollutant emitted by a source shall be determined based on the annual emissions data during the most recent calendar year for which data is available. Each of the three tiers shall be equally weighted.

- ii. Ecology Development and Oversight Costs. Ecology will allocate its development and oversight costs among all permitting authorities, including the BFWWC APCA, based upon the number of permit program sources under the jurisdiction of each permitting authority. If Ecology determines that it has incurred extraordinary costs in order to oversee a particular permitting authority and that those costs are readily attributable to the particular permitting authority, Ecology may assess to that permitting authority such extraordinary costs.

- f. **Fee Schedule.** The BFWWC APCA shall issue annually a fee schedule reflecting the permit administration fee and Ecology's development and oversight fee to be paid by each permit program source under its jurisdiction. The fee schedule shall be based on the information contained in the final source data statements for each year; the final source data statements shall be issued after opportunity for petition and review has been afforded in accordance with 10.08 (B)(4).
- 70.94.152(1), 70.94.161, [section 6 of Chapter 252, Laws of 1993], and [section 8 of Chapter 252, Laws of 1993] shall be deposited in the air operating permit account created under RCW 70.94.015. Expenditures from the air operating permit account may be used only for the activities described in RCW 70.94.152(1), 70.94.161, [section 6 of Chapter 252, Laws of 1993], and [section 8 of Chapter 252, Laws of 1993].
2. **Fee Collection—Ecology and BFWWC APCA**
- a. **Collection from Sources.** The BFWWC APCA, as a delegated local authority, shall collect the fees from the permit program sources under its jurisdiction.
- i. **Permit Administration Costs.** The BFWWC APCA shall collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its permit administration costs.
- ii. **Ecology Development and Oversight Costs.** The BFWWC APCA shall collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its share of Ecology's development and oversight costs.
- b. **Dedicated Account.**
- i. All receipts from fees collected by the BFWWC APCA, as a delegated local authority, from permit program sources pursuant to RCW 70.94.152(1), 70.94.161, [section 6 of Chapter 252, Laws of 1993], and [section 8 of Chapter 252, Laws of 1993] shall be deposited in the dedicated accounts of its treasury. Expenditures from these dedicated accounts will be used only for the activities described in RCW 70.94.152(1), 70.94.161, [section 6 of Chapter 252, Laws of 1993], and [section 8 of Chapter 252, Laws of 1993].
- ii. All receipts from fees collected by BFWWC APCA on behalf of Ecology from permit program sources pursuant to RCW
3. **Accountability**
- a. **Public Participation During Fee Determination Process.** The BFWWC APCA shall provide for public participation in the fee determination process described under 10.08 (B)(1), which provision shall include but not be limited to the following:
- i. The BFWWC APCA shall provide opportunity for public review of and comment on:
- (A) each annual workload analysis;
- (B) each annual budget; and
- (C) each annual fee schedule
- ii. The BFWWC APCA shall submit to Ecology for publication in the Permit Register notice of issuance of its draft annual workload analysis, issuance of its draft annual budget and issuance of its draft annual fee schedule.
- iii. The BFWWC APCA shall make available for public inspection and to those requesting opportunity for review copies of its draft:
- (A) annual workload analysis on or before March 31.
- (B) annual budget on or before May 31.
- (C) annual fee schedule on or before December 31.
- iv. The BFWWC APCA shall provide a minimum of 30 days for public comment on the draft annual workload analysis and draft annual budget. Such 30-day period for comment shall run from the date of publication of notice in the Permit Register

- as provided in 10.08 (B)(3)(a)(ii).
- b. Tracking of Revenues, Time and Expenditures.
 - i. Revenues. The BFWWC APCA shall track revenues on a source-specific basis.
 - ii. Time and Expenditures. The BFWWC APCA shall track time and expenditures on the basis of functional categories as follows:
 - (A) application review and permit issuance;
 - (B) permit modification;
 - (C) permit maintenance;
 - (D) compliance and enforcement;
 - (E) business assistance;
 - (F) regulation and guidance development;
 - (G) management and training;
 - (H) technical support
 - iii. Use of Information Obtained from Tracking Revenues, Time and Expenditures.
 - (A) The BFWWC APCA shall use the information obtained from tracking revenues, time and expenditures to modify its workload analysis during each calendar year's review provided for under 10.08 (B)(1)(d)
 - (B) The information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.
 - c. Periodic Fiscal Audits, Reports and Performance Audits. A system of regular, periodic fiscal audits, reports and performance audits shall be conducted in order to evaluate Ecology's and each delegated local authority's operating permit program administration, as follows:
 - i. Fiscal Audits. The BFWWC APCA shall contract with the State Auditor to have the Auditor perform a standard fiscal audit of its operating permit program every other year.
 - ii. Annual Routine Performance Audits. The BFWWC APCA shall be subject to annual routine performance audits, except that the routine audit shall be incorporated into the extensive performance audit, conducted pursuant to 10.08 (B)(3)(c)(v) in each year during which an extensive performance is conducted. Ecology shall issue guidance regarding the content of the routine performance audits and shall conduct the local authority audits.
 - iii. Annual Random Individual Permit Review. One permit issued by the BFWWC APCA shall be subject to review in conjunction with the annual routine performance. The permit to be reviewed shall be selected at random. Ecology shall issue guidance regarding the content of the random individual permit review and shall conduct the local authority review.
 - iv. Periodic Extensive Performance Audits. The BFWWC APCA shall be subject to extensive performance audits every five years. In addition, this authority may be subject to an extensive performance audit more frequently under the conditions of 10.08 (B)(3)(c)(v). Ecology shall issue guidance regarding the content of the extensive performance audits and shall conduct the audits of this authority.
 - v. Finding of Inadequate Administration or Need for Further Evaluation. If, in the process of conducting a fiscal audit, annual routine audit, or annual random individual permit review, the auditor or Ecology finds that the BFWWC APCA is inadequately administering the operating permit program or finds that further evaluation is immediately warranted, an extensive performance audit shall be conducted, as provided in 10.08 (B)(3)(c)(iv).
 - vi. Annual Reports. The BFWWC APCA shall prepare an annual

report evaluating its operating permit program administration. Such report shall include any findings of the auditor or Ecology resulting from the relevant fiscal audits, annual routine audits, annual random individual permit reviews or periodic extensive performance audits. The BFWWC APCA shall submit its report to its Board of Directors and to Ecology.

4. Administrative Dispute Resolution

- a. **Preliminary Statement of Source Data.** The BFWWC APCA shall provide to the permit program sources under their respective jurisdictions a preliminary statement of emissions and other data from that source upon which the authority intends to base its allocation determination under 10.08 (B)(1)(e). Such preliminary statement shall be provided to the permit program sources on or before September 30 of each year. Such preliminary statement shall indicate the name, address and telephone number of the person or persons to whom the source or other individual may direct inquiries and/or petitions for review under 10.08 (B)(4)(b) regarding the accuracy of the data contained therein.
- b. **Petition for Review of Statement.** A permit program source or other individual under the jurisdiction of the BFWWC APCA, as a delegated local authority, may petition to review for accuracy the data contained in the preliminary source data statement provided for under 10.08 (B)(4)(a). Such petition shall be lodged on or before October 31 of each year. Such petition shall be in writing, directed to the individual indicated on the statement of source data. Such petition shall indicate clearly the data to be reviewed, the specific action that the source or petitioning individual is requesting be taken and may, if the source or petitioning individual desires, be accompanied by written documentation supporting the request for review. Such petition shall, in addition, state the name, address and telephone number of the person or persons to whom the BFWWC APCA may direct inquiries regarding the request. Upon receipt

of such a petition, the BFWWC APCA, as a delegated local authority, must issue its written response to the petitioner on or before November 30 of each year. Such response shall state the conclusions of the review and the reasons therefore, and shall contain a new preliminary source data statement, revised to reflect any changes necessitated by the authority's response.

- c. **Final Source Data Statement.** The BFWWC APCA shall provide to the permit program sources under its jurisdiction a final statement of emissions and other data from that source upon which the local authority will base its allocation determination under 10.08 (B)(1) along with an invoice reflecting the fee billed to that source on or before December 31 of each year.

5. Fee Payment and Penalties

- a. **Fee Payment.** Each permit program source shall pay a fee in the amount reflected in the invoice issued under 10.08 (B)(4)(c). Such fee shall be due on or before February 28 of each year.
- b. **Late Payment of Fees.** BFWWC APCA shall charge a penalty to a permit program source under its jurisdiction for late payment of all or part of its operating permit fee at the following rates:
 - i. Ten percent of the source's total assessed fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;
 - ii. Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and
 - iii. Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.
- c. **Failure to Pay Fees.** The BFWWC APCA shall charge a penalty to a permit program source under its jurisdiction for failure to pay all or part of its operating permit fee and/or

- penalties thereon after ninety days past the due date for fee payment in an amount three times the source's total assessed fee.
- d. Other Penalties. The penalties authorized in 10.08 (B)(5)(b) and (c), are additional to and in no way prejudice the BFWWC APCA's ability to exercise other civil and criminal remedies, including the authority to revoke a source's operating permit for failure to pay all or part of its operating permit fee.
 - e. Facility Closure. Sources that permanently cease operations will be required to pay only a pro rata portion of the annual operating permit fee for the fiscal year in which they cease operations. The portion of the fee to be paid will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.
 - f. Transfer in Ownership. Transfer in ownership of a source shall not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of late payment and other penalties shall survive any transfer in ownership of a source.
6. Development and Oversight Remittance by Local Authorities to Ecology
 - a. Ecology will provide to each delegated local authority a statement of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before December 31 of each year.
 - b. Each delegated local authority shall remit to Ecology one-half of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before March 31 of each year and shall remit to Ecology the balance of its share of Ecology's development and oversight costs on or before June 30 of each year.

Section 10.09 Special Open Burning Permits

- A. Anyone who submits to the Authority a Request for Special Burning Permit (RSBP) shall pay an application fee of \$50.00.
- B. Upon approval of the RSBP the Authority will charge an additional fee at a rate determined by the volume of the material to be burned, and inspection and oversight costs. Special Open Burning Permits shall be valid for a period not to exceed one year, at which time the applicant may re-apply with another \$50.00 fee.

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 brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 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

RESTATED
YAKIMA COUNTY CLEAN AIR AUTHORITY
REGULATION I

WHEREAS, the Yakima County Clean Air Authority was created pursuant to the provisions of the Washington Clean Air Act, RCW 70.94; and

WHEREAS, the 1991 legislature has substantially revised the provisions of the Washington Clean Air Act; and

WHEREAS, pursuant to the provisions of said Washington Clean Air Act, the Board of Directors of the Yakima

County Clean Air Authority is empowered to adopt, amend and repeal its own ordinances, resolutions, or rules and regulations, as the case may be, implementing the provisions of RCW 70.94; and

WHEREAS, these Regulations are necessary for the health, safety and welfare of the people of Yakima County;

NOW, THEREFORE, the Board of Directors of the Yakima County Clean Air Authority hereby adopt the following Rules and Regulations.

ARTICLE I

POLICY, SHORT TITLE AND DEFINITIONS

SECTION 1.01 - POLICY

It is declared to be the public policy of the Yakima County Clean Air Authority to secure and maintain such levels of air quality as will protect human health and safety; and to the greatest degree practical, prevent injury to plant and animal life and property, foster the comfort and convenience of the inhabitants of Yakima County, promote the economic and social development of Yakima County and facilitate the enjoyment of the natural attractions therein, and further, to cooperate with the Yakima Indian Nation in achieving the policy objectives as set forth herein throughout the whole of Yakima County.

SECTION 1.02 - SHORT TITLE

These rules and Regulations shall be known and cited as the "Restated Regulation I of the Yakima County Clean Air Authority".

SECTION 1.03 - DEFINITIONS

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in these Regulations shall have the following meanings:

(1) "Adequate Source of Heat" - The ability to maintain 70 degrees Fahrenheit at a point three (3) feet above the floor in all normally inhabited areas of the dwelling.

(2) "Agricultural Operation" - The growing of crops, the raising of fowl, animals or bees as a gainful occupation.

(3) "Air Contaminant" - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(4) "Air Pollution" - The presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW.

(5) "Air Pollution Episode" - A period of impaired air quality as determined by the Director of the Yakima County Clean Air Authority, or the Washington State Department of Ecology.

(6) "Air Quality Standard" - An established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(7) "Ambient Air" - The surrounding outside air.

(8) "Authority" - The Yakima County Clean Air Authority.

(9) "Best Available Control Technology" (BACT) - That term as defined in WAC 173-400.

(10) "Board" - The Board of Directors of the Yakima County Clean Air Authority.

(11) "Combustible Refuse" - Any burnable waste material containing carbon in a free or combined state other than liquid or gases.

(12) "Control Apparatus" - Any device which prevents or controls the emission of any air contaminant.

(13) "Control Officer" - The Air Pollution Control Officer of the Yakima County Clean Air Authority, or his duly authorized agents.

(14) "Director" - Executive Director ~~or~~ and Control Officer.

(15) "Emission" - A release of air contaminants into the ambient air.

(16) "Emission Standards" - A limitation on the release of a contaminant or multiple contaminants into the ambient air.

(17) "Equipment" - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

(18) "Fire Department" - Fire control agency such as city fire departments, local fire districts or the Washington State Department of Natural Resources.

(19) "First Stage of Impaired Air Quality" - When particulates ten microns and smaller in aerodynamic diameter are at an ambient level of seventy-five micrograms per cubic meter of air measured on a twenty-four 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.

(20) "Friable Asbestos" - Any material containing more than 1% asbestos and capable of being crushed by hand pressure.

(21) "Garbage" - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

(22) "Hearings Board" - Hearings Boards as established by RCW 43.21B.

(23) "Incinerator" - A furnace for the destruction of waste, or oxidizing a waste to facilitate disposal.

(24) "Lowest Achievable Emission Rate (LAER)" - That term as defined in WAC 173-400.

(25) "Land Clearing Burning" - Outdoor fires consisting of residue of a natural character such as trees, stumps, shrubbery of other natural vegetation arising from land clearing projects and burned on the lands on which such materials originated.

(26) "Modification" - 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 source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 4411, Title 42, United State Code and with rules implementing that section.

(27) "Multiple Chamber Incinerator" - Any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls,

interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(28) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" - The federal regulations set forth in 40 CFR Part 61.

(29) "New Source" - Means:

(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.

(30) "New Source Performance Standards (NSPS)" - The federal regulations set forth in 40 CFR Part 60.

(31) "Notice of Construction" - 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 stationary source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

(32) "Open Fire" - A fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(33) "Outdoor Burning" - The combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(34) "Owner" - Includes the person who leases, supervises or operates the equipment or control apparatus.

(35) "Particle" - A small discrete mass of solid or liquid matter. (General size range from submicron to 2000 micron).

(36) "Person" - Includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

(37) "Regulation" - Any regulation and subsequently adopted additions or amendments thereto of the Restated Regulation I of Yakima County Clean Air Authority.

(38) "Residential Burning" - Burning consisting of leaves, clippings and prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by property owner or their designee.

(39) "Salvage Operation" - An operation conducted in whole, or in part, for the salvaging or reclaiming of any product or material.

(40) "Seasoned Wood" - Wood of any species that has been sufficiently dried so as to contain twenty percent (20%) moisture by weight.

(41) "Second Stage of Impaired Air Quality" - When particulates ten microns and smaller in aerodynamic diameter are at an ambient level of one hundred and five micrograms per cubic meter of air measured on a twenty-four hour average.

(42) "Silvicultural Burning" - Burning on any land the Department of Natural Resources protects per RCW 70.94 and pursuant to 76.04 RCW.

(43) "SIP" - State Implementation Plan.

(44) "Small Business" - Any business enterprise employing twenty (20) or less persons; the operation of which does not present any potential hazard to public health.

(45) "Solid Fuel Burning Device" - A device that burns wood, coal, or other nongaseous or nonliquid fuels, which includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes devices used for aesthetic or space heating purposes in a private residence or commercial establishment which has a heat input less than one million Btu per hour.

(46) "Source" - All of the emissions units, including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties and are under the control of the same person or persons under common control whose activities are ancillary to the production of a single product or functionally related group of products.

(47) "Stationary Source" - Any building, structure, facility or installation that emits or may emit any air contaminant.

(48) "Woodsmoke Control Zone" - An area located in Yakima County, Washington, as shown in attachment 1, which is legally described as follows:

Beginning at a point on a line which is herein called the Western boundary, and which line is a straight line drawn through the following points:

Point A - Where the South right-of-way line of Highway 410 intersects with the North right-of-way line of Highway 12.

Point B - Where the South right-of-way line of the North Fork of Ahtanum Road intersects with the North right-of-way line of the South Fork of Ahtanum Road.

Which line further extends in a Southwesterly direction to a point where it intersects with the South boundary line of Sections 19, 20, 21, 22, 23, 24 or Township 12 North, Range 16, E.W.M. as such boundary line is extended both Easterly and Westerly, and thence Easterly along said South boundary line of said Sections as extended to the Southeast corner of Section 19, Township 12 North, Range 18, E.W.M.; thence North along the East boundary line of said section to the Northeast corner thereof; thence East along the North boundary line of Sections 20, 21, 22, 23, 24, of Township 12 North, Range 18, E.W.M. as extended Easterly to the Northeast corner of Section 21, Township 12 North, Range 20, E.W.M.; thence North along the East boundary line of Sections 16, 9 and 4 of Township 12 North, Range 20, E.W.M.: thence East to the Southeast corner of Section 34, Township 13 North, Range 20, E.W.M.; thence North along the Easterly boundary line of said Section to the intersection with the U.S. Military Reservation, Yakima Firing Center; thence Northerly and Westerly along the boundary line of the U.S. Military Reservation to the Southern boundary of Kittitas County; thence West to the Southeast corner of Section 36, Township 15 North, Range 18, E.W.M.; thence North to the Northeast corner of Section 24, Township 15 North, Range 18, E.W.M.; thence West to the Southeast corner of Section 18, Township 15 North, Range 18, E.W.M. thence West to the intersection of

the West boundary line as herein described; thence Southwesterly along said West boundary line to the point of beginning.

(49) "Yakima Urban Area" - ~~That area defined by the Board of Commissioners of Yakima County pursuant to RCW 36.70A.030.~~ An area located in Yakima County, Washington, as shown in Attachment 2, which is legally described (Yakima City Code-Title 15A, Ord. #10-1985) as follows:

Beginning at the southwest corner of Government Lot 5, Section 17, Township 12 North, Range 19 East W.M.; thence north along the west line of said Section 17 to the southeast corner of Section 7. Township 12 North, Range 19 East W.M., thence west along the south line of said Section 7 to the southwest corner of the southeast quarter of said Section 7; thence north along the west line of the east half of said Section 7 to Ahtanum Creek, thence following Ahtanum Creek in a generally westerly direction to the west line of the southwest quarter of the south-east quarter of Section 2, Township 12 North, Range 18 E.M.W; thence north along said west line to the northwest corner of the southwest quarter of the southeast quarter of said Section 2; thence west along the east-west centerline of the south half of said Section 2 to the west line of said Section 2; thence continuing west along the east-west centerline of the south half of Section 3, Township 12 North, Range 18 East W.M. to South 34th Avenue; thence north along South 34th Avenue to Ahtanum Road - thence west along Ahtanum Road to 38th Avenue; thence north along 38th Avenue to the north line of Section 3. Township 12 North, Range 18 East W.M.; thence west along said north line to the northeast corner of Section 4, Township 12 North. Range 18 East W.M.; thence continuing west along the north line of said Section 4 to the southeast corner of Section 33, Township 13 North, Range 18 East W.M.; thence continuing west along the south line of said Section 33 to 64th Avenue; thence north along 64th Avenue to the east-west centerline of Sections 32 and 33, Township 13 North. Range 18 East W.M.; thence west along said east-west centerline to the north-south centerline of the west half of said Section 32; thence north along said north-south centerline to Zier Road; thence west along Zier Road to South 80th Avenue; thence north along South 80th Avenue to Wide Hollow Road; thence west along Wide Hollow Road to the north-south centerline of the east half of Section 30, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to the east-west centerline of said Section 30; thence west along said east-west centerline to the north-south centerline of the west half of said Section 30; thence north along said north-south centerline to the Yakima Valley Canal; thence following the Yakima Valley Canal in a generally westerly direction to its intersection with Tieton Drive; thence west on Tieton Drive to 96th Avenue; thence north on 96th Avenue to the northwest corner of the southwest quarter of Section 19, Township 13 North, Range 18 East W.M.; thence north along the west section line of said

Section 19 to a point 250 feet south of the northwest corner of the southwest quarter of the northwest quarter of said Section 19; thence north 89°33' East to the Tieton Canal; thence following the Tieton Canal in a generally northeasterly direction to the north-south centerline of the east half of said Section 19; thence north along said north-south centerline to the north-south centerline of the east half of Section 18, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline of said Section 18 to the east-west centerline of the south half of said Section 18; thence east along said east-west centerline to the west line of Section 17, Township 13 North, Range 18 East W.M.; thence north along said west line to the east-west centerline of said Section 17; thence east along said east-west centerline to the east line of said Section 17; thence north along said east line to the south right-of-way line of the Burlington Northern Railroad, Cowiche Branch; thence following said south right-of-way line in a generally northeasterly direction to the north right-of-way line of State Route 12; thence following said north right-of-way line in a generally southeasterly direction to Cowiche Creek; thence following Cowiche Creek in a generally northeasterly direction to its confluence with the Naches River; thence following the south bank of the Naches River and the south bank of the Yakima River in a generally easterly direction to the north-south centerline of the east half of Section 12, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to RestHaven Road; thence following RestHaven Road in a generally southeasterly direction to the south line of Section 8, Township 13 North, Range 19 East W.M.; thence east along the south line of Sections 8 and 9 to the southwest corner of Lot 3 of that certain short plat recorded in Volume 81, Page 133, Short Plat Records of Yakima County; thence continuing east 260 feet along said south section line; thence North 0°022'34" east 270.51 feet; thence north 38°30'50" east 146.66 feet; thence north 47°30'24" east 63.80 feet; thence north 77°58'20" east 1,026.46 feet; thence north 71°00' east 255.38 feet; thence north 59°00' east to the north line of the southwest quarter the southwest quarter of Section 10, Township 13 north, Range 19 E.W.M., thence easterly along said north line to the Northeast corner of said subdivision; thence southerly along the east line of the south-west quarter of the southwest quarter of said Section 10 to the south-east corner of said subdivision; thence westerly along the south line of said Section 10 to the northwest corner of Section 15, Township 13 North, Range 19 E.W.M., thence southerly along the west line of said Section 15 to the southwest corner of the northwest quarter of said Section 15; thence easterly along said east-west centerline to the southeast corner of the northeast quarter of said Section 15; thence easterly along the east-west centerline of Section 14, Township 13 North, Range 19 E.W.M. to the northeast corner of the northwest quarter of the southwest quarter of said Section 14; thence southerly along the north-south centerline of the west half of said Section 14 to the southeast corner of the southwest quarter of the southwest quarter of said

Section 14; thence easterly along the south line of said Section 14 to the northeast corner of Section 23, Township 13 North, Range 19 E.W.M.; thence southerly along the east line of said Section 23 to the southeast corner of said Section 23; thence westerly along the south lines of Sections 23, 22, 21 and 20, Township 13 North, Range 19 E.W.M. to the west bank of the Yakima River; thence following said west bank in a generally southerly direction to a point where it intersects the east right-of-way line of Interstate Highway 82; thence westerly to the point where the west right-of-way line of said interstate highway intersects the south line of Government Lot 2 of Section 17, Township 12 North, Range 19 E.W.M.; thence westerly along the south line of said Government Lot 2 and of Government Lot 5 of said Section 17 to the south-west corner of said Government Lot 5 and the point of beginning.

ARTICLE II GENERAL PROVISIONS

SECTION 2.01 - CAUSING OR PERMITTING AIR POLLUTION UNLAWFUL - EXCEPTION

Except where specified in a variance permit, as provided herein, it shall be unlawful for any person knowingly to cause air pollution or knowingly permit it to be caused in violation of these rules and Regulations.

SECTION 2.02 - 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.

B. The Control Officer or his duly authorized agent may make any reasonable investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment hereto or controlling or reducing the amount of or kind of air contaminant. The Control Officer shall be required to maintain appropriate records and prepare periodic reports to the Board.

C. For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer, or his duly authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two (2) families, or less. No person shall refuse entry or access to the Control Officer or his duly authorized representatives who request entry for the purpose of inspection, and who present appropriate credentials; nor shall any person obstruct, hamper or interfere with such inspection.

D. If an authorized employee of the Authority, during the course of an inspection, 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 shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place and the authorized employee of the Authority shall give a receipt to the owner or lessee for the sample obtained.

E. The Control Officer and assistants, in the performance of their duties, shall in all respects be subject to the direction of the Board, and shall take no action that has been prohibited by the Board.

SECTION 2.03 - MISCELLANEOUS PROVISIONS

A. No person shall willfully make a false or misleading statement to the Board as to any matter within the jurisdiction of the Board.

B. No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the Authority if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.

C. Any order, or registration certificate required to be obtained by this Regulation, shall be available on the premises designated on the order or certificate.

D. In the event that the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

~~E. Persons selling new wood stoves shall distribute and verbally explain educational materials to customers purchasing new wood stoves describing when a stove can and cannot be legally used.~~

SECTION 2.04 - CONFIDENTIALITY

Whenever any records or other information, other than ambient air quality data or emission data, are furnished to or obtained by the Yakima County Clean Air Authority under this regulation relates to processes or production unique to the owner or operator, or is likely to adversely affect the competitive position of such owner or operator of said processes or production, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Board. Nothing herein shall be construed to prevent the use of records or information by the Board in compiling or publishing analysis or summaries relating to the general condition of the outdoor atmosphere, provided, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section and, provided further, that emission data furnished to or obtained by the Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Board.

SECTION 2.05 - ADVISORY COUNCIL

The Board of the Authority may in its discretion appoint an Advisory Council to advise and consult with the Board and with the Control Officer in effectuating the purposes of the Regulation. The Board may submit to the Advisory Council recommendations for the adoption or modification or regulations or emission standards or other matters that it considers appropriate, but shall not be required to do so.

ARTICLE III VIOLATIONS - ORDERS AND HEARINGS

SECTION 3.01 - NOTICE OF VIOLATION - CORRECTIVE ACTION - HEARINGS

Whenever the Board or the Control Officer has reason to believe that any provision of this Regulation has been violated, the Board or Control Officer may, at least thirty days prior to the commencement of any formal enforcement action under Sections 8.01 and 8.02 of this Regulation, cause written notice to be served upon alleged violator or violators. The notice shall specify the provision of this Regulation alleged to be violated, and 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.

SECTION 3.02 - FINALITY OR ORDER - APPEAL

Any order issued by the Board or Control Officer shall become final, unless such order is appealed to the Pollution Control Hearings board, as provided in RCW 43.21B.

SECTION 3.03 - STAY OF ORDER PENDING APPEAL

Any order of the Control Officer or Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the Superior Court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

SECTION 3.04 - VOLUNTARY COMPLIANCE

Nothing in this article shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

**ARTICLE IV
REGISTRATION AND NOTICE OF
CONSTRUCTION**

SECTION 4.01 - REGISTRATION

A. The owner or operator of each source within the following source categories, that does not hold an operating permit, shall register the source with the Authority:

1. Agricultural drying and dehydrating operations;
2. Asphalt plants;
3. Beverage can surface coating operations;
4. Bulk gasoline terminals;
5. Cattle feed lots; for the purposes of registration a cattle feed lot is a place with facilities for 1,000 or more head of cattle which are kept closely confined for commercial purposes and substantially all feed used is delivered to them;
6. Chemical plants;
7. Ferrous foundries;
8. Fertilizer plants;
9. Flexible vinyl and urethane coating and printing operations;
10. Grain handling, seed processing, pea and lentil processing;
11. Metallic mineral processing plants;
12. Mineralogical processing plants;
13. Nonferrous foundries;
14. Other metallurgical processing plants;
15. Petroleum refineries;

16. Power boilers ~~using coal, hogged fuel, oil, or other solid or liquid fuel;~~
17. Rendering plants;
18. Scrap metal operations;
19. Synthetic organic chemical manufacturing industries;
20. Sulfuric acid plants;
21. Synthetic fiber production facilities;
22. Veneer dryers;
23. Wood waste incinerators including wigwam burners;
24. Other incinerators designed for a capacity of 100 lbs per hour or more;
25. Stationary internal combustion engines rated at 500 h.p. or more;
26. Sawmills, including processing for lumber, plywood, shake, shingle, pulp wood, insulating board, or any combination thereof.
27. Any category of stationary sources to which a New Source Performance Standard (NSPS) applies; The categories as identified in the federal regulations 40 CFR Part 60 (January 1, 1993) are as follows:

- Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts
- Subpart Dc Small industrial-commercial-institutional steam generating units
- Subpart E Incinerators
- Subpart Ea Municipal waste combustors
- Subpart F Portland cement plants
- Subpart G Nitric acid plants
- Subpart H Sulfuric acid plants
- Subpart I Asphalt concrete plants
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products
- Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
- Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984

<u>Subpart L</u>	<u>Secondary lead smelters</u>	<u>Subpart KKK</u>	<u>Equipment leaks of VOC from onshore natural gas processing plants</u>
<u>Subpart M</u>	<u>Brass and bronze ingot production plants</u>	<u>Subpart LLL</u>	<u>Onshore natural gas processing; SO₂ emissions</u>
<u>Subpart N</u>	<u>Iron and steel plants</u>	<u>Subpart NNN</u>	<u>VOC emissions from SOCOMI distillation operations</u>
<u>Subpart O</u>	<u>Sewage treatment plants</u>	<u>Subpart PPP</u>	<u>Wool fiberglass insulation manufacturing plants</u>
<u>Subpart P</u>	<u>Primary copper smelters</u>	<u>Subpart QQQ</u>	<u>VOC emissions from petroleum refinery wastewater emissions</u>
<u>Subpart Q</u>	<u>Primary zinc smelters</u>	<u>Subpart SSS</u>	<u>Magnetic tape coating facilities</u>
<u>Subpart R</u>	<u>Primary lead smelters</u>	<u>Subpart TTT</u>	<u>Industrial surface coating: Surface coating of plastic parts for business machines</u>
<u>Subpart S</u>	<u>Primary aluminum reduction plants</u>	<u>Subpart VVV</u>	<u>Polymeric coating of supporting substrates facilities:</u>
<u>Subpart T</u>	<u>Phosphate fertilizer industry: Wet process phosphoric acid plants</u>		
<u>Subpart U</u>	<u>Phosphate fertilizer industry: Superphosphoric acid plants</u>	<u>Note:</u>	<u>For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site.</u>
<u>Subpart V</u>	<u>Phosphate fertilizer industry: Diammonium phosphate plants</u>		
<u>Subpart W</u>	<u>Phosphate fertilizer industry: Triple superphosphate plants</u>		
<u>Subpart X</u>	<u>Phosphate fertilizer industry: Granular triple superphosphate storage facilities</u>		
<u>Subpart Y</u>	<u>Coal preparation plants</u>		
<u>Subpart Z</u>	<u>Ferroalloy production facilities</u>		
<u>Subpart AA</u>	<u>Steel plants: Electric arc furnaces</u>		
<u>Subpart AAa</u>	<u>Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels</u>		
<u>Subpart BB</u>	<u>Kraft pulp mills</u>		
<u>Subpart CC</u>	<u>Glass manufacturing plants</u>		
<u>Subpart DD</u>	<u>Grain elevators</u>		
<u>Subpart EE</u>	<u>Industrial surface coating: Metal furniture</u>		
<u>Subpart GG</u>	<u>Stationary gas turbines</u>		
<u>Subpart HH</u>	<u>Lime manufacturing plants</u>		
<u>Subpart KK</u>	<u>Lead-acid battery plants</u>		
<u>Subpart LL</u>	<u>Metallic mineral processing plants</u>		
<u>Subpart MM</u>	<u>Automobile and light duty truck surface coating operations</u>		
<u>Subpart NN</u>	<u>Phosphate rock plants</u>		
<u>Subpart PP</u>	<u>Ammonium sulfate manufacture</u>		
<u>Subpart QQ</u>	<u>Publication rotogravure printing</u>		
<u>Subpart RR</u>	<u>Pressure sensitive tape and label surface coating operations</u>		
<u>Subpart SS</u>	<u>Industrial surface coating: Large appliances</u>		
<u>Subpart TT</u>	<u>Industrial surface coating: Metal coils</u>		
<u>Subpart UU</u>	<u>Asphalt processing and asphalt roofing manufacture</u>		
<u>Subpart VV</u>	<u>SOCMI equipment leaks (VOC)</u>		
<u>Subpart WW</u>	<u>Beverage can surface coating operations</u>		
<u>Subpart XX</u>	<u>Bulk gasoline terminals</u>		
<u>Subpart AAA</u>	<u>New residential wood heaters</u>		
<u>Subpart BBB</u>	<u>Rubber tire manufacturing industry</u>		
<u>Subpart DDD</u>	<u>VOC emissions from the polymer manufacturing industry</u>		
<u>Subpart FFF</u>	<u>Flexible vinyl and urethane coating and printing</u>		
<u>Subpart GGG</u>	<u>Petroleum refineries - compressors and fugitive emission sources</u>		
<u>Subpart HHH</u>	<u>Synthetic fiber production facilities</u>		
<u>Subpart III</u>	<u>VOC emissions from SOCOMI air oxidation unit processes</u>		
<u>Subpart JJJ</u>	<u>Petroleum dry cleaners</u>		

28. Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);

29. Any major stationary source as defined in WAC 473-404; below;

"Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(a) A major source under section 112 of the FCAA, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, twenty-five tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(b) A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit, one hundred tpy

- or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator).
- (c) A major stationary source as defined in part D of Title I of the FCAA, including:
- (i) For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182 (f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;
- (ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;
- (iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and
- (iv) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM-10.

30. Any of the following categories of sources which are listed in WAC 173-460-030(1):

Standard industrial classifications:

- Major group 10-Metal mining.
Major group 12-Bituminous coal and lignite mining.
Major group 13-Oil and gas extraction.
Manufacturing industries major groups 20-39.
Major group 49-Electric, gas, and sanitary services except 4971 irrigation systems.
Dry cleaning plants, 7216.
General medical surgical hospitals, 8062.
Specialty hospitals, 8069.
National Security, 9711.
Any Source category listed in WAC 173-490-030(1) except WAC 173-490-030 (1)(e) Gasoline dispensing facilities.

WAC 173-490-030(1) categories:

- a. Petroleum refineries.
 b. Petroleum liquid storage tanks.
 c. Gasoline loading terminals
 d. Bulk gasoline plants.
 e. Gasoline dispensing facilities.
 f. Surface coaters.

- g. Open top vapor degreasers.
 h. Conveyerized degreasers.
 i. Gasoline transport tanks.
 j. Vapor collection systems.
 k. Perchloroethylene dry cleaning systems.
 l. Graphic arts systems.
 m. Surface coaters of miscellaneous metal parts and products.
 n. Synthesized pharmaceutical manufacturing facilities.
 o. Flatwood panel manufacturers and surface finishing facilities.

Any of the following sources:

- Landfills.
Sites subject to chapter 173-340 WAC Model Toxics Control Act—Cleanup regulation.

B. A special report of closure shall be filed with the Authority whenever operations producing emissions are permanently ceased for any source listed in Section 4.01(A) above.

C. It shall be the duty of all persons, firms or corporations ~~engaged in the business of~~ selling combustion type orchard heating devices to report to the Authority the sale of such devices to be installed or used anywhere within the jurisdiction of the Yakima County Clean Air Authority.

The report herein provided for shall be in writing and shall be delivered to or mailed to the Authority within ten (10) days after such sale and shall contain the name and address of the purchaser and the location of the property at which such devices are to be installed or used.

D. The owner or operator of any proposed new source shall register the source with the Authority.

E. Initial registration and reporting shall be on forms supplied by the Authority within the time specified thereon. The forms will provide for the submission of information concerning locations, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information relevant to air pollution as the Authority may require.

After initial registration and reporting, subsequent general reports shall be filed annually during January on forms supplied by the Authority in accordance with the terms of the Pollution Disclosure Act of 1971, Chapter 160, Laws of 1971, Extraordinary Session.

F. A separate registration shall be required for each source of contaminant provided that an owner or lessee has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process and provided further than an owner need not make a separate registration for identical units or equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

G. Each registration shall be signed by the owner or lessee or agent for such owner or lessee. The owner or the lessee of the source shall be responsible for the registration and the correctness of the information submitted.

H. All registrants shall pay a fee for registration as is required by the Authority in accordance with the fee schedule as approved by the Board.

SECTION 4.02 - NOTICE OF CONSTRUCTION**A. Policy General Requirement.**

No person shall construct, install or establish a new air contaminant source, except those sources excluded in Section 4.03 of this Regulation, without first filing with the Authority a "Notice of Construction, Installation or Establishment of New Air Contaminant Source", on forms prepared and furnished by the Authority.

For the purpose of this section, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction, installation or establishment of a new air contaminant source.

B. Completeness Determination.

Within thirty (30) days after the receipt of Notice of Construction application the Authority shall either notify the applicant in writing that the application is complete or that additional information is necessary. The Authority may require the submission of plans, specifications and such other information as it deems necessary concerning the proposed construction, installation and establishment of such source.

C. Final Approval.

Within sixty (60) days of receipt by the Authority of a complete Notice of Construction application the Authority shall either:

1. Issue a final decision on the application, or
2. For those Notice of Construction application reviews subject to public notice initiate notice and comment on a proposed decision and issue thereafter, as promptly as possible, a final decision.

D. Conditions.

Every order of approval issued pursuant to this section shall:

1. Be reviewed prior to issuance by a professional engineer in the employ of the Authority or the Washington State Department of Ecology.
2. Include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded or cause a potential hazard to public health.
3. Include a determination that the proposed new source will comply with all applicable New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Any Notice of Construction review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as the result of the modification.

Nothing in this Regulation shall be construed to authorize the Board to require the use of emission control equipment or other equipment, machinery or devices of any particular type from any particular supplier or produced by any particular manufacturer.

Any features, machines and devices constituting parts of or called for by plans, specifications or other information submitted pursuant to this section shall be maintained and operated in good working order.

The absence of any ordinance, resolution, rule or regulation or the failure to issue an order pursuant to this section shall not relieve a person from his or her obligation to

comply with applicable emission control requirements or with any other provision of the law.

E. Control Technology Requirements.

For new sources in nonattainment areas, Best Available Control technology (BACT) will be employed, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve the Lowest Achievable Emission Rate (LAER) for the contaminants for which the area has been designated nonattainment.

For new sources in attainment or nonclassifiable areas, Best Available Control Technology (BACT) will be employed for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

For an existing stationary source for which the emission control technology is replaced or substantially altered, Reasonably Available Control Technology (RACT) and reasonable operation and maintenance conditions for the control equipment may be required by the Authority.

F. Notice of Completion - Notice of Violation.

The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer may, within thirty (30) days of receipt of notice of completion, inspect the construction, installation, or establishment, and the Board or Control Officer may issue a Notice of Violation, if he finds that the construction, installation, or establishment is not in accord with the plans, specifications or other information submitted to the Authority.

G. Temporary Sources.

For sources such as asphalt batch plants with multiple locations which locate temporarily at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the Authority of intent to operate at the new location at least thirty (30) days prior to starting the operation, and supplies sufficient information to enable the Authority to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards. The permission to operate shall be for a limited period of time and the Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards.

H. Public Notice.

1. Notice of Construction applications shall be subject to public notice under the following conditions:

- a. If otherwise required by state or federal laws or regulations; or
- b. If the proposed source would cause an annual increase of ten tons of any air contaminant for which the ambient air quality standards have been established; or
- c. If the Yakima County Clean Air Authority determines that such public comment would be appropriate.

2. Within fifteen days of receipt of a complete application for a Notice of Construction the Authority shall determine whether public notice is required, and if so it shall publish notice to the public of an opportunity to submit written comments during a thirty (30) day period. Such public notice shall contain the following information:

PERMANENT

- a. The name and address of the owner;
- b. A brief description of the proposed construction;
- c. The location at which a copy of the preliminary determination and a summary of the information considered in making such preliminary determination are available to the public.

I. Fee Assessment.

Any person submitting a Notice of Construction pursuant to the terms of this Regulation shall be assessed a fee by the Authority in accordance with the fee schedule as approved by the Board.

SECTION 4.03 - EXCEPTIONS TO ARTICLE IV

Neither registration nor notice of construction shall be required for the following air contaminant sources:

- A. Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.
- B. Blast cleaning equipment which uses a suspension of abrasive in liquid water.
- C. Fuel burning equipment if used solely for a private dwelling serving three (3) families or less.
- D. Insecticide and herbicide spray equipment.
- E. Non-stationary internal combustion engines, including gas turbine and jet engines.
- F. Laboratory equipment used exclusively for chemical or physical analysis.
- G. Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

H. Application of surface coatings by use of an aqueous solution or suspension if used on external or internal walls of residential, commercial or industrial facilities.

I. Steam cleaning equipment used exclusively for that purpose.

J. Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.

- K. Vents used exclusively for:
 - 1. Sanitary or storm drainage systems; or
 - 2. Safety valves; or
 - 3. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- L. Construction of single family or duplex dwellings.

**ARTICLE V
EMISSION STANDARDS AND PREVENTATIVE
MEASURES**

SECTION 5.01 - OUTDOOR BURNING

Outdoor burning in Yakima County shall, unless specifically exempted in Section 5.03(E), be conducted only by permit issued by the local responsible jurisdiction and shall be subject to the limitations set forth herein.

A. The issuance of outdoor burning permits for the following activities shall be governed by the Authority, local city, town or fire protection district in which such fire or fires are being conducted.

- 1. Residential Burning;
- 2. Outdoor burning of residue of natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects.

B. The issuance of permits for the following outdoor burning shall be governed by the Washington State Department of Natural Resources or by federal authorities for lands under federal control:

- 1. Abating of forest fire hazard;
- 2. Prevention of fire hazard;
- 3. Instruction of public officials in the method of forest fire fighting;
- 4. Any silviculture operation to improve the forest lands of the state;
- 5. All silvicultural burning used to promote regeneration of rare and endangered plants found within natural area preserves, as identified under Chapter 79.70 RCW or used to maintain fire dependent ecosystems for rare plants or animals within the state, federal and private natural park area preserves, natural resource conservation areas, parks and other wildlife areas.

C. All other outdoor burning will be governed by permits issued by the Yakima County Clean Air Authority.

D. It is a violation of these Regulations for any person to conduct outdoor burning without obtaining a permit from the responsible jurisdiction as set forth above.

E. Any person requesting a permit from a local responsible jurisdiction, such as local city, town, fire protection district, conservation district or the Authority, for an outdoor burning permit shall pay a fee as governed by the fee schedule of that agency then in effect.

SECTION 5.02 - REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING

A. The Regulations in this Section are applicable to all outdoor burning whether conducted under the jurisdiction of the Yakima County Clean Air Authority, local cities, towns, fire protection districts or conservation districts, or the Department of Natural Resources.

1. It shall be unlawful for any person to ignite, cause or permit to be ignited or to suffer, allow or maintain any outdoor burning within the jurisdiction of any of the above authorities as provided in Section 5.01 and in addition thereto, it shall be unlawful and not within any of the exemptions of Sections 5.03 (D), (E) and 5.04 for any person to ignite, cause or permit or suffer to be ignited or allow or maintaining any outdoor burning within any of the jurisdictions described above as follows:

a. Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors.

b. During any forecast, alert, warning or emergency condition as defined in RCW 70.94.715.

c. During any impaired air quality condition as defined in RCW 70.94.473.

B. It shall be prima facie evidence that the person who owns or controls property on which ~~open~~ outdoor burning occurs has allowed or caused such open fire.

SECTION 5.03 - REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING WITHIN THE JURISDICTION

**OF THE YAKIMA COUNTY
CLEAN AIR AUTHORITY, LO-
CAL CITIES, TOWNS, FIRE
PROTECTION DISTRICTS AND
CONSERVATION DISTRICTS**

A. The Yakima County Clean Air Authority finds that it is consistent with its policy of reducing outdoor burning to the greatest extent possible to prohibit outdoor burning in certain areas subject to the exceptions as set forth in subsection 5.03(D) hereof.

B. Except as set forth in subsection 5.03(D) hereof, no outdoor burning shall be allowed in any area of Yakima County, Washington which exceeds federal or state ambient air quality standards for pollutants emitted by outdoor burning which includes the Yakima Urban Area and the city limits of the city of Selah, Washington.

C. Except as provided in Section 5.03(D) hereof, outdoor burning shall not be allowed in any urban growth area as defined in RCW 36.70(a).030 and RCW 36.70(a).110, or in any city in the Authority's jurisdiction having a population greater than 10,000 persons if:

1. Such areas threaten to exceed state or federal air quality standards, and;
2. Alternative disposal practices consisting of a good solid waste management plan are reasonably available or practices eliminating production of organic refuse are reasonably available.

D. Outdoor burning shall be allowed upon permit obtained from the Authority or Department of Ecology for the following purposes:

1. Weed abatement along ditch banks and fence lines;
2. Agricultural burning as defined in WAC 173-425-030;
3. Instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency;
4. All such permits issued pursuant to this provision shall be subject to the conditions and limitations as are set forth in Section 5.04 hereof.

E. Outdoor burning shall be allowed without permit for:

1. Small outdoor fires on an occasional basis for ceremonial, religious, or cooking purposes or like social purposes;
2. Fires from barbecues, flares, torches, gas burners, incense burners and insect pots.

**SECTION 5.04 - REGULATIONS APPLICABLE
TO PERMITS ISSUED BY THE
YAKIMA COUNTY CLEAN AIR
AUTHORITY FOR ALL OTHER
OUTDOOR BURNING**

A. Outdoor burning permits will be issued by the Yakima County Clean Air Authority pursuant to restrictions and limitations on outdoor burning as set forth in these Regulations as follows:

1. Weed abatement, agricultural burning to control diseases and insects or developments of physiological conditions conducive to increase crop yield.

a. All applications for permits to set fire for such agricultural burning shall be acted upon by the Authority within seven (7) days from the date such application is filed.

b. When burning is necessary to control disease or insect infestation and alternative methods are not available and the Yakima County Agricultural Extension Agency so certifies.

2. Instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency.

B. Permits issued for burning under this Section shall be drafted to minimize emissions, including denial of permission to burn during periods of adverse meteorological conditions.

C. All permits issued by the Authority will contain conditions to insure that public interest in air, water and land pollution and safety to life and property is fully considered and will be designed to minimize air pollution as practicable.

D. All applications for permits must demonstrate that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life and property and no other reasonable alternative (as defined in the WAC) is available to successfully carry out the enterprise in which the applicant is engaged.

**SECTION 5.05 - ADDITIONAL RESTRICTIONS
ON OUTDOOR BURNING**

All outdoor burning conducted pursuant to this Regulation shall be conducted between the hours of sunrise and sunset, except that burning for pest or disease control or for land clearing purposes, and of which the combustible material consists primarily of wood more than twelve (12) inches in diameter, may be conducted after sunset, but such fires shall not be ignited or fed after 12:00 noon on any day they are ignited. For the purpose of this provision a fire shall be deemed to be out and extinguished when there is not a visible flame coming from the fire.

A. No open burning shall be conducted when the Control Officer, acting on guidelines for air quality control which are hereafter established by the Board, has prohibited such burning.

B. No open burning shall be conducted during any stage of an Air Pollution Episode and any person or entity responsible for an open fire shall immediately proceed to extinguish such fire when notified of the existence of an air pollution episode by any of the means set forth hereafter. Notice will be deemed sufficient to the public for all purposes of these Regulations after twelve (12) hours have elapsed from the time such notice has been delivered to and published by a newspaper of general circulation in the area where such limitation applies, or has been delivered to and broadcasted by a radio or television station serving the area.

C. Any person responsible for fires set in accordance with this Section must abide by all rules and procedures set by other agencies having any jurisdiction over the practice of open burning.

**SECTION 5.06 - GENERAL STANDARDS FOR
MAXIMUM PERMISSIBLE
EMISSIONS**

A. Visible Emissions.

No person shall cause or permit visible plume from any source that exceeds twenty percent (20%) opacity for three ~~consecutive~~ minutes in any one hour period except:

1. When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent (20%) opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Authority be advised of the schedule.

2. When the owner or operator of the source supplies valid data to show that the opacity exceeds twenty percent (20%) as the result of the presence of condensed water droplets. The concentration of particulate matter as shown by a source test approved by the Authority must be less than one-tenth (0.1) grains per dry standard cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen.

3. As provided in WAC 173-433-110 "Opacity Standards For Solid Fuel Burning Devices".

B. Preventing particulate matter from becoming airborne.

No person shall cause or permit the emission of particulate matter from any source which is transported or becomes deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was transported or deposited.

C. Material handling.

No person shall cause or permit materials handling without taking reasonable precautions to prevent the release of contaminants to the ambient air.

D. Odor.

Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with an adjoining property owner's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

E. Air contaminants or water vapor detrimental to persons or property.

No person shall cause or permit the emission of any air contaminant or water vapor from any source, including any 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.

F. Sulfur dioxide.

1. No person shall cause or permit the emission of a gas containing sulfur dioxide in excess of 1,000 parts per million (ppm) except when the owner or operator supplies emission data and can demonstrate to the Authority that there is no feasible method of reducing the concentration to less than 1,000 ppm and that the ambient air quality standard for sulfur dioxide has not been and will not be exceeded. In such cases, the Authority may require the owner or operator to equip, operate and maintain as many as three (3) continuous ambient air monitoring stations at locations and using equipment approved by the Authority. All sampling results

will be made available upon request and a monthly summary will be submitted to the Authority.

2. All concentrations of sulfur dioxide referred to above are by volume, dry standard conditions, and for combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen.

G. Concealment and masking.

No person shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

H. No person shall hereafter sell or install within the jurisdiction of the Yakima County Clean Air Authority any continuous, stationary air contaminant source in which the air contaminant emitted therefrom cannot be restricted to the standards as set forth in Sections 5.06(A) and 5.08.

I. The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed it may be measured at an observable point on a plume nearest the point of emission.

SECTION 5.07 - MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES

A. No person shall cause or permit visible plume from any combustion or incineration source that exceeds twenty percent (20%) opacity for three ~~consecutive~~ minutes in any one hour period or cause or permit an emission of particulate matter in excess of the standard set forth in Section 5.08.

B. For all incinerator sources no person shall cause or permit emissions in excess of 100 ppm of total unburned hydrocarbons. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Authority.

C. Stated concentrations for combustion and incineration sources will be determined after the volumes are corrected to seven percent (7%) oxygen.

D. All incinerators designed to burn twelve tons per day of materials shall be subject to the standards set forth in WAC 173-434.

SECTION 5.08 - MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES

No person shall cause or permit the emission of particulate matter from any general process operation in excess of one tenth (0.10) grains per standard cubic foot of dry exhaust gas as tested in accordance with 40 CFR Part 60 Appendix A, Method 5, "Determination of Particulate Emissions from Stationary Sources".

SECTION 5.09 - MINIMUM STANDARDS OR PROCEDURES FOR CERTAIN SOURCE CATEGORIES

The Authority finds that reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed and except as specifically provided in

this Section, such sources shall be required to meet the provisions of Section 5.06, Section 5.07, and Section 5.08.

A. Asphalt Batch Plants.

1. All batch plants shall meet all requirements of Title 40 CFR 60.90 Subpart I, "Standards of Performance for Hot Mix Asphalt Facilities".

2. Asphalt batch plants shall utilize Best Available Control Technology and shall be maintained and operated to minimize emissions.

B. Hogged Fuel Boilers.

1. No person shall operate a hogged fuel boiler that will cause or permit an emission for more than three (3) minutes in any one (1) hour of an air contaminant from any source which, at the emission point or within a reasonable distance of the emission point, exceeds twenty percent (20%) opacity or which causes an emission of particulate matter in excess of one-fifth (0.20) grains per standard dry cubic foot. Provided that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.

2. All hogged fuel boilers shall utilize Reasonably Available Control Technology and shall be maintained and operated to minimize emissions.

3. The Authority may establish additional requirements for hogged fuel boilers located in or proposed for location in sensitive areas. These additional requirements may include, but shall not be limited to:

a. A requirement to meet provisions of Section 5.07.

b. A requirement to utilize Best Available Control Technology.

c. A requirement to reduce or eliminate emissions if the Authority establishes that such emissions unreasonably interfere with the use or enjoyment of the property of others or if such reductions or eliminations are necessary to meet ambient air quality standards.

C. Orchard Heating.

1. Burning of rubber material, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

2. It shall be unlawful to burn any material or operate any orchard heating device that causes visible emissions exceeding twenty percent (20%) opacity, except during the first thirty (30) minutes after such device or material is ignited.

D. Grain Elevators.

1. Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of Section 5.06, B, C, D, and E.

2. The Authority may establish additional requirements for grain elevators located, or proposed for location, in sensitive areas. These requirements may include, but shall not be limited to:

a. A requirement to meet the provisions of Section 5.06 and Section 5.08.

E. Asbestos.

No person shall remove or otherwise disturb asbestos, to the extent that asbestos fibers may become airborne, without notifying the Authority ten (10) days prior to

removal. If removal is necessary due to an emergency, the ten day waiting period may be waived by the Authority.

1. Private Residents.

Private homeowners, when removing friable asbestos materials from their normally occupied or will be normally occupied homes, may be required to remove the asbestos materials according to the National Emission Standard for Hazardous Air Pollutants (NESHAPS) as set forth in Title 40 Code of Federal Regulations part 61, as the same now exists or may be amended. Removal and disposal of non-friable asbestos materials shall be conducted in accordance with practices and procedures approved by the Authority.

2. Small Quantity Asbestos Material.

Asbestos Materials in quantities less than 160 square feet or 260 linear feet must be removed and disposed of according to practices and procedures approved by the Authority.

3. Commercial, Industrial or other sources.

No person shall demolish any commercial, institutional, or industrial building, or any residential facility constructed to house four (4) or more families without first performing a thorough inspection, to be conducted by a qualified expert to determine the quantities and types of asbestos materials present. If it is determined that such building contains asbestos, no person shall commence the demolition of such facility without complying with the requirements of NESHAPS, the Federal Rule stated in E (1) above.

4. Fees or Administrative Charges.

Any person applying for a Notification of Demolition or Renovation from the Authority or private homeowners, prior to removing asbestos materials from their homes, may be assessed a fee by the Authority in accordance with the fee schedule as approved by the Board.

SECTION 5.10 - SENSITIVE AREA DESIGNATION

In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which the sources are, or may be located, the Authority, after public hearing upon due notices to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality; population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedule than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the department.

SECTION 5.11 - MONITORING AND SPECIAL REPORTING

A. Monitoring.

The Authority shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations of air contaminants as approved by the Board.

As part of this program, the Authority or its authorized representative may require any source under the jurisdiction

of the Authority to conduct stack and/or ambient air monitoring, and to report the results to the Authority.

B. Investigation of conditions.

The Control Officer or an authorized representative shall have authority to investigate conditions as set forth in Section 2.02(C).

C. Source testing.

In order to demonstrate compliance with this Regulation, the Authority or its authorized representative may require that a test be made of the source in a manner approved by the Authority. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of the source. The Authority shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at any time.

D. Report of breakdown or upset condition.

If an equipment breakdown or upset condition occurs resulting in emissions in excess of applicable limits set by this Regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the department by the next working day after the breakdown occurs.

An initial breakdown or upset condition shall not be subject to penalties for emissions in excess of the limits set by this chapter, providing the owner or operator complies with the provisions of this subsection and providing the breakdown or upset was not the result of gross negligence. If an extended time period is required to complete the corrective action, the Authority or its authorized representative may require that the operation be curtailed or shutdown. Repeated breakdowns may be subject to all penalties authorized by law. The Authority or its authorized representative may issue regulatory orders specifying maintenance and operating procedures.

E. Continuous Monitoring and Recording.

Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified. The exceptions listed for the following categories do not apply if the continuous emission monitoring is required by the SIP.

1. Fossil fuel-fired steam generators.

a. Opacity, except where:

(1) Steam generator capacity is less than 250 million BTU per hour heat input, or

(2) Only gaseous fuel is burned, or

(3) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administration or judicial procedure, been found in violation of any visible emission standard.

b. Sulfur dioxide, except where:

(1) Steam generator capacity is less than 250 million BTU per hour heat input, or

(2) Sulfur dioxide control equipment is not required.

c. Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

d. General exception.

These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent (30%), as reported to the Federal Power Commission for the calendar year 1974, or as otherwise demonstrated to the Authority by the owner or operator.

2. Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred (300) tons per day, expressed as one hundred percent (100%) acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

3. Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

a. Opacity where fresh feed capacity is more than 20,000 barrels per day.

4. Wood residue fuel-fired steam generators.

a. Opacity, except where:

(1) Steam generator capacity is less than 100 million BTU per hour heat input.

b. Continuous monitoring equipment.

The requirements of Section 5.11 (E)(5) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment shall be subject to approval by the Authority.

5. Owners and operators of those sources required to install continuous monitoring equipment under this Regulation or the SIP shall demonstrate to the Authority compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, Code of Federal Regulations, Part 51, Appendix P, Section 3, 4, and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

F. All sources subject to this Regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen (18) months after adoption of this Regulation by the Authority. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

G. Special considerations.

If or reason of physical plant limitations or extreme economic situations, the Authority determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally be of the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

H. Exemptions.

Subsection 5.11(E) does not apply to any source which is:

1. Subject to a ~~n~~New ~~s~~Source ~~p~~Performance ~~s~~Standard.

2. Not subject to an applicable ~~e~~Emission ~~s~~Standard.

3. Scheduled for retirement within five (5) years after inclusion of monitoring equipment requirements in this Regulation, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

I. Monitoring system malfunctions.

A source may be temporarily exempted from the monitoring and reporting requirements of this Regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the Authority that the real malfunction was unavoidable and is being repaired as expeditiously as practicable.

SECTION 5.12 - PREVENTIVE MEASURES

A. No person shall cause, let, allow or permit or suffer particulate matter to be stored, handled, or transported without taking reasonable precautions to prevent air pollution.

B. No person shall cause, let, allow, permit, or suffer a building or its appurtenances or road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent air pollution.

C. Nothing in this Regulation shall be construed to impair any cause of action or legal remedy therefore of any person, or the public, or the injury or damage arising from the emission from any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

D. Any person engaged in the construction, repair, remodeling or demolishing of any building, or engaging in any road construction or repair within any incorporated town or city in Yakima County, Washington, or within an area of one (1) mile of the city limits of the city of Yakima, Washington, or within one-quarter (1/4) of a mile of the city limits of any other town or city in Yakima County, Washington, shall take such measures as are reasonably necessary to reduce air pollution, including the use of water and the sprinkling of water to control dust so that the same is not emitted and deposited upon the property of others in quantities which unreasonably interfere with the enjoyment of their property. No work as above defined shall be commenced without having water available at the job site in sufficient quantities to control air pollution at the time of commencement of such work.

ARTICLE VI OPERATING PERMITS

SECTION 6.01 - POLICY

The Yakima County Clean Air Authority shall administer an air operating permit program upon approval of its delegation request, pursuant to RCW 70.94 Chapter 173-401 WAC. Under this program any air contaminant source subject to section 6.02 shall be required to have an air operating permit.

SECTION 6.02 - APPLICABILITY

Operating permits shall be required for all sources where:

A. Required by the Federal Clean Air Act, and

B. For any source that may cause or contribute to air pollution in such quantity as to create a threat to public health and welfare. This subsection shall not apply to small businesses except when both of the following limitations are satisfied:

1. That source is in an area exceeding or threatening to exceed federal or state air quality standards, and

2. The Authority provides reasonable justification that requiring a source to have a permit is necessary in order to meet federal or state air quality standards.

SECTION 6.03 - PROGRAM DELEGATION

The delegation order authorizing the Yakima County Clean Air Authority to administer its Air Operating Permit Program shall become effective ninety (90) days after approval by the United States Environmental Protection Agency (EPA).

SECTION 6.04 - PERMIT APPLICATION

Within one hundred eighty (180) days after EPA approval of the Authority's permitting program any source required to have a permit shall submit to the Authority a compliance plan and a permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided such sources submit complete and timely permit applications.

New Sources which commence operation after EPA approval of the Authority's permitting program and which are required to have a permit shall file a complete permit application within twelve (12) months after commencing operation.

Unless the Authority determines that an application is not complete within sixty (60) days of receipt of the application, such application shall be deemed to be complete.

SECTION 6.05 - PERMIT CONTENT

Each air operating permit shall state the origin of and the specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

A. The Federal Clean Air Act and rules implementing that act, including provisions of the approved SIP; and

B. RCW Chapter 70.94 RCW and ~~the rules adopted thereunder~~ Chapter 173-401 WAC; and

C. The requirements of any order or regulation adopted by the Authority; and

D. Chapter 70.98 RCW and rules adopted thereunder; and

E. Chapter 80.50 RCW and rules adopted thereunder.

The Authority shall issue permits for a fixed term of five years.

SECTION 6.06 - PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS

A proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Yakima County Clean Air Authority or the Department of Ecology.

The Authority shall take final action on each permit application within eighteen months of receiving a complete application except during a transition period (not to exceed three years) that will begin the effective date of the permit program. During the transition period the Authority shall take final action on at least one-third of all operating permit applications annually.

A source shall submit an application for permit renewal no later than six (6) months prior to the expiration date of the permit.

A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the Federal Clean Air Act.

SECTION 6.07 - PUBLIC INVOLVEMENT

All proposed permits shall be subject to public notice and comment. The Authority shall respond to comments received from interested parties prior to the time that the proposed permit is submitted to the EPA for review pursuant to section 505(a) of the Federal Clean Air Act. In the event that the EPA objects to a proposed permit pursuant to section 505(b) of the Federal Clean Air Act, the Authority shall not issue the permit, unless the permittee consents to the changes required by the EPA.

SECTION 6.08 - VIOLATION

After the effective date of the permit program, it shall be unlawful for any person to operate a permitted source in violation of any requirement of a permit issued under this article or fail to submit a permit application as outlined in Section 6.04.

SECTION 6.09 - FEE ASSESSMENT

Pursuant to RCW 70.94.161(14), the Authority shall allocate its fiscal 1994 air operating permit program development costs among the sources under its jurisdiction emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 and shall collect interim fees from these sources. These interim fees shall be in accordance with the fee schedule as approved by the Board. The Authority shall collect these interim fees and the interim fees assessed by the Department of Ecology at the same time.

Pursuant to RCW 70.94, (Bill 1089), the Authority shall determine, assess, and collect annual fees sufficient to cover the Authority's direct and indirect costs of implementing its air operating permit program. These annual fees shall be in accordance with the fee schedule as approved by the Board. The Authority shall collect these annual fees and the annual fees assessed by the Department of Ecology at the same time.

Air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be remitted to the Department Air operating permit fees collected by the Authority on its own behalf shall be deposited into an air operating permit account dedicated exclusively to the support of its Air Operating Permit Program.

ARTICLE VII VARIANCES

SECTION 7.01 - VARIANCES

A. Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, may apply to the Board for a variance from the provisions of these Regulations governing the quality, nature, duration or extent of discharge of air contaminants in accordance with the provisions of RCW 70.94.181. The application shall be accompanied by such information and data as the Board may

require. The Board may grant such variance, but only after public hearing or due notice if the Board finds that:

1. The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

2. Compliance with the rules and regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

3. Provided, however, that the Board will not grant variances to state rules unless the same have been approved by the Washington State Department of Ecology prior to being issued by the Yakima County Clean Air Authority.

4. Total time period for a variance and a renewal of such variance shall not exceed one year.

B. No variance shall be granted pursuant to this section until the Board has considered the relative interest of the applicant, other owners of property likely to be affected by the emissions, and the general public.

C. Any variance or renewal thereof shall be granted within the requirements of subsection A and for time periods and under conditions consistent with the reasons therefore, and within the following limitations:

1. If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternative measures that the Department of Ecology or Board may prescribe.

2. If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time, as in the view of the Department of Ecology or Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

3. If the variance is granted on the ground that it is justified to relieve or prevent hardships of a kind, other than that provided for in Subsections 7.01 (A)(1), (2), and (3), it shall be for not more than one (1) year.

D. If renewal is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon the receipt of the application for renewal the Board shall give public notice of such application in accordance with the rules and regulations of the Board.

E. A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for variance or renewal of a variance by the Board, may obtain judicial review thereof under the provisions of Chapter 34.05 of RCW as now or hereafter amended.

F. Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the applications of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or their property.

G. An application for variance or for the renewal thereof submitted to the Department of Ecology or Board pursuant to this section, shall be approved or disapproved by the Board within sixty (60) days of receipt, unless the applicant and the Board agree to a continuance.

ARTICLE VIII PENALTY AND SEVERABILITY

SECTION 8.01 - PENALTY FOR VIOLATION

A. Any person who knowingly violates any of the provisions of these Regulations or any ordinance, resolution, statute or regulation in force pursuant thereto shall be guilty of a crime and upon conviction thereof shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment in the county jail for not more than one (1) year, or both.

B. Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment for not more than one (1) year, or both.

C. 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 the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than Fifty Thousand Dollars (\$50,000) or by imprisonment for not more than five (5) years, or both.

D. Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Thousand Dollars (\$5,000).

SECTION 8.02 - ADDITIONAL OR ALTERNATIVE PENALTIES

A. In addition to or as an alternate to any other penalty provided by law, any person who violates the provisions of Chapter 70.94 RCW, Chapter 70.120 RCW, or any of the rules and regulations the Yakima County Clean Air Authority may enforce under such Chapters of the Revised Code of Washington may incur a civil penalty in an amount not to exceed Ten Thousand Dollars (\$10,000) per day for each violation. Each such violation shall be a separate and distinct event, and, in the case of a continuing violation, each days continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this Chapter shall be liable for a

civil penalty of not more than Ten Thousand Dollars (\$10,000) per day for each day of continued noncompliance.

B. Penalties incurred but not paid shall accrue interest beginning on the ninety-first (91st) day following the date that the penalty becomes due and payable at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed interest shall not begin to accrue until the thirty-first (31st) day following the final resolution of the appeal.

C. Each act of commission or omission which procures, aids or abets the violation described herein shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.12(B).300.

D. In addition to the other penalties provided above, any person knowingly under-reporting emissions or other information used to set fees or persons required to pay emissions or permit fees who are more than ninety (90) days late with such payments may be subject to a penalty equal to three (3) times the amount of the original fee owed.

E. All penalties recovered under this section by the Authority shall be paid into the treasury of the Authority and rendered into its funds.

SECTION 8.03 - ASSURANCE OF DISCONTINUANCE

As an additional means of enforcing these Regulations, the Board may accept an assurance of discontinuance of any act or practice deemed in violation of this Regulation, 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 these Regulations, or order issued pursuant hereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from the Superior Court as provided in RCW 70.94.425.

SECTION 8.04 - RESTRAINING ORDER - INJUNCTIONS

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 these Regulations or order issued thereunder, the Board, after providing 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 other appropriate order.

SECTION 8.05 - SEVERABILITY

If any phrase, clause, subsection, or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction it shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid.

ARTICLE IX WOODSTOVES AND FIREPLACES

SECTION 9.01 - POLICY

Without limiting the power of the Yakima County Clean Air Authority or its Director or Agents, the Authority states that it shall be its policy, to the extent that it is compatible with the enforcement of the regulations, to instruct and educate the public and violators of the hazards to health caused by woodsmoke, and to authorize educational materials concerning those dangers.

SECTION 9.02 - OPACITY

No person owning, operating or in control of a residential solid fuel burning device shall cause, allow or discharge to the ambient air any emissions from such device which are of an opacity greater than twenty percent (20%) except for the purposes of public education, then the opacity level shall not be greater than ten percent (10%).

SECTION 9.03 - PROHIBITIVE FUEL TYPES

A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- A. Garbage;
- B. Treated Wood;
- C. Plastic Products;
- D. Rubber Products;
- E. Animals;
- F. Asphaltic Products;
- G. Waste Petroleum Products;
- H. Paints, or;
- I. Any substance other than Seasoned Wood Fuel which normally emits dense smoke or obnoxious odors.

SECTION 9.04 - LIMITATIONS OF SALES OF SOLID FUEL BURNING DEVICES

A. After January 1, 1992, no used solid fuel burning devices shall be installed in new or existing buildings unless such device is either Oregon Department of Environment Quality Phase II or EPA certified, or a pellet stove either certified or exempt from certification by the EPA or a fireplace furnace with a letter of exemption from the Washington State Department of Ecology and the United States Environmental Protection Agency.

B. Solid Fuel Burning Devices.

After January 1, 1995, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a solid fuel burning device unless it has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990, and meets the following particulate air contaminant emission standards and the test methodology of the EPA in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the EPA subsequent to such date:

1. Two and one-half (2 1/2) grams per hour for catalytic woodstoves; and
2. Four and one-half (4 1/2) grams per hour for all other solid fuel burning devices.

3. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by ecology that relates the emission test results from the methodology established by the EPA prior to May 15, 1991, to the tests results from the methodology subsequently adopted by that agency.

C. Fireplaces.

After January 1, 1997, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory built fireplace unless it meets the 1990 EPA standards for woodstoves or equivalent standard that may be established by the state building code council by rule. Subsection 9.04(A) shall not apply to fireplaces, including factory built fireplaces, and masonry fireplaces.

D. Persons selling new solid fuel heating devices shall distribute and verbally explain educational materials to customers purchasing new wood stoves describing when a stove can and cannot be legally used.

E. Exemptions

The following solid fuel devices shall be exempt from the requirements of Section 9.04(B):

- Boilers;
- Furnaces;
- Cookstoves

SECTION 9.05 - PROHIBITION OF VISIBLE EMISSIONS DURING AIR POLLUTION EPISODES

A. Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

1. Not burn wood in any solid fuel burning device whenever the Department of Ecology or the Authority has determined under RCW 70.94.715 that any Air Pollution Episode exists in that area.

2. Not burn wood in any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or certified by the Department of Ecology under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations in the geographic area and for the period of time that a first stage of impaired air quality has been determined by the Department of Ecology or by the Yakima County Clean Air Authority. The geographic area affected by a first stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(48).

3. Not burn wood in any solid fuel burning device, including those that meet the standards set forth in RCW 70.94.457, in any geographic area for the period of time that a second stage of impaired air quality has been determined by the Department of Ecology or the Yakima County Clean Air Authority. The geographic area affected by a second stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(48).

ARTICLE X CHLOROFLUOROCARBONS

SECTION 10.01 - POLICY

The Board recognizes that the release of chlorofluorocarbons into the atmosphere contributes to the destruction of stratospheric ozone and such destruction threatens plant and animal life. The Board further recognizes that unnecessary release of chlorofluorocarbons should be eliminated when such times as chlorofluorocarbon extraction equipment are readily available to local businesses and the Department of Ecology has adopted rules to control chlorofluorocarbon emission sources including performance specifications for chlorofluorocarbon extraction and/or recycling equipment.

**ARTICLE XI
EFFECTIVE DATE**

The effective date of these Regulations shall be November 18, 1993

**ARTICLE XII
ADOPTION OF STATE AND FEDERAL
REGULATIONS**

SECTION 12.01 - STATE REGULATIONS

Except as the same may be inconsistent with the provisions of this Regulation of the Yakima County Clean Air Authority as now adopted or hereafter amended, the Yakima County Clean Air Authority does hereby adopt by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Washington State Administrative Code as identified below:

- WAC 173-400 General Regulations for Air Pollution Sources;
- WAC 173-401 Operating Permit Regulations;
- WAC 173-425 Open Burning;
- WAC 173-430 Burning of Field and Turf Grasses Grown for Seed;
- WAC 173-433 Solid Fuel Burning Device Standards;
- WAC 173-434 Solid Waste Incineration Facilities;
- WAC 173-435 Emergency Episode Plans;
- WAC 173-470 Suspended Particulate (Ambient Standards);
- WAC 173-474 Sulphur Oxide Standards;
- WAC 173-475 Photochemical Oxidant, Hydrocarbons, Nitrogen Dioxide (Ambient Standards);
- WAC 173-460 Controls for New Sources of Toxic Air Pollutants;
- WAC 173-490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC);
- WAC 173-491 Emission Standards and Controls for Sources Emitting Gasoline Vapors.

SECTION 12.02 - FEDERAL REGULATIONS

Except as the same may be inconsistent with the provisions of this Regulation of the Yakima County Clean Air Authority as now adopted or hereafter amended, the Yakima County Clean Air Authority does hereby adopt by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Code of Federal Regulations as identified below:

- Title 40 CFR Part 60, New Source Performance Standards (NSPS);
- Title 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

DULY ADOPTED THIS 13th day of October, 1993.

SIGNED YAKIMA COUNTY CLEAN AIR AUTHORITY BY:

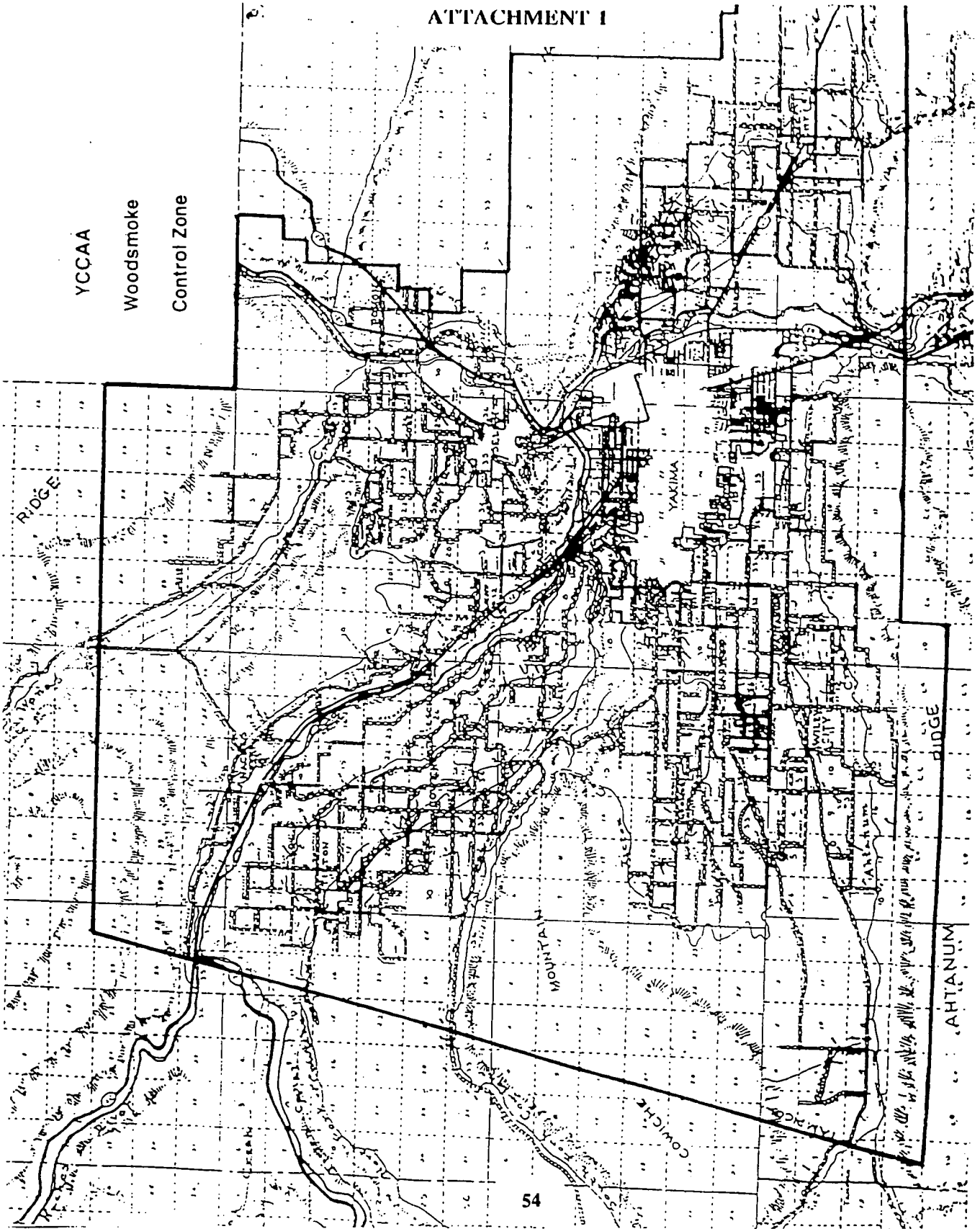
Glen Chandler Vice (Chairperson)

Charles J. Klarich

James M. Lewis

PERMANENT

ATTACHMENT I



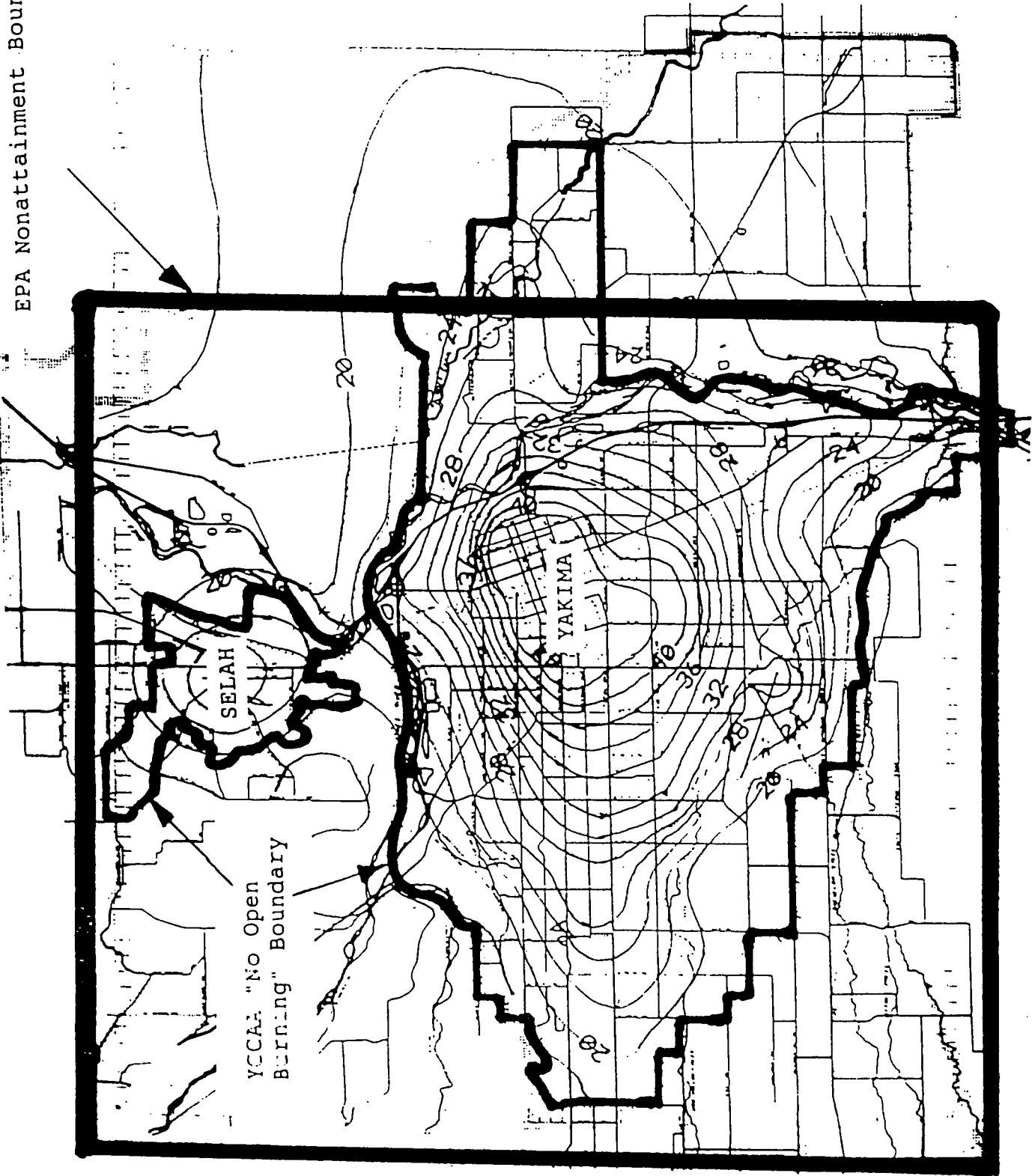
PERMANENT

ATTACHMENT 2

YAKIMA URBAN AREA

PERMANENT

EPA Nonattainment Boundary



Reviser's note: The spelling errors in the above material 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 typographical errors in the above material occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 93-23-005
PERMANENT RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Order 93-08—Filed November 4, 1993, 10:24 a.m.]

Date of Adoption: November 2, 1993.

Purpose: To adopt rules pertaining to the registration, use, classes, scope and conditions of duty, and training of emergency workers and compensation of emergency workers' claims.

Citation of Existing Rules Affected by this Order: Amending chapter 118-04 WAC.

Statutory Authority for Adoption: Chapter 38.52 RCW. Pursuant to notice filed as WSR 93-15-087 on July 20, 1993.

Changes Other than Editing from Proposed to Adopted Version: Added to the definition of "authorized official" other such officials identified in Annex S "search and rescue" of a local comprehensive emergency management plan, WAC 118-04-060(1); added to the specified subjects under first-aid training the requirement for knowledge of methods of protection from exposure to blood-borne pathogens, WAC 118-04-120 (2)(c) and (3)(c); and changed the prohibition on emergency workers participating in any mission activities if they have been using medication which might impair their ability, to a requirement that emergency workers notify the on-scene authorized official of their use of such medication, WAC 118-04-200(1).

Effective Date of Rule: Thirty-one days after filing,
 November 2, 1993
 Gene Canque Liddell
 Director

Chapter 118-04 WAC
EMERGENCY WORKER PROGRAM

NEW SECTION

WAC 118-04-020 Purpose and intent. The purpose of this chapter is to adopt rules pertaining to the use, classes, scope, conditions of duty and training of emergency workers and compensation of emergency workers' claims.

The intent of these rules is to clearly delineate the responsibilities of authorized officials and emergency workers before, during, and after emergencies, disasters, and other specific missions.

NEW SECTION

WAC 118-04-040 Scope. This chapter is applicable for emergency activities as outlined in chapter 38.52 RCW for:

- (1) Emergencies, disasters, and related incidents that are determined by appropriate state or local authorities to require the use of emergency workers and that are authorized by the issuance of an emergency management division mission number.
- (2) Search and rescue missions, including urban search and rescue and evidence search missions, that are conducted under the authority of local law enforcement officers and that are authorized by issuance of an emergency management division mission number.
- (3) Training events authorized by issuance of an emergency management division training event number.

NEW SECTION

WAC 118-04-060 Definitions. (1) "Authorized official" means director of the department of community development or designee, assistant director of the emergency management division or designee, the director or designee of a local emergency management agency, the chief law enforcement officer or designee of a political subdivision, or other such officials as identified in Annex S (search and rescue) of a local comprehensive emergency management plan.

(2) "Authorized organization" means the department of community development, the emergency management division, local emergency management agencies, and law enforcement agencies of political subdivisions.

(3) "Claimant" means the person making a claim or their legal representative.

(4) "Emergency management division" means Washington state department of community development, emergency management division.

(5) "Engineer" means any person registered under chapter 38.52 RCW as an emergency worker who is an architect registered under chapter 18.08 RCW and/or a professional engineer registered under chapter 18.43 RCW.

(6) "Evidence search" means an unscheduled, nonemergency training activity utilizing emergency worker skills to look for evidentiary material resulting from criminal activity.

(7) "Incident" means an occurrence or event, either human-caused or natural phenomena, that requires action by emergency services personnel to prevent or minimize loss of life or damage to property and/or the environment.

(8) "Local emergency management agency" means the emergency management or emergency services organization of a political subdivision of the state established in accordance with RCW 38.52.070.

(9) "Local director" means the director or designee of a local emergency management agency.

(10) "Mission" means a distinct assignment of personnel and equipment to achieve a set of tasks related to an incident, emergency, disaster, or search and rescue operation that occurs under the direction and control of a local authorized official.

(11) "Training event" means a planned, nonemergency activity for the development, maintenance, or upgrading of emergency worker skills.

(12) "Urban search and rescue (US&R)" means locating, extricating and providing for the immediate medical treatment of victims trapped in collapsed or damaged structures.

NEW SECTION

WAC 118-04-080 Registration. Registration is a prerequisite for eligibility of emergency workers for benefits and legal protection under chapter 38.52 RCW.

(1) Emergency workers shall register in their jurisdiction of residence or in the jurisdiction where their volunteer organization is headquartered by completing and filing an emergency worker registration card, Form DEM-024 or equivalent, with the local emergency management agency.

(a) The information provided during registration may be used by local authorized officials to conduct criminal history and driving record background checks.

(b) Failure to truthfully respond to statements set forth on the registration form may result in the denial of registration, revocation of registration as an emergency worker, or denial of compensation for claims or damage.

(c) Registration and subsequent issuance of an emergency worker identification card, Form DEM-025 or equivalent, shall be at the discretion of the local emergency management agency director. Denial of registration should only be made for cause.

(d) Each emergency worker shall be assigned to an emergency worker class as listed in WAC 118-04-100 in accordance with their skills, abilities, licenses, and qualifications.

(2) An employee of the state or of a political subdivision of the state who is required to perform emergency duties as a normal part of their job shall be considered as registered with the local emergency management agency in the jurisdiction in which they reside.

(a) When such individuals are outside the jurisdiction of their employment during a disaster or emergency, except when acting under the provisions of a mutual aid agreement, they should report to the on-scene authorized official and announce their capabilities and willingness to serve as a volunteer during the emergency or disaster. These individuals will be afforded the same protection as all other emergency workers.

(b) Such individuals, including volunteer fire fighters enrolled under chapter 41.24 RCW, shall not be eligible for compensation as emergency workers when, during an emergency or disaster, they are performing their normal duties in the geographic area they are normally assigned to work or in another geographic area under the provisions of a mutual aid agreement.

(3) Temporary registration.

(a) Temporary registration may be authorized:

(i) In those emergency situations requiring immediate or on-scene recruiting of volunteers to assist in time-critical or life-threatening situations.

(ii) In those training or exercise situations where certain duties can be performed by persons who have no permanent and specific emergency worker assignments and who are not

registered emergency workers but whose participation may be essential or necessary for the conduct of the training or exercise activity such as persons serving as disaster victims during a medical exercise.

(b) Persons shall be temporarily registered during the period of service if they have filled out a temporary registration card which includes name, date of birth, and address, as well as information describing the emergency, training, or exercise function they participated in, and the date and time they were involved in these activities, are issued a temporary identification card, and have reported to and are under the control and supervision of an authorized official operating under the provisions of chapter 38.52 RCW.

(c) When the lack of available time or resources precludes the completion of separate temporary registration and identification cards for each person, entry of the person's name, assignment, date and times of work, total hours worked, and miles driven (if applicable) on an emergency worker daily activity report, Form DEM-078 or equivalent, shall suffice until such time as the required forms can be completed. In these cases, the emergency worker's date of birth shall be used in lieu of an emergency worker identification card number in the appropriate block on the Form DEM-078.

(d) Period of service:

(i) The period of service for persons temporarily registered shall commence no earlier than the date and time of issuance of an emergency management division mission, evidence search mission, or training event number.

(ii) The period of service for persons temporarily registered shall terminate no later than the termination date and time of the emergency management division mission, evidence search mission, or training event number.

(4) Any citizen commandeered for service in accordance with RCW 38.52.110 shall be entitled, during the period of this service, to all privileges, benefits and immunities provided by state law and state or federal regulations for registered emergency workers so long as that citizen remains under the direction and control of an authorized official. Such persons should complete temporary registration at the scene in order to facilitate the processing of any claim that may result from that service.

(5) Animals, such as dogs and horses used in search and rescue and other disaster response may be registered with the local emergency management agency.

(a) The purpose of this provision is to support those instances where a search dog or other animal must be transported on commercial aircraft. Registration as an emergency search and rescue animal will aid the airline in determining the proper method of transporting the animal.

(b) Registration of an animal will also facilitate the processing claims for that animal should it become injured or killed during a training event or mission.

NEW SECTION

WAC 118-04-100 Classes of emergency workers. The following classes of emergency workers and the scope of duties of each class are hereby established.

(1) Administration includes, but is not limited to, technical, administrative, and clerical services and may

involve recruiting, coordinating, and directing any emergency support activities.

(2) Aviation includes duties performed by pilots licensed by the Federal Aviation Administration, operating Federal Aviation Administration approved aircraft, in support of emergency management activities. No compensation will be provided under chapter 38.52 RCW for those activities of air search which are the statutory responsibility of the Washington state department of transportation, aeronautics division.

(3) Communications includes, but is not limited to, any emergency communications activities carried out in accordance with approved state or local emergency operations and communications plans.

(4) Engineering includes, but is not limited to, structural, lifeline, electrical, civil, or mechanical engineering activities, inspection services, structural stability evaluation, and other emergency engineering-related activities such as construction, closure, demolition, repair, and maintenance of highways, roads, streets, bridges, as well as all types of buildings and facilities.

(5) Fire service includes, but is not limited to, assisting fire fighting forces or agencies in both urban and rural areas, rescuing persons or protecting property, instructing residents regarding fire prevention, providing emergency information to individual citizens about methods of detecting fires and precautions to be observed to reduce fire hazards. This class does not include volunteer fire fighters enrolled under and while in the performance of duty under chapter 41.24 RCW.

(6) General includes, but is not limited to, duties which can be performed by persons without permanent specific emergency assignment. These emergency workers may include personnel who are not ordinarily a part of an emergency response organization and who do not have any specific training or qualifications, but whose participation is essential to a specific emergency operation such as conducting sandbagging operations during a flood. These persons may be necessary for training or exercise activities such as serving as disaster casualties. These personnel shall register as temporary emergency workers for the period of time they are participating in emergency activities.

(7) Hazardous materials includes, but is not limited to, hazardous materials incident response duties, such as planning and coordination of response resources conducted in accordance with approved state or local emergency operations and hazardous materials plans.

(8) Law enforcement includes, but is not limited to, securing compliance with local, state, and federal laws, in a manner consistent with chapter 38.52 RCW, and assisting law enforcement officers with administrative and nonenforcement functions for the purpose of relieving commissioned personnel to carry out their enforcement duties.

(9) Mass care includes, but is not limited to, the provision of food, clothing, and lodging in mass care centers for persons whose homes have been destroyed or have been made temporarily uninhabitable by emergency or disaster, evacuation service for other than medical cases, registration and information, health and welfare inquiries, provision of temporary housing, counseling performed by qualified counselors, and other necessary assistance to disaster victims. It includes all duties required by current shelter management

guidelines and procedures published in approved state or local emergency operations and shelter plans.

(10) Medical includes, but is not limited to, medical and surgical field teams, triage, general emergency and mobile hospitals, nursing service, first aid and ambulance service, sanitation, mortuary and laboratory service, medical-related radiological monitoring, precautionary measures for biological or chemical incidents, identification of sick and injured, and other medical and health services. This class also includes critical incident stress debriefing teams.

(11) Public education includes, but is not limited to, duties involving public education and informational activities necessary to keep the public informed during an emergency or disaster as well as activities designed to prevent persons from becoming lost or injured during wilderness or other outdoor activities.

(12) Radiological includes, but is not limited to, radiological monitoring, gathering and evaluating radiological data, providing technical guidance concerning radiological decontamination operations, reporting, and planning duties that are in accordance with approved state or local emergency operations and radiological emergency plans.

(13) Search and rescue includes, but is not limited to, duties involving searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, man-caused, or technological disaster. These duties include instances involving searches for downed aircraft when ground personnel are used. This class includes urban search and rescue activities.

(14) Supply includes, but is not limited to, procurement, warehousing, staging, sorting, and release of supplies, equipment, and materials required during a mission, emergency, or disaster.

(15) Training includes, but is not limited to, all activities, public and private, relating to the education process and proficiency skill building for the enhancement of emergency preparedness under the concept of comprehensive emergency management, including but not limited to, specific courses, workshops, seminars, exercises, volunteer training activities, which includes the administration, reporting, and maintaining of appropriate records.

(16) Transportation includes, but is not limited to, the planning, organizing, maintaining, operating, and coordinating available means of transportation for the movement of supplies, evacuees, personnel, service animals, livestock, and equipment.

(17) Underwater diving includes, but is not limited to, the duties of underwater diving on any mission or training event. Workers serving in this capacity shall be certified in accordance with recognized national standards and shall provide proof of this certification to the local authorized official prior to conducting the task assigned.

(18) Utilities includes, but is not limited to, assisting utility personnel in the repair of water, gas, electric, telephone, telegraph, steam, sewer, and other utility facilities.

NEW SECTION

WAC 118-04-120 Classes and qualifications of search and rescue emergency workers. There are three classes of search and rescue emergency workers: Novice, support personnel, and field personnel. The basic qualifications listed below define each of the three classes. Local requirements may include more extensive and detailed qualifications to meet local needs. Authorized officials may also require search and rescue emergency workers to demonstrate proficiency in the skills required to carry out their assignments.

Emergency workers who are not qualified for specific search and rescue duties shall not be assigned to such duties unless specifically directed by an authorized official and then only when under the direct supervision and control of personnel who are qualified for that specific assignment.

(1) The following are basic qualifications for novice search and rescue emergency workers without specific duties including those personnel in a training status. Novice personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess sufficient knowledge of search and rescue skills and techniques to fulfill their emergency assignment.

(2) The following are basic qualifications for support search and rescue emergency workers. Support-qualified personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess knowledge of the skills required of field search and rescue emergency workers but are not required to have the field tested experience nor the physical capabilities of field-qualified personnel.

(c) Possess knowledge in first aid for the control of bleeding, cardiopulmonary resuscitation, bone immobilization, protection from the elements, and protection from exposure to blood borne pathogens.

(d) Possess basic knowledge of helicopter operations. Successful completion of a helicopter operations basic course approved by the emergency management division satisfies this requirement.

(e) If duties require involvement in helicopter operations, possess demonstrated knowledge and proficiency in helicopter operations. Successful completion of a helicopter operations intermediate and, as applicable, advanced course, approved by the emergency management division satisfies this requirement.

(3) The following are basic qualifications for field search and rescue emergency workers. Field-qualified personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess knowledge of and demonstrated proficiency in survival techniques and outdoor living.

(c) Possess knowledge in first aid for the control of bleeding, cardiopulmonary resuscitation, bone immobilization, protection from the elements, and protection from exposure to blood borne pathogens.

(d) Possess knowledge in wilderness navigation including map, compass, and other navigation methods as appropriate.

(e) Possess basic knowledge of helicopter operations. Successful completion of the helicopter operations basic course approved by the emergency management division will satisfy this requirement.

(f) Possess knowledge of search and rescue techniques.

(g) Possess knowledge of crime scene recognition, evidence recognition, human remains recognition and the provisions of RCW 68.50.010, 68.50.020, and 68.50.050.

(h) If duties require involvement in helicopter operations, possess demonstrated knowledge and proficiency in helicopter operations. Successful completion of a helicopter operations intermediate, and, as applicable, advanced course approved by the emergency management division, satisfies this requirement.

NEW SECTION**WAC 118-04-160 Establishment of state standards.**

When appropriate, and with input from local emergency management and law enforcement agencies as well as volunteer organizations, state standards may be established for classes of individual emergency workers and for search and rescue specialties. Upon establishment of a state standard, training programs within the state shall, at a minimum, comply with that standard.

NEW SECTION**WAC 118-04-180 Responsibilities of authorized officials registering and using emergency workers.**

(1) Authorized officials registering emergency workers have the responsibility to ensure those emergency workers meet basic qualifications as stated in these rules. Authorized officials organizing and using emergency workers are responsible for assembling the proper combination of emergency workers with the skills and abilities to accomplish the mission being undertaken. It is acknowledged that authorized officials must use judgment and experience in assessing the scene and the requirements for the mission. Authorized officials shall ensure each team has, among its members, the skills and expertise necessary to safely accomplish the mission.

(2) Local requirements may include more extensive and detailed criteria than are specified in this rule to meet local needs. Authorized officials may also require emergency workers to demonstrate proficiency in the skills required to carry out their assignments.

(3) Authorized officials shall ensure that all emergency workers are aware of their duty to comply with the personal responsibilities contained in WAC 118-04-200. This shall be accomplished at the time of registration and should be reemphasized to the emergency worker at periodic intervals.

(4) The state recognizes that many situations to which emergency workers are asked to respond are inherently hazardous. It is incumbent upon authorized officials utilizing emergency workers to ensure that the workers are not needlessly endangered in mission activities or training events.

(a) Authorized officials utilizing emergency workers for actual missions or during training events or evidence search

activities shall not place emergency workers nor shall they allow emergency workers to be placed in unnecessarily hazardous situations.

(b) All prudent and reasonable safety procedures, techniques, equipment, and expertise shall be used to ensure the safety of emergency workers at all times while going to, preparing for, performing, recovering from, and returning from, missions or training events.

NEW SECTION

WAC 118-04-200 Personal responsibilities of emergency workers. (1) Emergency workers shall be responsible to certify to the authorized officials registering them and using their services that they are aware of and will comply with all applicable responsibilities and requirements set forth in these rules.

(a) Emergency workers have the responsibility to notify the on-scene authorized official if they have been using any medical prescription or other drug that has the potential to render them impaired, unfit, or unable to carry out their emergency assignment.

(b) Participation by emergency workers in any mission, training event, or other authorized activity while under the influence of or while using narcotics or any illegal controlled substance is prohibited.

(c) Participation by emergency workers in any mission, training event, or other authorized activity while under the influence of alcohol is prohibited.

(d) Emergency workers participating in any mission, training event, or other authorized activity shall possess a valid operator's license if they are assigned to operate vehicles, vessels, or aircraft during the mission unless specifically directed otherwise by an authorized official in accordance with RCW 38.52.180. All emergency workers driving vehicles to or from a mission must possess a valid driver's license and required insurance.

(e) Use of private vehicles, vessels, boats, or aircraft by emergency workers in any mission, training event, or other authorized activity without liability insurance required by chapter 46.29 RCW is prohibited unless specifically directed otherwise by an authorized official in accordance with RCW 38.52.180.

(f) Emergency workers shall adhere to all applicable traffic regulations during any mission, training event, or other authorized activity. This provision does not apply to individuals who have completed the emergency vehicle operator course or the emergency vehicle accident prevention course and who are duly authorized under state law to use special driving skills and equipment and who do so at the direction of an authorized official.

(2) Emergency workers have the responsibility to comply with all other requirements as determined by the authorized official using their services.

(3) When reporting to the scene, emergency workers have the responsibility to inform the on-scene authorized official whether they are mentally and physically fit for their assigned duties. Emergency workers reporting as not fit for currently assigned duties may request a less demanding assignment that is appropriate to their current capabilities.

(4) Emergency workers have the responsibility to check in with the appropriate on-scene official and to complete all required recordkeeping and reporting.

NEW SECTION

WAC 118-04-220 Emergency worker duty status. Emergency workers are considered to be on duty when they are performing their duties during a mission, evidence search mission, or training event authorized by the emergency management division and they are under the direction and control of an authorized official.

In no event shall a public agency, other than an authorized organization as defined in these rules, use the services, including for training, of an emergency worker unless the agency has received the prior approval of the emergency management division assistant director. Emergency management division approval shall set forth the time and purpose of the activity and the proposed use of the emergency worker.

NEW SECTION

WAC 118-04-240 Mission numbers—Requests and requirements. (1) The emergency management division shall assign a mission number to approved missions or other emergency activities. The local authorized official shall notify emergency management division as soon as practical of all missions or other emergency activities under their jurisdiction and request the assignment of a mission number.

(2) The mission number assigned shall be a reference for the dispatch of resources to assist in the mission, recordkeeping, and reimbursement of any emergency worker compensation claims filed in connection with that mission.

(3) If additional resources from a different jurisdiction are needed to respond to an authorized mission, the local authorized official should make the request through the emergency management division duty officer.

(4) Requests from jurisdictions outside the state of Washington for the assistance of Washington state-based emergency workers should be coordinated through the requesting state, province or nation and the emergency management division duty officer. Compensation under chapter 38.52 RCW will only be available to individuals responding to missions outside of the state of Washington when the emergency management division duty officer has assigned a mission number, is coordinating the mission with the requesting state, province, or nation, and where an interstate mutual aid or similar agreement governs the mission.

(5) Upon notification by an authorized official to report to duty at a specific time and place, emergency workers are entitled to the benefits and provisions under chapter 38.52 RCW when acting in compliance with such notification and these rules. Eligibility for compensation shall be limited to the time and distance necessary to travel to the duty station, performance of services, and reasonable time to return to the point of origin.

(6) Mission numbers shall not be applied for or assigned, nor shall compensation be provided for activities which directly involve the search for, apprehension of,

detention, or arrest of suspects or persons in the act of committing or having committed a crime.

(7) Emergency worker daily activity report, Form DEM-078 or the equivalent, shall be used as a part of the administrative record for each mission.

NEW SECTION

WAC 118-04-260 Evidence search mission numbers—Requests and requirements. (1) The purpose of this section is to provide additional training opportunities for emergency workers. Since the skills and techniques used to search for evidence relating to criminal activity are substantially the same as those used in the search for clues relating to lost or injured persons, search and rescue emergency workers can receive training benefit by participating in such evidence searches.

(2) An evidence search mission number shall be issued by the emergency management division for the utilization of emergency workers to search for evidence when the provisions of this section have been complied with.

(a) The requesting law enforcement agency shall send a hardcopy message requesting the evidence search mission number via the law enforcement teletype system (ACCESS, address code BK), by facsimile, or by other suitable means to the emergency management division. During nonbusiness hours, the request shall be sent to the Washington state patrol dispatch in Olympia (ACCESS address code BN).

(b) The hard copy message shall be addressed "please relay to emergency management division duty officer immediately" and shall include the following items:

(i) Jurisdiction and law enforcement agency requesting the evidence search mission number.

(ii) Name of the officer in charge on-scene and call-back telephone number.

(iii) Description of specific location of the evidence search.

(iv) The approximate number of emergency workers being utilized and a list of participating units.

(v) A statement of the activity to be undertaken and training benefits to be derived by the emergency workers participating in the mission.

(vi) A statement certifying that the emergency workers will be utilized within the scope of their normal emergency worker assignment.

(vii) A statement certifying, verbatim, that: "This activity does not involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or having committed a crime."

(3) After the hard copy is sent via access, facsimile, or other suitable means, the local authorized official shall call the emergency management division duty officer and coordinate the details of the mission. During nonbusiness hours the Washington state patrol dispatcher will call the emergency management division duty officer regarding the ACCESS message. Upon receipt of such notice, the emergency management division duty officer shall call the local authorized official who requested the mission.

(4) Upon receipt of the hard copy information, the request shall be reviewed to determine if the mission is in

compliance with WAC 118-04-260. Upon approval, an evidence search mission number shall be assigned.

(5) Emergency worker daily activity report, Form DEM-078 or equivalent, shall be used as a part of the administrative record for each evidence search mission.

NEW SECTION

WAC 118-04-280 Training event numbers—Requests and requirements. (1) The emergency management division shall establish a procedure for local emergency management agency directors to assign a training event number to routine, approved search and rescue and other emergency-related training activities consistent with chapter 38.52 RCW.

(2) A request for a training event number for the purpose of developing, maintaining, or upgrading emergency worker skills for all types of emergency management activities shall be forwarded in writing using Form DEM-079, training mission request or equivalent, for approval by the emergency management division.

(a) All requests for training event numbers shall be signed by the local emergency management agency director or designee of the jurisdiction where the organization sponsoring the training activity is located.

(b) The Form DEM-079, training mission request or equivalent, shall be forwarded to the emergency management division so as to arrive ten working days prior to the scheduled date of the training activity.

(c) For training events that come to the attention of the local emergency management agency director less than ten working days prior to the scheduled date of the training activity, approval may be requested from the emergency management division by facsimile, telephone, or other method. Such requests shall be considered by the emergency management division on a case-by-case basis.

(3) All training shall conform to local comprehensive emergency management plans. The request for training event number shall cite those portions of the plans, annexes, appendices, and tabs which specifically address the activities for which emergency workers are being trained. Training activities planned for an area outside the jurisdiction of the requesting agency should be coordinated with the local emergency management agency in the jurisdiction where the training will take place.

(4) A training course curriculum, plan of instruction, or course outline shall accompany the training event approval request. If that particular curriculum, plan of instruction, or course outline will be used as a standard, recurring course of instruction, then the requesting local emergency management agency may number and title that curriculum, plan of instruction, or outline, keep it on file with the state, and refer to that number and title when requesting a training event approval for the same training in the future. Blocks of training event numbers may be issued for such courses at the discretion of the emergency management division.

(5) Upon approval of the training event, the emergency management division shall issue a training event number. The training event number assigned shall provide a reference for the local, state, or federal organization taking part in the training activity. Administrative records and reimbursement

of eligible emergency worker compensation claims, filed as a result of activities on a training event shall include the training event number.

(6) The training event number issued is for the specified training activity at the specified date, time, and location. Any change in the training activity, location, or date or a significant change in the specified time (e.g., from daylight hours to after dark) shall be reported to the emergency management division as soon as possible.

(7) If additional organizations other than those originally listed on Form DEM-079 request to participate in the training event and are approved by the sponsoring emergency management agency director, they shall provide appropriate information (the organization's name and address, names of participating personnel and emergency worker registration numbers) to the sponsoring local emergency management agency director for inclusion in the training event report prior to submittal to the emergency management division.

(8) Upon notification that the emergency management division has issued a training event number for a training event at a specific date, time, and place, emergency workers will be eligible for benefits and compensation under the provisions of chapter 38.52 RCW when acting in compliance with the notification and these rules.

(9) Compensation will be limited to medical services, property loss or damage, and liability under chapter 38.52 RCW during the time necessary to travel to the training site, performance of the training activity, and reasonable time to return to the point of origin.

(10) Authorized officials shall ensure that emergency workers participating in a training event or exercise are not placed in unnecessarily hazardous situations.

(11) Authorized officials shall ensure that emergency workers have successfully completed applicable helicopter operations training course(s), approved by emergency management division, prior to being transported by aircraft during a training event.

(12) Emergency worker daily activity report, Form DEM-078 or equivalent, shall be used as a part of the administrative record for each training event.

(13) Training event numbers shall not be assigned for any activities which involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or having committed a crime.

(14) Training event numbers shall not be assigned for training activities which involve the use of aircraft of any type without specific, prior approval of the emergency management division. The state shall not assume any liability for any accidents or incidents resulting from the unauthorized use of aircraft.

NEW SECTION

WAC 118-04-300 Compensation eligibility and compensation board. (1) Compensation shall be authorized when emergency worker eligibility has been established and all appropriate regulations and statutes are complied with.

(2) Emergency workers are eligible for compensation when they are participating in a mission, evidence search mission, or training event authorized by the emergency

management division and are under the direction and control of an authorized official.

(3) No eligibility or protection offered under chapter 38.52 RCW will replace other state mandated insurance coverage required for vehicles, vessels, boats, or aircraft except as specified in RCW 38.52.180.

(4) The assistant director, emergency management division may deny any claim under the amount set by statute requiring a compensation board on the basis of inadequate documentation, failure to follow prescribed reporting procedures, or when lack of compliance with these rules is sufficient to raise doubt as to the circumstances, extent of injury, damage, loss, or expense related to the claim. For claims over the amount set by statute, the provisions of RCW 38.52.240 shall apply.

(5) A compensation board shall be convened for claims over the amount set by statute (RCW 38.52.220).

(6) Compensation board hearing, procedural records, and claim preparations are the responsibility of the local emergency management agency director in the jurisdiction in which loss or injury occurred (RCW 38.52.210).

(7) Department of labor and industries workers' compensation forms shall not be used, nor shall medical expenses claims be submitted to the department of labor and industries for a claim made pursuant to chapter 38.52 RCW.

NEW SECTION

WAC 118-04-320 Eligibility requirements and procedures for filing personal injury claims. (1) The injured person shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(2) The emergency management division shall provide forms for personal injury claims (Form DEM-084, medical expenses claim), parts of which must be completed by the local emergency management agency, the claimant, and the attending physician. This form shall be submitted with documentation to the local emergency management agency.

(3) For missions occurring outside an injured person's jurisdiction of residence, the claimant may file the claim with the local agency in the jurisdiction of residence, provided that the local emergency management agency director in the injured person's jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) In the event of injury to an emergency worker, the responsible agency's on-scene authorized official shall be notified as soon as possible.

(5) The on-scene authorized official shall advise the local emergency management agency director of any injuries, as soon as possible, and shall provide appropriate and timely documentation. The local emergency management agency director shall notify the emergency management division of any injuries as soon as possible. The emergency management division shall assist the local emergency management agency director in processing claims.

(6) Labor and industries workers' compensation forms shall not be used, nor shall medical expense claims be submitted to the department of labor and industries for a claim made pursuant to chapter 38.52 RCW.

(7) Documentation shall include any reports, mission logs, ambulance and hospital bills, receipts, medical reports, or other information helpful in describing the extent of the injury, the circumstances under which the injury occurred, and the costs that were incurred as a result of the injury.

(8) The injury, disability, or death shall not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(9) Compensation for injury, disability, death, and related claims shall be adjusted and paid in accordance with department of labor and industries workers' compensation schedules.

(10) For claims in excess of the amount set by RCW 38.52.220, a compensation board shall convene to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, 38.52.240, and 38.52.250.

(a) The local emergency management agency shall notify the emergency management division of any pending claim in excess of the amount set by statute.

(b) The claimant shall be notified of date, time, and place of the compensation board hearing by the local emergency management agency director by personal service or registered mail.

(c) The compensation board established under chapter 38.52 RCW may request that the claimant appear before the board.

(d) The local emergency management agency director shall transmit the findings and recommendations of the compensation board to the emergency management division for disposition.

(11) In accordance with RCW 51.28.050, no claim for injury shall be valid unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued except as provided in RCW 51.28.055.

NEW SECTION

WAC 118-04-340 Eligibility requirements and procedures for filing property loss and damage claims.

(1) The person seeking reimbursement shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(2) The emergency management division will provide forms (Form DEM-086, property loss or damage claim) for reimbursement of property loss or damage claims as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted to the local emergency management agency.

(3) For missions occurring outside the person's jurisdiction of residence, the claimant may file the claim with the jurisdiction of residence, provided that the local emergency management agency director in the jurisdiction of residence coordinates the claim with the local emergency management

agency director in the jurisdiction where the mission occurred.

(4) The original of the claim shall be sent to the department of general administration, division of risk management who will register the claim and forward it to the emergency management division. A copy of the claim should be sent to the emergency management division.

(5) In the event of property loss or damage, the on-scene authorized official shall be notified as soon as possible.

(6) The on-scene authorized official shall advise the local emergency management agency director of any significant property loss or damage and shall provide appropriate and timely documentation. The local emergency management agency director shall notify the emergency management division of any significant property loss or damage. The emergency management division shall assist the local emergency management agency director in processing claims.

(7) Loss or damage shall not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(8) Only property that is deemed necessary and reasonable for the mission activity shall be considered for compensation, if lost or damaged.

(9) Loss or damage to personal property caused by normal wear and tear, mechanical or electrical breakdown, or any inconvenience consequent to such loss or damage that was not the result of the mission activity shall not be eligible for compensation.

(10) Compensation for the loss or theft of property left unsecured or for damage which could have been prevented through reasonable care may be denied.

(11) Animals such as dogs and horses, used in an official capacity on missions are considered personal property. Claims for the injury or loss of animals during either an authorized training event or mission shall be submitted on the property loss or damage claim form (Form DEM-086). Evaluation of the claim shall consider, at a minimum, replacement cost of the animal, special training required, and other costs for preparing the animal for the mission or duty.

(12) For claims in excess of the amount set by RCW 38.52.220, a compensation board shall meet to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, 38.52.240, and 38.52.250.

(a) The local emergency management agency director shall notify the emergency management division of any pending claim in excess of the amount set by statute.

(b) The claimant shall be notified of the date, time, and place of the compensation board hearing by the local emergency management agency director by personal service or registered mail.

(c) The compensation board established under chapter 38.52 RCW may request that the claimant appear before the board.

(d) The local emergency management agency director shall transmit the findings and recommendations of the compensation board to the emergency management division for disposition.

(13) As provided in RCW 4.16.080, claims for property damage or loss shall be filed within three years after the date of the occurrence.

NEW SECTION

WAC 118-04-360 Eligibility requirements and procedures for filing fuel, toll, and ferry expense reimbursement claims. (1) The person seeking reimbursement shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official. For individuals representing a volunteer organization, the organization must be a locally recognized emergency worker volunteer organization activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and a responsible unit official shall have reported to the authorized on-scene official.

(2) The emergency management division will provide forms (Form DEM-036, fuel, toll & ferry reimbursable expenses claim) for reimbursement of fuel, toll, and ferry expenses as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted through the local emergency management agency to the emergency management division.

(3) For claims arising outside of the person's jurisdiction of residence, the claimant may file the claim with the jurisdiction of residence, provided that the local emergency management agency director in the jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) Fuel, toll, and ferry reimbursable expense claims shall be considered for both individual emergency workers and for emergency workers representing volunteer organizations when missions:

- (a) Occur outside a participating emergency worker's/volunteer organization's county of residence; or
- (b) In which an emergency worker/volunteer organization has participated for more than twenty-four hours; or
- (c) Occurring within an emergency worker's/volunteer organization's county of residence and lasting less than twenty-four hours, when:

(i) The mission required an emergency worker/volunteer organization to drive a vehicle more than fifty miles one-way; or

(ii) Authorized officials required an emergency worker/volunteer organization to drive a vehicle more than one hundred miles during the course of the mission.

(5) Fuel, toll, and ferry expenses resulting from training events shall not be eligible for reimbursement.

NEW SECTION

WAC 118-04-380 Eligibility requirements and procedures for filing extraordinary expense claims. (1) Local authorized officials may submit extraordinary expense claims on behalf of emergency workers if the expenses were necessary to directly support emergency worker activity under an emergency management division mission number

and the expenses represent extraordinary, expendable obligations such as feeding or lodging of emergency workers.

(2) Individual emergency workers submitting claims shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(3) The emergency management division shall provide forms (Form DEM-089, extraordinary expense claim) for use by local authorized officials and emergency workers for reimbursement of extraordinary expenses for missions as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted through the local emergency management agency to the emergency management division.

(4) All lodging and feeding claims shall be paid in accordance with current state per diem rates.

(5) Extraordinary expenses resulting from training events shall not be eligible for reimbursement.

NEW SECTION

WAC 118-04-400 After action reporting. (1) The emergency management division shall provide forms for use by local emergency management agency directors in providing after action information. After action reports shall be filed for:

(a) Search and rescue missions (Form DEM-077, search and rescue mission data sheet). The required information includes data on the subject, location of incident, response, weather conditions, results, subject behavior, and resources used.

(b) Training events. The required information includes data on the training activities conducted, resources used, problems noted, corrective actions assigned, and other information of a training nature. Form DEM-105L, incident report data sheet may be used.

(c) Other missions, including evidence search missions (Form DEM-105L, incident report data sheet). The required information includes location and other data on the incident, response, weather conditions, results, and resources used.

(2) All mission, evidence search mission, and training event after action reports shall include information from the participating emergency workers, including individual daily activity reports (DEM-078, or equivalent), other reports, rosters, mission event and communications logs, lost person information forms, training event logs, plans of instruction, instructor lists, and any other information that may be helpful in a descriptive reconstruction of the mission or training event.

(3) The local emergency management agency director shall forward all mission, evidence search mission, and training event after action reports to the emergency management division within twenty working days from the termination or suspension of the activity.

NEW SECTION

WAC 118-04-420 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 118-04-010 Purpose.
- WAC 118-04-030 Scope.
- WAC 118-04-050 Definitions.
- WAC 118-04-070 Registration.
- WAC 118-04-090 Scope of emergency duties.
- WAC 118-04-110 Classes of emergency workers.
- WAC 118-04-130 Emergency worker criteria and standards.
- WAC 118-04-140 Search and rescue emergency worker guidelines.
- WAC 118-04-150 Department of emergency services mission number.
- WAC 118-04-170 Evidence search training mission number.
- WAC 118-04-190 Eligibility and responsibility.
- WAC 118-04-210 Eligibility requirements and procedures for filing personal injury claims by emergency workers.
- WAC 118-04-230 Eligibility requirements and procedures for filing property loss/damage claims by emergency workers.
- WAC 118-04-250 Fuel and toll claims.
- WAC 118-04-270 Extraordinary expense claims.
- WAC 118-04-290 After action reports—Search and rescue.

WSR 93-23-008
PERMANENT RULES
HORSE RACING COMMISSION
 [Filed November 5, 1993, 1:15 p.m.]

Date of Adoption: November 3, 1993.

Purpose: To define the steward's ability to assign detention stalls at the discretion of the commission.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-028 Detention stall.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 93-18-073 on August 31, 1993.

Effective Date of Rule: Thirty-one days after filing.
 November 5, 1993
 Bruce Batson
 Executive Secretary

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-028 Detention stall. If so ordered by the commission, a (~~Every~~) trainer whose horse is on the bleeder list and is to be administered bleeder medication in accordance with the rules, (~~must~~) shall obtain a detention stall assignment from the commission veterinarian and will be provided a detention stall sign. The trainer (~~must~~) shall post the detention stall sign in a readily visible location at the detention stall to be used and the trainer must have a responsible, licensed person remain in close proximity to that stall between the time the horse has been administered the bleeder medication and the time it leaves for the receiving barn or paddock in preparation for a race. Close proximity means that the licensed person (~~must~~) shall be in a position to observe and to prevent any unauthorized person from approaching the horse. If the horse is found to be unattended during that period or found to have been tampered with during that period, the trainer will be deemed negligent in the performing of required duties.

No unauthorized person shall approach the posted detention stall. If any unauthorized person does approach the posted detention stall, a report of the incident is to be made immediately to the commission veterinarian or to the stewards.

WSR 93-23-009
PERMANENT RULES
HORSE RACING COMMISSION
 [Filed November 5, 1993, 1:18 p.m.]

Date of Adoption: November 3, 1993.

Purpose: To alleviate a licensed person from being detained in a detention stall for a four hour period after the administration of medication shot, at the discretion of the commission.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-025 Bleeder list.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 93-18-072 on August 31, 1993.

Effective Date of Rule: Thirty-one days after filing.
 November 5, 1993
 Bruce Batson
 Executive Secretary

AMENDATORY SECTION (Amending Resolution No. 87-03, filed 7/8/87)

WAC 260-70-025 Bleeder list. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils or is found to have bled into the trachea is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards,

PERMANENT

establish that the horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination in the test barn or receiving barn showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the horse from the list. The list is a state-wide list that applies only at Class A or Class B licensed associations (~~all race meetings at Longacres, Playfair, and Yakima Meadows~~) and not at any other track. If the commission so orders, horses placed on the bleeders list shall (~~Once a horse is placed on the bleeder list, the horse must~~) be assigned to a prerace security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse (~~must~~) shall remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall (~~must~~) shall be posted and the stall (~~must~~) shall be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

WSR 93-23-010
PERMANENT RULES
HORSE RACING COMMISSION
 [Filed November 5, 1993, 1:21 p.m.]

Date of Adoption: November 3, 1993.
 Purpose: To comply with national mandate that jockey's wear safety vests.
 Statutory Authority for Adoption: RCW 67.16.040.
 Pursuant to notice filed as WSR 93-18-071 on August 31, 1993.
 Effective Date of Rule: Thirty-one days after filing.
 November 5, 1993
 Bruce Batson
 Executive Secretary

NEW SECTION

WAC 260-32-115 Safety vests. Effective January 1, 1994 it shall be mandatory that jockeys wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade

Association (BETA). The safety vest shall not be counted in the jockey's weight.

WSR 93-23-011
PERMANENT RULES
HORSE RACING COMMISSION
 [Filed November 5, 1993, 1:24 p.m.]

Date of Adoption: November 3, 1993.
 Purpose: To comply with the national mandate to allow jockey's to wear safety vests without the weight of the vest being included.
 Citation of Existing Rules Affected by this Order: Amending WAC 260-44-060 Weighing out—Equipment not included.
 Statutory Authority for Adoption: RCW 67.16.040.
 Pursuant to notice filed as WSR 93-18-070 on August 31, 1993.
 Effective Date of Rule: Thirty-one days after filing.
 November 5, 1993
 Bruce Batson
 Executive Secretary

AMENDATORY SECTION (Amending Rule 302, filed 4/21/61)

WAC 260-44-060 Weighing out—Equipment not included. None of the following items (~~should~~) shall be included in a jockey's weight: Whip, or a substitute for a whip, head number, bridle, bit, reins, number cloth, blinker(~~s~~), (~~or~~) protective helmet or safety vest.

WSR 93-23-012
PERMANENT RULES
LOTTERY COMMISSION
 [Filed November 5, 1993, 1:25 p.m.]

Date of Adoption: November 5, 1993.
 Purpose: To establish the game play rules and criteria for determining the winners of Instant Game Nos. 110 (Instant Cash), 111 (Monopoly), 112 (Cash Cow), and 113 (Tumbling Dice) and to amend WAC 315-06-125 to include debts from the state Department of Revenue in the prize validation process.
 Citation of Existing Rules Affected by this Order: Amending WAC 315-06-125.
 Statutory Authority for Adoption: RCW 67.70.040.
 Pursuant to notice filed as WSR 93-19-133 on September 22, 1993.
 Changes Other than Editing from Proposed to Adopted Version: The proposed amendment to WAC 315-06-125 was changed to cite a specific section in the code which would fall within the definition of debt for the purposes of the lottery's debt collection statute. The adopted version of WAC 315-11A-111 has prize symbols "ZERO" and "\$200.00" which were not included in the proposed version.
 Effective Date of Rule: Thirty-one days after filing.
 November 5, 1993
 Evelyn P. Yenson
 Director
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NEW SECTION

WAC 315-11A-110 Instant Game Number 110 ("Instant Cash"). (1) Definitions for Instant Game Number 110.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "9." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 110, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$6.00," "\$12.00," "\$40.00," and "\$1,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 110, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 6.00	SIX DOL
\$ 12.00	TLV DOL
\$ 40.00	\$FORTY\$
\$ 1,000	ONETHOU

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

(f) Pack-ticket number: The eleven-digit number of the form 11000001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 110 constitute the "pack number" which starts at 11000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 110, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
FOR	\$ 4.00 (\$4; \$2, \$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2, \$1 AND \$1; \$6)
TLV	\$ 12.00 (\$6 AND \$6; \$12)
EGN	\$ 18.00 (\$12 AND \$6; \$6, \$6, AND \$6)

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

(2) Criteria for Instant Game Number 110.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 110 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 110; and/or

(ii) Vary the number of tickets sold in Instant Game Number 110 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 110.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 110 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize

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symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-111 Instant Game Number 111 ("Monopoly"). (1) Definitions for Instant Game Number 111.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "9," "NO," and "GO." One of these play symbols appears in each of the five play spots and in the Bonus Box under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 111, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
NO	NO
GO	GO

(c) Prize symbols: The following are the "prize symbols": "ZERO," "\$1.00," "\$2.00," "\$7.00," "\$21.00," "\$50.00," "\$200.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 111, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
ZERO	ZERO
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 7.00	SVN DOL
\$ 21.00	TTN DOL
\$ 50.00	\$FIFTY\$
\$ 200.00	TWOHUND
\$ 5,000	FIVTHOU

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

(f) Pack-ticket number: The eleven-digit number of the form 11100001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 111 constitute the "pack number" which starts at 11100001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 111, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
FOR	\$ 4.00 (\$2, \$2; \$1, \$1, \$1 AND \$1)
SVN	\$ 7.00 (\$2, \$2, \$2 AND \$1; \$7)
ELV	\$ 11.00 (\$7, \$2, AND \$2)
TTN	\$ 21.00 (\$21; \$7, \$7, AND \$7)

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

(2) Criteria for Instant Game Number 111.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any one of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and

the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(iii) There shall be a latex covered area labeled "Bonus Box" contiguous to the play area. If the play symbol "GO" appears in the Bonus Box, the bearer of the ticket shall be entitled to \$200.00.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 111 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 111; and/or

(ii) Vary the number of tickets sold in Instant Game Number 111 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 111.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 111 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each

of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-112 Instant Game Number 112 ("Cash Cow"). (1) Definitions for Instant Game Number 112.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "9," and "🐄." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 112, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
🐄	COW

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$3.00," "\$6.00," "\$12.00," "\$18.00," "\$40.00," "\$80.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 112, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 6.00	SIX DOL
\$ 12.00	TLV DOL
\$ 18.00	EGN DOL
\$ 40.00	\$FORTY\$
\$ 80.00	\$EIGHTY
\$ 5,000	FIVTHOU

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

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(f) Pack-ticket number: The eleven-digit number of the form 11200001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 112 constitute the "pack number" which starts at 11200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 112, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00 (\$1)
THR	\$ 3.00 (\$3; \$1, \$1, AND \$1)
SIX	\$ 6.00 (\$3, \$1, \$1, AND \$1; \$3 AND \$3; \$6)
TLV	\$ 12.00 (\$6 AND \$6; \$12)
EGN	\$ 18.00 (\$12 AND \$6; \$18)

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

(2) Criteria for Instant Game Number 112.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) When a "🎰" symbol appears among the play symbols, the bearer of the ticket shall win the prize which appears below the "🎰" symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 112 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 112; and/or

(ii) Vary the number of tickets sold in Instant Game Number 112 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 112.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 112, all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-113 Instant Game Number 113 ("Tumbling Dice"). (1) Definitions for Instant Game Number 113.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," and "6." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 113, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$3.00," "\$5.00," "\$16.00," "\$50.00," "\$500.00," and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 113, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 16.00	SXT DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	FIVHUND
\$ 10,000	TENTHOU

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

(f) Pack-ticket number: The eleven-digit number of the form 11300001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 113 constitute the "pack number" which starts at 11300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 113, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
THR	\$ 3.00 (\$3; \$1, \$1, AND \$1)
FIV	\$ 5.00 (\$3, \$1, AND \$1; \$5)
EGT	\$ 8.00 (\$5, \$1, \$1, AND \$1; \$5 AND \$3)
SXT	\$ 16.00 (\$5, \$5, \$5, AND \$1; \$16)

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

(2) Criteria for Instant Game Number 113.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 113 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 113; and/or

(ii) Vary the number of tickets sold in Instant Game Number 113 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 113.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 113 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

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(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 93-11-056, filed 5/12/93, effective 6/12/93)

WAC 315-06-125 Debts owed the state. (1) The terms used in RCW 67.70.255 and these regulations are defined as follows:

(a) Creditor - Any state agency or political subdivision of this state that maintains records of debts owed to the state or political subdivision, or that the state is authorized to enforce or collect.

(b) Debt - A judgment rendered by a court of competent jurisdiction or obligations established pursuant to RCW 50.20.190, 51.32.240, 51.48.140, 74.04.300, 74.20A.040, ~~(and)~~ 74.20A.055 and 82.32.210 or administrative orders as defined in RCW 50.24.110, 51.32.240, 51.48.150, and 74.20A.020(6).

(c) State - The state of Washington.

(d) Two working days - Two days not to include Saturdays, Sundays, and holidays as defined in RCW 1.16.050 commencing the day following the date the claim was validated by the lottery.

(e) Verification - A facsimile or photo copy of a judgment or final order received by the lottery during the requisite two working day period.

(f) Individual - A natural person.

(2) Any creditor may submit, to the lottery, in a format specified by the director, data processing tapes containing debt information specified by the director. Tapes which do not contain the required information or are not in the proper format will be returned to the creditor. The creditor submitting debt information tapes shall provide replacement tapes on a regular basis at intervals not to exceed one month or less than one week. The creditor shall be solely responsible for the accuracy of the information contained therein.

(3) Creditors submitting data processing tapes to the lottery shall also submit the name or names of designated contact persons.

(4) The lottery shall include the debt information submitted by the creditor in its validation and prize payment process. The lottery shall delay payment of a prize, exceeding six hundred dollars, for a period not to exceed two working days, to any individual prize winner or to any other prize winner which has an individual holding a direct or indirect interest in the prize winner, and who owes a debt to a creditor pursuant to the information submitted in subsection (2) of this section. The lottery shall make a reasonable attempt to contact the creditor's designated contact person(s) by phone, followed by written correspondence, to verify the debt. Three phone calls, excluding busy signals, shall

constitute a reasonable attempt. The prize shall be paid to the prize winner if the debt is not verified by the submitting creditor within two working days. If the debt is verified, the prize shall be disbursed pursuant to subsection (9) of this section.

(5) It shall be the obligation of the prize winner to provide the lottery with the names, Social Security numbers, and percentage interests of the individuals who collectively hold one hundred percent of the interest in the prize.

(6) Where an individual holds an interest in a prize claimed by another individual, the lottery must be informed of that interest, its percentage and the Social Security number (SSN) of the nonclaimant individual who holds the interest, prior to the validation and prize payment process described herein; otherwise, the Social Security number of the claimant individual and the full net amount of the prize will be used in completing the processing required under this section.

(7) Where the right to payment to an individual who holds an interest in a prize winner is discretionary with a third party or is contingent, the tax ID number of the prize winner shall be used in completing the processing required under this section, rather than the Social Security number of said individual.

(8) A creditor shall verify the debt by submitting to the lottery at lottery headquarters in Olympia, Washington within the requisite two working day period, a facsimile or photocopy of a judgment or final order which is the basis for the debt.

(9) Prior to disbursement, any verified debts owed to a creditor by the individual winner of any lottery prize exceeding six hundred dollars or by an individual holding more than a six hundred dollar interest in a prize winner shall be set off against the prize owing to the individual or against the proportionate interest of the individual in the prize winner. In the event a prize winner or an individual holding more than a six hundred dollar interest in a prize winner owes debts to more than one creditor, and the total prize to that winner or individual is insufficient to pay all debts, the set off shall be paid to the creditors on a pro rata basis based on the amount of debt owed to each creditor unless priority is established by statute.

WSR 93-23-015
PERMANENT RULES
LIQUOR CONTROL BOARD
[Filed November 5, 1993, 4:18 p.m.]

Date of Adoption: October 27, 1993.

Purpose: Adoption of permanent rules to implement RCW 66.25.540.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 93-19-122 on September 21, 1993.

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

November 3, 1993
Joseph L. McGavick
Chairman

NEW SECTION

WAC 314-15-010 Class M motel—Definition—General provisions—Fee. (1) Pursuant to the provisions of Chapter 511, Laws of 1993, there shall be a license designated as a class M license which will allow a motel with 3 or more rooms to sell spirits, beer and wine by the bottle to registered guests who are at least twenty-one years of age. The annual fee for such license shall be three hundred dollars per year. Such license will be issued only to those motel establishments that do not have a licensed restaurant included as part of the motel property.

(2) "Motel" means a facility or place offering three or more self contained units (rooms) designated by number, letter, or some other method of identification to travelers and transient guests.

(3) A class M licensed motel may sell liquor in no more than one-half of its guest rooms under the following conditions:

(a) No rooms are offered to guests on less than daily rental basis,

(b) All liquor must be stored in locked honor bars in rooms with overnight sleeping accommodations,

(c) Each honor bar must also contain snack food,

(d) Any liquor sold is for consumption in the guest room only by persons of legal age,

(e) Spirits must be sold in individual bottles not to exceed fifty milliliters in size,

(f) Beer may be sold only in individual cans or bottles not to exceed twelve ounces in size,

(g) Wine may be sold only in individual bottles not to exceed one hundred eighty-seven milliliters in size.

(4) The class M licensee must provide the board with a list of all rooms by number, letter or other form of identification which contain honor bars.

NEW SECTION

WAC 314-15-020 Purchase of liquor—Class M. (1) All liquor sold by a class M licensee must be purchased from an authorized source. All spirits must be purchased from the board. Beer and wine must be purchased from a licensed beer or wine wholesaler or the board.

(2) No class M licensee shall buy or accept delivery of beer or wine from a beer or wine wholesaler except for cash paid at the time of the delivery thereof; PROVIDED, That a class M licensee may pay cash prior to delivery of the beer or wine purchased. Failure by the licensee to keep accurate accounting records which result in the extension of or receipt of credit from a wholesaler through the use of a prior cash deposit which is overextended is a violation.

NEW SECTION

WAC 314-15-030 Sale of liquor—Class M. (1) Before a guest may be provided access to the honor bar the licensee will require proof of age from the guest requesting the use of the honor bar pursuant to RCW 66.16.040. The guest must complete a declaration, under penalty of perjury, verifying that:

(a) The guest is twenty-one years of age or older,

(b) No one under twenty-one years of age will have access to the liquor in the honor bar.

(2) For the purposes of Chapter 511, Laws of 1993, Section 1 the declaration referred to in section 1 above shall be considered an affidavit.

(3) Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee shall require the guest to complete a certification card as provided in RCW 66.20.190.

NEW SECTION

WAC 314-15-040 Security and storage of liquor—Definition of honor bar—Class M. (1) All liquor stored in a class M licensed premises shall be either locked in an honor bar or locked in a secured liquor storage room. No person under twenty-one years of age shall have access to the honor bar(s), liquor storage room, or keys, combinations, etc. to the locked liquor facilities.

(2) An "Honor Bar" for the purposes of a class M licensed motel is considered to be any cabinet, box, cooler or refrigerator which can be opened only with a key, combination, magnetic card or other device particular to that cabinet and which is secured within a guest room.

(3) Replenishment of a liquor honor bar or storage room may be made only during those hours when liquor may legally be sold, and only by employees of the class M licensed motel who are twenty-one years of age or older; PROVIDED, HOWEVER, beer and wine wholesalers may deliver, price and stock product only in the storage room.

NEW SECTION

WAC 314-15-050 Records—Class M. (1) Each class M licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business. Failure to keep and maintain adequate records as described in this section is a violation.

(2) Every class M licensed motel will keep originals or copies of all purchase invoices and other memoranda covering all purchases and sales of liquor showing (a) items purchased and sold, (b) quantities thereof, (c) from whom purchased and (d) purchase and sale date. These records shall be filed separately and kept apart from all other records and, as nearly as possible, shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying.

(3) All records will be available for inspection and copying by representatives of the board for a period of two years.

(4) A class M licensee may maintain records within an automatic data processing system PROVIDED the system includes a method for producing legible records that will provide the same information required of that type of records required in section (2) above.

(5) All records maintained, either manually or with a data processing system must provide:

(a) An audit trail so that details underlying the summary accounting data may be identified and made available upon request.

(b) The opportunity to trace any transaction back to the original source or forward to a final total. If printouts are

not made when a transaction is processed, the system must have the ability to reconstruct these transactions.

WSR 93-23-016
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed November 5, 1993, 4:20 p.m.]

Date of Adoption: October 27, 1993.

Purpose: To implement tobacco enforcement rules.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 93-19-123 on September 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 314-10-020 (1)(d) was removed after it was determined the inclusion of the language allowing licensee's to design their own signs with specific language was beyond the provisions of RCW 70.155.020. The language deleted would have given the licensee greater latitude in the appearance of the sign and to allow the latitude was beyond the board's authority; WAC 314-10-030(3) the words "are capable of dispensing or storing" were replaced with the words "dispense or store" to more properly describe the capabilities of the equipment being addressed; WAC 314-10-070 was withdrawn by the board after lengthy discussions as to the wording used in the proposed rule when compared with RCW 70.155.040. It was determined the statute's language was sufficient as to explain intent without further clarification by the board; WAC 314-10-100(5) the words "Department of Health" were removed and replaced by "Liquor Control Board" as these reports will be used by the board with information available to the Department of Health via a board prepared report. The reference to "department" in that section was changed to "board" and the reference to Department of Health was deleted from subsection (5)(c) in order to correct the language to reflect the board's actions; WAC 314-10-110(1) the phrase "not covered by statute" was added at the end of the second sentence of that section to cover any instances which are violations of rules rather than specific violations of statute; and WAC 314-10-110(4) was amended slightly to read "A tobacco licensee may operate the business during the period of suspension provided there is no sale or distribution of tobacco products.[]" The words "or distribution" were added to further clarify what actions are prohibited during suspension periods. All of the changes to the rules as proposed were discussed during a public hearing with staff counsel and other interested parties present. The changes were deemed primarily housekeeping and not so significant as to warrant another hearing prior to adoption.

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

November 3, 1993

Joseph L. McGavick
Chairman

NEW SECTION

WAC 314-10-010 General—Liquor control board responsibilities. (1) The liquor control board shall regulate all sales and distribution of tobacco products pursuant to Chapter 507, Laws of 1993. The liquor control board shall report all tobacco enforcement activity in a manner agreed by the Department of Health and the liquor control board on a quarterly basis or as set forth in the interagency agreement.

NEW SECTION

WAC 314-10-020 General—Applicable to all tobacco license holders. (1) All persons who hold a tobacco license as authorized by RCW 82.24.520 or 82.24.530 will:

(a) Display the license or a copy of the license in a prominent location at the business where tobacco products are sold,

(b) Display the license in a conspicuous place on the vending machine, and

(c) Display a sign or signs provided by the liquor control board concerning the prohibition of tobacco sales to persons under 18 years of age in a manner that allows the sign to be clearly visible to anyone purchasing tobacco products from the licensee at the point of purchase.

(2) No one is allowed to give or distribute cigarettes or other tobacco products to another person by coupon unless the coupon redemption requires an in-person transaction in a retail store.

NEW SECTION

WAC 314-10-030 Tobacco mechanical dispensing machines—Licensees without a liquor license—Records.

(1) Tobacco licensees who do not hold a liquor license and use a mechanical dispensing machine (vending machine) must provide to the board a listing denoting the address and specific location of each tobacco vending machine.

(2) The tobacco licensee with a vending machine(s) must notify the board in writing of any new proposed location(s) for a tobacco vending machine 10 working days in advance of the move.

(3) Vending machines which dispense or store tobacco products may only be located in establishments where minors are prohibited, or in industrial worksites where minors are not employed in such locations. the vending machines used to dispense or store tobacco products must be located at least 10 feet from each entrance and/or exit.

NEW SECTION

WAC 314-10-040 Employees under 18 allowed to sell and handle tobacco products. Employers holding a cigarette retailers license issued under RCW 82.24.500 may allow employees of any age to sell tobacco products provided their employees meet the age employment requirements set by the Department of Labor and Industries (RCW 26.28.060 and WAC 296-125-018).

NEW SECTION

WAC 314-10-050 Sales to persons under 18 years of age. (1) No person may sell or give or in any way provide tobacco products to any person under 18 years of age.

(2) Any person attempting to purchase tobacco products must present identification to show he/she is at least 18 years of age upon the request of any tobacco licensee, employee of a tobacco licensee or enforcement officer as defined by RCW 7.80.040.

(3) All identification used to prove age must be officially issued and contain the bearer's age, signature and photograph. The only forms of identification which are acceptable as proof of age for the purchase of tobacco products are:

(a) A liquor control authority card of identification issued by a state of the United States or province of Canada,

(b) A driver's license, instruction permit or identification card issued by a state of the United States or province of Canada,

(c) A United States military identification card,

(d) A passport, or

(e) A merchant marine identification card issued by the United States Coast Guard.

NEW SECTION

WAC 314-10-060 Persons under 18 years old attempting to purchase/obtaining tobacco products. (1) Any person whom a peace officer or enforcement officer has reasonable grounds to believe is under 18 years of age who purchases or attempts to purchase, or attempts to obtain or obtains tobacco products may be detained for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. A person under 18 years of age who is cited for attempting to purchase or purchasing tobacco products is subject to a fine as set by 7.80 RCW or participation in a smoking cessation program or both.

(a) This provision does not apply to a person under the age of 18 who, with parental authorization, is participating in a controlled purchase as a part of a liquor control board, law enforcement, or local health department activity.

(2) Tobacco products possessed by persons under the age of eighteen years are considered contraband and may be seized by an enforcement officer as defined in RCW 7.80.040.

NEW SECTION

WAC 314-10-080 Parents and guardians may not provide tobacco. No person, including parents or legal guardians of persons under 18 years of age may authorize any minor to purchase or obtain tobacco products.

NEW SECTION

WAC 314-10-090 Tobacco sampling—Licenses. (1) No person may engage in providing tobacco samples within Washington State without a valid sampler's license. A firm contracting with a tobacco manufacturer to distribute samples of a manufacturer's product is deemed to be the person engaged in the business of sampling. The liquor control board will issue any sampler's licenses.

(2) The annual fee for a manufacturer's samplers license within the state is \$500 and is designated a class T1 license. The fee for independent businesses that provide samples of tobacco products is \$50 and is designated a class T2 license. All sampler's licenses expire on the 30th day of June each year and must be renewed annually.

NEW SECTION

WAC 314-10-100 Samplers license—Distribution of tobacco products. (1) The sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. The person engaged in sampling shall carry the class T1 or T2 license or a copy of the license at all times and produce same at the request of an enforcement officer as defined in RCW 7.80.040.

(2) No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to:

(a) An area to which persons under 18 years of age are denied admission,

(b) A store or concession to which a cigarette retailers license has been issued, or

(c) At or adjacent to a production, repair or outdoor construction site or facility.

(3) Notwithstanding (2) above, no person may distribute or offer to distribute samples within or on a public street, sidewalk, or park that is within 500 feet of a playground, school, or other facility where that facility is being used primarily by persons under 18 years of age for recreational, educational or other purposes.

(4) Class T1 and T2 licensees shall provide the board, upon request, the locations, dates and times sampling activities will take place.

(5) All T1 and T2 licensees must provide to the liquor control board, in a format prescribed by the board, a listing of the location, date, hours and quantities of tobacco products distributed in the state for the previous six months.

(a) A report for the period covering January 1st through June 30th of each year is due by no later than July 31st of each year.

(b) A report for the period covering July 1st through December 31st is due by no later than January 30th of the immediately following year.

(c) The board may take administrative action against any tobacco sampler who fails to submit the required reports.

NEW SECTION

WAC 314-10-110 Penalties, suspension notices, posting or advertising of—Other closing notices prohibited. (1) The liquor control board may suspend or revoke a retailer's or sampler's license for violation of the board's administrative rules governing tobacco. Further, the board may impose a monetary penalty in lieu of license suspension for violation of said rules not covered by statute.

(2) Licensees are required to maintain compliance with all tobacco laws and regulations during any period of suspension. Whenever the board shall suspend the license of any licensee, the board shall on the date the suspension becomes effective cause to be posted in a conspicuous place

on or about the licensed premises a notice in a form to be prescribed by the board, stating that the license or licenses have been suspended by order of board because of violation of the Washington State laws or the regulations.

(3) During the period of suspension:

(a) No person shall remove, alter, cover, or in any way disturb the posted notice(s) of suspension;

(b) No person shall place, permit or allow to be placed in, at, or upon the licensed premises, any notice or statement of reasons or purpose indicating that the premises have been closed or that sale of tobacco products has been discontinued for any reason other than as stated in the notice of suspension; PROVIDED FURTHER, that the prohibition of this subsection shall apply to any nearby or adjacent property, such as a parking lot area that is owned by or under the control of the licensee.

(c) Neither the licensee nor his/her or its employees shall advertise, either by newspaper, radio, television, handbill, brochure, flyer or by any means whatever, that the licensed premises are closed or discontinuing the sale of tobacco products for any reason(s) other than those stated in the board's suspension notices.

(4) A tobacco licensee may operate the business during the period of suspension provided there is no sale or distribution of tobacco products.

WSR 93-23-018
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed November 8, 1993, 2:14 p.m.]

Date of Adoption: November 8, 1993.

Purpose: To provide tax reporting information to restaurants, taverns, and similar businesses and to note a Department of Revenue policy change to not assert use tax on food products given away by these businesses.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-124.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 93-18-080 on August 31, 1993.

Changes Other than Editing from Proposed to Adopted Version: Subsection (6) was revised to indicate that use tax will not apply to food products given away beginning on December 1, 1993.

Effective Date of Rule: Thirty-one days after filing.
 November 8, 1993
 Russell W. Brubaker
 Assistant Director

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-124 Restaurants, ~~((soda fountains,)) cocktail bars, ~~((beer parlors, etc)) taverns and similar businesses.~~ ~~((As used herein,)) (1) Introduction.~~ This section explains Washington's B&O and retail sales tax applications to sales by restaurants and similar businesses. It discusses the sales of meals, beverages and foods at prices inclusive of the retail sales tax. This section also explains~~

how discounted and promotional meals are taxed. Persons operating restaurants and similar businesses should also refer to WAC 458-20-119 and WAC 458-20-244. Persons who merely manage the operations of a restaurant or similar business should refer to WAC 458-20-119 to determine their tax liability. The term "restaurants, ~~((soda fountains,)) cocktail bars, ~~((beer parlors, etc,)) taverns, and similar businesses"~~ means every place where prepared foods and beverages are sold and served to individuals, generally for consumption on the premises where sold.~~

~~((The retail sales tax applies upon all sales of foods and beverages made to consumers by persons operating restaurants, soda fountains, cocktail bars, beer parlors, etc.~~

~~SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington state liquor control board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (1) The establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (2) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.~~

~~CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.~~

~~The retail sales tax also applies upon all sales of dishes, kitchen utensils, linens, furniture and fixtures, and the like, made by supply houses to such operators.~~

~~The retail sales tax does not apply upon sales of foodstuffs and beverages made by supply houses to persons operating restaurants, soda fountains, cocktail bars, beer parlors, etc. Likewise, that tax does not apply upon sales to said persons of paper plates, paper cups, paper napkins,~~

toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use. (See WAC 458-20-119 Sales of meals.)) (2) **Business and occupation tax.** The tax liability of restaurants, cocktail bars, taverns and similar businesses is as follows:

(a) **Retailing.** Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns and similar businesses are subject to the retailing tax classification. Meals provided to employees are presumed to be in exchange for services received from the employee and are retail sales and also subject to the retailing tax. (See WAC 458-20-119, Sales of meals.)

(b) **Wholesaling.** Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling-other tax classification. Sellers must obtain resale certificates from their customers to support the resale nature of any transaction. (See WAC 458-20-102.)

(c) **Service.** Compensation received from owners of coin-operated machines for allowing the placement of those machines at the restaurant, cocktail bar, tavern, or similar business is subject to the service and other business activities tax. Persons operating games of chance should refer to WAC 458-20-131.

(3) **Retail sales tax.** Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns and similar businesses are generally subject to retail sales tax. This includes the meals sold or furnished to the employees of the business. A retail sales tax exemption is available for the following sales of meals:

(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6);

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

(c) Prepared meals sold to the federal government. (See WAC 458-20-190). However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(4) **Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of the meals being sold.

(d) Purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use, are not subject to retail sales tax when purchased by restaurants and similar businesses making actual sales of meals.

(5) **Combination businesses.** Persons operating a combination of two kinds of food sales businesses, of which

one is the sale of food for immediate consumption (i.e., a bakery selling food products ready for consumption and in bulk quantities), are required to keep their accounting records and sales receipts segregated between taxable and tax exempt sales. Persons operating a combination business should refer to WAC 458-20-244.

(6) **Discounted meals, promotional meals, and meals given away.** Persons who sell meals on a "two for one" or similar basis are not giving away a free meal, but rather are selling two meals at a discounted price. Both the retailing B&O and retail sales taxes should be calculated on the reduced price actually received by the seller.

(a) Persons who provide meals free of charge to persons other than employees are consumers of those meals. However, certain food products are statutorily exempt of retail sales or use tax unless sold by a retail vendor where the food product must be handled by a person required to have a food handler's permit. For tax reporting periods beginning with December 1, 1993, persons operating restaurants or similar businesses, where a food handler's permit is required, will not be required to report use tax on food products given away, even if the food products are part of prepared meals. For example, a restaurant providing meals to the homeless or hot dogs free of charge to a little league team will not incur a retail sales or use tax liability with respect to these items given away. A sale has not occurred, and the food products exemption applies. Should the restaurant provide the little league team with carbonated beverages free of charge, the restaurant will incur a deferred retail sales or use tax liability with respect to those carbonated beverages. Carbonated beverages are not considered food products for the purposes of the food products exemption. (See also WAC 458-20-244 for a list of exempt food products.)

(b) Meals provided to employees are presumed to be in exchange for services received from the employee and are not considered to be given away. These meals are retail sales. (See WAC 458-20-119 on employee meals.)

(7) **Sales of meals, beverages and food at prices including sales tax.** Persons may advertise and/or sell meals, beverages, or any kind of food product at prices including sales tax. Any person electing to advertise and/or make sales in this manner must clearly indicate this pricing method on the menus and other price information.

If sales slips, sales invoices, or dinner checks are given to the customer, the sales tax must be separately stated on all such sales slips, sales invoices, or dinner checks. If not separately stated on the sales slips, sales invoices, or dinner checks, it will be presumed that retail sales tax was not collected. In such cases the measure of tax will be gross receipts. (Refer also to WAC 458-20-107.)

(8) **Class H restaurants.** Restaurants operating under the authority of a class H liquor license generally have both dining and cocktail lounge areas. Customers purchasing beverages or food in lounge areas are generally not given sales invoices, sales slips, or dinner checks, nor are they generally provided with menus.

(a) Many class H restaurants elect to sell beverages or food at prices inclusive of the sales tax in the cocktail lounge area. If this pricing method is used, notification that retail sales tax is included in the price of the beverages or

foods must be posted in the lounge area in a manner and location so that customers can see the notice without entering employee work areas. It will be presumed that no retail sales tax has been collected or is included in the gross receipts when a notice is not posted and the customer does not receive a sales slip or sales invoice separately stating the retail sales tax.

(b) The election to include retail sales tax in the selling price in one area of a location does not preclude the restaurant operator from selling beverages or food at a price exclusive of sales tax in another. For example, an operator of a class H restaurant may elect to include the retail sales tax in the price charged for beverages in the lounge area, while the price charged in the dining area is exclusive of the sales tax.

(c) Class H restaurants are not required to post actual drink prices in the cocktail lounge areas. However, if actual prices are posted, the advertising requirements expressed in WAC 458-20-107 must be met.

(9) **Gratuities.** Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing (~~(classification of the business and occupation tax)~~) B&O and (~~(the)~~) retail sales (~~(tax)~~) taxes. (Refer also to WAC 458-20-119.)

(10) **Vending machines and amusement devices.** Persons owning and operating vending machines and amusement devices should refer to WAC 458-20-187 (Coin operated vending machines, amusement devices and service machines).

(11) **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 status of each situation must be determined after a review of all of the facts and circumstances.

(a) ABC Coffee Shop has its own bakery and also a counter and tables where it sells pastries and coffee for immediate consumption. ABC also sells donuts and other bakery items for consumption off the premises. No beverages are sold in unsealed containers except for consumption on the premises. ABC accounts separately for its sales of products which are not intended for immediate consumption through a coding maintained by the cash register. ABC is operating a combination business. It is required to collect retail sales tax on items sold for consumption on the premises, but is not required to collect retail sales tax on baked goods intended for consumption off the premises.

(b) XYZ Restaurant operates both a cocktail bar and a dining area. XYZ has elected to sell drinks and appetizers in the bar at prices including the retail sales tax while selling drinks and meals served in the dining area at prices exclusive of the sales tax. There is a sign posted in the bar area advising customers that all prices include retail sales tax. Customers in the dining area are given sales invoices which separately state the retail sales tax. As an example, a typical well drink purchased in the bar for \$2.50 inclusive of the sales tax, is sold for \$2.50 plus sales tax in the dining area. The pricing requirements have been satisfied and the drink

and food totals are correctly reflected on the customers' dinner checks. XYZ may factor the retail sales tax out of the cocktail bar gross receipts when determining its retailing and retail sales tax liability.

(c) RBS Restaurant operates both a cocktail bar and a dining area. RBS has elected to sell drinks at prices inclusive of retail sales tax for all areas where drinks are served. It has a sign posted to inform customers in the bar area of this fact and a statement is also on the dinner menu indicating that any charges for drinks includes retail sales tax. Dinner checks are given to customers served in the dining area which state the price of the meal exclusive of sales tax, sales tax on the meal, and the drink price including retail sales tax. Because the business has met the sign posting requirement in the bar area and has indicated on the menu that sales tax is included in the price of the drinks, RBS may factor the sales tax out of the gross receipts received from its drink sales when determining its taxable retail sales.

(d) Z Tavern sells all foods and drinks at a price inclusive of the retail sales tax. However, there is no mention of this pricing structure on its menus or reader boards. The gross receipts from Z Tavern's food and drink sales are subject to the retailing and retail sales taxes. Z Tavern has failed to meet the conditions for selling foods and drinks at prices including tax. Z Tavern may not assume that the gross receipts include any sales tax and may not factor the retail sales tax out of the gross receipts.

WSR 93-23-019
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed November 8, 1993, 2:17 p.m.]

Date of Adoption: November 8, 1993.

Purpose: To provide tax reporting information to persons.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-119.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 93-18-079 on August 31, 1993.

Changes Other than Editing from Proposed to Adopted Version: Subsection (6) was expanded to provide additional tax reporting information to food service contractors and to include additional examples.

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

November 8, 1993

Russell W. Brubaker

Assistant Director

AMENDATORY SECTION (Amending Order ET 86-1, filed 1/7/86)

WAC 458-20-119 Sales of meals.

~~((BUSINESS AND OCCUPATION TAX~~

~~All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the~~

retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES.

Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124 Restaurants, etc.)

~~RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION COMPANY DINERS.~~ Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of the food supplies or meals.

~~HOSPITALS AND INSTITUTIONS.~~ The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

(1) Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.

(2) Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

(3) In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original

purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.

~~FRATERNITIES AND SORORITIES.~~ Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

~~MEALS FURNISHED TO EMPLOYEES.~~ Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served to each employee, based upon the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

~~SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS.~~ Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales.

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

~~SALES OF MEALS, BEVERAGES, AND FOOD AT PRICES INCLUDING SALES TAX.~~ Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food products) and WAC 458-

20-107 (Advertised prices including sales tax—Warranties, maintenance agreements, service contracts). Effective on April 15, 1985 the former special provisions of this rule applicable to restaurants, taverns, concessionaires, and sellers of alcoholic beverages, which sell at prices including sales tax were superseded by the provisions of WAC 458-20-107.

CLASS II LICENSE LOCATIONS. When an operator elects to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method for drinks must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals which include tax and food totals which do not include tax must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.

Effective May 1, 1982-)) (1) **Introduction.** This section explains Washington's B&O and retail sales tax applications to the sales of meals. This section also gives tax reporting information to persons who provide meals without a specific charge. It explains how meals furnished to employees are taxed. Persons in the business of operating restaurants should also refer to WAC 458-20-124 and persons operating hotels, motels, boarding houses, or similar businesses should refer to WAC 458-20-166.

(2) **Business and occupation tax.** The sales of meals and the providing of meals as a part of services rendered are subject to tax as follows:

(a) **Retailing.** The retailing B&O tax applies as follows.

(i) **Restaurants, cafeterias and other eating places.** Sales of meals to consumers by restaurants, cafeterias, clubs, and other eating places are subject to the retailing tax. (See WAC 458-20-124-Restaurants, etc.)

(ii) **Caterers.** Sales of meals and prepared food by caterers are subject to the retailing tax when sold to consumers. "Caterer" means a person who provides, prepares and serves meals for immediate consumption at a location selected by the customer. The tax liability is the same whether the meals are prepared at the customer's site or the caterer's site. The retailing tax also applies when caterers prepare and serve meals using ingredients provided by the customer. Persons providing a food service for others should refer to the subsection below entitled "Food service contractors".

(iii) **Hotels, motels, bed and breakfast facilities, resort lodges and other establishments offering meals and transient lodging.** Sales of meals by hotels, motels and other persons who provide transient lodging are subject to the retailing tax.

(iv) **Boarding houses, American plan hotels, and other establishments offering meals and nontransient lodging.** Sales of meals by boarding houses and other such places are subject to retailing tax.

(A) Except for guest ranches and summer camps, when a lump sum is charged to non-transients for providing both lodging and meals, the fair selling price of the meals is subject to the retailing tax. Unless accounts are kept showing the fair selling price, the tax will be computed upon double the cost of the meals served. This cost includes the price paid for food and drinks served, the cost of preparing and serving meals, and all other incidental costs, including an appropriate portion of overhead expenses.

(B) It will be presumed that guest ranches and summer camps are not making sales of meals when a lump sum is charged for the furnishing of lodging, and meals are included.

(v) **Railroad, Pullman car, ship, airplane, or other transportation company diners.** Sales of meals by a railroad, Pullman car, ship, airplane, or other transportation company served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retailing tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount charged is deemed a charge for transportation and the retailing tax does not apply to any part of the charge.

(vi) **Hospitals, nursing homes, and other similar institutions.** The serving of meals by hospitals, nursing homes, sanitariums and similar institutions to patients as a part of the service rendered in the course of business by such institutions is not a sale at retail. However, many hospitals and similar institutions have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees. Some of these institutions have agreements where the employees are paid a fixed wage in payment for services rendered and are provided meals at no charge. Under those circumstances, all sales of meals to such persons are subject to the retailing tax, including the value of meals provided at no charge to employees. Refer to the subsection below entitled "Meals furnished to employees."

(vii) **School, college, or university dining rooms.** Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias, dining rooms, or snack bars for the exclusive purpose of providing students and faculty with meals or prepared foods are not considered to be engaged in the business of making retail sales of meals. However, if guests are permitted to dine with students or faculty in such areas, the sales of meals to the guests are retail sales.

(A) Unless the eating area is situated so that it is available only to students and faculty, the lunch room, cafeteria, dining room, or snack bar must have a posted sign stating that the area is only open to students and faculty. In the absence of such a sign, there will be a presumption that

the facility is not exclusively for the use of students and faculty. The actual policy in practice in these areas must be consistent with the posted policy.

(B) If the cafeteria, lunch room, dining room, or snack bar is generally open to the public, all sales of meals, including meals sold to students, are considered retail sales.

(C) For some educational institutions, the meals provided to students is considered to be part of the charge for tuition and may not be subject to the B&O tax. Public schools, high schools, colleges, universities, and private schools should refer to WAC 458-20-167 to determine whether the retailing B&O tax applies to the sales of meals described above. (See also WAC 458-20-189 for a discussion of B&O tax for schools operated by the state.)

(viii) **Fraternities and sororities.** Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members.

(b) **Wholesaling-other.** Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling-other tax classification. Sellers must obtain resale certificates from their customers to support the resale nature of any transaction. (See WAC 458-20-102.)

(c) **Service and other business activities.** Private schools, which do not meet the definition of "educational institutions", operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing meals to students and faculty are subject to the service and other business activities B&O tax on the charges to students and faculty for meals. (See WAC 458-20-167 for definitions of the terms "private school" and "educational institution".) Persons managing a food service operation for a private school should refer to the subsection below entitled "Food service contractors."

(3) **Retail sales tax.** The sales of meals, upon which the retailing tax applies under the provisions set forth above, are generally subject to tax under the retail sales tax classification. However, a retail sales tax exemption is available for the following sales of meals:

(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6).

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW. However, this exemption does not apply to purchases of prepared meals by not-for-profit organizations, such as hospitals, which provide the meals to patients as a part of the services they render.

(c) Prepared meals sold to the federal government. (See WAC 458-20-190.) However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(4) **Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of meals being sold at retail or wholesale.

(d) Purchases of food products and prepared meals by persons who are not in the business of selling meals at retail or wholesale are subject to the retail sales tax. However, certain food products are statutorily exempt of retail sales or use tax. (See WAC 458-20-244.)

(e) Private schools, educational institutions, nursing homes, and similar institutions who are not making sales of meals at retail or wholesale are required to pay retail sales tax on all purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use. However, purchases of such items by restaurants and similar businesses which are making retail or wholesale sales of meals are not subject to the retail sales or use tax.

(f) Transportation companies not segregating their charges for meals, and transporting persons for hire in interstate commerce, generally will be liable to their vendors for retail sales tax upon the purchase of the food supplies or prepared meals to the extent that the meals will be served to passengers in Washington. Certain food items are statutorily exempt of retail sales or use tax. (See WAC 458-20-244.)

(5) **Sales by persons having a food and beverage worker's permit.** Retail vendors who are required by law to have a food and beverage service worker's permit under RCW 69.06.010 are subject to the retailing and retail sales taxes on sales of prepared food products. (See RCW 82.08.0293.) This includes, but is not limited to, sales of sandwiches prepared or chicken cooked on the premises, deli trays, home delivered pizzas, etc. However, sales of the following food products are exempt of sales tax even though sold by a person required to have a food and beverage service worker's permit:

(a) Raw meat prepared by persons who slaughter animals, including fish and fowl, or dress or wrap slaughtered raw meat such as fish dealers, butchers, or meat wrappers;

(b) Meat and cheese sliced and/or wrapped, in any quantity determined by the buyer, sold by vendors such as meat markets, delicatessens, and grocery stores;

(c) Baked goods sold by bakeries which sell no food products other than baked goods, including bakeries located in grocery stores; and

(d) Bulk food products sold from bins or barrels, including but not limited to, flour, fruits, vegetables, sugar, salt, candy, chips and cocoa.

(6) **Food service contractors.** The term "food service contractor" means a person who operates a food service at a kitchen, cafeteria, dining room, or similar facility owned by an institution or business. Food service contractors may manage the food service operation on behalf of the institution or business, or may actually make sales of meals or prepared foods.

(a) Sales of Meals. Food service contractors who sell meals or prepared foods to consumers are subject to the retailing B&O and retail sales taxes upon their gross proceeds of sales. For example, the operation of a cafeteria which provides meals to employees of a manufacturing or financial business is generally a retail activity. The food service contractor is considered to be making retail sales of meals, whether payment for the meal is made by the employees or the business, unless the business itself is reselling the meals to the employees.

In all cases where the meals are prepared at off-site facilities not owned by the institution or business, the food service contractor is considered to be making sales of meals and the retailing B&O and retail sales taxes apply to the gross proceeds of sale, or gross income for sales to consumers.

(b) Food service management. For periods prior to July 1, 1993, the gross proceeds derived from the management of a food service operation are subject to the service and other business activities B&O tax. On and after July 1, 1993, these proceeds are subject to the selected business services classification of the B&O tax. (Chapter 25, Laws of Washington 1993, 1st Special Session.) These tax reporting provisions apply whether the staff actually preparing the meals or prepared foods are employed by the institution or business hiring the food service contractor, or by the food service contractor itself. If the food service contractor merely manages the food service operation on behalf of an institution or business, that institution or business is considered to be selling meals or providing the meals as a part of the services the institution or business renders to its customers. These institutions and businesses should refer to the subsections (2) and (3) above to determine their B&O and retail sales tax liabilities.

Food service management includes, but is not limited to, the following activities:

(i) Food service contractors operating a cafeteria or similar facility which provides meals and prepared food for employees and/or guests of a business, but only where the business owning the facility is the one actually selling the meals to its employees.

(ii) Food service contractors managing and/or operating a cafeteria, lunch room, or similar facility for the exclusive use of students or faculty at an educational institution or private school. The educational institution or private school provides these meals to the students and faculty as a part of its educational services. The food service contractor is managing a food service operation on behalf of the institution, and is not making retail sales of meals to the students, faculty, or institution. Sales of meals or prepared foods to guests in such areas are, however, subject to the retailing B&O and retail sales taxes. (Refer also to the subsection above entitled "School, college, or university dining rooms.")

(iii) Food service contractors managing and/or operating the dietary facilities of a hospital, nursing home, or similar institution, for the purpose of providing meals or prepared foods to patients or residents thereof. These meals are provided to the patients or residents by the hospital, nursing home, or similar institution as a part of the services rendered by the institution. The food service contractor is managing a food service operation on behalf of the institution, and is

not considered to be making retail sales of meals to the patients, residents, or institution. Meals sold to doctors, nurses, visitors, and other employees through a cafeteria or similar facility are, however, subject to the retailing B&O and retail sales taxes. (Refer also to the subsection above entitled "Hospitals, nursing homes, and other similar institutions.")

(c) The following examples explain the application of the B&O and retail sales taxes to typical situations involving food service contractors managing a food service operation. 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.

(i) GC Inc. is a food service contractor managing and operating an on-site cafeteria for B College. This cafeteria is operated for the exclusive use of students and faculty. However, guests of students or faculty members are allowed to use the facilities. All monies collected in the cafeteria are retained by B College. College B pays GC's direct costs for managing and operating the cafeteria, including the costs of the unprepared food products, employee salaries, and overhead expenses. GC also receives a management fee.

GC Inc. is managing a food service operation. The measure of tax is the gross proceeds received from B College. GC Inc. may not claim a deduction on account of cost of materials, salaries, or any other expense. For periods prior to July 1, 1993, the gross proceeds are subject to the service and other business activities B&O tax. On and after July 1, 1993, these proceeds are subject to the selected business activities B&O tax classification. B College is considered to be making retail sales of meals to the guests. B College must collect and remit retail sales taxes on the gross proceeds of sales derived therefrom. B College should refer to WAC 458-20-167 to determine whether the retailing B&O tax applies.

(ii) DF Food Service contracts with Hospital A to manage and operate Hospital A's dietary and cafeteria facilities. DF is to receive a per meal fee for meals provided to Hospital A's patients. DF Food Service retains all proceeds for sales of meals to physicians, nurses, and visitors in the cafeteria.

The gross proceeds received from Hospital A in regards to the meals provided to the patients is derived from the management of a food service operation. For periods prior to July 1, 1993, these proceeds are subject to the service and other business activities B&O tax. On and after July 1, 1993, these proceeds are subject to the selected business activities B&O tax classification. However, DF is making retail sales of meals to physicians, nurses, and visitors in the cafeteria. DF Food Service must pay retailing B&O, and collect and remit retail sales tax, on the gross proceeds derived from the cafeteria sales.

(7) Meals furnished to employees. Sales of meals to employees are sales at retail and subject to the retailing B&O and retail sales taxes. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered.

(a) Where a specific and reasonable charge is made to the employee, the measure of the tax is the selling price.

(b) Where no specific charge is made, the measure of the tax will be the average cost per meal served to each employee, based upon the actual cost of the food.

(c) It is often impracticable to collect the retail sales tax from employees on such sales. The employer may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue.

(d) Where meals furnished to employees are not recorded as sales, the tax due shall be presumed to apply according to the following formula for determining meal count:

(i) Those employees working shifts up to five hours, one meal; and

(ii) employees working shifts of more than five hours, two meals.

(8) Sales of meals, beverages, and food at prices including sales tax. Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food products), WAC 458-20-124 (Restaurants, etc.), and WAC 458-20-107 (Advertised prices including sales tax). The taxability of persons operating class H licensed restaurants is specifically addressed in WAC 458-20-124.

(9) Gratuities. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the B&O tax and the retail sales tax.

(10) 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) ABC Hospital operates a cafeteria and sells meals to physicians and to persons who are visiting patients in the hospital. Meals are also provided to its employees at no charge. However, there is no accounting for the number of meals consumed by the employees. Payroll records do record the number of hours worked. On average, employees working shifts of up to five hours consume one meal while those working shifts of more than five hours consume two meals.

ABC Hospital is subject to retailing and retail sales taxes on the gross proceeds derived from the sales of meals to physicians and visitors. The retailing and retail sales taxes also apply to value of the meals consumed by ABC's employees. The value subject to tax is determined by the average cost of meals consumed by the employees, based upon the actual cost of the food items, multiplied by the number of meals as determined through a review of the payroll records. While the presumption is that employees working shifts of up to five hours consume one meal with those working shifts of five to eight hours consuming two, this presumption may be rebutted under particular circumstances.

(b) X operates a boarding house and provides lodging and meals to ten non-transient residents. Each resident is

charged a lump sum to cover both lodging and meals with no accounting for a fair selling price for the meals. X is making retail sales of meals to its residents. Retailing and retail sales taxes are due on the value of the meals served. This value must be computed as double the cost of the meal, including the cost of the food and drink ingredients, costs of meal preparation, and other costs associated with the meal preparation such as overhead expenses.

(c) Y Motor Inn contracts with Z Company to provide catering services for a function to be held at the motor inn. During discussions concerning the services to be provided, Z Company is informed that a 15% gratuity is generally recommended. Z Company negotiates the gratuity percentage to 10% and signs a catering contract stating that the agreed gratuity will be added. The gratuity charged to Z Company is subject to both the retailing and retail sales taxes. This is not a voluntary gratuity since it is required to be paid as a condition of the contract. Gratuities are not part of the selling price only when they are strictly voluntary.

WSR 93-23-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3665—Filed November 10, 1993, 9:25 a.m.]

Date of Adoption: November 10, 1993.

Purpose: Complies with changes in OBRA 1993 in the treatment of trusts established after August 10, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-041 Income—Eligibility and 388-92-041 Trusts.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: OBRA 1993.

Pursuant to notice filed as WSR 93-20-057 on September 30, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-83-041 changed subsection (1) to "For 'continuing' cash assistance clients" and removed the rest of the wording before the comma. Subsection (2)(c) changed to "Consider financial responsibility of relatives". WAC 388-92-041 (3)(d)(iii) is new; subsection (3)(e)(i)(D) is new; and subsections (4) and (5) are editorially changed for clarification of sentences.

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

November 10, 1993

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3518, filed 2/24/93, effective 3/27/93)

WAC 388-83-041 Income—Eligibility. (1) For continuing cash assistance clients (~~of AFDC, FIP, GA-U, or SSI~~), the department shall find a person eligible for medical care programs without a separate determination of eligibility.

(2) For a noncash medical assistance client, the department shall determine countable income according to AFDC, (~~FIP~~) or SSI methodology, except the department shall:

- (a) Budget income prospectively as defined under WAC 388-28-483;
- (b) Not use mandatory monthly income reporting;
- (c) Consider financial (~~(relative)~~) responsibility of relatives as described under WAC 388-92-025 for SSI-related clients and WAC 388-83-046 for clients unrelated to SSI;
- (d) Exclude lump sum payments as described under WAC 388-92-045;
- (e) Consider the AFDC earned income exemption as described under WAC 388-83-130; and
- (f) Consider the principle and interest payment from a sales or real estate contract as described under WAC 388-92-045 (2)(a) as unearned income;
- (g) Consider the interest payment from a sales or real estate contract as described under WAC 388-92-045 (2)(b) as unearned income;
- (h) Require clients to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which they are entitled, unless they can show good cause for not doing so. The client's annuities, pensions, retirement, and disability benefits may include, but are not limited to, veteran's compensation and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation;
- (i) Allow child care expenses the client pays as an income deduction; ~~(and)~~
- (j) Exempt earned income tax credit refunds and payments, the person receives on or after January 1, 1991, during the month of receipt and the following month; and
- (k) Consider trusts as described under WAC 388-92-041.

AMENDATORY SECTION (Amending Order 3476, filed 10/28/92, effective 11/28/92)

WAC 388-92-041 ((Medicaid qualifying)) Trusts. (1) ~~((A Medicaid qualifying trust is a grantor trust, or other similar legal device, set up by the client, client's spouse, or the legal guardian for an incompetent client under which:~~

- ~~(a) The client may be the beneficiary of all or part of the payments from the trust; and~~
- ~~(b) The distribution of such payments is determined by one or more trustees; and~~
- ~~(c) The trustees are permitted to use discretion with respect to the distribution to the client.~~
- ~~(2) The amount deemed to be available to the client from the trust is the greatest amount of payments permitted to be distributed under the terms of the trust.~~
- ~~(3) This section shall apply:~~
- ~~(a) Whether or not the Medicaid qualifying trust:~~
- ~~(i) Is irrevocable; or~~
- ~~(ii) Is established for purposes other than to establish eligibility for medical assistance.~~
- ~~(b) Whether or not the trustees actually use the discretion permitted by the trust.~~
- ~~(4) The department shall waive the requirements of this section if undue hardship exists. Each case involving a Medicaid qualifying trust shall be evaluated on an individual basis to decide if undue hardship exists. Undue hardship shall include but not be limited to situations in which:~~

~~(a) The trustee has refused to disburse the funds from the trust and the client has filed and is actively pursuing litigation to require the trustee to disburse said funds; or~~

~~(b) The client would be forced to go without life sustaining services because trust funds are not made available to pay for the services.~~

~~(5) This section shall not apply to any trust or initial trust decree established:~~

~~(a) Prior to April 7, 1986; and~~

~~(b) Solely for the benefit of a mentally retarded client who lives in an intermediate care facility for the mentally retarded)) For the purposes of this section, a trust shall include any legal instrument similar to a trust.~~

(2) The department shall ensure this section does not apply to any trust or initial trust decree established:

(a) On or before April 6, 1986; and

(b) Solely for the benefit of a mentally retarded client who lives in an intermediate care facility for the mentally retarded.

(3) For trusts established on or before August 10, 1993, the department shall:

(a) Determine if the trust is established by the client, client's spouse, or the legal guardian for an incompetent client under which:

(i) The client may be the beneficiary of all or part of the payments from the trust;

(ii) The distribution of such payments is determined by one or more of the trustees; and

(iii) The trustees are permitted to use discretion with respect to the distribution of payments to the client.

(b) Consider available to the client the greatest amount of payments permitted to be distributed under the terms of the trust when the conditions defined under subsection (3)(a) of this section exist;

(c) Apply subsection (3)(b) of this section whether or not:

(i) The trust:

(A) Is irrevocable; or

(B) Is established for purposes other than to establish eligibility for medical assistance.

(ii) The trustees actually use the discretion permitted by the trust.

(d) For an irrevocable trust not meeting the description under subsection (3)(a) of this section, consider:

(i) The trust as an unavailable resource when the client establishes the trust for a beneficiary other than the client or the client's spouse;

(ii) As an available resource the amount of the trust's assets:

(A) The client may access; or

(B) The trustee of the trust distributes as actual payments to the client.

(iii) See WAC 388-95-395 for regulations concerning the transfer of assets.

(e) For a revocable trust, consider:

(i) The full amount of the trust as an available resource of the client when the trust is established by:

(A) The client;

(B) The client's spouse and the client lives with the spouse; or

(C) A person other than the client or the client's spouse only to the extent the client has access to the assets of the trust.

(D) Client withdrawal of funds from such trust shall not be considered as income.

(ii) Only the amounts paid to the client from the trust as an available resource when the trust is established by:

(A) The client's spouse and the client does not live with the spouse; or

(B) A person other than the client or the client's spouse and payments are distributed by a trustee of the trust.

(f) Waive the requirements of subsection (3) if undue hardship exists. Undue hardship includes but is not limited to situations in which:

(i) The trustee refused to disburse the funds from the trust and the client has filed and is actively pursuing litigation to require the trustee to disburse said funds; or

(ii) The client would be forced to go without life sustaining services because trust funds are not made available to pay for the services.

(4) For trusts established on or after August 11, 1993, the department shall follow subsection (3) of this section to determine eligibility for medical services received on or before September 30, 1993.

(5) For trusts established on or after August 11, 1993, the department shall follow subsections (6) through (14) of this section to determine eligibility for medical services received on or after October 31, 1993.

(6) The department shall consider a trust established by the client when:

(a) All or part of the assets, as defined under WAC 388-95-395, of the trust were from the client; and

(b) The trust was established, other than by will, by:

(i) The client or the client's spouse;

(ii) A person, including a court or administrative body, with legal authority to act in place of, or on behalf of, the client or the client's spouse; or

(iii) A person, including a court or administrative body, acting at the direction of or upon the request of the client or the client's spouse.

(7) The department shall consider available to the client only the assets contributed to the trust by the client when part of the trust assets were contributed by any other person.

(8) The department shall not consider:

(a) The purposes for which a trust is established;

(b) Whether the trustees have or exercise any discretion under the terms of the trust;

(c) Restrictions on when or whether distributions may be made from the trust; or

(d) Restrictions on the use of distributions from the trust.

(9) For a revocable trust established as described under subsection (6) of this section, the department shall consider:

(a) The full amount of a revocable trust as an available resource of the client;

(b) Payments from the trust to or for the benefit of the client as income of the client; and

(c) Any payments from the trust other than payments described under subsection (9)(b) of this section as a transfer of client assets.

(10) For an irrevocable trust established as described under subsection (6) of this section, the department shall consider:

(a) As an available resource to the client, the portions of a trust or the income from the trust from which payment can be made to or for the benefit of the client. When payment is made from such irrevocable trust, the department shall consider such payments as:

(i) Income to the client when payment is to or for the client's benefit; or

(ii) The transfer of an asset when payment is made to any person for any purpose other than for the client's benefit.

(b) As a transfer of assets, a trust from which a payment cannot be made to or for the client's benefit. For such trust, the department shall find:

(i) The transfer of assets is effective the date:

(A) Of the establishment of the trust; or

(B) On which payment to the client is precluded, if later.

(ii) The value of the trust includes any payments made from the trust after the effective date of the transfer.

(11) For a revocable or irrevocable trust established by persons or with funds other than as described under subsection (6) of this section, the department shall consider such trust under subsection (3)(e) of this section:

(12) The department shall not follow subsections (6) through (11) of this section for a trust containing:

(a) The assets of a person sixty-four years of age and younger who is disabled as defined by SSI criterion and the trust:

(i) Is established for the benefit of such person;

(ii) Is established by such person's parent, grandparent, legal guardian, or a court; and

(iii) Stipulates that the state will receive all amounts remaining in trust upon the death of the client up to the amount of Medicaid expended on behalf of such client.

(b) The assets of a person sixty-four years of age and younger who is disabled as defined by SSI criteria and the trust:

(i) Is managed by a nonprofit association and the nonprofit association:

(A) Maintains separate accounts for each trust beneficiary; and

(B) May only pool such separate accounts for investment and management of fund purposes;

(ii) Stipulates that the state will receive all amounts remaining in the client's account upon the death of the client up to the amount of Medicaid expended on the client's behalf.

(13) The department shall waive the application of this section if the client establishes undue hardship exists. Undue hardship includes, but is not limited to, situations where the client would be forced to go without life sustaining services.

(14) See WAC 388-95-395 for trusts the department determines a transfer of assets under this section.

WSR 93-23-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3664—Filed November 10, 1993, 9:26 a.m.]

Date of Adoption: November 10, 1993.

Purpose: Complies with changes in OBRA 1993 in the transfer of resources, look-back periods, and periods of ineligibility.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-92-043 Transfer of resources without adequate consideration; and amending WAC 388-99-035 Resource standards and 388-95-395 Transfer of assets.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: OBRA 1993.

Pursuant to notice filed as WSR 93-20-055 on September 30, 1993.

Changes Other than Editing from Proposed to Adopted Version: Added definition "assets" to WAC 388-95-395 (1)(a). WAC 388-95-395 (1)(h) changed "a resource" to "an asset"; subsection (3)(c) changed "the resources" to "the assets"; editorial change to subsection (4); changed subsection (5) "FMV within" to "FMV during or after"; subsection (6)(b)(iii) deleted; subsection (9)(a) and (b) changed wording to "transfer the asset" or to "transferred the asset".

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

November 10, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3206, filed 7/23/91, effective 8/23/91)

WAC 388-95-395 Transfer of ~~((resources))~~ assets.

(1) The terms in this section shall have the following definitions:

(a) ~~("Institutionalized person" means a person who is:~~

~~(i) An inpatient in a nursing facility;~~

~~(ii) An inpatient in a medical institution where the payment is made for a level of care provided in a nursing facility; or~~

~~(iii) In need of the level of care provided in a nursing facility or medical institution, but receiving home or community-based services under WAC 388-83-200 and 388-83-210; and~~

~~(iv) Expected to be in the nursing facility, medical institution, or receiving home or community-based services under WAC 388-83-200 and 388-83-210 for thirty consecutive days or more.~~

(b) "Institutional spouse" means a person who meets the requirements of (a) of this subsection and is married to a spouse who is not:

(i) In a medical institution;

(ii) Nursing facility; or

~~(iii) Receiving home or community-based services under WAC 388-83-200 or 388-83-210.~~

(e)) "Assets" means all income and resources of a client and the client's spouse, including such income or resources the person is entitled to but does not receive because of action by:

(i) The client or the client's spouse;

(ii) A person, court or administrative body, with legal authority to act in place of or on behalf of the client or the client's spouse; or

(iii) A person, court or administrative body, acting at the direction or upon the request of the client or the client's spouse.

(b) "Community spouse" means the person married to an institutionalized ~~((person))~~ client.

~~((d)) "Institutional services" means a level of care provided in a nursing facility, equivalent nursing facility in a medical institution, or in a home or community-based program under WAC 388-83-200 or 388-83-210.~~

~~(e) "Transfer" means any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person, including but not limited to delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property.~~

~~(f))~~ (c) "Fair market value (FMV)" means the price the ~~((resource))~~ asset may reasonably sell for on the open market at the time of transfer or assignment.

(d) "Institutional services" means a level of care provided in a nursing facility, equivalent nursing facility in a medical institution, or in a home-based or community-based program under WAC 388-83-200 or 388-83-210.

(e) "Institutional spouse" means a client who meets the requirements of subsection (1) of this section and is married to a spouse who is not:

(i) In a medical institution;

(ii) In a nursing facility; or

(iii) Receiving home-based or community-based services under WAC 388-83-200 or 388-83-210.

(f) "Institutionalized client" means a person who is:

(i) An inpatient in a nursing facility;

(ii) An inpatient in a medical institution where the payment is made for a level of care provided in a nursing facility; or

(iii) In need of the level of care provided in a nursing facility or medical institution, but receiving home or community-based services under WAC 388-83-200 and 388-83-210; and

(iv) Expected to be in the nursing facility, medical institution, or receiving home or community-based services under WAC 388-83-200 and 388-83-210 for thirty consecutive days or more.

(g) "Transfer" means any act or omission to act, by a client or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person, including but not limited to:

(i) Delivery of personal property;

(ii) Bills of sale, deeds, mortgages, pledges; or

(iii) Any other instrument conveying or relinquishing an interest in property.

(h) "Uncompensated value" means the ~~((fair market value))~~ FMV of ~~((a resource))~~ an asset at the time of transfer minus the value of compensation the person receives in exchange for the resource.

~~((h))~~ (i) "Undue hardship" means the client's inability to meet shelter, food, clothing, and health care needs.

(j) "Value of compensation received" means the consideration the purchaser pays or agrees to pay. Compensation includes:

(i) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable agreement whereby the eligible ~~((person))~~ client shall transfer the resource; and

(ii) The payment or assumption of a legal debt the ~~((person))~~ client owes in exchange for the resource.

~~((i) "Undue hardship" means the client's inability to meet shelter, food, clothing, and health care needs.))~~

~~((2) ((The department shall consider resource transfers made on or before June 30, 1989 under WAC 388-92-043.~~

~~(3) The department shall consider resource transfers made on or after July 1, 1989 under this section.~~

~~(4)) The department shall not impose any penalty for the transfer of any exempt asset for less than ((fair market value of any exempt resource)) FMV except ((for the home as provided under this section)) as specified under subsection (7) of this section when the client transfers the client's home.~~

(3) The department shall determine whether the client or the client's spouse transferred an asset within the following look-back period:

(a) Thirty months when determining eligibility for services received:

(i) On or before September 30, 1993; or

(ii) On or after October 1, 1993, and the transfer of assets was on or before August 10, 1993.

(b) Thirty-six months when determining eligibility for services on or after October 1, 1993 and the transfer of assets was after August 10, 1993; or

(c) Sixty months when determining eligibility for services received on or after October 1, 1993 and all or part of the transferred assets are placed in a trust established after August 10, 1993 and all or part of the assets are deemed transferred as described under WAC 388-92-041 (9)(c) or (11)(b).

(4) The department shall consider the look-back period is the number of months described under subsection (3) of this section, before the first day of the month the client:

(a) Becomes an institutionalized person, if the client is eligible for medical assistance on that date; or

(b) Applies for institutional care when the client is not eligible for medical assistance as of the date the client initially became institutionalized.

(5) The department shall calculate a period of ineligibility for nursing facility services, equivalent nursing facility services in a medical institution, and services described under WAC 388-83-200 and 388-83-210, for the institutionalized ~~((person))~~ client when the ~~((person))~~ client or the ~~((person's))~~ client's spouse ~~((disposes of a resource))~~ transfers an asset for less than ~~((fair market value at any time during or after the thirty-month period immediately before the date:~~

~~((a) The person becomes an institutionalized person, if eligible for medical assistance on such date; or~~

~~((b) If not eligible as of the date of institutionalization, the date an institutionalized person applies for such services)) FMV during or after the look-back periods as described under subsections (3) and (4) of this section.~~

~~(6) The department shall establish a period of ineligibility ((beginning on the first day of the month in which the person or the person's spouse transfers the resource. The number of months of ineligibility shall equal the lesser of)) for a client when the client or the client's spouse has transferred an asset:~~

~~(a) On or before August 10, 1993. Such period of ineligibility shall:~~

~~(i) Begin the first day of the month in which the resource was transferred;~~

~~(ii) Be the lesser of:~~

~~((a)) (A) Thirty months; or~~

~~((b)) (B) The number of whole months found by dividing the total uncompensated value of the transferred ((resource)) assets by the statewide average monthly cost of nursing facility services to a private patient at the time of the application; and~~

~~((c) The period of ineligibility shall not include a partial month)) (iii) Run concurrently when multiple transfers of assets have been made during the look-back period.~~

~~(b) On or after August 11, 1993. Such period of ineligibility shall:~~

~~(i) For a transfer of assets during the look-back period, except for a transfer made during a period of ineligibility established under this section:~~

~~(A) Begin on the first day of the month in the look-back period in which an asset was transferred; and~~

~~(B) Equal the number of whole months found by dividing the total, cumulative uncompensated value of all assets transferred during the look-back period by the statewide average monthly cost of nursing facility services to a private patient at the time of application.~~

~~(ii) For a transfer of assets made while receiving medical assistance as an institutionalized client, or for transfers made during a period of ineligibility established under this section:~~

~~(A) Begin on the first day of the month in which an asset was transferred, or after the expiration of all other periods of ineligibility established under this section, whichever is later; and~~

~~(B) Equal the number of whole months found by dividing the total, uncompensated value of the transferred asset by the statewide average monthly cost of nursing facility services to a private patient at the time of application.~~

~~(7) The department shall not find the institutionalized ~~((person))~~ client ineligible for institutional services ~~((if))~~ when the ~~((resource))~~ transferred asset was a home and the home was transferred to the ~~((person's))~~ client's:~~

~~(a) Spouse; or~~

~~(b) Child who is:~~

~~(i) Aged, blind, or permanently and totally disabled; or~~

~~(ii) Twenty years of age or under.~~

~~(c) Sibling who has:~~

~~(i) Equity in the home; and~~

~~(ii) Lived in the home for at least one year immediately before the ~~((person))~~ client became institutionalized.~~

~~(d) Child, other than described under subsection (7)(b) of this section, who:~~

~~(i) Lived in the home for two years or more immediately before the ~~((person))~~ client became institutionalized; and~~

(ii) Provided care to the ~~((person))~~ client to permit the ~~((person))~~ client to remain ~~((continuously))~~ at home.

(8) The department shall not find the institutionalized ~~((person))~~ client ineligible for institutionalized services if the ~~((resource))~~ asset other than the home was transferred ~~((to))~~:

(a) ~~((Or from))~~ To the ~~((person's))~~ client's spouse or to another person for the sole benefit of the client's spouse; or

(b) ~~((Or))~~ From the client's spouse to another person for the sole benefit of the ~~((person's))~~ client's spouse; or

(c) To the ~~((person's))~~ client's blind or permanently and totally disabled child, or to a trust established solely for the benefit of such child; or

(d) To a trust established solely for the benefit of a person sixty-four years of age or younger who is disabled according to SSI criteria.

(9) The department shall not find a person ineligible ~~((if))~~ under this section when the ~~((person))~~ client can satisfactorily show the department that:

(a) ~~((He or she))~~ The client intended to transfer the ~~((home or nonexempt resource))~~ asset at ~~((fair market value))~~ FMV or other valuable consideration; ~~((or))~~

(b) ~~((He or she))~~ The client transferred the ~~((home or nonexempt resource))~~ asset exclusively for a purpose other than to qualify for medical assistance; ~~((or))~~

(c) All assets transferred by the client for less than FMV have been returned to the client; or

(d) The denial of eligibility would cause an undue hardship.

(10) A ~~((person))~~ client or the spouse of such a ~~((person))~~ client the department determines ineligible under this section ~~((, has the right to))~~ may request a hearing to appeal the determination of ineligibility. The procedure for the hearing is under chapter 388-08 WAC.

(11) The department shall:

(a) ~~((Exclude))~~ Exempt cash received from the sale, transfer, or exchange of ~~((an excluded resource))~~ an asset to the extent that the cash is used ~~((to replace or is reinvested in another excluded resource))~~ for an exempt asset within the same month, except as specified under WAC 388-92-045.

(b) Consider any ~~((portion of the))~~ cash remaining ~~((a nonexcluded resource))~~ as an available asset

(12) When the transfer of an asset has resulted in a period of ineligibility for one spouse, the department shall not impose a period of ineligibility for the other spouse for the transfer of the same asset.

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 3472, filed 10/28/92, effective 11/28/92)

WAC 388-99-035 Resource standards. (1) The department shall ensure the total value of resources allowed and not otherwise excluded will not exceed the dollar amount in:

(a) Subsection ~~((+))~~(2)(a) of this section for a single person; or ~~((the dollar amount in))~~

(b) Subsection ~~((+))~~(2)(b) of this section for a family.

~~((a))~~ ~~Effective January 1, 1989,~~ (2) The department shall determine the resource limitation for a:

(a) Single person will be two thousand dollars~~((-))~~; and

(b) ~~((Effective January 1, 1989, the department shall determine the resource limitation for a))~~ Married couple ~~((shall))~~ will be three thousand dollars. The department shall increase this amount by fifty dollars for each additional family member in the household.

~~((2))~~ ~~See WAC 388-92-043,~~ (3) For regulations on transfer of resources ~~((without adequate consideration))~~:

(a) For a client who is not institutionalized, see WAC 388-83-130; or

(b) For an institutionalized client, see WAC 388-95-395.

WSR 93-23-033

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3666—Filed November 10, 1993, 9:28 a.m.]

Date of Adoption: November 10, 1993.

Purpose: Per 7 CFR 273.9, the Department of Agriculture, food and nutrition service (FNS) regularly updates the various income standards used in the food stamp program. Effective October 1, 1993, FNS has updated the gross and net income standards, the household standard deduction, the maximum shelter allowance, and the homeless shelter expense.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-500 Income—Deductions and 388-49-510 Income eligibility standards.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9 (a)(3), (d)(1), and (d)(5)(i) and (ii).

Pursuant to notice filed as WSR 93-20-048 on September 30, 1993.

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

November 10, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3473, filed 10/28/92, effective 11/28/92)

WAC 388-49-500 Income—Deductions. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred ~~((twenty-seven))~~ thirty-one dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed one hundred sixty dollars per dependent when care is necessary for a household member to:

(i) Seek, accept, or continue employment; or

(ii) Attend training or education preparatory to employment.

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(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred by an elderly or disabled household member;

(e) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, and dependent care deductions. The shelter deduction shall not exceed two hundred seven dollars; and

(f) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) A household's shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

(i) Household intends to return to the home;

(ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and

(iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

(i) Has not yet received a billing for utilities;

(ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or

(iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

(i) Not entitled to the standard utility allowance; or

(ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(e) A shelter amount of one hundred (~~thirty-two~~) thirty-seven dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

(i) Monthly shelter costs no greater than one hundred (~~thirty-two~~) thirty-seven dollars; or

(ii) Unverified shelter costs exceeding one hundred (~~thirty-two~~) thirty-seven dollars.

(3) A household may switch between actual utility costs and the standard utility allowance:

(a) At each recertification; and

(b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

(a) Reimbursement; or

(b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

(6) The department shall verify:

(a) Dependent care costs including changes, except in prospective budgeting; and

(b) Medical expenses and the reimbursement amounts resulting in a deduction:

(i) At recertification, if the amount has changed more than twenty-five dollars; and

(ii) On a monthly basis for a household subject to monthly reporting.

(c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(e) of this section.

(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction, except in prospective budgeting.

AMENDATORY SECTION (Amending Order 3473, filed 10/28/92, effective 11/28/92)

WAC 388-49-510 Income eligibility standards. (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard

Household Size	Maximum Standard
1	\$ (738) <u>756</u>
2	(996) <u>1,022</u>
3	(1,254) <u>1,289</u>
4	(1,512) <u>1,555</u>
5	(1,770) <u>1,822</u>
6	(2,027) <u>2,088</u>
7	(2,285) <u>2,355</u>
8	(2,543) <u>2,621</u>
9	(2,801) <u>2,888</u>
10	(3,059) <u>3,155</u>
Each additional person	(258) <u>267</u>

Net Monthly Income Standard

Household Size	Maximum Standard
1	\$ (568) <u>581</u>
2	(766) <u>786</u>

3	(965)	991
4	(+163)	1,196
5	(+364)	1,401
6	(+560)	1,606
7	(+758)	1,811
8	(+956)	2,016
9	(+155)	2,221
10	(+2354)	2,426
Each additional person	+(199)	205

WSR 93-23-034

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed November 10, 1993, 9:31 a.m.]

Date of Adoption: November 5, 1993.

Purpose: To further define requirements for licensure and application process, two new sections that require the licensee to maintain a current address on filed with the board, and establish rules for adjudicative proceedings.

Citation of Existing Rules Affected by this Order: Amending WAC 246-843-080 and 246-843-090.

Statutory Authority for Adoption: RCW 18.52.061.

Pursuant to notice filed as WSR 93-19-149 on September 22, 1993.

Effective Date of Rule: Thirty-one days after filing.
November 5, 1993

Ted Day
Chair

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-080 Application for examination. (1)

An applicant for examination and qualification for a license as a nursing home administrator shall make application therefore in writing, on forms approved by the board and provided by the secretary. All applications shall be completed in every respect.

(2) An applicant, otherwise qualified, who has not administered or does not continue to administer a nursing home, may obtain and maintain a license.

(3) Completed applications shall be on file sixty days prior to the examination date.

(4) The application fee shall be submitted with the form.

(5) Applicants who submitted an application prior to July 4, 1993, must successfully complete the examination(s) by July 1, 1996, or must meet the current application requirements.

AMENDATORY SECTION (Amending Order 371B, filed 6/3/93, effective 7/4/93)

WAC 246-843-090 Preexamination requirements.

No person shall be admitted to or permitted to take an examination for licensure as a nursing home administrator without having first submitted evidence satisfactory to the board that the applicant meets the following requirements:

(1) All applicants shall be at least twenty-one years of age, and in addition, shall otherwise meet the requirements of suitability and character set forth in WAC 246-843-200.

(2) All applicants shall complete an application for licensure provided by the division of ~~((professional licens- ing))~~ health professions quality assurance, department of health, and shall include all information requested in said application.

(3) All applicants shall submit documentation demonstrating that they meet the minimum requirements set forth in RCW 18.52.071.

(4) Applicants not having completed at least a one thousand hour practical experience requirement in a nursing home, included in a degree program, shall undertake and complete the following:

(a) A one thousand five hundred hour administrator-in-training program in a nursing home for individuals who have no experience in health care;

(b) A one thousand hour administrator-in-training program in a nursing home for individuals with a minimum of two years experience as a department manager in a health care facility with supervisory and budgetary responsibility;
or

(c) A five hundred hour administrator-in-training program in a nursing home for individuals with a minimum of two years experience in the last five years with supervisory and budgetary responsibility in one of the following positions or their equivalent:

- Hospital administration;
- Assistant administrator in a large health care facility;
- Director of a hospital based facility;
- Director of a subacute or transitional care unit;
- Director of the department of nursing;
- Health care consultant to the long term care industry;
- Director of community-based long term care service;
- Those individuals serving in two separate positions for

a minimum of one year in each position may also submit an application for consideration. Such a program shall include, without limitations, the following:

(a) The program shall be under the guidance and supervision of a licensed nursing home administrator, as preceptor, and shall be conducted for a period of one thousand five hundred hours, one thousand hours, or five hundred hours;

(b) The program shall be designed to provide for individual learning experiences and instruction based upon the person's academic backgrounds, training, and experience;

(c) The prospectus for the program shall be signed by the preceptor, submitted and approved by the board prior to its commencement. Any changes in the program shall be immediately reported in writing to the board, and the board may withdraw the approval given, or alter the conditions under which approval was given, if the board finds that the program as originally submitted and approved has not been or is not being followed;

(d) The program shall include the following components:

- (i) A planned systematic rotation through each department of a nursing home;
- (ii) Planned reading and writing assignments;

PERMANENT

November 10, 1993
 Jason J. Zeller
 Manager

(iii) Project assignment including at least one problem-solving assignment to be submitted in writing to the board or a designated board member. Problem-solving project should indicate the definition of an acknowledged problem, the method of approach to the problem such as data gathering, the listing of possible alternatives, the conclusions, and final recommendations to improve the facility or procedure.

(iv) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community; and

(v) A quarterly written report to the board by the applicant including a detailed outline of activities and learning experiences of the reporting period.

(e) The program shall provide for a broad range of experience with a close working relationship between preceptor and trainee. Toward that end, as a general rule, no program shall be approved which would result in an individual preceptor supervising more than two trainees, or if the facility in which the program is to be implemented has a capacity of fewer than 50 beds. Exceptions to this general rule may be granted by the board in unusual circumstances.

NEW SECTION

WAC 246-843-158 Responsibility for maintaining mailing address on file with the board. It is the responsibility of each licensee to maintain a current mailing address on file with the board. The mailing address on file with the board 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.

NEW SECTION

WAC 246-843-340 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 93-23-035
PERMANENT RULES
ENERGY FACILITY
SITE EVALUATION COUNCIL
 [Filed November 10, 1993, 4:12 p.m.]

Date of Adoption: October 11, 1993.

Purpose: To update EFSEC's air rules consistent with the requirements of the 1990 Clean Air Act amendments and Washington's Clean Air Act.

Citation of Existing Rules Affected by this Order: Amending WAC 463-39-005, 463-39-020, 463-39-030, 463-39-100, and 463-39-120.

Statutory Authority for Adoption: RCW 80.50.040(1) and chapter 70.94 RCW.

Pursuant to notice filed as WSR 93-18-104 on September 1, 1993.

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

Chapter 463-39 WAC

GENERAL AND OPERATING PERMIT REGULATIONS FOR AIR POLLUTION SOURCES

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92)

WAC 463-39-005 Adoption by reference. (1) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-400 WAC by reference. (~~Any revisions or changes to these rules are hereby adopted.~~)

- WAC 173-400-030: Definitions.
- WAC 173-400-040: General standards for maximum emissions.
- WAC 173-400-050: Emission standards for combustion and incineration units.
- WAC 173-400-060: Emission standards for general process units.
- WAC 173-400-081: Startup and shutdown.
- WAC 173-400-090: Voluntary limits on emissions.
- WAC 173-400-105: Records, monitoring, and reporting.
- WAC 173-400-107: Excess emissions.
- WAC 173-400-110: New source review (NSR).
- WAC 173-400-112: Requirements for new sources in nonattainment areas.
- WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.
- WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-141: Prevention of significant deterioration (PSD).
- WAC 173-400-151: Retrofit requirements for visibility protection.
- WAC 173-400-161: Compliance schedules.
- WAC 173-400-171: Public involvement.
- WAC 173-400-180: Variance.
- WAC 173-400-190: Requirements for nonattainment areas.
- WAC 173-400-200: Creditable stack height and dispersion techniques.
- WAC 173-400-205: Adjustment for atmospheric conditions.

(2) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-401 WAC by reference.

- WAC 173-401-100: Program overview.

PERMANENT

<u>WAC 173-401-200:</u>	<u>Definitions.</u>
<u>WAC 173-401-300:</u>	<u>Applicability.</u>
<u>WAC 173-401-500:</u>	<u>Permit applications.</u>
<u>WAC 173-401-520:</u>	<u>Certification.</u>
<u>WAC 173-401-600:</u>	<u>Permit content.</u>
<u>WAC 173-401-605:</u>	<u>Emission standards and limitations.</u>
<u>WAC 173-401-610:</u>	<u>Permit Duration.</u>
<u>WAC 173-401-615:</u>	<u>Monitoring and related recordkeeping and reporting requirements.</u>
<u>WAC 173-401-620:</u>	<u>Standard terms and conditions. Except (2)(i)</u>
<u>WAC 173-401-625:</u>	<u>Federally enforceable requirements.</u>
<u>WAC 173-401-630:</u>	<u>Compliance requirements.</u>
<u>WAC 173-401-635:</u>	<u>Temporary sources.</u>
<u>WAC 173-401-640:</u>	<u>Permit shield.</u>
<u>WAC 173-401-645:</u>	<u>Emergency provision.</u>
<u>WAC 173-401-650:</u>	<u>Operational flexibility.</u>
<u>WAC 173-401-700:</u>	<u>Action on application.</u>
<u>WAC 173-401-705:</u>	<u>Requirement for a permit.</u>
<u>WAC 173-401-710:</u>	<u>Permit renewal, revocation and expiration.</u>
<u>WAC 173-401-720:</u>	<u>Administrative permit amendments.</u>
<u>WAC 173-401-722:</u>	<u>Changes not requiring permit revisions.</u>
<u>WAC 173-401-725:</u>	<u>Permit modifications.</u>
<u>WAC 173-401-730:</u>	<u>Reopening for cause.</u>
<u>WAC 173-401-750:</u>	<u>General permits.</u>
<u>WAC 173-401-800:</u>	<u>Public involvement.</u>
<u>WAC 173-401-810:</u>	<u>EPA Review.</u>
<u>WAC 173-401-820:</u>	<u>Review by affected states.</u>

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-020 Applicability. The provisions of this chapter shall apply state-wide for those sources under the jurisdiction of the energy facility site evaluation council. The provisions of this chapter shall not apply to those facilities incorporated by reference in chapters 173-400 and 173-401 WAC which are not under the jurisdiction of the energy facility site evaluation council.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92)

WAC 463-39-030 Additional definitions. ~~((In addition to the definitions contained in WAC 173-400-030, the following terms shall have the following meaning unless a different meaning is plainly required by context.))~~

(1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030 and WAC 173-401-200, "ecology" and "authority" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context ((except for WAC 463-39-120 where the department of ecology is intended.))

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 (Amending Order 79-1, filed 8/6/79)

WAC 463-39-100 Registration. (1) The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council.

Registration shall be on forms which have been adopted for use by the department of ecology ~~((to be supplied by the council))~~ within the time specified thereon.

A report of closure shall be filed with the council within ninety days after ~~((whenever))~~ operations producing emissions ~~((are))~~ permanently ceased at any source within the council's jurisdiction ~~((above categories.))~~

(2) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:

(a) Public meetings or hearings on draft operating permits;

(b) Receipt of complete applications;

(c) Permit appeals;

(d) Issuance or denial of final permit, permit modifications, or renewals;

(e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;

(f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.

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 (Amending WSR 92-09-013, filed 4/2/92)

WAC 463-39-120 Monitoring and special report. The department of ecology or its designee shall conduct a ~~((continuous))~~ surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contaminants in accordance with the requirements of chapters 173-400 and 173-401 WAC.

As a part of this program, the director of the department of ecology or an authorized representative of the director may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

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 463-39-140 Appeals procedure. Appeals from notices of violation issued by the Council will be handled via the Council's appellate review procedure as provided in WAC 463-54-070 (4)(c).

PERMANENT

WSR 93-23-036
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-22—Filed November 10, 1993, 4:19 p.m.]

Date of Adoption: November 10, 1993.

Purpose: To change the name "educational clinic" to "education center."

Citation of Existing Rules Affected by this Order:
Amending WAC 392-185-003.

Statutory Authority for Adoption: RCW 28A.205.010-
[28A.205.]090.

Pursuant to notice filed as WSR 93-19-119 on September 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
 November 10, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-003 Authority. The authority for this chapter is RCW 28A.205.050 which authorizes the superintendent of public instruction to adopt rules and regulations to carry out the purpose of chapter 28A.205 RCW, the operation and funding of (~~educational clinics~~) education centers. (The certification or approval of (~~educational clinics~~) education centers is the responsibility of the state board of education. See chapter 180-95 WAC.)

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-005 Purpose. The purpose of this chapter is to establish the policies and procedures necessary to distribute funds to certified (~~educational clinics~~) education centers as provided in chapter 28A.205 RCW.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-010 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, (~~"educational clinic,"~~) "education center," "basic academic skills," "a clinical-client centered basis," "individual diagnostic procedures," "general educational development tests," "educational gains," and "employment orientation," as defined in WAC 180-95-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) An "eligible common school dropout" shall mean a person who (a) has not completed high school; (b) has reached his or her thirteenth birthday and not attained his or her twentieth birthday; (c) does not show proficiency beyond the high school level in a test approved by the superintendent of public instruction which has been given as a part of the initial diagnostic procedure; and (d) has dropped out of a common school for at least one month and written verification is received from a school official of the common school last attended stating that such person is no longer in atten-

dance at such school unless (i) the board of directors or its designee submits a written request that such person be admitted, or (ii) the person has been expelled or suspended pursuant to chapter 180-40 WAC. The fact that any person may be subject to the compulsory attendance law, chapter 28A.225 RCW, shall not affect his or her qualifications as an eligible common school dropout under this chapter.

In addition, to qualify as an "eligible common school dropout" a child must have on file with the appropriate certified (~~educational clinic~~) education center a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) "Class size" is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-020 Application for funding. Any certified (~~educational clinic~~) education center shall be eligible to apply for state reimbursement for costs pursuant to WAC 392-185-040 and 392-185-050 incurred in diagnostic screening of and/or instructional activities provided to eligible common school dropouts. Such applications shall be prepared in accordance with guidelines provided by the superintendent of public instruction. Neither certification of an (~~educational clinic~~) education center nor completion of required application materials shall guarantee receipt of funds.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-030 Reimbursement eligibility—Contracts. The superintendent of public instruction shall provide reimbursement pursuant to contractual agreements with certified (~~clinics~~) centers. Contracts may be awarded by the superintendent of public instruction to private educational institutions which (1) are certified as (~~educational clinics~~) education centers by the state board of education pursuant to chapter 180-95 WAC, (2) are nonsectarian, (3) are financially sound pursuant to WAC 180-95-020(8), (4) are capable of fulfilling their educational commitment and (5) demonstrate past superior performance. Superior performance shall be based upon consideration of individual educational gains achieved by students, the backgrounds of those students, and the cost effectiveness of the (~~clinic's~~) center's program, as follows:

(a) Educational gains shall be evaluated by considering:

(1) Measured increases in academic achievement as determined by instruments approved by the superintendent of public instruction, and

(2) The student's subsequent participation in constructive activities, such as enrollment in a common or private school, employment, attendance at an institution of higher or vocational education, or military service.

(b) In evaluating educational gains, consideration shall be given to those factors in each student's background which might tend to reduce the cost effectiveness of those educational gains.

(c) In determining cost effectiveness of any (~~education-~~~~at-clinic~~) education center, the cost of services provided to students shall be computed by taking into consideration the reasonable value of all sources of support which are used in whole or in part, directly or indirectly, to provide services to students, including payments made under this chapter, and for nonprofit (~~clinics~~) centers, tax exemptions and any other costs to taxpayers at any level of government which result from such nonprofit status.

AMENDATORY SECTION (Amending Order 8-79, filed 11/9/79)

WAC 392-185-040 Initial diagnostic procedure—Fees and records. (1) For each initial diagnosis completed for an eligible student applicant, a certified (~~educational-~~~~clinic~~) education center, consistent with the terms of its contract with the superintendent of public instruction, shall be entitled to a fee of not more than fifty dollars per eligible student: *Provided*, That the administration of any general education development test shall not be a part of such initial diagnostic procedures.

(2) A written record of the initial diagnostic process for each student served shall be available. This record shall include, but not be limited to: (a) A transcript of the student's previous academic history when available; (b) a description of the assessment processes used to determine ability, achievement, interest and aptitudes; (c) a summary of all diagnostic findings; and (d) a listing of the specific instructional objectives and program placement recommendations.

(3) The records of each student shall be signed and dated by the qualified person(s) conducting the diagnosis and making program recommendations.

(4) The records shall be completed prior to student admission to (~~educational-clinic~~) education center classes for which state reimbursement for costs is sought under this chapter.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-050 Instruction—Fees. The fees paid for each 60 minute hour of instruction shall be as follows:

(1) Sixteen dollars per hour per enrollee if the class size is no greater than one; or

(2) Ten dollars per hour per enrollee if the class size is at least two and no greater than five; or

(3) Five dollars per hour per enrollee if the class size is at least six. Revisions in such fees proposed by an (~~educational-clinic~~) education center shall be allowed pursuant to WAC 392-185-070.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-060 Fees—Payment and procedures. Consistent with the provisions of chapter 28A.205 RCW as enacted or hereafter amended, fee reimbursements made to certified (~~educational-clinics~~) education centers shall be made in accordance with the following:

(1) There shall be no reimbursement prior to the actual delivery of services.

(2) Payments related to diagnostic procedures and course activities shall be made from available funds first to those clinics which demonstrate superior performance in the judgment of the superintendent of public instruction in accordance with WAC 392-185-030.

(3) No certified (~~educational-clinic~~) education center shall be entitled to receive payment for any student's course work undertaken prior to the completion of the initial diagnostic procedure.

(4) Upon submission of vouchers, the superintendent of public instruction shall reimburse certified (~~educational-clinics~~) education centers under contract for services provided to identified, eligible common school dropouts on the basis of records of diagnostic and instructional services rendered.

(5) Vouchers shall include the following:

(a) A roster of names of students;

(b) Diagnostic fees; and

(c) Fees for instruction based upon class sizes, subject areas and other pertinent data to allow for computation of reimbursement: *Provided*, That in the event of changes in class size, vouchers shall reflect appropriate changes and documentation shall appear in the records of the (~~educational-clinic~~) education center: *Provided further*, That this information is submitted on voucher claim forms as provided by the superintendent of public instruction in accordance with written instructions.

(6) After a student has attended an (~~educational-clinic~~) education center, for all or a portion of one hundred thirty-five instructional days, no further reimbursement fees shall be paid by the superintendent of public instruction for that student.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-070 Fee revisions. A certified (~~educational-clinic~~) education center may submit a written request for fee revision to the superintendent of public instruction. A proposed fee revision must be accompanied by documentation supporting the need for the fee revision, including documentation of increased employee costs, increased non-employee related costs, and must include or be supplemented by such other information as the superintendent of public instruction may request.

The superintendent of public instruction may allow fee revisions if he or she finds that the proposed fee revision is reasonable. The superintendent of public instruction shall notify the (~~clinic~~) center of approval or disapproval of such request within 30 days of receipt of the request: *Provided*, That no revision of fees shall be allowed during a contract

period which shall not exceed one year from date of execution.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-080 Fee revision—Appeal procedure. A decision of the superintendent of public instruction to deny a request for fee revision may be appealed by a certified (~~(educational clinic)~~) education center to the state board of education. The notification of appeal must be filed with the secretary of the state board of education within 15 days following the date of the superintendent's decision. The appeal will be conducted pursuant to WAC 180-95-060.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-100 Tuition—Limitations. No certified (~~(educational clinic)~~) education center shall make any charge to any student or his or her parent, guardian, or custodian for whom a fee is being received under the provisions of chapter 28A.205 RCW and this chapter.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-120 State audit review. Any certified (~~(educational clinic)~~) education center under contract with the superintendent of public instruction pursuant to chapter 28A.205 RCW and this chapter shall permit, without prior notice, a review of its records by the state auditor and/or the superintendent of public instruction during normal business hours.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-150 Eligibility to take the general educational development (GED) tests. Any student of a certified (~~(educational clinic)~~) education center, upon completion of an individual student program, shall be eligible to take the general educational development (GED) tests at an authorized testing center as defined in WAC 180-95-010(5).

WSR 93-23-037
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 93-23—Filed November 10, 1993, 4:21 p.m.]

Date of Adoption: November 10, 1993.

Purpose: To change the name of "educational clinic" to "education center."

Citation of Existing Rules Affected by this Order: Amending WAC 392-184-020.

Statutory Authority for Adoption: RCW 28A.205.101[28A.205.010]-[28A.205.]090.

Pursuant to notice filed as WSR 93-19-108 on September 17, 1993.

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

November 10, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 84-5, filed 2/14/84)

WAC 392-184-020 Reentry to common schools—(~~(Educational clinic)~~) Education center student. A common school dropout of common school age who has attended a certified (~~(educational clinic)~~) education center shall be entitled to reenroll in the common school system. In addition, any such student shall be entitled to be placed at the class level in which he or she would have been but for having dropped out and to graduate with the class, notwithstanding any loss of credits prior to reentry, if each of the following conditions is met:

(1) The student has attended a certificated (~~(educational clinic)~~) education center for no less than ninety, sixty minute instructional hours;

(2) The student has reenrolled in the common school system no later than the commencement of the next regular school year semester or trimester, as the case may be, following his or her last day of attendance at a certified (~~(educational clinic)~~) education center;

(3) The student possesses the ability to perform academically at a passing level at the grade level of placement as determined pursuant to WAC 392-184-025;

(4) The student has earned credits following his or her reentry at the normal rate;

(5) The student has been enrolled at least two of the three grades nine through eleven at a common school or approved private school, or a combination of both; and

(6) The student has commenced and satisfactorily completed his or her last full school year immediately preceding high school graduation at a public high school, or a combination of public high schools.

AMENDATORY SECTION (Amending Order 84-5, filed 2/14/84)

WAC 392-184-025 Determination of grade level upon reentry—(~~(Education clinic)~~) Education center student. The determination pursuant to WAC 392-184-020 of a student's level of academic ability and grade level of placement at the time of a former (~~(educational clinic)~~) education center student's reentry shall be made by the principal of the common school of enrollment or such other school district authority as may be designated pursuant to school district policy. Such determination shall be made by the principal or other designated official only after consultation with one or more representatives of the (~~(educational clinic)~~) education center which the student last attended and shall be based exclusively upon the principal's or other designated official's professional judgment of the following:

(1) The recommendations of the clinic representative(s);

(2) The student's performance while enrolled in the (~~(clinic)~~) center; and

(3) The student's academic ability as documented by the results of standardized tests recently administered by the (~~(clinic)~~) center or school district, or both.

WSR 93-23-038
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-24—Filed November 10, 1993, 4:23 p.m.]

Date of Adoption: November 10, 1993.

Purpose: Makes clear that languages other than English must be offered and may include American Indian languages.

Citation of Existing Rules Affected by this Order: Amending WAC 392-210-015.

Statutory Authority for Adoption: RCW 28A.150.220. Pursuant to notice filed as WSR 93-19-120 on September 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
 November 10, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 85-13, filed 12/9/85)

WAC 392-210-015 Criteria for the selection of Washington state honors award students. The Washington state honors award program shall recognize the top ten percent of the students in the state in each year's high school graduating class who have demonstrated outstanding academic achievement. Outstanding academic achievement shall be determined by the following criteria:

(1) An academic achievement index based upon a combination of the combined high school grade point average (calculated as provided in WAC 180-57-055) in the academic core subjects of English, mathematics, science, social studies, and ~~((foreign language))~~ languages other than English which may include American Indian languages and the combined verbal and quantitative composite scores on the Washington precollege test;

(2) Credits (as defined in WAC 180-51-050) earned in grades nine through eleven in the academic core subjects of English, mathematics, science, social studies, and foreign language;

(3) Completion of at least seventy-five percent of the graduation requirements for the high school in which the candidate is enrolled; and

(4) Enrollment in at least three academic core subjects in grade twelve.

In order to be considered for a Washington honors award, students must have taken the Washington precollege test prior to enrollment in grade twelve and be enrolled in a participating high school as indicated by the principal on forms provided by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 85-13, filed 12/9/85)

WAC 392-210-030 Enrollment in academic core subjects during grade twelve required. To be considered for a Washington state honors award, a student must be enrolled in at least three of the academic core subjects of English, mathematics, science, social studies, and ~~((foreign language))~~ languages other than English during the first term

of the senior year, excluding summer term. The minimum enrollment requirement shall be verified in writing by the participating high school principal before November 1 of each school year, on forms provided by the superintendent of public instruction.

WSR 93-23-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health)

[Order 3668—Filed November 10, 1993, 4:29 p.m.]

Date of Adoption: November 10, 1993.

Purpose: Criminal History: Incorporate legislative requirements; revise procedure for nursing homes requesting criminal history inquiries; simplify and condense several current WAC sections into one. Nursing Home Change of Ownership: Administrative change to assure department review when controlling interest in a corporation changes. Nursing Home Licensing Fees: Allow the department to establish licensing fees and set fee amount annually. Current WAC on nursing home licensing fees extends through June 30, 1993, only.

Citation of Existing Rules Affected by this Order: Amending WAC 248-14-001 Definitions, 248-14-080 Licensure—Disqualification, 248-14-240 Personnel, and 248-14-249 Criminal history disclosure and background inquiries.

Statutory Authority for Adoption: RCW 18.51.050, 18.51.070, 43.43.830, 43.43.842, and 74.42.620.

Pursuant to notice filed as WSR 93-23-003 on November 3, 1993.

Changes Other than Editing from Proposed to Adopted Version: None of the changes are substantially different from the rule proposed as content is not changed. Only the presentation of the proposed rules have changed for clarity and editorial correctness.

Effective Date of Rule: Thirty-one days after filing.
 November 10, 1993
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-001 Definitions. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" means an employee responsible for the development, implementation, and maintenance of a program for residents intended to provide activities to meet the residents' needs and interests.

(3) "Alterations" means physical, mechanical, or electrical changes made to existing facilities except for painting or repair.

(4) "Ambulatory person" means a person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" means the doctor responsible for a particular person's total medical care.

(6) "Authorized practitioner" means:

(a) A certified registered nurse under chapter 18.88 RCW when authorized by the board of nursing;

(b) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; or

(c) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(7) "Background inquiry" means a written request to the department ~~((determining))~~ to determine if an individual has ~~((a record of any of the following))~~ been convicted of:

(a) ~~((Conviction of))~~ A crime against persons as defined under RCW 43.43.830;

(b) ~~((Conviction of))~~ Crimes relating to financial exploitation ((of a vulnerable adult)) as defined under RCW 43.43.830;

~~((c))~~ Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult as defined under RCW 43.43.830;

~~((d))~~ Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

~~((e))~~ Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

~~((f))~~ Found by a court in a domestic relations proceeding under Title 26 RCW to have abused or financially exploited a vulnerable adult.

(8) "Bathing facility" means a bathtub or shower.

(9) "Berm" means a bank of earth piled against a wall.

(10) "Change of ownership" means a change in the individual or legal organization responsible for the daily operation of a nursing home.

(a) Events which change ownership include, but are not limited to, the following:

(i) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the licensee to another party;

(iii) Where the licensee is a partnership, any event occurs which dissolves the partnership;

(iv) Where the licensee is a corporation, fifty percent or more of the corporation's stock is transferred on or after January 1, 1994, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the licensee to manage the enterprise as the licensee's agent, i.e., subject to the licensee's general approval of daily operating decisions; or

~~((ii))~~ ~~((If the licensee is a corporation, some or all of its stock is transferred; or~~

~~((iii)))~~ The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

(11) "Citation" means the finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey, or complaint investigation.

(12) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.

(13) "Contact with animals" means close proximity to animals to allow for close observation, interaction, handling, or petting achieved by either animals:

(a) Being brought into the nursing home on a regular basis; or

(b) Allowed to live on the nursing home premises.

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

(15) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(a) "Acute dialysis" means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Dialysis helper" means a health care assistant trained by a kidney center under RCW 18.135.060.

(16) "Dialysis room" means a room where a patient undergoes dialysis.

(17) "Dietetic service supervisor" means a person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

(18) "Dietitian" means a person who is eligible for registration by the commission on dietetic registration of the American Dietetic Association based on the 1982 criteria for registration. A person not meeting this definition but employed in that capacity by a nursing home or homes on or before the effective date of this regulation will be deemed to meet the requirement of WAC 248-14-230(5). This grandfather clause is only effective as long as the:

(a) Person continues employment with the same nursing home or homes; and

(b) Nursing home has no serious deficiencies in dietary services.

(19) "Disclosure statement" means a signed statement by an individual indicating whether or not the individual was:

(a) Convicted of any crime against persons as defined under RCW 43.43.830;

(b) Convicted of crimes relating to financial exploitation ~~((of a vulnerable adult or (as)))~~ as defined under RCW 43.43.830;

(c) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(e) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or

(f) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult.

(20) "Drug" means:

(a) A substance recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, or any supplement to any of the listed publications;

(b) A substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man;

(c) "Drug administration" means the direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a resident;

(d) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, under the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit; and

(e) "Legend drug" means a drug bearing the legend, "caution, federal law prohibits dispensing without a prescription."

(21) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

(22) "End stage renal disease (ESRD)" means the stage of renal impairment, virtually always irreversible and permanent, requiring dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

(23) "Facilities" means a room or area and/or equipment to serve one or more specific functions.

(24) "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(25) "Immediate supervision" means on-site supervision of one or more persons.

(26) "Kidney center" means a hospital-based or independent dialysis facility, as defined and certified by the federal government, to provide dialysis and related services and provide services as specified in WAC 248-30-090.

(27) "Lavatory" means a handwashing sink.

(28) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

(29) "New construction" means the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home;

(b) Additions to buildings used as a nursing home;

(c) Conversions of existing buildings including previously licensed nursing homes; and

(d) Alterations.

(30) "Nursing care" means services designed to maintain or promote achievement of optimal independent function and health status planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

(31) "Nursing home" means any home or institution operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours.

(a) A nursing home cares for three or more residents not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves.

(b) Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as:

(i) Administration of medicines;

(ii) Preparation of special diets;

(iii) Giving of bedside nursing care;

(iv) Application of dressings and bandages; and

(v) Carrying out of treatment prescribed by a duly licensed practitioner of the healing arts.

(c) Nothing in the nursing home definition shall be construed to include facilities precluded by RCW 18.51.010 and 18.51.170; and

(d) Licensed nursing home beds shall not be licensed for any other purpose or use specifically regulated under state law; except, beds dually licensed for five years or more may continue to be dually licensed if the licensing does not adversely affect the quality of care provided.

(32) "Nurse Pool Agency" means a business licensed under RCW 18.52C.

(33) "Nursing services" means an organized department under the direction of a registered nurse, the members of which provide nursing care.

~~((33))~~ (34) "Outpatient service" means any service provided to a nonresident of the nursing home.

~~((34))~~ (35) "Patient" means a person receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance, or palliative health-related services under professional direction.

(a) "Inpatient" means a resident receiving services with board and room in a nursing home on a continuous twenty-four-hour-a-day basis.

(b) "Outpatient" means a nonresident of the nursing home receiving services at a nursing home not providing the nonresident the services with room and board on a continuous twenty-four-hour-a-day basis.

(c) "Resident requiring skilled nursing care" means a resident whose condition, needs, and/or services are of such complexity and sophistication to require the frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. A resident requires ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex.

(d) "Residents requiring intermediate nursing care" means residents whose physiological and psychological functioning is stable, but require individually planned treatment and services under the daily direction of a registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and the supervision of a licensed physician. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "Residents requiring care for mental retardation or related conditions" means residents found eligible by the division of developmental disabilities and requiring health care services under subsection (34)(c) or (d) of this section, and are in need of a comprehensive habilitative and/or developmental program incorporated into a twenty-four-hour overall program plan.

~~((35))~~ (36) "Peninsular (or island) bathtub" means a bathtub having sufficient clearances around both sides and one end to accommodate residents, equipment, and attendants.

~~((36))~~ (37) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

~~((37))~~ (38) "Pharmacy" means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

~~((38))~~ (39) "Physician's assistant" means a person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters 18.57A or 18.71A RCW.

~~((39))~~ (40) "Practitioner" means a:

- (a) Physician under chapter 18.71 RCW;
- (b) An osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW;
- (c) A dentist under chapter 18.32 RCW;
- (d) A podiatrist under chapter 18.22 RCW;
- (e) A certified registered nurse under chapter 18.88 RCW as authorized by the board of nursing;

(f) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners;

(g) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or

(h) A pharmacist under chapter 18.64 RCW.

~~((40))~~ (41) "Protective unit" means a separate physical and functional section of a nursing home for the cognitively impaired and offers the cognitively-impaired residents increased space for ambulation and a reduction in anxiety-provoking stimuli.

~~((41))~~ (42) "Resident" means an inpatient.

~~((42))~~ (43) "Residential care unit" means a separate, physical, and functional unit including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120 (2)(a).

~~((43))~~ (44) "Respiratory isolation" means a procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

~~((44))~~ (45) "Responsible party" means a legally responsible person to whom the rights of a client have legally devolved.

~~((45))~~ (46) "Supervision" means the process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

~~((46))~~ (47) "Toilet fixture" means a bowl-shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

~~((47))~~ (48) "Toilet room" means a room containing at least one toilet fixture.

~~((48))~~ (49) "Unit-dose" means the ordered amount of a drug in a dosage form ready for administration to a particular person.

~~((49))~~ (50) "Unit-dose drug distribution system" means a system of drug dispensing and control characterized by the dispensing of the majority of drugs in unit doses. For most drugs, not more than a forty-eight-hour supply of doses is available at the residential care unit at any time.

~~((50))~~ (51) "Usable floor space" excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

(52) "Unsupervised access" means not in the presence of another employee or volunteer as defined in RCW 43.43.830 (8)(a) and (b).

(53) "Volunteer" means a person who is a regularly scheduled person not receiving payment for services and having unsupervised access to a nursing home resident.

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 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-080 Licensure—Disqualification. (1) The department shall consider separately and jointly as applicants each individual named in an application for a nursing home license. If the department finds any individual unqualified, the department shall deny, suspend, or revoke

the license in accordance with the law or these rules, regulations, and standards.

(2) The department shall not grant a license to an individual who, in the state of Washington or in any other place, has previously been denied a license to operate a hospital or facility for the care of children, or adults who are developmentally disabled, aged, ill, or infirm. The department shall not grant a license to an applicant convicted of operating such a facility without a license, or who has had their license revoked.

(3) The department shall disqualify the following individual, even though the premises meet minimum requirements:

(a) Engaging in the illegal use of drugs or the excessive use of alcohol;

(b) With a poor credit history;

(c) Convicted of a felony or a crime against persons if the conviction reasonably relates to the competency of the individual to own or operate a nursing home, and who, the department determines, is not sufficiently rehabilitated to warrant public trust.

(4) The department shall deny, suspend, or revoke a license for failure or refusal to comply with the requirements established by chapter 18.51 RCW or rules, regulations, and standards adopted thereunder, or for any of the following:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

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

(c) Cruelty or indifference to the welfare of the patients;

(d) Maintaining insufficient numbers of staff to properly care for the number and type of residents;

(e) Maintaining staff lacking training, experience, or temperament to care for the type of residents in the facility;

(f) Misappropriation of the property of the patients; or

(g) Failure or inability to meet financial obligations as they fall due in the normal course of business.

(5) The department shall not issue or renew a license if the applicant or licensee allows access to residents by any person employed directly or by contract, or as a volunteer or student who:

(a) Was convicted of a crime against persons as defined under RCW 43.43.830;

(b) Was convicted of crimes related to financial exploitation (~~of a vulnerable adult~~) as defined under RCW 43.43.830;

(c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Was found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(6) The department shall deny a nursing home license to any applicant with a history of significant noncompliance with federal or state nursing home requirements.

(7) In making a determination to deny a nursing home license, the department shall review the information contained in the application. In addition, other documents the department deems relevant may be reviewed, including survey and complaint investigation findings in each facility the applicant is or has been affiliated during the past ten years.

(8) The department may consider, but is not limited to, the following criteria in conducting a review relating to noncompliance with federal or state regulation:

(a) Whether the violations threatened or resulted in significant harm to the health, safety, or welfare of any patient;

(b) Whether a reasonably prudent nursing home operator should have been aware of the conditions resulting in the violation or violations;

(c) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent recurrences of the violations;

(d) The overall frequency of noncompliance as well as the recurrence of violations in the same or similar areas; or

(e) Inability to attain compliance within a reasonable period of time.

(9) All applications for nursing home licensure are subject to review under this chapter. Applications for renewal are not considered applicants under this chapter. The department will not commence review of an incomplete application. The department requires a minimum of sixty days to review a completed application.

(10) Failure to provide any authorization the department requires in order to verify information contained in the application or to verify additional information the department deems relevant to the application shall result in denial of the license. If the department deems additional information is necessary to process the application, the applicant shall respond to such a request in a timely fashion.

(11) Any applicant denied a license shall be afforded an opportunity for an administrative hearing if a hearing is requested within twenty days after receipt by the applicant of notice of denial as required under RCW 18.51.065. All hearings shall be conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-240 Personnel. The nursing home shall:

(1) Have personnel available in sufficient numbers and qualifications to meet the requirements of this chapter.

~~((a))~~ (2) Maintain and review written evaluations of work performance with the employee once a year or more often.

~~((b))~~ (3) Ensure staff, including consultants and pool personnel, are appropriately licensed or certified at the time of their assignment to duties.

~~((c))~~ (4) Ensure any employee giving direct resident care or treatment shall be eighteen years of age or older unless the employee is enrolled in or successfully completes

a bona fide nurse or nurse aide training program. The employee's nurse aide training shall be completed within four months of employment.

~~((e))~~ (5) Ensure no employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever.

~~((e))~~ (6) Ensure each employee shall have at the time of employment a tuberculin skin test by the Mantoux method with PPD, *except*, when there is documentation of a Mantoux test administered after the employee's eighteenth birthday or a documented history of adequately treated tuberculosis, no further skin testing is necessary.

~~((i))~~ (a) An employee thirty-five years of age or older with a reaction of less than ten millimeters induration within forty-eight to seventy-two hours after administration of the antigen shall have a second skin test within one to three weeks after the first test.

~~((i))~~ (b) An employee with a reaction of ten or more millimeters induration within forty-eight to seventy-two hours after either test shall have a chest x-ray within thirty days.

~~((iii))~~ (c) Any employee believing the tuberculin skin test by the Mantoux method presents a hazard to the employee's health because of conditions peculiar to the employee's own physiology may present supporting medical data to this effect to the tuberculosis control program, department of health. The department of health shall decide whether a waiver is granted to the individual employee and shall notify the employee accordingly. An employee granted a waiver from the tuberculin skin test shall have an examination for tuberculosis as directed by the state tuberculosis control officer.

~~((iv))~~ (d) The facility shall retain a record of findings for the duration of the employee's employment. The employee shall be provided a copy of the tuberculosis screening record.

~~((2))~~ Except as provided under WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents when the person:

~~(a) Was convicted of a crime against persons as defined under RCW 43.43.830;~~

~~(b) Was convicted of a crime relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;~~

~~(c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;~~

~~(d) Was found in a final decision issued by any disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;~~

~~(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or~~

~~(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.)~~

AMENDATORY SECTION (Amending Order 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-249 Criminal history disclosure and background inquiries. (1) Except as provided in ~~((subsection (2) of))~~ this section, ~~((a))~~ no nursing home shall ~~((not hire or retain any employee))~~ employ any person, directly or by contract, or accept ~~((any))~~ as a volunteer or student any person who may have unsupervised access to residents if the person:

~~((With a criminal history))~~ Discloses or the background inquiry discloses that the person:

~~((i) Was convicted of a crime against persons as ((described in RCW 10.97.030 and)) defined under RCW 43.43.830;~~

~~((b) Having a protection))~~ (ii) Was convicted of crimes relating to financial exploitation as defined under RCW 43.43.830; or

(iii) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(b) The person discloses or the appropriate licensing agency determines that the person:

(i) Was subject to an order ~~((issued against them))~~ of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult ~~((as described under chapter 74.34 RCW));~~

~~((e))~~ (ii) Was found in ~~((any disciplinary board))~~ a final decision ~~((to have abused or financially exploited any vulnerable adult or))~~ issued by a disciplinary board to have;

(iii) Sexually or physically abused or exploited any minor or developmentally disabled person; or

(iv) Abused or financially exploited any vulnerable adult;

~~((d))~~ (v) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

~~(e) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.~~

(2) A nursing home may choose to employ a person with a conviction of a crime against persons only if the conviction is one of the five crimes listed below and the required number of years has passed:

(a) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(d) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment; or

(e) Forgery, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

(3) A nursing home may conditionally employ a person pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

~~((3))~~ (4) A nursing home licensed under chapter 18.51 RCW shall make a background inquiry request to one of the following:

(a) The Washington state patrol;

(b) The department;

(c) The most recent employer licensed under chapter 18.51 RCW, provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or completed by the Washington state patrol within the three years before the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within three years before the current date of employment in the nursing home.

(5) Before a nursing home employs, directly or by contract, or accepts any person as a volunteer or student, a nursing home shall:

(a) Inform the person the Washington state patrol shall ~~((make))~~ complete a background inquiry; or

(b) Inform the person that the person may make a request for a copy of a completed background inquiry as provided for under subsection (4); and

(c) Require the person to sign a disclosure statement;

~~((e))~~ (d) Require the person to sign a statement authorizing the nursing home ~~((and)),~~ the department and the Washington state patrol to make a background inquiry request; ~~((d))~~ and

(e) Verbally inform the person of the background inquiry results within seventy-two hours of receipt;

(f) Not employ any person either directly or by contract or accept any volunteer or student whose background inquiry reveals the person committed any of the offenses as specified under WAC 248-14-249 (1)(a), (b), (c), (d), and (e); and

~~((f))~~ Notify the appropriate licensing or certifying agency of any person resigning or terminated as a result of having a record).

~~((4))~~ (6) Nursing homes:

(a) Shall require all current direct or contract employees, volunteers, and students to sign disclosure statements;

(b) Shall request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student on or after July 23, 1989;

(c) ~~((Shall request a background check by the Washington state patrol through the department for any employee, volunteer, or student the licensee believes has a record as specified under WAC 248-14-001(7); and~~

~~((d))~~ May request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student before July 23, 1989; and

(d) Shall notify appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

~~((5))~~ (7) The nursing home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(b) Disclosure statements and background inquiry responses are used for employment purposes only; and

(c) Disclosure statements and background inquiry responses are not disclosed to any person except:

(i) The person about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; ~~((and))~~

(iii) The Washington state patrol auditor; and

(iv) Potential employers licensed under chapter 18.51 RCW who are making a request as provided for under subsection (4) of this section.

(d) A record of findings shall be retained by the facility for ~~((the duration of employment))~~ twelve months beyond the date of termination of employment.

~~((6))~~ Except as provided in WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents if the person:

(a) Was convicted of a crime against persons as defined under RCW 43.43.830;

(b) Was convicted of crimes relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Was subject to an order of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult;

(d) Was found in a final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.)

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 93-23-041
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3669—Filed November 10, 1993, 4:30 p.m.]

Date of Adoption: November 10, 1993.

Purpose: New sections of chapter 388-88 WAC are WAC 388-88-096, 388-88-150, 388-88-155, 388-88-170,

388-88-180, and 388-88-190. To comply with federal regulations implementing the preadmission screening and annual resident review (PASARR) requirements for nursing facilities published in the November 30, 1992, Federal Register and effective January 29, 1993. To simplify/clarify state discharge/transfer and utilization review regulations and ensure compliance with federal 42 CFR 431, as amended, 42 CFR 483.12 and 483.100 through 483.138, and other federal requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-88-080, 388-88-099, 388-88-102, 388-88-130, and 388-88-145; and amending WAC 388-88-095, 388-88-097, and 388-88-098.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Other Authority: 42 CFR 431, 483.12, and 483.100 through 483.138.

Pursuant to notice filed as WSR 93-23-002 on November 3, 1993.

Changes Other than Editing from Proposed to Adopted Version: There are no changes in content from proposed to adopted rule version other than editing and technical changes. Editing changes resulted from written comments on the proposed rule and represent clarification of meaning to reduce to [the] possibility of misinterpretation.

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

November 10, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending WSR 92-08-074, filed 3/30/92, effective 4/30/92)

WAC 388-88-095 Nursing facility placement. (1) Nursing facility care (~~must~~) shall be requested by a person's attending physician or Christian Science practitioner before the person's admission to a Medicaid-certified facility.

(2) A Medicaid-certified nursing facility shall not admit any person unless an identification screen is completed as required under WAC 388-88-097.

(3) A person identified as having a serious mental illness or a developmental disability, as defined (~~in WAC 388-88-097(5))~~ under 42 C.F.R. § 483.102 or as subsequently amended, shall be assessed under WAC 388-88-097 before the person's (~~placement in~~) admission to a Medicaid-certified nursing facility.

(4) A Medicaid applicant or recipient shall not be admitted to a Medicaid-certified nursing facility unless the department has assessed and determined the person needs nursing facility care as defined under WAC 388-88-081.

(5) There shall be no payment for nursing facility services for a Medicaid applicant or recipient until the department has authorized such services.

~~((5))~~ (6) There shall be no retroactive payment authorized for any Medicaid applicant or recipient admitted to a nursing facility in violation of this section.

NEW SECTION

WAC 388-88-096 Pre-admission screening and annual resident review (PASARR). (1) The department shall assess a nursing facility applicant or resident having a serious mental illness or developmental disability according to the preadmission screening and annual resident review requirements under 42 C.F.R. § 431 and § 483. Under the PASARR, the department, through a designee, shall determine whether a nursing facility applicant or resident having a serious mental illness or developmental disability needs nursing facility care and specialized services under 42 C.F.R. § 483.106. The department shall determine need for nursing facility care using the nursing facility care definition under WAC 388-88-081. Need for specialized services shall be determined as follows:

(a) For a nursing facility applicant or resident likely to have a serious mental illness, a qualified mental health professional, under chapter 275-56 WAC, shall verify whether the person has a serious mental illness and, if so, shall recommend whether the applicant needs specialized services;

(b) For a nursing facility applicant or resident likely to have a developmental disability, a licensed psychologist shall verify whether the person has a developmental disability. For a nursing facility applicant or resident verified by a psychologist as having a developmental disability, staff of the division of developmental disabilities shall assess and make a final determination as to whether the person requires specialized services.

(2) "Specialized services" for a person with mental retardation or related conditions is defined under 42 C.F.R. § 483.120 (a)(2), § 483.120(2), § 483.440 (a)(1). Specialized services does not include services to maintain a generally independent person who is able to function with little supervision or in the absence of a treatment program.

(3) "Specialized services" for a person having a serious mental illness is defined under 42 C.F.R. § 483.120 (a)(1). Specialized services are generally considered acute psychiatric inpatient care, emergency respite care or stabilization and crisis services.

(4) The department's designee may exempt a nursing facility applicant or resident from PASARR if the person:

(a) Is admitted directly from an acute care hospital after receiving acute inpatient care and certified by a physician as likely to require less than thirty days care in a nursing facility;

(b) Is certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(c) Has a severe physical illness such as coma, ventilator dependence, functioning at a brain stem level, or diagnoses which result in level of impairment so severe that the person could not be expected to benefit from specialized services. These diagnoses may include:

- (i) Chronic obstructive pulmonary disease;
- (ii) Parkinson's disease;
- (iii) Huntington's disease;
- (iv) Amyotrophic lateral sclerosis; or
- (v) Congestive heart failure.

PERMANENT

(d) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder;

(5) If a resident has continuously resided in a nursing facility for at least thirty months, and is determined by the department not to require nursing facility services, but to require specialized services for a serious mental illness or developmental disability, the department shall:

(a) Offer the resident the choice of remaining in the facility or of receiving services in an alternative appropriate setting;

(b) Inform the resident of the institutional and noninstitutional alternatives covered under the state Medicaid plan for the resident;

(c) Clarify the effect on eligibility for Medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

(6) An annual resident review conducted by the department or its designee is required for all residents identified as having a serious mental illness or a developmental disability. The results of the PASARR determinations shall be present in the resident's record at the nursing facility.

AMENDATORY SECTION (Amending WSR 92-08-074, filed 3/30/92, effective 4/30/92)

WAC 388-88-097 Preadmission screening. (1) ~~((An applicant))~~ A person requesting admission to a Medicaid-certified nursing facility shall be screened ~~((prior to))~~ before admission to identify whether the ~~((applicant))~~ person may have a serious mental illness or a developmental disability as defined under 42 C.F.R. 483.102 or as subsequently amended. The identification screen shall be performed by the referring hospital, physician, or other referral source or the nursing facility, using a standardized form specified by the department. The nursing facility shall place a copy of the completed form ((shall be placed)) in each resident's clinical record.

(2) ~~((Any))~~ A nursing facility applicant identified through the identification screen as likely to have a serious mental illness or a developmental disability shall not be admitted to a Medicaid-certified nursing facility unless the person:

(a) ~~((In the case of a Medicaid applicant, the department determines the applicant requires nursing facility care, under WAC 388-88-081; and~~

~~((b) The applicant))~~ Has been assessed under the preadmission screening and annual resident review (PASARR)((-

~~((3) An applicant identified as likely to have a serious mental illness or a developmental disability shall be exempt from the PASARR requirement under subsection (2)(b) of this section if:~~

~~((a) The department or its designee determines the applicant:~~

~~((i) Is admitted directly from an acute care hospital after receiving acute inpatient care and certified by a physician as likely to require less than thirty days care in a nursing facility;~~

~~((ii) Is certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;~~

~~((iii) Is comatose, ventilator dependent, functioning at the brain stem level, or has similar diagnoses significantly impacting the applicant's level of functioning and ability to participate in specialized services, such as:~~

- ~~(A) Chronic obstructive pulmonary disease;~~
- ~~(B) Severe Parkinson's disease;~~
- ~~(C) Huntington's Chorea;~~
- ~~(D) Amyotrophic lateral sclerosis; or~~
- ~~(E) Congestive heart failure.~~

~~((iv) The applicant has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder;~~

~~((v)), as described under WAC 388-88-096;~~

~~((b) Has been transferred from one nursing facility to another nursing facility; or~~

~~((c) Has been exempted by the department from PASARR because the person:~~

~~((i) Has been admitted to the nursing facility for respite care, under WAC 248-14-298; or~~

~~((ii))~~ ~~((vii))~~ ~~((ii))~~ Cannot accurately be diagnosed because of delirium; or

~~((b) The applicant is:~~

~~((i))~~ ~~((iii))~~ Has been readmitted to a nursing facility ((after a short stay in)) from an acute care hospital((or))

~~((ii) Admitted from one nursing facility to another nursing facility.~~

~~(4) Under the PASARR, the department, through a designee, shall determine whether the applicant needs nursing facility care and specialized services. Need for nursing facility care shall be determined under WAC 388-88-081. Need for specialized services shall be determined as follows:~~

~~((a) For an applicant likely to have a serious mental illness, a qualified mental health professional, under chapter 275-56 WAC, shall verify whether the applicant has a serious mental illness and, if so, shall recommend whether the applicant needs specialized services;~~

~~((b) For an applicant likely to have a developmental disability, a psychologist, meeting the qualifications of a qualified mental retardation professional, shall verify whether the applicant has a developmental disability. For any applicant verified by a psychologist as having a developmental disability, the department shall assess and make a final determination as to whether the applicant requires specialized services.~~

~~(5) For purposes of this regulation, the following definitions shall apply:~~

~~((a) "Applicant" shall mean any individual seeking admission to a nursing facility;~~

~~((b) "Serious mental illness" means a person has a current primary or secondary diagnosis of a major mental disorder, as defined in the *Diagnostic and Statistical Manual of Mental Disorders*, third edition, limited to schizophrenic, paranoid, major affective, schizoaffective disorder, and atypical psychosis, and does not have a primary diagnosis of dementia, including Alzheimer's disease or a related disorder;~~

~~((c) "Developmental disability" means mental retardation or related conditions.~~

~~((i) "Mental retardation" means a person has a level of mild, moderate, severe, or profound retardation as described in the *American Association of Mental Deficiency's Manual*~~

~~on Terminology and Classification. Mental retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period:~~

~~(ii) A person with "related conditions" means a person having a severe, chronic disability meeting all of the following conditions:~~

~~(A) Related conditions attributable to:~~

~~(I) Cerebral palsy or epilepsy; or~~

~~(II) Any other condition other than mental illness found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to a mentally retarded person and requires treatment or services similar to those required for that person.~~

~~(B) It is manifested before the person reaches twenty-two years of age;~~

~~(C) It is likely to continue indefinitely; and~~

~~(D) It results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(I) Self care;~~

~~(II) Understanding and use of language;~~

~~(III) Learning;~~

~~(IV) Mobility;~~

~~(V) Self direction; and~~

~~(VI) Capacity for independent living.~~

~~(d) "Specialized services" for a person with mental retardation or related conditions means a continuous program for each person which includes:~~

~~(i) Aggressive, consistent implementation of a program of specialized and generic training;~~

~~(ii) Treatment, health services, and related services directed toward the acquisition of the behaviors necessary for the person to function with as much self-determination and independence as possible; and~~

~~(iii) The prevention or deceleration of regression or loss of current optimal functional status.~~

~~Specialized services does not include services to maintain a generally independent person able to function with little supervision or in the absence of a treatment program; and~~

~~(e) "Specialized services" for a person with serious mental illness means the implementation of an individualized plan of care, developed under and supervised by a physician and other qualified mental health professionals, prescribing specific therapies and activities for the treatment of a person experiencing an acute episode of severe mental illness necessitating twenty-four hour supervision by trained mental health personnel).~~

AMENDATORY SECTION (Amending WSR 92-08-074, filed 3/30/92, effective 4/30/92)

WAC 388-88-098 Identification screening for current residents. (1) ~~((By July 1, 1989, every))~~ Each Medicaid-certified nursing facility shall ((complete an)) have a completed identification screen((;)) for each resident, to identify ((residents likely to have)) a resident's likelihood of having a serious mental illness or a developmental disability as defined ((in WAC 388-88-097(5):

~~(a)) under 42 C.F.R. § 483.102 or as subsequently amended. The nursing facility shall record this information on a form designated by the department((;~~

~~(b) For every resident of the nursing facility, except for a resident for whom a pre-admission screen has been completed under WAC 388-88-097)).~~

~~(2) The nursing facility shall ((be responsible for reviewing and updating a resident's identification screen to ensure that it accurately reflects the resident's current condition.~~

~~(3) The original of the));~~

~~(a) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 C.F.R. § 483.20;~~

~~(b) Maintain the identification screen form ((shall be maintained)) and applicable PASARR assessment information in the resident's ((medical)) clinical record((;~~

~~(4) The nursing facility shall notify the department or designee of those residents identified through the identification screen as likely to have a serious mental illness or a developmental disability.~~

~~(5)); and~~

~~(c) Refer each resident to the department or department's designee when the resident requires a PASARR assessment under WAC 388-88-096.~~

~~(4) The department shall deny payment to a nursing facility for any resident for whom an identification screen has not been completed as required under this section.~~

NEW SECTION

WAC 388-88-150 PASARR determination and appeal rights. (1) A nursing facility applicant or resident who has been adversely impacted by a PASARR determination may appeal the department's determination of:

(a) Not in need of nursing facility care as defined under WAC 388-88-081 and 42 C.F.R. § 483.130 (m)(2),(5), or (6);

(b) Not in need of specialized services as defined under WAC 388-88-096 and 42 C.F.R. § 483.130 (m)(1),(2),(3), or (6); or

(c) Need for specialized services as defined under WAC 388-88-096, 42 C.F.R. § 483.130 (4), and (5) and 42 C.F.R. § 483.132 (a)(4).

(2) The nursing facility shall assist the nursing facility applicant or resident, or the person's representative, as needed in requesting a hearing to appeal the department's PASARR determination.

(3) If the department's PASARR determination requires that a resident be transferred or discharged, the department shall:

(a) Provide the required notice of transfer or discharge to the resident and, if known, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) That the resident shall be ineligible for Medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

(4) Aging and adult home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(c)(iii) of this section, when the department determines a location appropriate to the resident's medical and other needs is not available.

(5) The department shall:

(a) Send a copy of the required notice to the resident's attending physician, the nursing facility and, where appropriate, the resident's family member;

(b) Suspend transfer or discharge pending the outcome of the appeal when the resident's appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged; and

(c) Provide assistance to the resident for relocation necessitated by the department's PASARR determination.

(6) Resident appeals of PASARR determinations shall be in accordance with 42 C.F.R. § 431 Subpart E, Chapter 388-08 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in Chapter 388-08 WAC, the provision in this chapter shall prevail.

NEW SECTION

WAC 388-88-155 Utilization review. (1) To assure appropriate use of Medicaid services, the Medicaid-certified nursing facility shall:

(a) Be responsible to determine whether each resident's health has improved sufficiently so the resident no longer needs nursing facility care;

(b) Base such determination on an accurate, comprehensive assessment process and documentation by the resident's physician.

(2) When a nursing facility determines that a resident who is a Medicaid applicant or recipient no longer needs nursing facility care, except for residents the department is responsible to assess for PASARR under WAC 388-88-096(1), the nursing facility shall initiate transfer or discharge in compliance with WAC 388-88-180 and 42 C.F.R. § 483.12, or as subsequently amended.

(3) When a nursing facility initiates a transfer or discharge of a Medicaid recipient under subsection (2) of this section:

(a) The resident shall be ineligible for Medicaid nursing facility payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) Aging and adult home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(a) of this section, when aging and adult home and community services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

NEW SECTION

WAC 388-88-170 Discharge planning and coordination. (1) A resident has the right to attain or maintain the highest practicable physical, mental and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home shall:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident or resident's representative in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical thereafter, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator; and

(iii) In the case of a Medicaid-certified nursing facility, the address and telephone number for the local aging and adult home and community services office.

(2) The nursing home shall prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home shall:

(a) In the case of a Medicaid resident, coordinate the plan with aging and adult home and community services staff;

(b) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's representative;

(c) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(d) Incorporate in the plan relevant factors to include, but not be limited to, the resident's preferences, support system, assessments and plan of care, and the availability of appropriate resources to match the resident's preferences and needs;

(e) Identify in the plan specific options for more independent placement; and

(f) Provide in the plan for the resident's continuity of care and mitigation of potential transfer trauma, including, but not limited to, pretransfer visit to the new location whenever possible.

(3) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home shall:

(a) Document the specific reasons transfer or discharge is not anticipated in that timeframe;

(b) Review the resident's potential for transfer or discharge at the time of comprehensive care plan review; and

(c) Initiate discharge planning:

(i) When the resident's situation or status indicates transfer or discharge potential within the next three months; and

(ii) At the request of the resident or the resident's representative.

(4) Each resident has the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home shall assist with and coordinate the resident's transfer or discharge. The resident, resident's representative or nursing facility may request assistance from aging and adult home and community services in the transfer or discharge planning and implementation process.

(5) The nursing home shall coordinate all transfers and discharges, and communicate resident information in written form to the resident's new location. The nursing home shall ensure such information, at a minimum, includes:

(a) A brief recap of the resident's stay;

(b) A final summary of the resident's status at the time of transfer or discharge; and

(c) A post transfer or discharge plan of care.

(6) The nursing home shall ensure information in subsection (5) of this section is made available for release only to authorized persons and agencies with the consent of the resident or legal representative where appropriate.

NEW SECTION

WAC 388-88-180 Transfer and discharge rights, procedures, and appeals. (1) The Medicare-certified skilled nursing facility and the Medicaid-certified nursing facility shall comply with all applicable federal requirements under 42 C.F.R. § 483.10 and § 483.12, or as subsequently amended, regarding resident transfer and discharge rights.

(2) The Medicare-certified skilled nursing facility and the Medicaid-certified nursing facility that initiates transfer or discharge shall:

(a) Provide the required notice of transfer or discharge to the resident and, if known, a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or

before the date of the transfer or discharge set forth in the written transfer or discharge notice; and

(d) Assist the resident, or the resident's representative, as needed in requesting a hearing to appeal the transfer or discharge decision.

(3) The Medicare-certified skilled nursing facility or the Medicaid-certified nursing facility shall suspend transfer or discharge pending the outcome of the appeal when the resident's appeal is received by the office of appeals on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(4) The Medicaid-certified nursing facility shall send a copy of the federally required transfer or discharge notice to:

(a) Aging and adult home and community services in cases where the nursing facility has determined the resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(b) The appropriate nursing home services district manager when the transfer or discharge is for any of the following reasons:

(i) The resident's needs cannot be met in the facility;

(ii) The health or safety of individuals in the facility is endangered; or

(iii) The resident has failed to pay for, or to have paid under Medicare or Medicaid, a stay at the facility.

(5) The state appeals process for facility transfers and discharges mandated by sections 1819 (e)(3) and 1919 (e)(3) of the Federal Social Security Act and federal regulations promulgated thereunder, is set forth in chapter 388-08 WAC and in this chapter. In such appeals, the following shall apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter shall prevail;

(b) The resident shall be the appellant and the skilled nursing facility or the nursing facility shall be the respondent;

(c) The department shall be notified of the appeal and may choose whether to participate in the proceedings. The role of the department is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) When a nursing home's decision to transfer or discharge a resident from a nursing home is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by the nursing home.

NEW SECTION

WAC 388-88-190 Relocation due to decertification, license revocation, closure. (1) When the department or the federal Health Care Financing Administration terminates or does not renew a nursing home's Medicaid certification, or the department revokes or suspends the nursing home's license or orders emergency closure of a nursing home, the department shall:

- (a) Notify residents and, when appropriate, resident representatives of the action; and
 - (b) Assist with residents' relocation and specify the location of possible alternative locations.
- (2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its Medicaid contract:
- (a) The nursing home shall:
 - (i) Send written notification, sixty days before closure or contract termination, to the appropriate nursing home services district manager and to all residents; and
 - (ii) Provide appropriate discharge planning and coordination; and
 - (b) The department may provide a resident assistance with relocation.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 388-88-080 Utilization review.
- WAC 388-88-099 Specialized service assessments for current residents.
- WAC 388-88-102 Discharge planning and resident relocation.
- WAC 388-88-130 Completion of resident assessment instrument.
- WAC 388-88-145 Notice of relocation determination and appeal rights.

WSR 93-23-043
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 12, 1993, 11:46 a.m.]

Date of Adoption: November 12, 1993.

Purpose: The purpose of these rules is to clarify the intent of legislation requiring local jurisdictions and building officials to verify that general or specialty contractors purchasing building permits are properly registered as required by chapter 18.27 RCW.

Citation of Existing Rules Affected by this Order: Amending chapter 296-200 WAC.

Statutory Authority for Adoption: RCW 18.27.125.

Pursuant to notice filed as WSR 93-18-106 on September 1, 1993.

Effective Date of Rule: Thirty-one days after filing.
 November 12, 1993
 Mark O. Brown
 Director

NEW SECTION

WAC 296-200-110 Verification of registration number by a city, town, or county. Verification of the contractor registration number for the purpose of issuing a building permit shall mean verification only of the registra-

tion of the general or specialty contractor who is applying for the building permit.

NEW SECTION

WAC 296-200-111 Verification of nonoriginal registration card by city, town, or county. A city, town, or county may accept, for the purposes of verification, a copy of the original contractor registration card, which has been attested to by the person who applied for that original registration card and which is notarized.

NEW SECTION

WAC 296-200-112 Liability to cities, towns, and counties for failure to verify contractor registration. Failure to verify the contractor's registration number will result in liability, for the penalty amount specified in RCW 18.27.100 (6)(a), only to the city, town, or county that issued the building permit.

WSR 93-23-050
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-402, Docket No. A-931053—Filed November 12, 1993, 4:42 p.m., effective January 1, 1994]

In the matter of amending WAC 480-09-115 relating to schedule for open public meetings.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 93-19-161, filed with the code reviser on September 22, 1993. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 93-19-161, for 9:00 a.m., Wednesday, November 3, 1993, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until October 15, 1993.

Written comments were presented by the commission staff and one written comment was received from United States West Communications, Inc., in support [of] the proposed amendment.

The proposal would allow more efficient use of commission and regulated industry resources.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on November 3, 1993, before Chairman Sharon L. Nelson, Commissioner Richard D. Casad and Commissioner Richard Hemstad. Oral comments were made by Dixie Linnenbrink on behalf of the commission staff. After considering the

written and oral comments, the commission adopted the rule as proposed.

In reviewing the entire record, the commission determines that WAC 480-09-115 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission. The commission wishes to begin the schedule adopted in this rule in 1994, and therefore orders that this amended rule take effect on January 1, 1994, pursuant to RCW 34.05.380(2).

ORDER

THE COMMISSION ORDERS That WAC 480-09-115 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect January 1, 1994, pursuant to RCW 34.05.380.

THE COMMISSION FURTHER ORDERS That this order and the rule shown below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

THE COMMISSION Adopts the commission staff memoranda, presented at the times the commission considered noticing and adopting this proposal, as its brief explanatory statement of the reasons for adoption under RCW 34.05.355.

DATED at Olympia, Washington, this 10th day of November, 1993.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard Hemstad, Commissioner

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

WAC 480-09-115 Procedure at open public meetings. (1) Meetings. Regular meetings of the commission for the conduct of business pursuant to chapter 42.30 RCW, the Open Public Meetings Act, shall be held beginning at 9:00 a.m., ~~(each)~~ Wednesdays, except the first and third Wednesday of each month and state holidays, in the commission's administrative offices, 1300 S. Evergreen Park Drive SW, Olympia, Washington. If the regular meeting day is a state holiday, the regular meeting shall be held on the next business day. Regular meetings may be cancelled, and special meetings may be convened from time to time pursuant to the provisions of RCW 42.30.080.

(2) Agenda, orders. The commission secretary shall direct the preparation and distribution of an agenda for each meeting. When feasible, the secretary shall identify each item scheduled for discussion and action as relating principally to utility regulation under Title 80 RCW; as relating principally to transportation regulation under Title 81 RCW; or "other"; and shall group similarly identified items together on the agenda. When an order is necessary to implement the commission's decision as to any agenda item, the secretary may enter the order when directed to do so by the commission.

(3) "No action" agenda. Any request, proposal, or other filing which, pursuant to statute, will take effect without commission action, may be placed on a "no action required" portion of the agenda. Any item on this portion of the

agenda will be discussed upon the request of any commissioner, and the commission may take such action on the item as the commission desires.

(4) "Consent" agenda. Any item which the secretary deems to be noncontroversial and of relatively slight public concern may be placed on a "consent agenda" portion of the open meeting agenda. An item shall be removed from the consent agenda for individual discussion and action at the request of any commissioner. Items on the consent agenda may be collectively moved for approval by a single motion any may be collectively approved by a single vote of the commission. When directed to do so by the commission, the secretary shall enter an individual order implementing the commission's decision as to each consent agenda item.

(5) Modifications. The commission may modify the procedures set forth in this section when it deems the modification appropriate.

WSR 93-23-060 PERMANENT RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 15, 1993, 11:45 a.m., effective January 1, 1994]

Date of Adoption: November 15, 1993.

Purpose: These rules are being adopted as proposed to update them according to case law, statutory changes, and improve program administration.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-14-950 and 296-14-960; and amending WAC 296-14-350, 296-14-420, 296-14-900, 296-14-910, 296-14-930, 296-14-940, and 296-20-023.

Statutory Authority for Adoption: Chapters 51.04, 51.08, 51.12, 51.24, and 51.32 RCW.

Other Authority: *Labor and Industries v. Landon*, 117 Wn.2d 122, 814 P.2d 626 (1991); and *Labor and Industries v. Fankhauser*, 121 Wn.2d 304, 849 P.2d 1209 (1993).

Pursuant to notice filed as WSR 93-18-105 on September 1, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-14-420 Payment of benefits, subsection (3) relating to case scenarios has been deleted to address the concerns of those testifying. The effect of the adopted rule change does not differ from the effect of the proposed rule.

Effective Date of Rule: January 1, 1994.

November 15, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 88-13, filed 6/24/88)

WAC 296-14-350 Claim allowance and wage determination in occupational disease cases. (1) The liable insurer in occupational disease cases is the insurer on risk at the time of the last injurious exposure to the injurious substance or hazard of disease during employment within the coverage of Title 51 RCW which gave rise to the claim for compensation. Such Title 51 RCW insurer shall not be liable, however, if the worker has a claim arising from the

occupational disease that is allowed for benefits under the maritime laws or Federal Employees' Compensation Act.

~~(2) ((The compensation schedules and wage base for claims filed prior to July 1, 1988, shall be determined according to the schedule in effect and the wage paid, if wage based schedules apply, at the time of the last injurious exposure to the substance or hazard giving rise to the claim for compensation.~~

~~(3))~~ The compensation schedules and wage base for claims ~~((filed on or after July 1, 1988,))~~ shall be ~~((determined))~~ based on the schedule in effect on the date of disease manifestation. Compensation shall be based on the monthly wage of the worker as follows:

(a) If the worker was employed at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based on the monthly wage paid on that date regardless of whether the worker is employed in the industry that gave rise to the disease or in an unrelated industry.

(b) If the worker was not employed, for causes other than voluntary retirement, at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based upon the last monthly wage paid.

~~((e))~~ (3) Benefits shall be paid in accordance with the schedules in effect ~~((at the time))~~ on the date of manifestation. Manifestation is the date the disease required medical treatment or became totally or partially disabling, whichever occurred first, without regard to the date of the contraction of the disease or the date of filing the claim.

AMENDATORY SECTION (Amending WSR 90-19-028, filed 9/12/90, effective 10/13/90)

WAC 296-14-420 Payment of benefits—Aggravation reopening/new injury. (1) Whenever an application for benefits is filed ~~((that requires a determination of))~~ where there is a substantial question whether benefits shall be paid pursuant to the reopening of an accepted claim or allowed as a claim for a new injury or occupational disease, the department shall make ~~((the))~~ a determination in a single order. Where one of the claims is with a self-insured employer and another is with a state fund employer, such determination shall be made jointly by the ((assistant directors)) program managers for claims administration and self insurance, or their respective designees.

(2) Pending entry of the order, benefits shall be paid promptly by the entity which would be responsible ~~((as))~~ if the claim were determined to be a new injury or occupational disease.

(3) The department is required to act under this rule only if:

(a) There is substantial evidence that the worker will be determined to be entitled to benefits on one of the claims; and

(b) There is uncertainty regarding which of the entities is responsible.

(4) Time-loss compensation shall be paid at the lesser of the two entitlements that may apply to the claim until responsibility has been determined between state fund and

self-insured employer, two self-insured employers, or two state fund employers.

~~((4))~~ (5) If, upon final determination of the responsible insurer, the entity that paid benefits under subsection (2) of this section is determined not to be responsible for payment of benefits, such entity shall be reimbursed by the responsible entity for all amounts paid.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-900 Purpose. WAC 296-14-900 through ~~((296-14-960))~~ 296-14-940 implement RCW 51.12.102 and 51.24.110, which authorizes the department to ~~((maintain a list of attorneys from which the attorney general may appoint))~~ use special assistant attorneys general ~~((to represent the department in causes of action under RCW 51.24.050)).~~

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-910 Definitions. In WAC 296-14-900 through ~~((296-14-960))~~ 296-14-940:

~~((1))~~ "Assistant director" means the assistant or deputy director of the industrial insurance division of the department.

~~((2))~~ "Department" means the department of labor and industries.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-930 Application by attorneys. (1) An attorney who meets the qualification criteria may seek inclusion on the list of attorneys by filing an application with the ~~((assistant director))~~ department. Application forms may be obtained from the office of the attorney general, the Washington State Bar Association, or the ~~((assistant director))~~ department.

(2) The application form shall be prepared by the department in consultation with the office of the attorney general. The application shall require the applicant to declare under penalty of perjury that the information is true and shall require the applicant to inform the ~~((assistant director))~~ department and the attorney general of any changes in his or her qualifications.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-940 List of attorneys. (1) The department shall determine from the application and from other sources whether an attorney meets the criteria of WAC 296-14-920. The department may consult with the Washington State Bar Association and the office of the attorney general if necessary to make the determination.

~~((2))~~ ~~((After an attorney has been entered on the list of attorneys, the assistant director shall forward the attorney's completed application form to the attorney general.~~

~~((3))~~ The ~~((assistant director))~~ department shall compile and maintain the lists of attorneys from which the attorney general may ((appoint)) select special assistant attorneys general to represent the department.

November 16, 1993

Elin Meyer

Rules Coordinator

~~((4))~~ (3) The ~~((assistant director))~~ department shall, once every ~~((three months))~~ year, provide the attorney general and the Washington State Bar Association with a current copy of the lists of the attorneys.

(4) RCW 51.12.102, 51.24.110 and WAC 296-14-900 through 296-14-940 do not give the attorneys on the special assistant attorney general lists any right to any expectation of employment as a special assistant attorney general and/or assistant attorney general.

(5) The designation "special assistant attorney general" shall not be used by a private attorney on any correspondence or pleadings relating to services, nor shall they refer to themselves as such other than as necessary to show their authority in a specific case to represent the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 296-14-950 | Appointment of attorney as special assistant. |
| WAC 296-14-960 | Limitations of appointment. |

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-20-023 Third party settlement—Excess recoveries. (1) In cases where a third party settlement has been made resulting in an excess recovery subject to offset from the ~~((injured))~~ worker's future benefits or compensation due, the department or self-insurer is not liable for payment for services rendered by providers.

(2) The ~~((injured))~~ worker should be treated and billed in accordance with the department's medical aid rules and ~~((instructions contained in chapters 296-20 through 296-23 WAC))~~ maximum fee schedules. When bills are processed against the amount of the excess recovery, the department will notify the provider on the remittance advice.

(3) The department or self-insurer will resume financial responsibility to or on behalf of the ~~((injured))~~ worker when the amount of such excess has been reduced to zero.

WSR 93-23-065
PERMANENT RULES
HEALTH CARE AUTHORITY
(Public Employees Benefit Board)
[Filed November 16, 1993, 1:24 p.m.]

Date of Adoption: November 16, 1993.

Purpose: Change PEBB group coverage to include family leave. This bill was enacted by the federal government.

Citation of Existing Rules Affected by this Order: Amending WAC 182-08-160 and 182-08-190; and new section WAC 182-08-175.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to notice filed as WSR 93-19-047 on September 9, 1993.

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

AMENDATORY SECTION (Amending WSR 86-16-061, Resolution No. 86-3, filed 8/5/86)

WAC 182-08-160 Group coverage when not in pay status. An employee who is temporarily not in pay status may retain state group coverages, except long term disability, by self-payment of premium during any authorized leave without pay, during a layoff because of a reduction in force, or while receiving time loss benefits under worker's compensation, subject to a maximum ~~((self-pay))~~ period of twenty-nine months. Provided, that with respect to medical and dental coverages, this twenty-nine month period shall be reduced by the number of months of self-pay allowed under ~~((WAC 182-12-240))~~ COBRA and the number of employer-paid months allowed under family and medical leave. Provided further, that part-time faculty may self-pay their life, medical and dental coverages between periods of employer paid coverage for a maximum of eighteen months. Medical only or medical and dental coverage may be self-paid but not dental only coverage. An employee may retain long term disability coverage by self-payment of premium up to twenty-four months during an authorized leave without pay, but only if such leave is an approved educational leave. An eligible employee will retain up to twelve weeks of employer paid medical, dental, basic life and basic long-term disability coverage during approved family and medical leave and may self-pay their optional life and long-term disability. With the exception of approved family leave, employees not in pay status are ineligible to receive credit for the employer premium contribution.

NEW SECTION

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations implementing that act, shall continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

AMENDATORY SECTION (Amending Order 2-78, filed 1/10/78)

WAC 182-08-190 Employer contribution to the ~~((SEIB revolving fund))~~ public employees health insurance account. An employer contribution in the amount established by the board shall be made to the ~~((SEIB revolving fund))~~ public employees health insurance account for each eligible employee in pay status for eight or more hours during a calendar month or for each eligible employee on family and medical leave.

WSR 93-23-069

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Order 434—Filed November 16, 1993, 2:09 p.m.]

Date of Adoption: November 10, 1993.

Citation of Existing Rules Affected by this Order: New WAC 356-22-125 Examinations—Desirable qualifications.

Statutory Authority for Adoption: Chapter 41.06 and RCW 41.06.150.

Pursuant to notice filed as WSR 93-22-083 on November 1, 1993.

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

November 12, 1993

Dennis Karras

Secretary

Personnel Resources Board

NEW SECTION

WAC 356-22-125 Examinations—Desirable qualifications. The director of personnel or designee may approve the substitution of desirable qualifications for established minimum qualifications for a job classification to broaden the recruitment base. Approval may also be given for a specific recruitment when necessary, to meet geographic or program needs. The director of personnel or designee may subsequently remove or amend the desirable qualifications if it is determined that they are no longer appropriate. The use of desirable qualifications shall not conflict with any collective bargaining agreements. Agencies requesting the use, removal, or amendment of desirable qualifications for a job class or recruitment covered by a collective bargaining agreement shall notify the employee organization in writing, prior to the submission of the request.

PERMANENT

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 Supplemental 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

REPEALER

The following sections of chapter 458-61 Washington Administrative Code are hereby repealed:

WAC 458-61-010	Authority.
WAC 458-61-020	General provisions pursuant to chapter 82.32 RCW.
WAC 458-61-040	Tax imposed.
WAC 458-61-110	Tax appeals.
WAC 458-61-140	Compliance.
WAC 458-61-240	Care, comfort and support.
WAC 458-61-270	Community property—To establish or separate.
WAC 458-61-280	Condemnation.
WAC 485-61-310	Corporation—Family.
WAC 485-61-320	Corporation—Nonfamily.
WAC 458-61-360	Easement, sale of.
WAC 458-61-380	Federal housing agencies.
WAC 458-61-390	Foreclosure of mortgage, deed in lieu of.
WAC 458-61-440	Improvements sold to be removed from the land.
WAC 458-61-450	Indian (American), transfers to or from.
WAC 485-61-460	Inheritance.
WAC 458-61-490	Joint tenancy.
WAC 458-61-500	Leasehold interest.
WAC 458-61-530	Mining claims.
WAC 458-61-560	Partnership—Family.
WAC 458-61-570	Partnership—Nonfamily.
WAC 458-61-620	Sales made before imposition of tax.
WAC 458-61-630	Security documents.
WAC 458-61-680	Trust.
WAC 458-61-690	Trustee sale pursuant to deed of trust (nonjudicial).

NEW AND AMENDED SECTIONS

NEW SECTION

WAC 458-61-015 General information. (1) Chapter 82.45 RCW imposes an excise tax on every sale of real estate in this state at the rate of one and twenty-eight one-hundredths percent of the selling price. Unless otherwise specifically exempt from tax, all sales of real property are subject to the real estate excise tax. Chapter 82.46 RCW authorizes counties, cities and towns to impose additional

taxes on sales of real property based on the same incidences, collection and reporting methods, as applicable under chapter 82.45 RCW. The taxes imposed are due at the time the sale occurs and are to be collected by the county treasurer upon presentation of the documents of sale for recording in the public records, or by the department in the case of a transfer of a controlling interest in an entity which owns real property located in this state. This chapter provides applicable definitions, describes tax payment, collection and reporting procedures, explains the imposition of penalties and interest on late payment, describes available exemptions from tax, and provides procedures for refunds of overpaid taxes and appeals from assessments of tax.

(2) The general provisions for the administration of the state's excise taxes contained in chapter 82.32 RCW apply to the real estate excise tax, except for the following: RCW 82.32.030, 82.32.040, 82.32.050, 82.32.140 and 82.32.270, and the penalties and limitations imposed by RCW 82.32.090.

NEW SECTION

WAC 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. (1) **Introduction.** Chapter 25, Laws of 1993, 1st ex. sess., effective July 1, 1993, enacted a provision where the transfer of the controlling interest in an entity which has an interest in real property in this state is considered a taxable sale of the entity's real property for purposes of the real estate excise tax. This tax was enacted to equalize the excise tax burdens between other sales of real property and transfers of entity ownership essentially equivalent to sales of real property by extending the real estate excise tax to transfers of a controlling interest in an entity which has an interest in real property located in this state. This section explains the application of those provisions.

(2) **Definitions.** (a) "Transfer of a controlling interest in an entity" means the transfer or acquisition for a valuable consideration within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state. For purposes of this subsection, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place.

(b) "Controlling interest" means:

(i) In the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and

(ii) In the case of a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

(iii) **Example 1.** A and B each own 40% of the voting shares of a corporation. C, D, E and F each own 5% voting shares. C acquires B's 40% interest, and D's and E's 5% interests. This would constitute a taxable sale because a controlling interest (50% or more) was acquired by C (40% from B plus 5% from D and 5% from E). However, if C, D and E were to transfer their shares to A, those transfers

would not be taxable. Although A would then own 55% of the corporation, only a 15% interest was transferred and acquired, so the acquisition by A is not taxable.

(iv) **Example 2.** In a limited partnership consisting of a general partner and three limited partners, each possessing a 25% interest, even though the general partner controls the management and day to day operations, a 25% interest is not a controlling interest. Only if someone were to acquire at least a 50% interest from at least two of the partners would there be the taxable acquisition of a controlling interest. If one partner acquires an additional 25% interest from another partner for a total of a 50% interest, no transfer or acquisition of a controlling interest occurs because less than 50% is transferred and acquired.

(c) The terms "person" or "company" mean any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

(d) "True and fair value" means market value, which is the amount of money which a purchaser willing, but not obligated, to buy would pay a owner willing, but not obligated, to sell, taking into consideration all uses to which the property is adapted and might in reason be applied.

(e) "Twelve-month period" is any period of twelve consecutive months and may span two calendar years.

(f) "Acting in concert" occurs:

(i) When one or more persons have a relationship with each other such that one person influences or controls the actions of another through common ownership. For example, if a parent corporation and a wholly-owned subsidiary each purchase a 25% interest in an entity, the two corporations will be considered to have acted in concert to acquire a controlling (i.e., 50%) in the entity.

(ii) Where individuals or entities are not commonly controlled or owned but the unity with which purchasers have negotiated and will consummate the acquisition of ownership interests indicates that they are acting as a single entity.

(3) **In General.** In order for the tax to apply when the controlling interest in an entity which has an interest in real property in this state has been transferred, the following elements must have occurred:

(a) The transfer or acquisition of the controlling interest must have occurred within a twelve-month period;

(b) The controlling interest must have been acquired by a single person, or a group of persons acting in concert which aggregate to a controlling interest;

(c) The entity must have an interest in real property located in this state; and,

(d) The transfer is not otherwise exempt under chapter 82.45 RCW and chapter 458-61 WAC, and

(e) Valuable consideration has been received for the transfer.

(4) **Measure of the Tax.** The measure of the tax is the selling price of the real property in this state owned by the entity whose controlling interest has been acquired. The true and fair value of the real property located in this state at

time of sale may be determined by a fair market value appraisal of the property or by an allocation of assets by the seller and the buyer made pursuant to section 1060 of the Internal Revenue Code of 1986. If the true and fair value of the property to be valued at the time of the sale cannot reasonably be determined, the market value assessment for the property maintained on the county property tax rolls at the time of the sale shall be used as the selling price.

(5) **Persons Acting in Concert.** This tax applies to acquisitions, but not transfers, made by persons acting in concert, as defined in (2)(f) above.

(a) Where persons are not commonly controlled or influenced, factors that each indicate whether persons are acting in concert include:

(i) a close relation in time of the transfers or acquisitions;

(ii) small number of purchasers;

(iii) mutual terms contained in the contracts of sale; and

(iv) additional agreements to the sales contract which bind the purchasers to a course of action with respect to the transfer or acquisition.

(b) If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions shall be considered separate acquisitions.

(c) Example 1. A owns 100% of X Corporation, the only asset of which is real property. B, C, D, and E, as a group, negotiate to buy all of A's interest in X Corporation with B, C, D and E each buying 25% of A's interest. The contracts of B, C, D, and E are identical and the purchases are to occur simultaneously. B, C, D, and E have also negotiated an agreement binding themselves to a course of action with respect to the acquisition of X Corporation and the terms of the shareholders agreement which would govern their relationship as owners of X Corporation. B, C, D and E would be considered to be acting in concert and their acquisitions from A would be treated as a single acquisition of a controlling interest which is subject to the real estate excise tax.

(d) Example 2. Partnership X, which owns real property, is composed of partners A and B, each having a 50% partnership interest. In August of 1993, A and B decided to raise more capital by agreeing that each will sell a percentage of their partnership interests. On August 20, 1993, A and B each sold 12 1/2 percent of their respective partnership interests to C (C thereby acquiring a 25% partnership interest). On June 27, 1994, A and B each sold a 15% partnership interest to D (D thus acquiring a 30% partnership interest). Although A and B have acted in concert, they are the sellers of the interest and not the persons acquiring the interest. Only the activities of those acquiring the interest are aggregated. Because C and D did not act in concert, neither C nor D acquired a controlling interest as a result of the transfers and the transfers are not subject to the real estate excise tax.

(e) Example 3. Corporation X has 2 stockholders. Individual A owns 90 shares of stock (90%) and individual B owns 10 shares of stock (10%). Corporation X owns 60% of the stock of Corporation Y, which owns real property. Individual A, by virtue of owning 90% of the stock of Corporation X, has a 54% interest in Corporation Y (90% interest in Corporation X multiplied by the 60% interest

Corporation X has in Corporation Y equals the 54% interest individual A has in Corporation Y). Individual A sells his 90 shares of stock in Corporation X to individual G. Individual A, by selling his 90 shares of Corporation X stocks, has transferred a controlling interest (54%) in an entity that owns real property (Corporation Y). This transfer is subject to the real estate transfer tax. The real estate excise tax due is computed on the true and fair value of the real property owned by Corporation Y.

(f) Example 4. Assume the same facts as in Example 3 except that Corporation X owns 50% of the stock of Corporation Y. Since A has not transferred nor has G acquired a controlling interest in Corporation Y (90% X 50% = 45%), the tax would not apply. If, however, Corporation X had transferred its 50% interest in Corporation Y, the transfer would be subject to tax.

(6) **Date of Sale.** Where the controlling interest is acquired in one transaction, the actual date of transfer of the controlling interest shall be considered the date of sale. Examples of when an interest in an entity is transferred include when payment is received by the seller and the shares of stock are delivered to the buyer, or, when payment is received by the seller and partnership documents are signed, etc.

(a) Where the acquisition of a controlling interest involves the aggregation of interests of persons acting in concert, the selling price of each transfer or acquisition shall be determined as of the actual date of that transfer or acquisition. The actual date control is transferred, not the date of the contract arranging the transfer, determines if the transaction falls within the twelve-month period. However, if it can be shown that the sole reason for the delay in transferring control is the avoidance of the tax, then the date of the contract arranging the transfer may determine if the transaction falls within the twelve-month period.

(b) Example 1. A acquires a 10% interest in an entity which owns an apartment building under construction worth \$500,000 from X on January 30; on July 30, A acquires a 30% interest in the same entity from Y, but the building is now worth \$900,000; on September 30, A acquires a 10% interest in the same entity from Z, but the building is now worth \$1,000,000. The final transfer allows A to acquire, within twelve months, a controlling interest in an entity which owns real property. September 30 is the date of sale.

(i) The sellers' percentages of tax liability in the example above are determined by viewing the series of transactions as a whole. Here, X and Z conveyed 10% interests while Y conveyed a 30% interest. This would result in liability percentages for X and Z of 20% each and for Y, 60%.

(ii) In the example above, the value of the property to which the percentage applies would be the valuation in effect at the time of each transfer (i.e., X's 20% on the \$500,000; Y's 60% on the \$900,000; Z's 20% on the \$1,000,000).

(7) **Tax Liability.** Where there is a transfer or acquisition of a controlling interest in an entity that has an interest in real property, on or after July 1, 1993, the seller of the interest is generally liable for the tax.

(a) Where the seller has not paid the tax by the due date and neither the buyer nor the seller has notified the department of the sale within 30 days of the sale, the buyer is also liable for the tax.

(b) Where the controlling interest is transferred by a series of sales, each seller is liable for its proportional share of the tax valued on the date of sale as provided in subsection (6) above.

(8) **Filing of Returns.** The sale of a beneficial interest in real property shall be reported to the department where a tax is due under this chapter and where no instrument is recorded in the official real property records of the county in which the property is located.

(a) The sale shall be reported within five days from the date of the sale on the Department of Revenue Affidavit Form, DOR Form 84-001B. The Affidavit Form shall be signed by both the seller and the buyer and shall be accompanied by payment of the tax due.

(b) The Affidavit Form shall also be used to disclose the sale, in which case:

(i) It shall be signed by either seller or buyer, dependent on who is making the disclosure, and

(ii) It shall be accompanied by payment of the tax due only when submitted by the seller.

(c) Any person who intentionally makes a false statement on any return or form required to be filed with the department under this chapter shall be guilty of perjury.

(9) **Due Date, Interest and Penalties.** The tax imposed is due and payable immediately on the date of sale. If not paid within thirty days of the date of sale, it shall bear interest at the rate of one percent per month from the date of sale until the date of payment. In addition to the interest, if the payment of any tax is not received by the department:

(a) Within thirty days of the date due, there shall be assessed a penalty of five percent of the amount of the tax;

(b) Within sixty days of the date due, there shall be assessed a total penalty of ten percent of the amount of the tax; and

(c) Within ninety days of the date due, there shall be assessed a total penalty of twenty percent of the amount of the tax.

(d) The payment of the penalty described in this subsection shall be collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(10) **Transfers after Tax Has Been Paid.** When there is a transfer or acquisition of a controlling interest in an entity on or after July 1, 1993, and the real estate excise tax is paid on the transfer and there is a subsequent acquisition of an additional interest in the same entity within the same twelve-month period by a person acting in concert with the previous buyer(s), the subsequent seller is liable for its proportional portion of the tax. After payment by the subsequent seller of its proportional share, the previous seller(s) (or buyer(s), if the buyer(s) have paid the tax) may apply to the department for a refund of the amount overpaid because of the new proportional amount paid as a result of the subsequent transfer or acquisition.

(11) **Exemptions.** As the transfer and acquisition of a controlling interest in an entity which owns real estate in this state is statutorily defined as a "sale" of the real property owned by the entity, the exemptions of chapter 82.45 RCW also apply to the sale of a controlling interest.

(a) Example 1. The merger of a wholly owned subsidiary containing real property located in this state with another subsidiary wholly owned by the parent would be a

transfer of controlling interest. However, this transfer is not taxable because it is exempt as a mere change in form or identity (see: WAC 458-61-375) and it is also exempt because it qualifies under the nonrecognition of gain or loss provisions of the Internal Revenue Code for entity formation, liquidation and dissolution, and reorganization (See: WAC 458-61-376).

(b) Example 2. X owns 100% of corporation Y. X wants daughter D and corporate manager M to be owners with himself in the corporation. X gives daughter D 50% of the voting stock and sells 33 1/3% to manager M. While a controlling interest in the corporation has been transferred to and acquired by D, it is not taxed because generally a gift is an exempt transfer not to be counted for purposes of determining whether a controlling interest has transferred. The sale of the 33 1/3% to manager M is not a sufficient interest to transfer control, and so is not taxed.

(c) Example 3. D owns 75% of the voting stock of X corporation which owns real estate located in this state. D pledges all of its corporate stock to secure a loan with Bank B. When D defaults on the loan and Bank B becomes the owner of all D's stock in Corporation X, the transfer and acquisition of control of the entity is not a taxable transaction because foreclosures of mortgages and other security devices is an exempt transfer.

(12) **Transition rules.** Transactions occurring prior to July 1, 1993 are exempt from inclusion in any determination of whether a transfer or acquisition of a controlling interest occurred within a twelve-month period. Only transactions occurring on July 1, 1993, or later, may be used to determine whether a transfer or acquisition of a controlling interest occurred within a twelve-month period.

AMENDATORY SECTION (Amending WSR 87-12-016 (Order PT 87-4), filed 5/27/87)

WAC 458-61-030 Definitions. For the purposes of chapter 458-61 WAC, unless otherwise required by the context:

(1) "Affidavit" (~~shall~~) means the real estate excise tax affidavit which the department shall prescribe and furnish to the county treasurers for use by taxpayers in reporting transfers of real property. Both the grantor and grantee or agents of each shall sign the affidavit under penalty of perjury. See WAC 458-61-080. (~~Such affidavit shall require the following information:~~

~~(a) Identification of the seller and purchaser, including their current mailing addresses;~~

~~(b) Legal description of the property transferring, including the tax parcel or account numbers;~~

~~(c) Date of sale;~~

~~(d) Type of instrument of sale;~~

~~(e) Nature of transfer;~~

~~(f) Gross sales price;~~

~~(g) Value of personal property involved in the transfer;~~

~~(h) Taxable sales price;~~

~~(i) Whether or not the land is classified or designated as forest land under chapter 84.33 RCW;~~

~~(j) Whether or not the land is classified as open space land, farm and agricultural land, or timber land under chapter 84.33 RCW;~~

(k) Whether or not the property is exempt from property tax under chapter 84.36 RCW, at the time of sale;

(l) Whether or not the property is:

(i) Land only;

(ii) Land with new building; or

(iii) Land with a previously used building;

(m) A notice of continuance, signed by all new owners, for classified forest land (RCW 84.33.120), designated forest land (RCW 84.33.180) (RCW 84.33.130) or classified open space land, farm and agricultural land or timber land (RCW 84.34.108) shall be signed for those affidavits conveying land subject to the provisions of chapters 84.33 and 84.34 RCW, if the new owner desires to continue said classification or designation. The county assessor shall determine from information provided by the grantor or grantee if the land qualifies for continued classification or designation and shall so note this determination on the affidavit prior to the acceptance of the affidavit by the county treasurer;

(n) The affidavit shall list the following questions, the responses to which are not required:

(i) Is this property at the time of sale subject to an elderly, disability, or physical improvement exemption?

(ii) Does any building have a heat pump or solar heating or cooling system?

(iii) Does this transaction divide a current parcel of land?

(iv) Does this transaction include current crops or merchantable timber?

(v) Does this transaction involve a trade, or partial interest, corporate affiliates, related parties, a trust, a receivership, or an estate?

(vi) Is the grantee acting as a nominee for a third party?

(vii) Is the principal use of the land agricultural, apartments (four or more units), commercial, condominium, industrial, mobile home site, recreational, residential, or growing timber?

(o) The affidavit form shall contain a statement of the potential compensating and additional tax liability under chapter 84.34 RCW, a statement of the collection of taxes under RCW 84.36.262 and 84.36.810, and a statement of the applicable penalties for perjury under chapter 9A.72 RCW.

Each county shall use the affidavit form prescribed and furnished by the department of revenue.

The affidavit shall be signed by either the seller or the buyer, or the agent of either, under oath attesting to all required information:))

(2) "Consideration" ((shall)) means money or anything of value, either tangible or intangible, paid or delivered, or contracted to be paid or delivered, or services performed or contracted to be performed in return for the sale and includes ((real property or estate or interest in real property. The term shall further include the market value of real property transferred to a corporation by its shareholders, officers, or corporate affiliates so as to increase the assets of the grantee corporation:)) the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale. Consideration includes the issuance of an ownership interest in any entity in exchange for a transfer of real property to the entity, and, in the case of partnerships, consideration includes the increase in the capital account of the partner made as a result of the

partner's transfer of real property to the partnership, but notwithstanding the presence of consideration, such a transfer may not be taxable if it is specifically exempt under WAC 458-61-375 or WAC 458-61-376.

(a) If the total consideration for the sale cannot be ascertained or the true and fair value of the property to be valued at the time of the sale cannot reasonably be determined, the market value assessment for the property maintained on the county property tax rolls at the time of the sale shall be used as the selling price.

(b) "Consideration" does not include the amount of any outstanding lien or incumbrance in favor of the United States, the state, or a municipal corporation for taxes, special benefits, or improvements.

~~((3))~~ "Court decree" and "court order" shall have the same meaning and may be used interchangeably for the purposes of these rules. This shall be the judgment of a court of competent jurisdiction.

(4) "Date of taxability" shall mean the date of transfer as defined in subsection (15) of this section.

~~(5))~~ (3) "Department" ((shall)) means the Washington state department of revenue.

~~((6))~~ "Mining property" shall mean property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessee to conduct exploration or mining work thereon and for no other use. (RCW 82.45.035)

(7) "Mobile home" shall mean a mobile home as defined by RCW 46.04.302, as now or hereafter amended. (RCW 82.45.032))

~~((8))~~ (4) "Mortgage" ((shall have)) has its ordinary meaning and shall include a "deed of trust" for the purposes of these rules, unless the context clearly indicates otherwise.

~~((9))~~ "Nominal sales prices" shall mean sales prices stated on the real estate excise tax affidavit that are so low in comparison to the actual value of the real estate as to cause disbelief by a reasonable person.

(10) "Nonsale" as defined by RCW 82.45.010 includes those real property transfers which, by their nature, are exempt from the real estate excise tax (see WAC 458-61-080: Affidavit requirements):

(a) Gift, devise or inheritance (see WAC 458-61-410 and 458-61-460);

(b) Leasehold interest, other than option to purchase real property, including timber (see WAC 458-61-500);

(c) Cancellation or forfeiture of a vendee's interest in a real estate contract, whether or not such contract contains a forfeiture clause (Note: Tax exemption applies only to transfer back to original vendor or contract holder and is not the basis for refund of tax paid on original transfer—See WAC 458-61-210(1); see also WAC 458-61-330);

(d) Deed in lieu of foreclosure of a mortgage (where no consideration passes otherwise. See WAC 458-61-210(1));

(e) Assumption of mortgage, deed of trust, or real estate contract where no consideration passes otherwise (see WAC 458-61-210(1));

(f) Deed in lieu of forfeiture of a real estate contract, where no consideration passes otherwise (see WAC 458-61-210(1));

(g) Partition of property by tenants in common, whether by agreement or court decree (see WAC 458-61-650);

~~(h) Divorce decree or property settlement incident thereto (see WAC 458-61-340);~~

~~(i) Seller's assignment (see WAC 458-61-220);~~

~~(j) Condemnation by governmental body (see WAC 458-61-280);~~

~~(k) Security documents (mortgage, real estate contract, or other security interests apart from actual title) (see WAC 458-61-630);~~

~~(l) Court ordered sale or execution of judgment (see WAC 458-61-330);~~

~~(m) Transfer prior to imposition of this tax under chapter 82.45 RCW or previous chapter 28A.45 RCW;~~

~~(n) The transfer of any grave or lot in an established cemetery (see WAC 458-61-250); and~~

~~(o) A transfer to or from the United States, the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (See WAC 458-61-420))~~

~~((11)) (5) "Real estate" or "real property" ((shall)) means ((real property, including improvements the title to which is held separately from the title to the land to which the improvements are affixed,)) any interest, estate or beneficial interest in land or anything affixed to land, including the ownership interest or beneficial interest in any entity which itself owns land or anything affixed to land. ((†)) The term also includes used mobile homes and used floating homes and improvements constructed upon leased land. (RCW 82.45.032)~~

~~(6) "Real Estate Contract" or "contract" means any written agreement for the sale of real property in which legal title to the property is retained by the seller as security for the payment of the purchase price. The terms "real estate contract" or "contract" do not include earnest money agreements or options to purchase real property.~~

~~((12)) (7) "Sale" ((shall have)) has its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, exchange, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration((, and)).~~

~~(a) "Sale" also includes any contract for such conveyance, grant, assignment, quitclaim, exchange, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person ((by his/her)) at the purchaser's direction, ((which)) and title to the property is retained by the vendor as security for the payment of the purchase price.~~

~~(b) "Sale" also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land. (RCW 82.45.010)~~

~~(c) "Sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration. For purposes of this chapter, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place.~~

~~(d) "Sale" does not include those real property transfers which are excluded from the definition of "sale" and exempted from the real estate excise tax by RCW 82.45.010 and this chapter, including transfers where no valuable~~

consideration is present such as the transfer of a property to a grantee "subject to" a debt where the grantor is not liable for the payment of the obligation or is otherwise not relieved of the obligation and no other consideration is present.

~~((13)) (8) "Seller" ((shall)) means any individual, receiver, assignee, trustee for a deed of trust, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, quasi municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; but it shall not include the United States or the state of Washington or any political subdivision thereof, or a municipal corporation of this state. The term "grantor" is used interchangeably with the term "seller" in this chapter and has the same meaning provided in this subsection for purposes of the real estate excise tax. (RCW 82.45.020)~~

~~((14)) (9) "Selling price" ((shall)) means ((consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale: PROVIDED, That when the sale is that of a fractional interest in real property, the principal balance of any such debt remaining unpaid at the time of sale shall be multiplied by that same fraction and the result added as a component of the total sales price. The term shall not include the amount of any outstanding lien or encumbrance in favor of the United States, the state of Washington or a municipal corporation for the taxes, special benefits, or improvements. The value maintained on the county assessment rolls at the time of the transaction will be used for the sales price if such cannot otherwise be ascertained. In the event that the property is under current use assessment, the market value assessment maintained by the county assessor shall be used for the sales price.)) the true and fair value of the property conveyed. A rebuttable presumption exists that the selling price is equal to the total consideration paid or contracted to be paid to the transferor, or to another for the transferor's benefit. (RCW 82.45.030)~~

~~((15)) (10) "Date of transfer," "date of sale," "conveyance date" and "transaction date" ((shall)) all have the same meaning and may be used interchangeably ((for the purposes of these rules)) in this chapter. ((This shall be)) These terms refer to the date ((shown on the instrument of conveyance or sale)) when ownership of or title to real property, or the controlling interest in an entity which has a beneficial interest in real property, is delivered to the transferee in exchange for valuable consideration. This is the date on which the real estate excise tax is due.~~

~~((16) "Used mobile home" shall mean a mobile home which has been previously sold at retail and a previous sale has already been subject to the retail sales tax under chapter 82.08 RCW, or which has been previously used and a previous use has already been subject to the use tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks)~~

with fixed pipe connections with sewer, water, and other utilities. (RCW 82.45.032)

(17) "Wilful fraud" shall mean knowingly making false statements or taking actions so as to intentionally underpay or not pay the proper real estate excise tax due on the transfer of real estate.

(18) "Used floating home" shall mean a building on a float used in whole or in part for human habitation as a single family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located and in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

(19) "Rescinded transfer" shall mean a real property transfer wherein both grantor and grantee have been restored to their original positions. In such case, title to the real property has been reconveyed to the grantor and all valuable consideration paid toward the sales price principal has been returned to the grantee.

(20) "Air rights" shall mean the exclusive undisturbed use and control of a designated air space within the perimeter of a stated land area and within stated elevations.

(21) "Development rights" shall mean those rights that are subject to conveyancing and are the unused development which is the difference between the density allowed by zoning and that which exists on a parcel of land.)

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.

GENERAL PROVISIONS

AMENDATORY SECTION (Amending WSR 87-03-036 (Order PT 87-1), filed 1/16/87)

WAC 458-61-050 Payment of tax—County treasurer as agent for the state. This section applies only to sales of real property which are evidenced by conveyance, deed, grant, assignment, quitclaim, or transfer of the ownership of or title to real property.

(1) The real estate excise tax ((imposed by RCW 82.45.060 and herein shall)) is to be paid to and collected by the treasurer of the county ((within which is located)) where the real property ((which was sold)) is located.

(2) The tax is computed by multiplying the combined state and local tax rates in effect at the time of sale by the selling price.

~~((2))~~ (3) The law requires the county treasurer ((shall)) to act as agent for the department in carrying out the provisions of chapter 82.45 RCW and these rules.

~~((3))~~ (4) The county treasurer shall ((cause a)) stamp ((evidencing satisfaction of the tax lien to be affixed to)) the instrument of sale or conveyance ((prior to its recording)),₂ or ((to)) the real estate excise tax affidavit in the case of used mobile home sales, prior to its recording as evidence of the payment of the tax imposed or entitlement to exemption. However, a stamp indicating payment of tax or entitlement to exemption will not be conclusive as to the taxpayer's liability and will be subject to audit by the department. ((Such)) The stamp shall ((bear reference)) refer to the affidavit number, date and amount of the payment and shall be initialed by the person ((affixing said stamp)) stamping

the instrument or affidavit. The county treasurer shall not ((affix such)) stamp ((to)) the instrument of sale or conveyance unless one of the following criteria is met:

(a) Continuance of use has been approved by the county assessor under chapter 84.33 or 84.34 RCW;

(b) Compensating or additional taxes have been collected as required by RCW 84.33.120 (5)(b) and (e), 84.33.140 (1)(c), 84.34.108 (1)(c), 84.36.812, or 84.26.080; or

(c) ~~((Property is not so classified, designated, exempted or specially valued.))~~ The transfer is not subject to the compensating or additional taxes referred to in (b) above.

Delay in either securing the approval of continuance of use or payment of the compensating tax ((does not forestall the real estate excise tax)) will not prevent the imposition of interest or penalties for delinquent ((penalty imposed by WAC 458-61-090)) payment imposed by RCW 82.45.100. However, ((the taxpayer may pay the real estate excise tax and thus preclude any furtherance of the real estate excise tax delinquent penalty)) payment of the real estate excise tax will stop the accrual of additional delinquent interest and penalties. ((See WAC 458-61-030 (1)(m).))

~~((4))~~ (5) A receipt issued by the county treasurer for the payment of the tax shall be evidence of the satisfaction of the lien imposed under RCW 82.45.070 ((and these rules)) and may be recorded in the manner prescribed for recording the satisfaction of mortgages.

~~((5))~~ (6) No ((lease, assignment of lease nor memorandum of either lease or assignment of lease, nor)) instrument ((of sale or conveyance)) evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax ((shall have)) has been paid and the stamp has been affixed ((thereto)) as provided in this section. In ((the)) case ((the)) tax is not due on the transfer, the instrument shall not be ((so)) accepted until suitable notation of such fact has been made on the instrument by the county treasurer. In addition, no instrument of conveyance shall be filed or recorded by the county auditor or recorder if such property is classified or designated as forest land under chapter 84.33 RCW, classified as open space land, farm and agricultural land, or timber land under chapter 84.34 RCW, or receiving a special valuation as historic property under chapter 84.26 RCW, unless the compensating or additional tax has been paid, or the new owner ((shall have)) has signed a notice of continuance which ((shall either be)) is stated on or attached to the excise tax affidavit ((or attached thereto)).

AMENDATORY SECTION (Amending WSR 84-17-002 (Order PT 84-3), filed 8/2/84)

WAC 458-61-060 Disposition of proceeds. (1) The county treasurer shall place one percent of the proceeds of the tax imposed by chapter 82.45 RCW exclusive of any delinquent interest and/or penalties in the county current expense fund to defray costs of collection and shall pay over to the state treasurer and account to the department for the remainder of the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. (RCW 82.45.180)

(2) Any requests from county treasurers for adjustments to the funds which have been distributed to the state treasurer must be sent to the department for approval or denial.

The department will forward all such requests which it approves to the state treasurer and return the requests it denies to the county treasurers along with an explanation for such denial.

(3) Tax payments made directly to the department shall be remitted to the state treasurer who shall deposit the proceeds of any state tax in the general fund for the support of the common schools. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-070 Affidavit batch transmittal. (1) By the fifth business day following the close of the month in which the tax was received, the county treasurers shall send to the department the department's copies of the real estate excise tax affidavits for the entire month. This affidavit batch shall include all affidavits received during the month, plus copies of any ~~((voided affidavits which represent))~~ documents related to refunds made by the county treasurers.

(2) County treasurers ~~((with))~~ shall complete the affidavit batch transmittal form, supplied by the department, and send one copy with the affidavit batch to the department. The county treasurer ~~((with))~~ shall send a second copy of the affidavit batch transmittal with the monthly cash receipts journal summary to the state treasurer's office as documentation for the remittance of the real estate excise tax deposit. County treasurers shall use the adjustment area provided on the batch transmittal form to reflect any refunds made during the month and shall attach all refund documentation to the batch transmittal form that accompanies the affidavit batch.

AMENDATORY SECTION (Amending WSR 87-03-036 (Order PT 87-1), filed 1/16/87)

WAC 458-61-080 Affidavit requirements. This section applies only to sales of real property which are evidenced by conveyance, deed, grant, assignment, quitclaim, or transfer of the ownership of or title to real property.

(1) Affidavit Contents. (a) The law requires the department to prescribe a form of real estate excise tax affidavit to be completed by taxpayers and filed with the county treasurer of the county where the transferred property is located. Affidavit forms will be furnished by the department to the county treasurers for this purpose.

(b) Each county shall use the affidavit form prescribed and furnished by the department.

(c) The affidavit shall be signed by both the grantor and the grantee, or the agent of either, under oath attesting to all required information.

~~((1))~~ (2) When Affidavit is Required. Except for the transfers listed under subsection ~~((2))~~ (3) of this section, the real estate excise tax affidavit ~~((shall be))~~ is required for all transfers of real property including, but not limited to, the following:

(a) Conveyance from one spouse to the other as a result of a decree of divorce or dissolution of a marriage, or in

fulfillment of a property settlement agreement incident ~~((thereto))~~ to a divorce;

(b) Conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding;

(c) Conveyance made pursuant to the provisions of a deed of trust;

(d) Conveyance of an easement ~~((in))~~ which is taxable ~~((consideration passes));~~

(e) A deed in lieu of foreclosure of mortgage;

(f) A deed in lieu of forfeiture of a real estate contract;

(g) Conveyance to the heirs in the settlement of an estate;

(h) Conveyance to or from the United States, the state of Washington, or any political subdivision or municipal corporation of this state;

(i) A declaration of forfeiture of a real estate contract;

(j) Conveyance of development rights, water rights, or air rights; and

(k) A boundary line adjustment.

~~((2))~~ (3) When Affidavit is Not Required. The real estate excise tax affidavit ~~((shall))~~ is not ~~((be))~~ required for the following and county treasurers shall not take affidavits for these specific types of transactions:

(a) Conveyance of cemetery lots or graves;

(b) Conveyance for security purposes only and the instrument states on the face of it:

(i) For security only;

(ii) To secure a debt;

(iii) Assignment of a debt;

(iv) For collateral purposes only;

(v) Release of collateral;

(vi) To release security;

(c) A lease of real property that does not contain an option to purchase, or does not transfer lessee-owned improvements;

(d) A mortgage or deed of trust or a satisfaction ~~((thereof))~~ of mortgage or reconveyance of a deed of trust;

(e) Conveyance of an easement ~~((in))~~ which is not taxable ~~((no consideration passes or an easement to the United States, the state of Washington, or any political subdivision or municipal corporation of this state))~~ (WAC 458-61-335);

~~((f))~~ ~~((A recording of a contract that changes only the contract terms and not the legal description, purchaser, or sales price, if the affidavit number of the previous transaction is reported;))~~

~~((g))~~ (f) A seller's assignment of deed and contract;

~~((h))~~ (g) A fulfillment deed pursuant to a real estate contract;

(h) A community property agreement which converts separate property of either spouse to community property; and

(i) Options to purchase.

~~((3))~~ ~~((County treasurers shall not accept incomplete affidavits. It is the taxpayers' responsibility to furnish complete documentation for claimed tax exemptions. It is the county treasurers' responsibility and authority to require that such documentation, as required by this chapter, shall be furnished by the taxpayers or their agents.))~~

(4) Claims of exemption. (a) ~~((Among other requirements set forth in WAC 458-61-030(1),))~~ All affidavits which state claims for tax exemption must show:

(i) Current assessed values of parcels involved as of ~~((transaction))~~ the date of sale; and

(ii) Complete reasons for exemptions, including reference to the specific tax exemption in this chapter ~~((in all cases where the exemption is based upon a prior payment of the tax, the prior payment date, amount and affidavit number must be provided on the current affidavit))~~.

(iii) A quitclaim deed is a conveyance instrument. It is not, in itself, a reason for tax exemption. A valid ~~((reason for the))~~ tax exemption must be shown on the affidavit. ~~((Likewise statements such as "to clear title only" and "no consideration" are not complete reasons for tax exemption.))~~

(b) When the transfer of property is to two or more grantees, the affidavit must clearly state the relationship between them such as joint tenants, tenants in common, partners, etc., and the form and proportion of interest that they are each acquiring.

(c) In the case of a used mobile home that is sold with the land upon which it is located, the county treasurer may require the completion of either two affidavits, both real and mobile home, or a single real property affidavit. At the county treasurer's option, a separate mobile home affidavit may not be required if the real property affidavit lists the make, model, year, size and serial number of the unit. Such information should be contained as a separate item within the legal description portion of the affidavit.

(5) Incomplete Affidavits - Duty of Treasurer. County treasurers shall not accept incomplete affidavits. Taxpayers must furnish complete and accurate information on affidavits as well as complete documentation for claimed tax exemptions. The county treasurers have the responsibility to require that taxpayers or their agents furnish proper documentation. An affidavit is incomplete if any required information is omitted or obviously incorrect, such as the use of a nominal selling price. A nominal selling price is an amount stated on the affidavit which is so low in comparison with the fair market value assessment stated on the property tax rolls so as to cause disbelief by a reasonable person. In the case of a nominal selling price, the county assessed value shall be used as the selling price.

(6) To accommodate the requirement that the affidavit be signed by both the grantor and grantee or agents of each, identical affidavits may be submitted for a transaction, one bearing the grantor's signature or that of their agent and one bearing the grantee's signature or that of their agent. Both affidavits must be complete and have identical information. The county treasurer will receipt the affidavit signed by the taxpayer (grantor or grantee) and the other affidavit will not be receipted but will become an attachment to the first.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-090 ((Timing of payment—Late payment penalty.)) Interest and penalties - Date of sale. (1) The tax imposed under ~~((RCW 82.45.070))~~ Chapter 82.45 RCW is due and payable to the county treasurer as of the ~~((transaction))~~ date of sale, whether or not the contract of sale or instrument of conveyance is recorded at that time.

(2) If the tax is paid within thirty days ~~((of the transaction))~~ following the date of sale, ~~((the late payment penalty is))~~ interest will not be applied. If the tax is not paid ~~((more~~

~~than))~~ within thirty days ~~((after))~~ following the ~~((transaction))~~ date of sale, ~~((a one percent penalty is))~~ interest in the amount of one percent will be applied to the amount of unpaid tax for each thirty-day period, or part thereof, beginning with the ~~((transaction))~~ date of sale to the date of ~~((final and complete))~~ full payment.

(3) In addition to the interest described in subsection (2) of this section, if the payment of any tax is not received by the county treasurer within thirty days of the date of sale, a penalty of five percent of the amount of the tax will be added to the tax due; if the tax is not received within sixty days of the date of sale, a total penalty of ten percent shall be added to the tax due; and if the tax is not received within ninety days of the date of sale, a total penalty of twenty percent will be added to the tax due. Penalties shall be assessed only against the grantor and shall not be included in the lien arising under RCW 82.45.070. See RCW 82.45.100.

~~((3) The tax is due as of the transaction date whether or not the contract or conveyance documents are recorded at that time. If the tax is not paid within thirty days of the transaction date, the late payment penalty in subsection (2) of this section, is applicable for the period which the tax remains unpaid.))~~

(4) Where an instrument of sale or conveyance is signed and delivered by the grantor to an escrow agent licensed under Chapter 18.44 RCW, a title company, a title insurance company, or an attorney at law acting as an escrow agent, with instructions to deliver the instrument to the grantee upon the fulfillment of one or more conditions, the date of sale will be presumed to be the date that the instrument is presented for recording, subject to the following:

(a) A statement, as provided by WAC 458-61-150, signed by the escrow agent, the title company agent, the title insurance company agent, or attorney, is attached to the affidavit indicating that the instrument was delivered to such person in the capacity of an escrow agent; and

(b) The date shown on the instrument is not more than ninety days prior to the date the affidavit is presented to the county treasurer for filing.

(5) In all other cases the date of sale will be presumed to be the date shown on the instrument. A taxpayer alleging a date of sale other than the instrument date has the burden of proving that delivery of title or ownership of the property in exchange for consideration occurred on the date alleged.

AMENDATORY SECTION (Amending WSR 86-16-080 (Order PT 86-3), filed 8/6/86)

WAC 458-61-100 Refunds of tax paid. (1) Taxpayers who have paid the real estate excise tax or who have received a notice of assessment of tax and who wish to ~~((seeking to))~~ contest the application of the real estate excise tax ~~((upon))~~ to a particular transfer ~~((of real property must pay the tax prior to))~~ may file a petition for refund or correction of assessment as provided in this section.

(2) Refunds. Any person who has overpaid any tax, interest, or penalty, may apply for a refund within four years from the date of sale by petitioning in writing for a refund of the amount overpaid. ~~((Taxpayers shall obtain copies of the "Petition for real estate excise tax refund"))~~ forms prescribed by the department and made available ~~((from))~~ at

the county treasurers' offices and at the department. ~~((as provided by the department. After completing the form.))~~

(a) The taxpayer shall submit the completed form and all documentation supporting the claim for refund to the county treasurer's office in the county where the tax was originally paid.

(b) If the taxpayer originally paid the tax directly to the department, the form and supporting documentation shall be submitted to the department in accordance with the requirements of WAC 458-20-100 (Appeal Procedures). See WAC 458-61-110.

(3) If the taxpayer submits the petition for refund before the county treasurer has sent to the department the copy of the affidavit which receipted the tax payment now in question, the county treasurer is authorized to void the receipted affidavit copies, based upon the criteria listed in subsection (5) of this section, and issue the refund. If the county treasurer authorizes and issues such refund, the voided copy of the affidavit, with a copy of the refund petition attached, must be included in the monthly affidavit batch sent to the department. If the county treasurer does not authorize such refund, the treasurer shall send the petition for refund, along with a copy of the affidavit and all supporting records, to the department. The procedure for petitions sent to the department shall follow subsection (4) of this section.

(4) If the taxpayer submits the petition for refund after the county treasurer has sent to the department the copy of the affidavit which receipted the payment now in question, the county treasurer shall verify the information on the petition and forward it to the department with a copy of the affidavit and any other supporting records furnished by the taxpayer. The department shall approve or deny the refund. ~~((If denied, the petition for refund shall be returned to the petitioner with the reason for denial.))~~ The taxpayer may then appeal the imposition of the tax under the appeal procedures. See WAC 458-61-110: Tax appeals. If such petition is denied, the department will return to the petitioner all supporting documents which are submitted with the petition for refund.

(5) The authority ~~((of the department))~~ to issue tax refunds under this chapter is limited to the following:

(a) Transactions that are completely rescinded as defined in WAC ~~((458-61-030(19)))~~ 458-61-590;

(b) Sales rescinded by court order. In such case a copy of the court decision must be attached to the department's affidavit copy by the county treasurer (see also WAC 458-61-330 - Court order—Transfer pursuant to);

(c) Double payment of the tax;

(d) Overpayment of the tax through error of computation;

(e) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt;

~~((f) Nonpayment of valuable consideration by grantee.))~~

~~((5) The authority of the county treasurers to issue tax refunds under subsection (2) of this section is limited to the following reasons:~~

~~(a) Double payment of the tax;~~

~~(b) Overpayment of tax through error of computation;~~

~~(c) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt;~~

~~(d) Rescission of sale prior to closing; or~~

~~(e) Nonpayment of valuable consideration by grantee.))~~

(6) Only the taxpayer or authorized agent may petition for a refund of tax.

~~((7) Refunds approved by the county treasurer or by the department shall be paid to the petitioner.~~

~~(a) After the real estate excise tax receipt stamp has been voided on the conveyance instrument provided that this conveyance instrument has not been recorded; or~~

~~(b) In the case where the conveyance instrument was recorded, after a second conveyance instrument has been recorded to reverse the effect of the original conveyance instrument.~~

~~In either of the above procedures (a) or (b), the county treasurer or department shall advise the petitioner of the approval of the refund and the necessity to provide the unrecorded conveyance instrument or a reversing conveyance instrument. The county treasurer shall note the issuance of the refund on the affidavit copy maintained in county files and shall notify the county assessors office of the refund.))~~

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-120 ((Fraud)) Evasion penalty. (1) A penalty of fifty percent of the proper tax due, or remaining due after insufficient payment, is to be applied by the department to taxable real estate transfers involving an intent to evade the payment of tax. For this purpose, intent to evade means knowingly making false statements or taking actions so as to intentionally fail to pay the proper real estate excise tax due ~~((wilful fraud with intent to evade the tax)).~~

(2) ~~((Wilful fraud with))~~ Intent to evade the tax is illustrated by, but not limited to, the following examples:

(a) Knowingly stating a false ~~((sales))~~ selling price;

(b) Knowingly stating a sale as a gift;

(c) Knowingly claiming a false reason for tax exemption.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-130 Department audit responsibility. ~~((RCW 82.45.150))~~ (1) The department shall conduct audits of transactions and ~~((real estate excise tax affidavits and shall))~~ determine any underpayment of tax ~~((payment deficiency where such exists)).~~ If ~~((F))~~ the department discovers an underpayment, it shall notify taxpayers ~~((and appropriate county treasurers of tax payment deficiencies))~~ and assess the additional tax due as well as all applicable interest and penalties. ~~((Such))~~ Deficiency notices ~~((shall))~~ will inform taxpayers ~~((as to the tax payment required from them))~~ of the amount owing and set forth reasons ~~((why such deficient tax amount has been assessed against them by the department))~~ for the assessment.

(2) If the taxpayer receiving ~~((such))~~ a notice of ~~((tax payment))~~ deficiency has not answered the same within thirty days after its being mailed by the department, the department shall enforce the collection of ~~((such))~~ the deficient tax through the administrative provisions ~~((set forth))~~ in chapter 82.32 RCW.

~~((3) In its audits of the taxability of real estate transactions, the department will generally rely upon, but not be limited to, information:~~

- ~~(a) The real estate excise tax affidavits, including the entire affidavit file at the county treasurer's office;~~
~~(b) Documents recorded by the county auditor;~~
~~(c) The assessment rolls and in the field books in the county assessor's office; and~~
~~(d) Records supplied by the taxpayer;))~~

(3) Any person may request from the department a predetermination of real estate excise tax liability pertaining to any proposed transfer of real property or to any proposed transfer or acquisition of the controlling interest of an entity with an interest in real property. Requests for predetermination of liability should be addressed to the department's taxpayer information and education section and be accompanied by sufficient facts as will enable the department to ascertain the proper tax liability.

AMENDATORY SECTION (Amending WSR 87-03-036 (Order PT 87-1), filed 1/16/87)

WAC 458-61-150 Supplemental statements. The department shall provide the county treasurer offices with a uniform multi-use supplemental statement form for use in meeting the ~~((as required by))~~ requirements of the following sections of this chapter:

- ~~((1) WAC 458-61-210, Assignments—Purchasers))~~
(1) WAC 458-61-090(4), Interest and Penalties - Date of Sale
~~((2) WAC 458-61-230, Bankruptcy))~~
~~((3) WAC 458-61-320, Corporation—Nonfamily))~~
~~((4) WAC 458-61-410, Gifts))~~
~~((5))~~ (2) WAC 458-61-550, Nominee
(3) WAC 458-61-320, Corporation
(4) WAC 458-61-480, IRS "Tax Deferred" Exchange

The supplemental statements ~~((shall))~~ are to be completed as required by the instructions ~~((therein))~~ contained on the form and by each of the sections listed in subsections (1) through ~~((5))~~ (4) of this section. The county treasurer shall distribute the supplemental statement as follows: Original attached to original of affidavit; first copy attached to the department's copy of the affidavit; second copy attached to the assessor's copy of the affidavit; and third copy attached to the taxpayer's copy of the affidavit. Except for the notary requirements of WAC ~~((458-61-320(4)))~~ 458-61-375 and 458-61-550, ~~((such))~~ supplemental statements ~~((shall))~~ are to be unsworn written statements which meet the requirements set forth in RCW 9A.72.085.

TAXABILITY OF TRANSFERS

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-200 Apartments. The real estate excise tax applies to the sales of ~~((an))~~ individual apartments by the owner of an apartment building which entitles the ~~((purchaser))~~ grantee to a warranty deed upon completion of payments ~~((is a "sale" within the meaning of RCW 82.45.010; therefore, the sale is subject to the real estate excise tax)).~~

AMENDATORY SECTION (Amending WSR 87-03-036 (Order PT 87-1), filed 1/16/87)

WAC 458-61-210 Assignments—Purchasers. (1) The real estate excise tax does not apply to ~~((the following types of purchaser's assignments, provided that no consideration passes to the grantor:~~

~~((a) Cancellation or forfeiture of the vendee's interest in a contract of sale, deed in lieu of foreclosure of mortgage or deed in lieu of forfeiture of a real estate contract all of which are being conveyed to the lien holder as the result of default of the obligation;))~~ assignments of a purchaser's interest in an earnest money agreement where neither the earnest money agreement nor its assignment effect a present transfer of the title to or ownership of real property.

~~((b) Assumption by a grantee of the balance owing on an existing obligation which is secured by a mortgage, deed of trust or real estate contract where the grantee has become personally and principally liable for payment of that obligation.~~

The real estate excise tax affidavit is required for each of the above. If the transfer is an assumption under (b) of this subsection, the grantor must furnish the supplemental statement, as provided by WAC 458-61-150, signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor. (See WAC 458-61-150)

The tax exemption provided in (b) of this subsection does not apply to the following transfers:

- (i) Between a corporation and its stockholders, officers, or affiliated corporations (except that tax exemption contained in WAC 458-61-320(3));
(ii) Between a partnership and its members or another partnership or corporation owned by the same members;
~~((iii) Between joint venturers;~~
~~((iv) Between joint tenants;~~
~~((v) Between tenants in common; or~~
~~((vi) During the conversion of a joint or common tenancy, a joint venture, partnership, or corporation from one form of ownership to another form of ownership.))~~

(2) The real estate excise tax applies to transfers where the purchaser of real property under a real estate contract assigns his/her interest in ~~((such property))~~ the contract and receives valuable consideration for that interest. The measure of the real estate excise tax is the sum of the consideration paid or contracted to be paid to the grantor of such assignment plus the unpaid principal balance due on the assigned ~~((mortgage or))~~ real estate contract. ~~((Note: The consideration passing to the assignor of such interest in real property nullifies the exemptions granted in subsection (1) of this section, because each of these exemptions is granted upon the condition that no consideration passes to the transferee of the interest of real property.))~~

AMENDATORY SECTION (Amending WSR 84-17-002 (Order PT 84-3), filed 8/2/84)

WAC 458-61-220 Assignments—Sellers. The real estate excise tax does not apply where ~~((the vendor))~~ a seller of real property under a real estate contract assigns ~~((his/her))~~ any interest in the contract to a third party. The real estate excise tax affidavit is not required. The instrument of assignment must be stamped by the county treasurer as

required by ~~((RCW 82.45.090))~~ WAC 458-61-050. ~~((Such))~~ The stamp shall ~~((show))~~ cross-reference the number of the affidavit ~~((number on))~~ relating to the ~~((prior sale for which the current assignment is made))~~ contract being assigned.

AMENDATORY SECTION (Amending WSR 90-01-003, filed 12/7/89, effective 1/7/90)

WAC 458-61-230 Bankruptcy. The real estate excise tax applies to ~~((A))~~ conveyances of real property by a trustee in bankruptcy ~~((is subject to the real estate excise tax whether made by a trustee conducting the business of the bankrupt or by a trustee liquidating the bankrupt's estate. However, such a conveyance is))~~ when made under either a chapter 7 plan or chapter 13 plan, but not ~~((taxable))~~ when made under a ~~((post-petition))~~ chapter 11 plan or chapter 12 plan ~~((per 11 USC 1146 or 11 USC 1231 respectively)).~~

NEW SECTION

WAC 458-61-235 Boundary line adjustments. A transfer of real property for the purpose of establishing the location of a boundary line is taxable to the extent that consideration is given for the transfer. An affidavit is required whether or not consideration is present.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-250 Cemetery lots or graves. The real estate excise tax does not apply to ~~((F))~~ the sale of lots or graves in an established cemetery ~~((is not subject to the real estate excise tax)).~~ An established cemetery is one which meets the requirements for ad valorem property tax exemption under RCW 84.36.020. ~~((RCW 82.32.010))~~

NEW SECTION

WAC 458-61-255 Clearing title. The real estate excise tax does not apply to quitclaim deeds given for the purpose of clearing title only where no consideration passes otherwise. A narrative which explains the nature of the clearance of title must be signed by both grantor and grantee, or agents of either, and attached to the real estate excise tax affidavit. The original narrative will be retained with the original affidavit at the county treasurer's office and a copy of the narrative will be attached to the department's affidavit copy. Any consideration for the clearance of title causes the transaction to become taxable. An example of clearing title would be a quitclaim deed given to a partnership by an exiting minority partner for the purpose of removing any presumptive interest. A second example is the deeding of greenbelts, streets or common areas in a development by the developer to the homeowners association upon completion of the development and under the terms and covenants of the development.

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

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-300 Contractor. (1) If land is deeded to a contractor with an agreement to reconvey the property after construction of an improvement, the real estate excise tax does not apply to either the first conveyance or to the reconveyance subject to the following:

(a) The land is deeded for the sole purpose of enabling the contractor to obtain financing for the construction of the improvement on the property conveyed; and

(b) The agreement to reconvey is contained in a written statement made prior to the original conveyance.

(2) Where the requirements of subsection (1) of this section have been met ~~((In this case)),~~ the deed to the contractor, although absolute on its face, ~~((has simply created a security interest because of the requirement to reconvey the property after construction of the improvement))~~ will be treated as creating a security interest only. However, the sales price of the improvement is subject to retail sales tax under chapter 82.08 RCW and business and occupation tax under chapter 82.04 RCW (see excise tax bulletin 275.08.170). Real estate excise tax affidavits are ~~((nevertheless))~~ required for both the original conveyance and the reconveyance ~~((but)).~~ The affidavit must contain wording to the effect that the purpose of the transfers is for construction and security purposes only. The affidavit for reconveyance must refer to the date and number of the original affidavit.

(3) If a contractor, acting under the terms of a contract, purchases land on behalf of a customer for the purposes of constructing an improvement, the later conveyance to the property to the customer is not subject to the real estate excise tax provided the requirements of WAC 458-61-550 (Nominee) are met. The sales price of the improvement is subject to retail sales tax under chapter 82.08 RCW and business and occupation tax under chapter 82.04 RCW.

~~((2))~~ (4) Where the owner of a lot contracts to have an improvement built upon the lot and retains title to the land, or where a lessee contracts to have an improvement built upon the lot and retains the leasehold interest, the real estate excise tax does not apply to the purchase of the improvement.

~~((3))~~ (5) Where a ~~((contractor))~~ speculative builder owns a lot and builds an improvement upon it, the subsequent sale of land and improvement is subject to the real estate excise tax. Where a speculative builder sells a parcel of property with a partially constructed improvement on the understanding that the builder will complete the improvement, the real estate excise tax applies to the percentage of the project complete at the time of transfer. The retail sales tax applies to that portion of the selling price representing the construction to be completed after transfer.

~~((4))~~ The real estate excise tax applies to both conveyances where an owner desiring a new home conveys his existing home to a contractor who first uses that home as collateral to secure a loan under FHA to finance the construction of the new home and then conveys the old home to a third person.))

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

~~WAC 458-61-330 ((Court order—Transfer pursuant to))~~ **Foreclosure — Deeds in lieu of foreclosure.** (1) The real estate excise tax does not apply to any transfer or conveyance made pursuant to an order of sale by ~~((the))~~ a court in any mortgage or lien foreclosure proceeding or upon execution of a judgment. This exemption includes ~~((the))~~ a court ordered sale of real property by a trustee under the terms of a deed of trust ~~((by the trustee acting on behalf of the beneficiary to the deed of trust)).~~ ~~((Note:))~~ Real estate excise tax affidavits which state claims for this tax exemption must cite the ~~((court decision))~~ cause number of the foreclosure proceeding on the affidavit and the conveyance document. A copy of the court decision must be attached to the department's affidavit copy by the county treasurer. ~~((See also: WAC 458-61-280, Condemnation and WAC 458-61-650, Tenants in common, partition by.))~~

(2) The real estate excise tax does not apply to a transfer of real estate by deed from a mortgagor to the mortgagee in lieu of foreclosure. The tax also does not apply to a transfer from a contract purchaser to the contract holder in lieu of forfeiture of a contract of sale upon default of the underlying obligation. A copy of the recorded original mortgage, deed of trust or contract of sale must be attached to the real estate excise tax affidavit which accompanies the present deed in lieu of foreclosure or forfeiture.

(3) The real estate excise tax does not apply to the foreclosure sale of real property by the trustee under the terms of a deed of trust, whether to the beneficiary listed on that deed or to a third party.

AMENDATORY SECTION (Amending WSR 87-03-036 (Order PT 87-1), filed 1/16/87)

~~WAC 458-61-335 ((Development rights and air rights))~~ **Easements, development rights, water rights and air rights.** (1) The real estate excise tax applies to the conveyance of an easement for the use of real property in return for valuable consideration. A taxable sale has not occurred if valuable consideration does not pass, if the easement is transferred to a governmental entity under the threat of exercise of eminent domain, or any other exemption applicable under this chapter applies. An affidavit is required only if the transfer is taxable.

(2) The real estate excise tax applies to the sale of ((both)) development rights, water rights and air rights. The real estate excise tax affidavit must be completed for the transfer of development rights, water rights and air rights whether or not a taxable sale has occurred.

(3) "Development rights" means transferable rights to the unused development on a parcel of land measured by the difference between the existing development density on the parcel and the density allowed by applicable zoning laws.

(4) "Water rights" means transferable rights to the diversion, extraction or use of water arising by virtue of the ownership of land located contiguous to surface water or the issuance of a water permit by the department of ecology.

(5) "Air rights" means the exclusive undisturbed use and control of a designated air space within the perimeter of a stated land area and within stated elevations.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-340 Community property — Dissolution of marriage/divorce. (1) Where no consideration, other than love and affection, passes from one spouse to another in exchange for either establishing or separating community property, the transfer is not subject to the real estate excise tax. The affidavit must state that the purpose of the transfer is to establish or separate community property.

(2) The real estate excise tax does not apply to any transfer, conveyance, or assignment of property or interest in property from one spouse to the other ((in accordance with the terms of a decree of divorce or)) in fulfillment of a property settlement agreement incident ((thereto)) to a divorce. (RCW 82.45.010). This exemption does not apply to a sale of real property by either one or both spouses to a third party regardless of whether the sale is in accordance with the terms of a decree of divorce or property settlement agreement.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-370 Exchanges—Trades. The real estate excise tax applies when real property is exchanged for other real property or any other valuable property, either tangible or intangible. In the case where real property is exchanged for other real property, the transfer of each property is individually subject to the tax. The gross taxable value of each property is the fair market value of each property at the time of transfer - not the equity that each owner has vested in the properties. Where the true and fair value of a parcel of property is not reasonably ascertainable, the assessed value of the property on the assessment rolls of the county assessor may be used. (RCW 82.45.010 and 82.45.030)

NEW SECTION

WAC 458-61-375 Exemption-Mere change in identity or form-Family corporations and partnerships.

(1) **Introduction.** A transfer of real property, however effected, is exempt from the real estate excise tax if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. This exemption is not limited to transfers involving corporations and partnership and includes transfers by trusts, estates, associations and other entities. Except as provided in subsection (3) of this section, this exemption is limited to those transfers where no change in beneficial interest is made.

(2) **Exempt transactions.** A mere change in form or identity where no change in beneficial ownership has occurred includes, but is not limited to:

(a) The transfer by tenants-in-common of their interest in real property to a partnership or a corporation with the partnership or corporation interests received bring in the same pro rata shares as the tenants-in-common held prior to the transfer. Such transfer is non-taxable because there is no change in beneficial ownership. (See also: WAC 458-61-376,

Exemption-Transfers where gain is not recognized under the Internal Revenue Code.)

(b) The transfer by a corporation of its interest in real property to its shareholders who will hold the real property as tenants-in-common in the same pro rata share as they own the corporation. Such transfer is not taxable because there is no change in beneficial ownership.

(c) The transfer by a corporation of its interest in real property to its wholly owned subsidiary, the transfer of real property from a wholly owned subsidiary to its parent, or the transfer of real property from one wholly owned subsidiary to another. Such transfer is not taxable because there is no change in beneficial ownership.

(d) A transfer of real property to a corporation or a partnership in exchange for stock in the corporation or a partnership interest would qualify under this section and WAC 458-61-376, Exemption-Transfers where gain is not recognized under the Internal Revenue Code, if the transferor received all of the stock in the corporation or a pro rata partnership interest. However, if a non-family member receives 5% or more of the stock in the corporation, or, if the transferor does not receive a pro rata partnership interest, the transfer may continue to qualify under WAC 458-61-376, but would not qualify under this section because a change in beneficial ownership has been made.

(e) Corporate mergers and consolidations which are accomplished by stock transfers, and, mergers between corporations and limited partnerships as provided in Chapter 25.10 RCW.

(f) A transfer of real property to a newly-formed, beneficiary corporation from an incorporator to the newly-formed corporation, subject to the following:

(i) The proper real estate excise tax was paid on the original transfer to the incorporator;

(ii) It was documented on or before the original transfer that the incorporator was receiving title to the property on behalf of that corporation during its formation process; and

(iii) A notarized statement, as provided in WAC 458-61-150, is attached to the affidavit for the second transaction. This tax exemption does not apply where a real property owner had acquired title in his/her own name and later transferred title to the corporation upon formation.

(g) The distribution of partnership real property to the partners so long as each parcel of property distributed vests in each of the partners in proportion to the partner's interest in the partnership. The tax will apply to the extent a distribution of any parcel of real property is disproportionate to the interest in the partnership of a grantee partner.

(h) A transfer into any revocable trust. The tax does not apply to a conveyance from a trustee of a revocable trust to the original grantor or a beneficiary where no valuable consideration passes or the gift or inheritance exemption applies. The real estate excise tax applies to the sale of real property by the trustee to a third party or a beneficiary for valuable consideration.

(3) **Family Corporations and Partnerships.** Notwithstanding a change in beneficial ownership, the exemption includes transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: *PROVIDED*, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children

voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

NEW SECTION

WAC 458-61-376 Exemption-Transfers where gain is not recognized under the Internal Revenue Code. (1) **Introduction.** An exemption from the real estate excise tax is allowed for a transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of section 332, 337, 351, 368 (a)(1), 721, or 731 of the Internal Revenue Code of 1986, as amended.

(2) **Internal Revenue Code sections.**

(a) Section 332 - Corporate liquidations - Complete liquidations of subsidiaries.

(b) Section 337 - Corporate liquidations - Nonrecognition for property distributed to parent in complete liquidation of subsidiary.

(c) Section 351 - Corporate organizations and reorganizations - Transfer to corporation.

(d) Section 368 (a)(1) - Corporate organizations and reorganization - Definitions relating to corporate reorganizations - Reorganizations - In general.

(e) Section 721 - Partners and Partnerships - Nonrecognition of gain or loss on contribution.

(f) Section 731 - Partners and Partnerships - Extent of recognition of gain or loss on distribution.

(3) **Extent of exemption.** The exemption applies only to transfers which qualify as nonrecognition of gain or loss transactions under the Internal Revenue Code for entity formation, liquidation or dissolution, and reorganization.

(a) The exemption does not apply to transactions under Internal Revenue Code section 1031 - Exchange of property held for productive use or investment. This Internal Revenue Code section does not deal with entity formation, liquidation or dissolution, or reorganization. (See: WAC 458-61-480 - IRS "Tax deferred" exchanges.)

(b) The exemption does not apply to sales under Internal Revenue Code section 1034 - Rollover of gain on sale of principal residence. This Internal Revenue Code section does not deal with entity formation, liquidation or dissolution, or reorganization.

(4) **Treatment when gain is partially recognized in an otherwise exempt transaction.** In the event a transaction qualifies for the exemption under this section as a nonrecognition of gain or loss transaction for entity formation, liquidation or dissolution, or reorganization, but gain is partially recognized under the Internal Revenue Code

provisions, the real estate excise tax applies to the amount of the transaction for which gain is recognized.

(a) Example 1. In an otherwise nontaxable Internal Revenue Code section 351 transaction, A transfers to X Corporation real property which has a true and fair value of \$100,000 (in which A has a basis of \$50,000 for federal income tax purposes). A receives, in exchange, X Corporation stock worth \$80,000, cash of \$10,000 and a promissory note from X Corporation to pay A \$10,000, payable monthly, starting at closing, for 36 months at 6% interest. The \$10,000 cash received and the \$10,000 promissory note constitute "boot" under the provisions of Sec. 351 and gain is recognized to the extent of the "boot". For real estate excise tax purposes, the non-exempt portion is 20% (\$20,000/\$100,000) and the real estate excise tax applies to 20% of the true and fair value of the real property transferred, \$20,000, with 80% or \$80,000 of the true and fair value of the property being exempt.

(b) Example 2. In an otherwise nontaxable Internal Revenue Code section 351 transaction, B transfers to Y Corporation, real property with a true and fair value of \$50,000, machinery worth \$250,000. B receives, in exchange, Y stock worth \$275,000 and cash of \$25,000. The cash received constitutes "boot" and gain is recognized. For real estate excise tax purposes, the non-exempt portion of the transaction is 8.3% (\$25,000/\$300,000). The non-exempt percentage (8.3%) is applied to the true and fair value of the real property (\$50,000) to arrive at the amount (\$4,167) to which the real estate excise tax is applied.

(5) **Rules of construction.** In the determination of whether a transaction qualifies as an exemption under this section, the law, regulations, bulletins, technical memoranda, letter rulings, etc., of the Internal Revenue Code and the Internal Revenue Service, as interpreted by the courts, shall apply to a determination for real estate excise tax purposes. If a transfer has been determined under this chapter and the same transfer is examined and determined for federal tax purposes with the determination becoming fixed under federal law either by agreement with the taxpayer or through final determination in the federal court, then the determination as fixed under this chapter shall be the same as the final federal tax determination.

AMENDATORY SECTION (Amending WSR 84-17-002 (Order PT 84-3), filed 8/2/84)

WAC 458-61-400 ((Fulfillment deed.)) Creation, assignment and release of security interests. (1) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment of the security interest, is not a taxable transaction and completion of the affidavit is not necessary.

(2) A deed given ((the vendee in)) to a purchaser under a real estate contract upon fulfillment of the terms of ((mortgage or)) the contract is not subject to the real estate excise tax, provided that the proper tax was paid on the original transaction. Similarly, the real estate excise tax is not due upon the delivery of a release of security interest, satisfaction of mortgage, or reconveyance under the terms of a mortgage or deed of trust. The real estate excise tax affidavit is not required for any of the preceding transfers. The fulfillment deed, release, satisfaction of mortgage, or

reconveyance must be stamped by the county treasurer as required by ((RCW 82-45-090)) WAC 458-61-050. ((Such)) In the case of a fulfillment deed, the stamp shall show the affidavit number ((en)) of the sale which ((this)) the deed is fulfilling.

AMENDATORY SECTION (Amending WSR 86-16-080 (Order PT 86-3), filed 8/6/86)

WAC 458-61-410 ((Gifts.)) Gifts and inheritances.

(1) Gifts. Transfers of real property as gifts are not subject to the real estate excise tax provided that the transfer is without consideration or that love and affection is the only consideration.

(a) When any consideration other than love and affection is present in the transfer, the transaction is taxable to the extent of the consideration and the consideration shall include, in addition to other consideration, the indebtedness balance when the real property which is transferred is encumbered by a lien securing an indebtedness.

(b) Completion of the real estate excise tax affidavit is required for transfers by gift.

~~((Completion of the real estate excise tax affidavit is required and the supplemental statement as provided by WAC 458-61-150 shall be furnished with both grantor and grantee signatures unless the parties are family related or the grantee is a tax exempt organization under chapter 84.36 RCW. In such case no separate statement is required to be attached to the affidavit but the nature of the family relationship or the fact that the grantee is a tax exempt organization under chapter 84.36 RCW must be stated on the affidavit and the grantor or grantee must sign the affidavit.))~~

(2) Inheritances. Transfers of real property by inheritance are not subject to the real estate excise tax.

(a) A non-prorata distribution by a personal representative of real property making up the residuary estate of a decedent is not taxable so long as the transfer is approved by a court or made pursuant to nonintervention powers granted by the decedent's last will and testament under RCW 11.68.090 and no consideration passes between the grantee beneficiary and the estate. If consideration is given by the grantee beneficiary, the transfer will be taxable to the extent of the consideration.

(b) Completion of the real estate excise tax affidavit is required for transfers by inheritance.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-420 Government((s)) transfers ((to or from)). (1) The real estate excise tax does not apply to transfers ((to or)) of real property from the United States, any agency thereof, the state of Washington, any political subdivision thereof, or municipal corporation of this state. Furthermore, the tax does not apply to ((transfer to or from any federally chartered credit union.));

(a) Transfers to the United States, the state of Washington or any political subdivision thereof, or a municipal corporation, either under threat of the exercise of eminent domain or as a result of the actual exercise of eminent domain;

(b) Transfers to the federal housing administration or veteran's administration by an authorized mortgagee made

pursuant to a contract of insurance or guaranty with the federal housing administration or veteran's administration.

(c) Transfers for a public use in connection with the development of real property when made: to the United States, the state of Washington or any political subdivision thereof, or a municipal corporation.

(2) The tax applies to sales of real property to governmental entities from non-governmental entities. ((RCW 82.45.010))

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-430 (~~(Improvements sold on leased land.)~~) **Sale of improvements to land.** (1) ~~((The real estate excise tax applies to the sale of improvements on leased land held in private ownership if the terms of the sales contract do not require that the improvements be removed from the land.))~~ The sale of an improvement constructed on real property is subject to the real estate excise tax if the contract of sale does not require that the improvements be removed at the time of sale.

(2) The transfer of a lessee's interest in a leasehold for a valuable consideration is taxable to the extent the transfer includes any improvement constructed on leased land.

(3) If the selling price of an improvement is not separately stated, or cannot otherwise be reasonably determined, the assessed value of the improvement as entered on the assessment rolls of the county assessor will be used. See WAC 458-61-030(2).

~~((2))~~ (4) The real estate excise tax does not apply to the sale of improvements ~~((on leased land held in private ownership))~~ if the terms of the sales contract require that the improvements be removed from the land. In this case the improvements are considered personal property and their ~~((sale))~~ use by the purchaser is subject to the use tax under chapter 82.12 RCW.

~~((3))~~ The real estate excise tax applies to the sale of improvements on leased land held in public ownership. However, if the sale price includes a valuable leasehold estate, the value of the leasehold estate must be deducted from the sales price before application of the tax.)

(5) ~~((Note:))~~ Completion of the affidavit is required for all of the above transfers except a transfer described in subsection (4) in which case the purchaser must file a use tax return with the department. ~~((Affidavits for sales under subsection (2) of this section should show the improvement's sales price as "gross sales price" and deduct this same amount under "deduct personal property." The result will be net taxable sales price of zero.))~~

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-470 Irrigation equipment. (1) Any part of a center pivot irrigation system, or any part of an irrigation system that is underground, is considered real property and is subject to the real estate excise tax.

(2) Any irrigation equipment that is above ground, other than a center pivot irrigation system, is considered personal property and its sale is not subject to the real estate excise tax, but is subject to the use tax.

(3) The transfer of irrigation equipment constituting personal property which accompanies a sale of real property should be listed separately as personal property on the real estate excise tax affidavit.

AMENDATORY SECTION (Amending WSR 83-02-022 (Order PT 82-10), filed 12/28/82)

WAC 458-61-480 IRS "tax deferred" exchange. (1) The real estate excise tax applies to the transfer or exchange of real property whether or not federal income tax or capital gains tax is "deferred" or "exempted" under ~~((the))~~ Internal Revenue ~~((Service codes))~~ Code section 1031. The real estate excise tax applies to each property transferred in a section 1031 exchange. See WAC 458-61-370 (Exchanges — Trades).

(2) Acquisition of property by an exchange facilitator in connection with a section 1031 tax deferred exchange is subject to the real estate excise tax. The later transfer of the property by the facilitator in completion of the exchange will also be subject to the real estate excise tax unless the following requirements are met:

(a) The proper tax was paid on the initial transaction;

(b) A supplemental statement signed by the exchange facilitator, as provided by WAC 458-61-150, is attached to the real estate excise tax affidavit indicating that the facilitator originally took title to the property for the sole purpose of effecting a section 1031 federal tax deferred exchange; and

(c) The funds used by the exchange facilitator to acquire the property were provided by the grantee and/or received from the proceeds of the sale of real property owned by the grantee. If the deeds for both transactions to and from the facilitator are being recorded at the same time, the proper tax can be paid on either the first or the second transaction at the discretion of the facilitator;

(3) A real estate excise tax affidavit is required for each transfer in a section 1031 exchange including the transfers to and from an exchange facilitator. The affidavit reflecting the claim for tax exemption must show the affidavit number and date of the tax payment, and have attached the supplemental statement as provided by WAC 458-61-150 and subsections (2)(a) and (b) of this section.

AMENDATORY SECTION (Amending WSR 84-17-002 (Order PT 84-3), filed 8/2/84)

WAC 458-61-510 ~~((Lease with option to purchase.))~~ **Leases.** (1) The real estate excise tax ~~((shall apply))~~ applies to a lease with option to purchase at the time ~~((when))~~ the purchase option is exercised~~((:))~~ and the property is transferred.

(2) The real estate excise tax does not apply to the assignment of the lessee's interest in the leasehold except to the extent that the assignment includes the grant, assignment, quitclaim, sale or transfer of improvements constructed upon leased land. See WAC 458-61-430.

(3) An affidavit is required to be submitted to the county treasurer when the lease with option to purchase originates.

~~((1))~~ If the option to purchase must be exercised within a period no longer than two years after the original com-

~~menecement of the lease and the amount of lease payments will not exceed half of the purchase price; or~~

~~(2) If none of the lease payments apply toward the ultimate sales price.~~

~~Transactions lacking the above criteria are taxable at the time that the lease with option to purchase agreement originates. The sales price shall be considered to be the purchase price stated in the lease option agreement. If the selling price is not stated in the instrument, the grantor, grantee or the agent of either shall, by affidavit, state the option price intended and the tax levied hereunder shall be on such stated option price. **PROVIDED**, That upon execution and delivery of the instrument of conveyance or transfer pursuant to such option a second affidavit stating the actual consideration shall be filed with the county treasurer. If the actual consideration passing is greater than the option price stated in the affidavit filed at the time the lease option was executed, there shall be collected the tax on such additional amounts prior to the time the deed is accepted for recording. If the actual consideration is the same as the option price originally stated, no additional tax will be collected. If the actual consideration is less than the option price stated, refund of excess tax shall be made.))~~

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-520 ~~((Mineral rights.))~~ **Mineral rights and mining claims.** (1) **Mineral Rights.** The real estate excise tax applies to the sale of mineral rights in private property. ~~((A quitclaim deed, in-itself, is not a valid reason for tax exemption.))~~

~~((2))~~ (a) A conditional sale of mining property in which the ~~((buyer))~~ grantee has the right to terminate the contract at any time, and a lease and option to buy mining property in which the lessee-~~((buyer))~~ grantee has the right to terminate the lease and option at any time, shall be taxable at the time of execution only on the consideration received by the ~~((seller))~~ grantor or lessor for execution of such contract. The tax due on any additional consideration paid by the ~~((buyer))~~ grantee and received by the ~~((seller))~~ grantor shall be paid to the county treasurer:

~~((a))~~ (i) at the time of termination, ~~((or))~~

~~((b))~~ (ii) at the time that all of the consideration due to the ~~((seller))~~ grantor has been paid and the transaction is completed except for the delivery of the deed to the ~~((buyer))~~ grantee, or

~~((c))~~ (iii) at the time when the ~~((buyer))~~ grantee unequivocally exercises an option to purchase the property, whichever of the three events occurs first.

(b) "Mining property" means property containing or believed to contain metallic or nonmetallic minerals and sold or leased under terms which require the grantee or lessee to conduct exploration or mining work thereon and for no other use. (RCW 82.45.035)

(c) A mining lease which grants the lessee the right to conduct mining exploration upon or under the surface of real property and to remove minerals from the property in exchange for a royalty is not subject to the real estate excise tax: provided, that the lease does not transfer ownership of the minerals to the lessee prior to severance from the real property.

(2) Mining Claims (a) Patented mining claims are real property and their sale is subject to the real estate excise tax.

(b) Unpatented mining claims are intangible personal property and therefore not subject to the real estate excise tax.

AMENDATORY SECTION (Amending WSR 86-16-080 (Order PT 86-3), filed 8/6/86)

WAC 458-61-540 ~~((Mobile home sales.))~~ **Mobile and floating home sales.** (1) **Mobile Homes.** (a) The real estate excise tax applies to transfers of used mobile homes. Used mobile homes are mobile homes that:

~~((a))~~ (i) Have become affixed to land by being placed upon a foundation (post or blocks) with fixed pipe connections with sewer, water, and other utilities;

~~((b))~~ (ii) The mobile home's removal from the land is not a condition of sale; and

~~((c))~~ (iii) The retail sales or use tax has been paid on a previous sale or use of the home.

~~((2))~~ (b) The retail sales or use tax applies to any of the following mobile home sales:

~~((a))~~ (i) Initial retail sale;

~~((b))~~ (ii) Sale from a dealer's lot of either a new or used unit;

~~((c))~~ (iii) Sale conditional on removal of the unit from its fixture to land; or

~~((d))~~ (iv) Sale of a unit that is not affixed to land by virtue of its placement upon a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

~~((3))~~ (c) The sale of a new or used mobile home is subject either to the real estate excise tax as set forth in subsection (1)(a) of this section, or to the retail sales or use tax as set forth in subsection ~~((2))~~ (1)(b) of this section. A single sale of a mobile home is not subject to both taxes.

~~((4))~~ (d) The decision whether to apply the real estate ~~((sales))~~ excise tax versus the retail sales or use tax should be made without considering the mobile home's status as real or personal property on the assessment rolls. Both taxes are upon transfers of property and it is the characteristics of the transfer, not the classification, that determines which tax to apply.

~~((5))~~ A separate mobile home affidavit is not necessary when the primary affidavit lists the make, model, year and serial number of the mobile home. This information should be listed as a separate item in the legal description portion of the affidavit.)

(e) "Mobile home" means a mobile home as defined by RCW 46.04.302.

(2) Floating Homes. The real estate excise tax applies to sales of used floating homes. A used floating home is a building which is:

(a) Constructed on a float used in whole or in part for human habitation as a single-family dwelling;

(b) Not designed for self propulsion by mechanical means or for propulsion by means of wind; and

(c) Listed on the real property tax rolls of the county in which it is located and in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

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 458-61-548 Native American. (1) **Introduction.** Certain exemptions from the real estate excise tax exist when the transfers involve Native Americans. See WAC 458-20-192 for the general rule on taxation of Native Americans.

(2) **Definitions.** (a) "Native American Reservation" means the area set aside by the United States for a Native American Tribe by treaty, law, or executive order and which is an area recognized as a "Reservation" by the United States Department of the Interior. The following Washington reservations are currently recognized by the United States Department of the Interior: Chehalis, Colville, Hoh, Jamestown S'Klallam, Kalispel, Elwha S'Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S'Klallam, Puyallup, Quileute, Quinault, Saux-Suiattle, Shoalwater, Skokomish, Spokane, Squaxin Island, Stillaguamish, Suquamish, Swinomish, Tulalip, Upper Skagit and Yakima. Should any additional Native American Reservations be recognized by the Department of the Interior subsequent to the adoption of this rule, they would also be subject to its provisions.

(b) "Native American Tribe" means any Native American nation, tribe, band, or community recognized as such by the United States Department of the Interior.

(c) "Native American" and/or "tribal member" mean a person enrolled on the roll of the Native American Tribe occupying a Native American Reservation, and residing or operating a business upon the Native American Reservation of the tribe in which the person is enrolled.

(3) **In general.** (a) The real estate excise tax does not apply to transfers to or from Native American individuals or tribes when the United States government acts as trustee on behalf of that Native American individual or tribe.

(b) The real estate excise tax does not apply to sales of property located within the boundaries of a Native American Tribe's Reservation by Native American individuals enrolled on the tribal rolls of the Tribe concerned or by the Tribe itself. The tax exemption is valid even where the buyer of the property is not a tribal member. This exemption includes sales where mobile homes are sold affixed to the land. (See also, WAC 458-61-540).

(c) The real estate excise tax does not apply to sales of timber made by Native Americans holding trust allotments or fee patented lands located within the borders of the Native American Reservation of the Tribe on whose tribal rolls they are enrolled. The tax exemption is valid even where the buyer of the timber is not a tribal member.

AMENDATORY SECTION (Amending WSR 86-16-080 (Order PT 86-3), filed 8/6/86)

WAC 458-61-550 Nominee. (1) When a nominee has received title to or interest in real property on behalf of a third-party principal, the real estate excise tax does not apply to the subsequent transfer of the property from the nominee to the third-party, provided that:

~~((1))~~ (a) The proper tax was paid on the initial transaction;

~~((2))~~ (b) A notarized statement, as provided in WAC 458-61-150, is attached to the affidavit for the second transaction (such notarized statement must be dated on or prior to the first transaction);

~~((3))~~ (c) The third-party principal was in legal existence at the time of the initial transaction;

~~((4))~~ (d) The funds used by the nominee to initially acquire the property were provided by the third-party principal; and

~~((5))~~ (e) The subsequent transfer from the nominee to the third-party principal is not for a greater consideration than that of the initial acquisition, or, in the case where the nominee is a licensed contractor and the subsequent transfer to the principal (customer) reflects the completed construction contract, the retail sales tax is collected on the construction contract and remitted to the department. See also WAC 458-61-300.

If property is transferred from the nominee to the third-party principal and one or more of the foregoing requirements are not met, the transaction is not exempt and is taxable to the extent of the entire selling price.

(2) "Nominee" means a person who acts as an agent on behalf of another person in the purchase of real property.

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.

NEW SECTION

WAC 458-61-553 Nonprofit organizations. Transfers to or from an organization exempt from ad valorem property taxes under chapter 84.36 RCW, or from federal income tax, by virtue of the organization's nonprofit or charitable status are nevertheless subject to the real estate excise tax unless specifically exempt under chapter 82.45 RCW or these rules.

AMENDATORY SECTION (Amending WSR 87-12-016 (Order PT 87-4), filed 5/27/87)

WAC 458-61-555 Option to purchase. The real estate excise tax ~~((does not apply))~~ applies to a conveyance of real property upon the exercise of an option to purchase. The tax does not apply to the grant of ~~((an))~~ the option ~~((to purchase real property when such option does not accompany a lease))~~ and the real estate excise tax affidavit is not required. ~~((See WAC 458-61-510.))~~

AMENDATORY SECTION (Amending WSR 86-16-080 (Order PT 86-3), filed 8/6/86)

WAC 458-61-590 Rescission of sale. The real estate excise tax does not apply to ~~((the reconveyance of property from vendee to vendor where no consideration passes otherwise-))~~ a reconveyance of property pursuant to a rescission. In order to qualify for exemption under this section, all consideration paid toward the selling price must be returned by the grantor to the grantee. A grantor may retain interest paid by the grantee without disqualifying the rescission. In addition, the payment of a reasonable reim-

bursement for site improvements will not disqualify the rescission.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-610 Rerecord. The real estate excise tax does not apply to the rerecording of documents to correct legal description, change of contract terms, or spelling of name of party to the transaction. An affidavit is required for the rerecording and must refer to the prior affidavit number and the recorded document number for the prior transaction and ~~((it also must furnish))~~ a complete explanation of why such rerecording is necessary must be attached to the affidavit.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-640 Sheriff's sale. The real estate excise tax does not apply to any sale of real property made by a county sheriff pursuant to a court decree. A real estate excise tax affidavit must be filed with the county treasurer. ~~((RCW 82.45.010))~~

The tax applies to the sale of the right of redemption and the certificate of purchase that result from the sheriff's sale. In the case of the sale or assignment of right of redemption, the taxable consideration includes any payment given or promised to be given and further includes the amount of underlying encumbrance, the payment of which is necessary for the exercise of the right of redemption.

AMENDATORY SECTION (Amending WSR 86-16-080 (Order PT 86-3), filed 8/6/86)

WAC 458-61-650 Tenants in common and joint tenants. (1) The real estate excise tax does not apply to the transfer of real property which results in the creation of a tenancy in common or a joint tenancy with right of survivorship where no consideration passes otherwise.

(2) The transfer of property upon the death of a joint tenant to the remaining joint tenants under a right of survivorship is not subject to the real estate excise tax.

~~((+))~~ (3) The physical partition of real property by tenants in common by agreement or as the result of a court decree is not a taxable transaction. A physical partition of property occurs upon the physical division of the property into two or more parcels in accordance with the owners' interests. In order to qualify for this exemption, the partition must be in proportion to the tenants' interests in the property.

~~((2))~~ (4) The sale of the interest in real property from one or more joint tenants or tenants in common to remaining tenants or to a third party is a taxable transaction. The taxable amount of the sale is the total of the following:

- (a) Any consideration given;
- (b) Any consideration promised to be given; plus
- (c) The amount of any debt remaining unpaid on the property at the time of sale multiplied by that fraction of interest in the real property being sold.

AMENDATORY SECTION (Amending WSR 82-15-070 (Order PT 82-5), filed 7/21/82)

WAC 458-61-660 Timber, standing. (1) ~~The ((application of the))~~ real estate excise tax applies to the sale of timber ~~((is based upon whether or not))~~ if the ownership of the timber is transferred while the timber ((was)) is standing. The tax applies to the sale of standing timber whether the sale is accomplished by deed or by contract. See WAC 458-61-548, Native American, when the timber is standing within the borders of a Native American Reservation.

~~((1) The sale of standing timber is a taxable transaction.))~~

(2) ~~The ((seller's))~~ grantor's irrevocable agreement to sell timber and pass ownership to it as it is cut is a taxable transaction if the total amount of the sale is specified in the original contract.

(3) A contract to transfer the ownership of timber after it has been cut and removed from land by the grantee is not a taxable transaction.

(4) A contract between a timber owner and a harvester where the harvester provides the service of cutting the timber and transporting it to the mill is not subject to the real estate excise tax ~~((In this instance))~~ if the timber owner retains ownership of the timber until it is delivered to and purchased by the mill.

AMENDATORY SECTION (Amending WSR 86-16-080 (Order PT 86-3), filed 8/6/86)

WAC 458-61-670 Trade-in credit. (1) Where a single family residential dwelling is being transferred as the entire or part consideration for the purchase of another single family residential dwelling and a licensed real estate broker or one of the parties to the transaction accepts transfer of said property, a credit for the amount of the tax paid at the time of the transfer to the broker or party shall be allowed toward the amount of the tax due upon a subsequent transfer of the same property by the broker or party.

The subsequent transfer must be made within nine months of the original transfer for the credit to be allowed. If the tax which would be due on the subsequent transfer from the broker or party is greater than the tax paid for the prior transfer to said broker or party, the difference shall be paid, but if the tax initially paid is greater, no refund shall be allowed.

(2) The affidavit upon which the trade-in credit is claimed must show all of the following:

- (a) The prior affidavit number where the tax was paid on the original (trade-in) transaction;
- (b) The county auditor's recorded document number for the original transaction, if such was recorded;
- (c) The transaction date of the original transaction; and
- (d) The disclosure that both properties involved in the original trade-in transaction are single family dwellings. ~~((RCW 82.45.105))~~

(3) ~~((Note:))~~ The ((above)) trade-in credit is allowed toward the subsequent sale of the residence "brought in" on trade - not toward the tax liability of the sale of the residence for which it was traded. ~~((3))~~

WSR 93-23-001
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-130—Filed November 3, 1993, 3:09 p.m., effective November 4, 1993, 12:00 noon]

Date of Adoption: November 3, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-914.

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: 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 chum 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; opening in Areas 10 and 11 provides opportunity to harvest nontreaty share of south Puget Sound-origin chum. The in-season run size update was 313,000 chum on November 1, with 53,000 remaining in the nontreaty share. Catch for this fishery is predicted at 30,000 chum; and all other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: November 4, 1993, 12:00 noon.

November 3, 1993

Loren J. Stern

for Robert Turner

Director

NEW SECTION

WAC 220-47-915 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:00 noon Thursday November 4th, 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 - Purse seines using the 5-inch strip and reef nets may fish from 6:00 a.m. to 5:00 p.m. Friday November 5. Gill nets may fish from 4:00 p.m. Thursday November 4 to 7:00 a.m. Friday November 5.
- * Area 7B - Gillnets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously until 4:00 p.m. Friday November 5.
- * Area 9A - Will be open to gillnets and skiff gillnets using 5-inch minimum mesh continuously through 4:00 p.m. Friday November 5.
- * Areas 10 and 11 - Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Friday November 5. Gill nets may fish from 4:00 p.m. Thursday November 4 to 7:00 a.m. Friday November 5. In addition to

the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of a line projected 178 degrees true from the line at the end of Indianola dock to the landfall on the south shore of Port Madison.

- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 10A, 10C, 10D, 10E, 10F, 10G, 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 effective 12:00 noon November 4, 1993:

WAC 220-47-914 Puget Sound all-citizen commercial salmon fishery. (93-129)

WSR 93-23-017
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-131—Filed November 5, 1993, 4:50 p.m. effective November 7, 1993, 12:01 a.m.]

Date of Adoption: November 5, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-915.

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: Opening in Area 7B provides opportunity to harvest nontreaty allocation of chum salmon destined for the Nooksack-Samish region of origin; opening in Area 8A provides opportunity to harvest nontreaty share of chum salmon destined for the Stillaguamish-Snohomish region of origin; opening in Area 8D provides opportunity to harvest surplus coho salmon originating from the Tulalip hatchery; opening in Areas 10 and 11 provides opportunity to harvest nontreaty share of chum salmon destined for the south Puget Sound region of origin; 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 continue to be 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: November 7, 1993, 12:01 a.m.

November 5, 1993

Loren J. Stern

for Robert Turner

Director

NEW SECTION

WAC 220-47-916 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday November 7th, 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:

- * Area 7B - Gillnets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday November 8 to 4:00 p.m. Friday November 12.
- * Area 8A - Gillnets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday nights November 8 and 9. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily, Tuesday and Wednesday November 9 and 10.
- * Area 8D - Gillnets using 5-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday nights November 8 and 9. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily, Tuesday and Wednesday November 9 and 10.
- * Areas 10 and 11 - Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 9. Gillnets using 6-inch minimum mesh may fish 4:00 p.m. Tuesday November 9 to 8:00 a.m. Wednesday November 10. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of a line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.
- * Areas 12 and 12B - Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Monday November 8 to 8:00 a.m. Tuesday November 9. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 9. 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, 7, 7A, 7C, 7D, 7E, 8, 9, 9A, 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. November 7, 1993:

WAC 220-47-915 Puget Sound all-citizen commercial salmon fishery. (93-131)

WSR 93-23-022
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-132—Filed November 8, 1993, 5:10 p.m., effective November 9, 1993, 12:01 a.m.]

Date of Adoption: November 8, 1993.

Purpose: Personal use rules.

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

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams of sufficient size are available for harvest in Razor Clam Areas 1 and the above described portion of Razor Clam Area 3. Limitation of harvest to odd numbered days allows adequate monitoring to prevent overharvest of existing resources. Olympic National beach at Kalaoch is closed to prevent wastage.

Effective Date of Rule: November 9, 1993, 12:01 a.m.

November 8, 1993

Robert Turner

Director

NEW SECTION

WAC 220-56-36000G Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, effective November 9, 1993, until further notice it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3 except as provided in this section:

(1) Razor clam digging is allowed in Razor Clam Area 1 from 12 noon through 11:59 p.m. on odd days only, through November 17, 1993.

(2) Razor clam digging is allowed in that portion of Razor Clam Area 3 between the Grays Harbor North jetty and the Copalis River from 12 noon through 11:59 p.m. on odd days only, through November 17, 1993.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. November 8, 1993:

WAC 220-56-36000F Razor clams—Areas and seasons. (93-112)

WSR 93-23-028
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3663—Filed November 10, 1993, 9:20 a.m., effective November 11, 1993, 12:01 a.m.]

Date of Adoption: November 10, 1993.

Purpose: Adds provision of a specified personal needs allowance for a veteran living in a Medicaid-certified state veteran's home nursing facility in the amount of one hundred sixty dollars per month.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-360 Allocation of income and resources—Institutionalized client.

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.

Effective Date of Rule: November 11, 1993, 12:01 a.m.
November 10, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-95-360 Allocation of income and resources—Institutionalized client. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-95-335 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-95-380 and 388-95-395.

(2) In reducing payment to the institution, the department shall consider the eligible institutional client's excess resources available to meet cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under ~~((WAC 388-95-360(2)))~~ subsection (2) of this section to reduce income under ~~((WAC 388-95-360(4)))~~ subsection (4) of this section.

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts ~~((excluded))~~ disregarded in determining eligibility:

(a) Specified personal needs allowance as follows:

(i) ~~(((\$41.62 for a client in an institution; or))~~ One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) ~~(((\$90.00))~~ Ninety dollars for a single veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.

(b) Unearned income which:

(i) Is mandatorily withheld for income tax purposes before receipt by the client; and

(ii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.

(c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less-restrictive placement. When determining this deduction, the department shall:

(A) Not allow a deduction for employment expenses; and

(B) Apply the client's wages not deducted under this subsection to the client's cost of care.

(d) An amount an SSI(~~(?)~~) or AFDC(~~(, or FIP-related))~~) client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

~~((e))~~ The current personal needs allowance plus wages the SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the person for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level. When determining this deduction, the department shall:

(i) Not allow a deduction for employment expenses; and

(ii) Apply the excess wages to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

~~((d))~~ (e) A monthly needs allowance for the community spouse not to exceed one thousand seven hundred sixty-nine dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance ((shall be)) is:

(i) An amount added to the community spouse's income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified ~~((in))~~ under subsection (5) of this section.

~~((e))~~ (f) An amount for the maintenance needs of each dependent family member residing with the community spouse:

(i) ~~((An amount))~~ Equal to one-third of the amount one thousand one hundred seventy-nine dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) ~~((A))~~ "Family member ~~((is))~~ " means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

~~((f))~~ (g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home ~~((is))~~ equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

~~((g))~~ (h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

~~((h))~~ (i) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) ~~When a physician has certified that ((either of the persons))~~ the client is likely to return to the home within ~~((that))~~ the six-month period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, the department shall ensure excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Shall not exceed three hundred fifty-three dollars and seventy cents, effective April 1, 1993.

(6) The department shall only ensure the amount the institutional spouse allocates to the community spouse may be greater than the amount in subsection (4)(d)(i) of this section ~~((only))~~ when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified ~~((in))~~ under subsection (4) of this section ~~((;))~~ toward payment of the client's cost of care at the department rate.

(8)(a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

WSR 93-23-042
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Filed November 12, 1993, 9:00 a.m.]

Date of Adoption: November 10, 1993.

Purpose: Revise forest practice rules to provide specific protection for both forested and nonforested bogs and fens.

Citation of Existing Rules Affected by this Order: Amending WAC 173-202-020.

Statutory Authority for Adoption: RCW 90.48.420 and 76.09.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Confusion over ambiguous rule language concerning forested bog and fen protection.

Effective Date of Rule: Immediately.

November 10, 1993

Mary Riveland

Director

AMENDATORY SECTION (Amending WSR 93-11-062, filed 5/13/93, effective 6/13/93)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on ~~((May))~~ November 12, 1993, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices regulations.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative effect

WAC 222-12-070—Enforcement policy.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system.

WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization.

WAC 222-22-050—Level 1 watershed resource assessment.

WAC 222-22-060—Level 2 watershed resource assessment.

WAC 222-22-070—Prescription recommendation.

WAC 222-22-080—Approval of watershed analysis.

- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.
- WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.
- WAC 222-30-025—Green-up: Even-aged harvest size and timing.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.
- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, and application of pesticides.
- WAC 222-38-030—Handling, storage, and application of fertilizers.
- WAC 222-38-040—Handling, storage, and application of other forest chemicals.

WSR 93-23-049
EMERGENCY RULES
FOREST PRACTICES BOARD
 [Filed November 12, 1993, 4:30 p.m.]

Date of Adoption: November 10, 1993.

Purpose: To modify forest practices rules, in order to protect public resources while maintaining a viable timber industry.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010 and 222-16-080.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon

adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department meets the requirements of WAC 222-16-080(4) by submitting to the board a proposed list of critical wildlife habitats (state) for the marbled murrelet. This species will be protected during the permanent rule adoption process being initiated November 12, 1993.

Effective Date of Rule: Immediately.

November 12, 1993

Jennifer M. Belcher

Commissioner of Public Lands

Occupied Stand Option

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

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

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

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

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

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

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

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

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

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

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

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

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

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will

not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

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

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

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

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

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

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

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

"Critical nesting season" means: for marbled murrelets - April 1 to August 15th.

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

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

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

"Daily peak activity period" means: for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

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

"Department" means the department of natural resources.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the

change from the Western Washington timber types to the Eastern Washington timber types described as follows:

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

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

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

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

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

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

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

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

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

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

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

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

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

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

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

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

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

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

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

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

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

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

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

Clearcuts;

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

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

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

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

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

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

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

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

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

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

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

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

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being

actively used for a use which is incompatible with timber growing.

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

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

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

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

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

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

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

"Historic site" includes:

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

Places associated with a personality important in history; or

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

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

Mass wasting;

Surface and road erosion;

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

Large organic debris;

Shading; and

Stream bank and bed stability.

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

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

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

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

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

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

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

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

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

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

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

"Occupied marbled murrelet site" means a stand of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

- (1) Stands where a nest is located; or
- (2) Stands where downy chicks or eggs or egg shells are found; or
- (3) Stands where marbled murrelets are detected flying below, through, into or out of the forest canopy within or adjacent to a stand; or
- (4) Birds calling from a stationary location within the stand; or
- (5) Birds circling above the canopy.

The department shall rely upon the department of wildlife for the determination of location of these occupied marbled murrelet sites.

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

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long

continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

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

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

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

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

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

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

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

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

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

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

- For fish and water:
 - Physical fish habitat, including temperature and turbidity;
 - Turbidity in hatchery water supplies; and
 - Turbidity and volume for areas of water supply.
- For capital improvements of the state or its political subdivisions:
 - Physical or structural integrity.

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

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures

are taken to protect water quality and fish and wildlife habitat.

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

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

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

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

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

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

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

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

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

"Suitable marbled murrelet habitat" means:

(1) Timber stands with all of the following characteristics:

(a) Within 40 miles of marine waters;

(b) Containing at least 8 trees per acre equal to or greater than 32 inches dbh;

(c) At least 40% of the trees equal to or greater than 32 inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and

(d) Containing at least 2 nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than 7 inches in diameter and 50 feet or more in height above the ground; or

(2) Any stand identified as an occupied marbled murrelet site documented by the Department of Wildlife.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

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

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

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

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

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

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

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

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

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

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

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

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

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

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

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are

sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

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

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

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

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

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

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

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

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

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

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

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

(h) Northern spotted owl - harvesting, road construction, or aerial application of pesticides on the 500 acres of suitable nesting, breeding, and foraging habitat surrounding the activity center of known Status 1, 2, or 3 spotted owls, documented by the department of wildlife.

(1) Critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated as Class IV-Special are as follows:

(j) Marbled murrelet

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site;

(ii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iii) Use of aircraft below 1,300 feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(iv) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to maximum of 400 feet as long as an average of 300 feet is maintained.

(v) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vi) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below 1300 feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Marbled Murrelet critical wildlife habitat (state) shall not include habitat where a current marbled murrelet survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of wildlife.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

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

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

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

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

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

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

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

None listed.

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

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

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

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

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

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend by May 1993 a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

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

(ii) Use a landscape approach to wildlife protection;

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

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

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

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

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

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

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 93-23-051
EMERGENCY RULES**

DEPARTMENT OF FISHERIES

[Order 93-133—Filed November 12, 1993, 5:04 p.m., effective November 14, 1993, 12:01 a.m.]

Date of Adoption: November 12, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-916.

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: Opening in Area 7B provides opportunity to harvest nontreaty allocation of chum salmon destined for the Nooksack-Samish region of origin; openings in Areas 8A and 8D provide opportunity to harvest nontreaty share of chum salmon destined for the Stillaguamish-Snohomish region of origin; 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 continue to be 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: November 14, 1993, 12:01 a.m.

November 12, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-917 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday November 14th, 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:

- * Area 7B - Gillnets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday November 15 to 4:00 p.m. Friday November 19.
- * Areas 8A and 8D - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Monday, Tuesday and Wednesday November 15, 16, and 17. Gillnets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday, and Wednesday nights November 15, 16, and 17.
- * Areas 12 and 12B - Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Thursday November 18 to 8:00 a.m. Friday November 19. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Thursday November 18. 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, 7, 7A, 7C, 7D, 7E, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 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 11:59 p.m. November 13, 1993:

WAC 220-47-916 Puget Sound all-citizen commercial salmon fishery. (93-131)

WSR 93-23-052

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-134—Filed November 12, 1993, 5:04 p.m.]

Date of Adoption: November 12, 1993.

Purpose: Personal use rules.

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

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 Department of Health has said that razor clams on all beaches are not fit for human consumption. Leaving beaches open would result in waste.

Effective Date of Rule: Immediately.

November 12, 1993

Judith Freeman

Deputy

for Robert Turner

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000G Razor clams—Areas and seasons. (93-132)

WSR 93-23-061

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-135—Filed November 15, 1993, 4:22 p.m.]

Date of Adoption: November 15, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-073.

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: Preseason forecasts show smaller than expected numbers of sea urchins available for harvest. The limitation on fishing effort will allow monitoring of the catch to prevent overharvest and extend the season for the economic well-being of the industry.

Effective Date of Rule: Immediately.
November 15, 1993
Robert Turner
Director

NEW SECTION

WAC 220-52-07300P Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea urchin districts 2 and 5 are open Mondays and Tuesdays only beginning December 6, 1993, and will close when the district quota is taken. It is unlawful to harvest red sea urchins greater or smaller in size than the following (size is diameter exclusive of the spines):

- (a) District 2 - 4.0 to 5.5 inches
- (b) District 5 - 3.25 to 4.5 inches

(2) Green sea urchins: Sea urchin districts 1, 2, 5, and Marine Fish/Shellfish Management and Catch Reporting Areas 26B, 26D, and 28A are open Monday and Tuesday only beginning November 22, 1993 and will close when a total of 600,000 pounds are taken. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) In addition to the closed areas shown in WAC 220-52-073, the following areas are closed to the commercial harvest of sea urchins at all times:

(a) Waters of Neah Bay west and south of a line from Klachopis Point to the northern tip of Waadah Island thence westerly to landfall one-quarter mile due south of Koitlah Point.

(b) Waters of Makah Bay east of a line from Waatch Point to Portage Head.

(4) All provisions of WAC 220-52-073 not inconsistent with the provisions of this section remain in effect.

**WSR 93-23-071
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-136—Filed November 16, 1993, 4:13 p.m., effective November 19, 1993, 5:00 a.m.]

Date of Adoption: November 16, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-010.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency closure of waters within 1000 yards of Blake Island is necessary for national security.

Effective Date of Rule: November 19, 1993, 5:00 a.m.
November 16, 1993
Robert Turner
Director

NEW SECTION

WAC 220-20-01000A General provisions—Unlawful acts—Salmon, other food fish and shellfish. Notwithstanding the provisions of WAC 220-20-010, effective 5:00 a.m. Friday November 19, 1993 through 7:00 p.m. Saturday November 20, 1993, those waters of Catch Record Card Area 10 within a 1000 yards of Blake Island are closed to fishing for salmon, other foodfish and shellfish.

WSR 93-23-072

EMERGENCY RULES

MULTIMODAL TRANSPORTATION PROGRAMS AND PROJECTS SELECTION COMMITTEE

[Filed November 16, 1993, 4:33 p.m.]

Date of Adoption: November 16, 1993.

Purpose: To clarify the emergency rules adopted as required by section 8, chapter 393, Laws of Washington state. The amendments clarify meetings dates, programming levels, and contracting elements.

Citation of Existing Rules Affected by this Order: Amending chapter 240-20 WAC.

Statutory Authority for Adoption: Chapter 393, 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: Amendments needed immediately to support programming and contracting processes. Projects are very time sensitive; delays could result in projects being cancelled. Chapter 393, Laws of 1993 identifies clear deadlines, and places priority on prompt programming and contracting of projects.

Effective Date of Rule: Immediately.

November 16, 1993
Martha Choe
Chair

**Chapter 240-20 WAC
MULTIMODAL TRANSPORTATION PROGRAMS
AND PROJECTS SELECTION COMMITTEE**

NEW SECTION

WAC 240-20-030 Time and place of meetings. Regular public meetings of the committee shall be held quarterly on the third Friday of the first month of the quarter, or the second Friday if the third Friday is a holiday. Each regular meeting will be held in a meeting room in the

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vicinity of the SeaTac International Airport and begin at the hour of 9:00 a.m. or at such other time and place as designated by the committee. Written notice of the time and location of regular meetings shall be provided to individuals on the general mailing list and members of the committee at least one week prior to each meeting.

A special meeting of the committee may be called by the chair or by a majority of the members of the committee, by delivering personally, by facsimile or by mail, written notice to all other members of the committee at least seventy-two hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting. All provisions of chapter 42.30 RCW shall apply to all meetings of the committee.

NEW SECTION

WAC 240-20-130 Initial selection schedule and process. Applicants shall submit applications for programs and projects to the committee for consideration no later than September 1, 1993. The committee shall review and select applications, and award funds from the central Puget Sound public transportation account and the public transportation systems account, based upon criteria common among fund sources or unique to each fund source, no later than November 1, 1993. The committee shall award funds based on its estimate of revenues and expenditures and utilizing the principles of overprogramming. The committee, at its discretion, may hold back up to fifteen percent of the appropriated funds from each account for later competitive award according to a timetable chosen by the committee and adopted as a WAC rule. Only programs or projects which can be completed by June 30, 1995 will be considered in this initial application period.

NEW SECTION

WAC 240-20-150 Contract management. Contracts to execute awards under WAC 240-20-130 shall include provisions that:

- (1) No expenditures by the grantee after June 30, 1995 shall be eligible for reimbursement under the award, and;
- (2) Reimbursement to the grantee may be delayed until after June 30, 1995, if necessary, to accommodate cash flow requirements of the central Puget Sound public transportation account and the public transportation systems account. Such delayed reimbursement is subject to funding availability.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16-210, 458-16-240, 458-16-300, and 458-16-310.

Statutory Authority for Adoption: RCW 84.36.030, 84.36.037, and 84.36.805.

Other Authority: Chapters 79 and 327, 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: New provisions of law regarding property tax exemptions of nonprofit nonsectarian organizations, veterans organizations, public meeting halls or places, community meeting halls, and community celebration facilities were effective July 25, 1993. These rules govern the procedures required by taxpayers to comply with and by Department of Revenue to administer these tax exemptions.

Effective Date of Rule: November 19, 1993.

November 17, 1993

William N. Rice

Assistant Director

Property Tax

Reviser's note: The material contained in this filing will appear in the 93-24 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.

EMERGENCY

WSR 93-23-079

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed November 17, 1993, 10:00 a.m., effective November 19, 1993]

Date of Adoption: November 17, 1993.

Purpose: To implement chapters 79 and 327, Laws of 1993, by amending sections and adding a section to existing chapter 458-16 WAC.

WSR 93-23-006
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD
 [Memorandum—November 3, 1993]

The Higher Education Coordinating Board on October 28 adopted the following meeting schedule for 1994. Please include this in your official register of public meetings.

1994 Schedule - Higher Education Coordinating Board

Date	Time	City/Site
January 20	8:30 a.m.-4:30 p.m.	SeaTac/Marriott
February 17	8:30 a.m.-4:30 p.m.	Olympia/Tyee
March 30	8:30 a.m.-4:30 p.m.	SeaTac
April 21	8:30 a.m.-4:30 p.m.	Ellensburg
May 19	8:30 a.m.-4:30 p.m.	SeaTac
June 16	8:30 a.m.-4:30 p.m.	Spokane
July 21	8:30 a.m.-4:30 p.m.	SeaTac
September 15	8:30 a.m.-4:30 p.m.	Tri-Cities
October 20	8:30 a.m.-4:30 p.m.	SeaTac
November 17	8:30 a.m.-4:30 p.m.	Bellingham

WSR 93-23-007
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—October 29, 1993]

Following is a revised meeting schedule adding two regular meetings to the 1993 schedule of the University of Washington's College of Education Faculty Council.

Faculty Council (222 Miller Hall, 1:30 p.m., unless noted otherwise)

- November 19, 1993 (10 a.m.)
- December 10, 1993
- January 28, 1994 (201 Miller)
- March 11, 1994
- April 1, 1994
- May 20, 1994

Faculty Meetings (104 Miller Hall, 1:30 p.m.)

- February 11, 1994
- April 22, 1994
- October 21, 1994

WSR 93-23-013
NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION
 [Memorandum—November 5, 1993]

1994 COMMISSION MEETING SCHEDULE

Type	Date	Location
Regular	January 7	Seattle
Regular	March 4	Olympia
Regular	May 6	Seattle
Regular	July 8	Seattle
Regular	September 9	Spokane
Regular	November 4	Seattle

Adopted by Washington State Lottery Commission September 10, 1993.

WSR 93-23-014
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Barley Commission)
 [Memorandum—November 2, 1993]

Our upcoming regular meeting date has been changed from December 8, to December 13, 1993. According to RCW 42.30.075 we are required to notify you of any meeting schedule changes at least twenty days prior to the rescheduled meeting date. Please accept this as the appropriate notification.

If you have any questions, please do not hesitate to call our office at (509) 456-4400.

WSR 93-23-020
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—November 5, 1993]

Thursday, December 9, 1993, 6:30 p.m., the Washington State Library Commission will meet or a staff briefing at the SeaPort Restaurant, Red Lion Hotel, SeaTac, Washington.

Friday, December 10, 1993, 10:00, the Washington State Library Commission will hold its regular business meeting in the Cascade Room, WestCoast SeaTac Hotel, 18220 Pacific Highway South, SeaTac, WA.

WSR 93-23-021
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—October 7, 1993]

The board of trustees of Western Washington University, upon recommendation of the president, adopt the schedule for board meetings for the calendar year 1994 as follows:

- February 3, 1994
- April 14, 1994
- June 2, 1994** (to be held at Shannon Point Marine Center in Anacortes, Washington)
- August 4, 1994
- October 6, 1994
- December 1, 1994

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WSR 93-23-023
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—November 9, 1993]

November 9, 1993
Sno-King Room 103
5:00 - 7:00

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 93-23-024
RULES COORDINATOR
SKAGIT VALLEY COLLEGE
[Filed November 9, 1993, 3:35 p.m.]

This is notice that the rules coordinator for Skagit Valley College is Judi Knutzen. The address for the office is Judi Knutzen, Director, Auxiliary Services, Skagit Valley College, 2405 College Way, Mt. Vernon, WA 98273. The telephone number is (206) 428-1183, SCAN 542-1183.

Dr. James M. Ford
President

WSR 93-23-046
NOTICE OF PUBLIC MEETINGS
MARINE OVERSIGHT BOARD
[Memorandum—November 10, 1993]

The following public meetings previously scheduled are rescheduled:

December 3, 1993 Rescheduled to November 29, 1993
January 7, 1994 Rescheduled to January 21, 1994

Rescheduled meetings as approved by the board on November 8, 1993:

November 29, 1993 Rescheduled from December 3, 1993, 11 a.m., Seattle-Tacoma International Airport, Theater, Door No. 5132, Ticketing Level (hallway area behind MarkAir ticketing). Contact: Staff Director, Olympia, (206) 664-9130, SCAN 366-9130, FAX (206) 664-8761.

January 21, 1994 Rescheduled from January 7, 1994, 1 p.m., Seattle-Tacoma International Airport, Theater, Door No. 5132, Ticketing Level (hallway area behind MarkAir ticketing). Contact: Staff Director, Olympia, (206) 664-9130, SCAN 366-9130, FAX (206) 664-8761.

WSR 93-23-047
RULES OF COURT
STATE SUPREME COURT
[November 9, 1993]

IN THE MATTER OF THE)
ADOPTION OF THE AMEND-) ORDER
MENT TO APR 12, REGU-) NO. 25700-A-536
LATION 101)

The Limited Practice Board having recommended the adoption of the amendment to APR 12, Regulation 101 and the Court having determined that the proposed amendment 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 proposed amendment to APR 12, Regulation 101 is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will become effective immediately.

DATED at Olympia, Washington this 9th day of November, 1993.

James A. Andersen, C.J.

Durham, J.

Smith, J.

Utter, J.

Guy, J.

Brachtenbach, J.

Johnson, J.

Dolliver, J.

Madsen, J.

CONTINUING EDUCATION REGULATIONS
OF THE
LIMITED PRACTICE BOARD
REGULATION 101

Definitions

As used in these regulations, the following definitions shall apply:

- A. A "Limited Practice Officer" (LPO) shall mean any person admitted to practice under Washington Supreme Court Rule APR 12.
- B. An "approved" education activity shall mean an individual seminar, course, or other continuing education activity approved by the Continuing Education Committee of the Limited Practice Board.
- C. A "credit hour" equals one (1) clock hour of actual attendance.
- D. The "Committee" shall mean the Continuing Education Committee of the Limited Practice Board.
- E. The "staff" shall mean the staff of the Office of the Administrator for the Courts.
- F. "APR 12" shall mean Admission to Practice Rule 12, together with any subsequent amendments thereto, as adopted by the Supreme Court of the State of Washington.
- G. "Teaching" in an approved continuing education activity shall mean and encompass the preparation and/or

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delivery of a prepared talk, lecture, or address at such activity.

- H. "Participating" in an approved continuing education activity shall mean and encompass: 1) acting as a planning and organizing chair of such activity, or 2) taking part in such activity as a member of a panel discussion, without the preparation of written materials or the delivery of a prepared talk, lecture, or address.
- I. "Calendar year" shall mean January 1 to December 31.
- J. To qualify for "Liability credit," a course or subject must deal with the legal rights, duties, or responsibilities of LPOs.

WSR 93-23-053
NOTICE OF PUBLIC MEETINGS
CONVENTION AND
TRADE CENTER
 [Memorandum—November 10, 1993]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, November 17, 1993, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 93-23-054
NOTICE OF PUBLIC MEETINGS
JOINT CENTER
FOR HIGHER EDUCATION
 [Memorandum—November 11, 1993]

Pursuant to the Open Public Meetings Act, chapter 42.30 RCW, listed below are the dates, as approved November 10, 1993, by the Joint Center for Higher Education (JCHE) board, for 1994 regular meetings of the JCHE board.

Said meetings will begin at 9:00 a.m. on the scheduled dates at the Joint Center for Higher Education, 501 North Riverpoint Boulevard, Suite 245, Spokane, WA. Upon occupancy of the SIRTI building, projected early this summer, I will notify you of the address for the new meeting location.

- January 12, 1994
- February 9, 1994
- March 9, 1994
- April 13, 1994
- May 11, 1994
- June 8, 1994
- July 13, 1994
- August 10, 1994
- September 14, 1994
- October 12, 1994
- November 9, 1994
- December 14, 1994

WSR 93-23-056
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 [Memorandum—November 12, 1993]

1994 Public Employees Benefit Board (PEBB)

Name of Meeting: Public Employees Benefit Board (PEBB)

Location: DSHS Office of the Attorney General
 4224 Sixth Avenue S.E., Building 1
 Lacey, WA 98504

Time: 1:00 p.m.

- Dates:
- January 11, 1994
 - February 8, 1994
 - March 8, 1994
 - April 12, 1994
 - May 10, 1994
 - June 14, 1994
 - July 12, 1994
 - August 9, 1994
 - September 13, 1994
 - October 11, 1994
 - November 8, 1994
 - December 13, 1994

Please contact me at (206) 923-2802 if you have questions or need further information.

WSR 93-23-066
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—November 12, 1993]

MEETING NOTICE FOR DECEMBER 1993
 TRANSPORTATION IMPROVEMENT BOARD
 OLYMPIA, WA 98504-0901

Increase subcommittee, 1:30 p.m., Thursday, December 2, 1993, in SeaTac at the Radisson Hotel, 17001 Pacific Highway South.

Work session, 3:00 p.m. - 5:30 p.m., 7:00 p.m. - 9:00 p.m., Thursday, December 2, 1993, in SeaTac at the Radisson Hotel.

Board meeting, 9:00 a.m., Friday, December 3, 1993, in SeaTac at the Radisson Hotel.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (206) 753-7198 by November 22, 1993.

The next scheduled meeting is January 28, 1994, in Olympia. A notice with further detail of the January meeting will be mailed January 7, 1994.

WSR 93-23-074
RULES COORDINATOR
HEALTH CARE AUTHORITY
 [Filed November 17, 1993, 9:08 a.m.]

Elin Meyer, Rules Coordinator for the Health Care Authority, has recently had her phone number changed to (206) 923-2801.

MISCELLANEOUS

Lynda Walley
Secretary

WSR 93-23-077
INDETERMINATE SENTENCE
REVIEW BOARD

[Filed November 17, 1993, 9:15 a.m.]

WSR 93-23-075
NOTICE OF PUBLIC MEETINGS
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Memorandum—November 17, 1993]

WHEREAS, the state board adopts the following meeting schedule for 1994:

- January 26-27, 1994 State Board Office, Olympia
- February 1994 No meeting proposed
- March 16-17, 1994 South Puget Sound Community College in Olympia (joint dinner meeting with Workforce Training and Education Coordinating Board)
- April 1994 No meeting proposed
- May 4-5, 1994 Bellevue Community College (in conjunction with WACTC, TACTC)
- June 15-16, 1994 Grays Harbor College, Aberdeen
- August 7-9, 1994 State board retreat
- September 7-8, 1994 Centralia College
- October 19-20, 1994 Clark College, Vancouver
- November 30-December 1, 1994 Seattle Central Community College

The state board adopts their 1994 meeting schedule as outlined above and in compliance with the Open Public Meetings Act (chapters 42.30 and 42.32 RCW).

WSR 93-23-076
NOTICE OF PUBLIC MEETINGS
OFFICE OF
MARINE SAFETY

[Memorandum—November 16, 1993]

There will be a special meeting of the Southern Puget Sound Regional Marine Safety Committee on Thursday, December 2, 1993, at 8 a.m.

The meeting will be held at the World Trade Center, Port of Tacoma, 3600 Port of Tacoma Road, Tacoma, WA.

For more information about this meeting, please contact Jeff Fishel at (206) 664-9124.

Nina Carter
Program Director Policy
and Planning Division

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following are revisions to various sections of Title 381 WAC for publication in the Washington State Register and Washington Administrative Code.

Protocol information is as follows:

Date of adoption:

- WAC 381-30-010 is August 23, 1993.
- WAC 381-40-010 is August 23, 1993.
- WAC 381-40-120 is October 18, 1993.
- WAC 381-50-010 is August 23, 1993.
- WAC 381-60-010 is August 23, 1993.
- WAC 381-70-010 is August 23, 1993.
- WAC 381-70-050 is November 15, 1993.
- WAC 381-80-010 is August 23, 1993.
- WAC 381-80-050 is October 18, 1993.

The effective date of each revision is the same as the date of adoption.

I certify pursuant to RCW 34.05.030 that chapters 381-30 through 381-80 WAC are exempt from the APA and are being submitted for publication pursuant to the protocol.

Kathryn S. Bail
Chair

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-30-010 Purpose. The purpose of this chapter is to specify board practice pertaining to the fixing of minimum prison terms. The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-40-010 Purpose. The purpose of this chapter is to specify policies and procedures for the administrative review of an inmate's progress while incarcerated, as well as review of parole eligibility. The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the

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indeterminate sentence review board to accomplish its statutory purposes.

AMENDATORY SECTION (Amending WSR 92-22-008, filed 10/21/92, effective 10/19/92)

WAC 381-40-120 Length of parole. Unless specified in statute, the length of active parole supervision will not be established at the time of parole or reinstatement of parole. ~~((For some offenders, the period of supervision may extend until the maximum expiration date. Others may be considered for a conditional discharge from supervision (CDFS) in response to a community corrections officer's request, accompanied by an assessment and full report after a period of active supervision.))~~ The board may ~~((also))~~ grant a CDFS at the time of parole.

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-50-010 Purpose. The purpose of this chapter is to specify policy and procedures relating to disciplinary hearings. The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-60-010 Purpose. The purpose of this chapter is to specify policies and procedures relating to hearings conducted to determine the parolability of certain offenders. The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-70-010 Purpose. The purpose of this chapter is to specify policies and procedures relating to parole revocation hearings. The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-70-050 Notice of suspension ~~((and detention))~~. ~~((Whenever a community corrections officer arrests or detains a parolee, he shall issue an order of suspension, arrest, and detention.))~~ The community corrections officer shall ~~((also))~~ notify the board on-site desk of the suspension of parole by telephone within twenty-four hours of service of the suspension order.

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-80-010 Purpose. The purpose of this chapter is to specify policies and procedures for granting conditional and final discharges from parole supervision and for matters of clemency (pardons, reprieves, commutations). The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

AMENDATORY SECTION (Amending WSR 92-22-008, filed 10/21/92, effective 10/19/92)

WAC 381-80-050 Final discharge from parole supervision. When a paroled offender has adequately performed the obligations of his or her release for ~~((such time as specified by the indeterminate sentence review board, and a determination made that a final discharge from supervision is compatible with the best interests of society and the welfare of the paroled individual, the board may grant a final discharge restoring civil rights))~~ a period of three years from the date of parole, the board shall grant a final discharge restoring civil rights, pursuant to chapter 140, Laws of 1993. If the board determines that a final discharge is compatible with the best interests of society and the welfare of the paroled individual, the board may grant a final discharge prior to three years from the date of parole.

Final discharge restoring civil rights is governed by statute (RCW 9.96.050). ~~((Final discharge restoring civil rights for an individual who was convicted of a crime which resulted in a loss of life will require full board ratification.))~~ If granted earlier than three years from the date of parole, full board ratification is required on all cases where the individual was convicted of a crime which resulted in a loss of life.

The right to possess or control firearms is not restored.

In cases where the maximum term has expired, the board is empowered to grant a final discharge restoring civil rights if it believes such action is in the best interests of society.

WSR 93-23-085

ATTORNEY GENERAL OPINION

[Filed November 17, 1993, 11:39 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 December 10, 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 December 10, 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 you [your] comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion requests.

93-10-6 Request by Larry Swift, Executive Director, Washington State School Director's Association

Questions related to the ability of a school district to allow student religious groups access to school facilities in light of article 11, section 1, and article 9, section 4 of the Washington Constitution, and the federal Equal Access Act, 20 U.S.C. §§ 4071 - 4074 (1988).

93-11-1 Request by Senator Phil Talmadge

Questions related to the ability of local public health officials to contain the spread of tuberculosis pursuant to chapters 70.28 and 70.05 RCW.

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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4-24-020	REP-P	93-08-089	4-25-142	REP	93-12-064	4-25-650	NEW	93-22-090
4-24-020	REP	93-12-064	4-25-185	REP-P	93-22-076	4-25-660	NEW-P	93-17-076
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16-46-010	AMD-P	93-16-088	16-201-020	NEW-P	93-12-044	16-219-015	NEW	93-16-017
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16-228-920	NEW	93-10-047	16-229-400	NEW-P	93-12-044	16-432-020	REP-P	93-21-086
16-228-925	NEW-P	93-04-114	16-229-400	NEW	93-22-093	16-432-030	REP-P	93-21-086
16-228-925	NEW-W	93-06-007	16-229-410	NEW-P	93-12-044	16-432-040	REP-P	93-21-086
16-228-925	NEW-P	93-06-075	16-229-410	NEW	93-22-093	16-432-050	REP-P	93-21-086
16-228-925	NEW	93-10-047	16-229-420	NEW-P	93-12-044	16-432-060	REP-P	93-21-086
16-228-930	NEW-P	93-04-114	16-229-420	NEW	93-22-093	16-432-070	REP-P	93-21-086
16-228-930	NEW-W	93-06-007	16-229-430	NEW-P	93-12-044	16-432-080	REP-P	93-21-086
16-228-930	NEW-P	93-06-075	16-229-430	NEW	93-22-093	16-432-090	REP-P	93-21-086
16-228-930	NEW	93-10-047	16-229-440	NEW-P	93-12-044	16-432-100	REP-P	93-21-086
16-229	NEW-C	93-18-011	16-229-440	NEW	93-22-093	16-432-110	REP-P	93-21-086
16-229	NEW-C	93-19-066	16-229-450	NEW-P	93-12-044	16-432-120	REP-P	93-21-086
16-229-010	NEW-P	93-12-044	16-229-450	NEW	93-22-093	16-432-130	REP-P	93-21-086
16-229-010	NEW	93-22-093	16-229-470	NEW-P	93-12-044	16-461-011	NEW-P	93-08-060
16-229-015	NEW-P	93-12-044	16-229-470	NEW	93-22-093	16-461-011	NEW-W	93-12-047
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16-229-020	NEW-P	93-12-044	16-229-480	NEW	93-22-093	16-462-030	AMD	93-17-022
16-229-020	NEW	93-22-093	16-230	AMD-C	93-16-018	16-470-92005	NEW-E	93-20-102
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16-229-040	NEW	93-22-093	16-230-260	AMD	93-17-041	16-470-92035	NEW-E	93-20-102
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16-229-090	NEW	93-22-093	16-230-290	AMD-E	93-12-038	16-561-110	NEW-P	93-16-070
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16-229-140	NEW	93-22-093	16-316-525	AMD-P	93-19-124	16-602-040	NEW	93-19-081
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16-229-200	NEW-P	93-12-044	16-316-724	AMD-P	93-19-124	16-674-070	NEW	93-03-079
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16-680-015	REP-P	93-21-082	50-60-040	NEW-E	93-21-022	51-11-0539	AMD	93-21-052
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44-01-030	AMD-E	93-22-066	50-60-150	NEW-E	93-21-022	51-11-0601	AMD-S	93-20-129
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44-01-050	REP-P	93-21-093	50-60-170	NEW-E	93-21-022	51-11-0602	AMD-S	93-20-129
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44-01-110	REP-P	93-21-093	51-04-025	AMD-P	93-16-110	51-11-0607	AMD-P	93-08-077
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44-01-140	AMD-E	93-14-081	51-11-0200	AMD-P	93-08-077	51-11-0626	AMD-P	93-16-113
44-01-150	AMD-E	93-14-081	51-11-0200	AMD-W	93-21-060	51-11-0626	AMD-S	93-20-129
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50-14-070	AMD	93-13-142	51-11-0525	AMD-S	93-20-129	51-11-1101	NEW-E	93-20-106
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50-14-090	AMD	93-13-142	51-11-0528	AMD-W	93-08-084	51-11-1105	NEW-W	93-08-084
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50-14-100	AMD	93-13-142	51-11-0529	AMD-P	93-08-077	51-11-1107	NEW-W	93-08-084
50-14-110	AMD-P	93-11-087	51-11-0529	AMD-W	93-08-084	51-11-1108	NEW-W	93-08-084
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50-14-130	AMD	93-13-142	51-11-0531	AMD-W	93-08-084	51-11-1110	NEW	93-21-052
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50-20-130	AMD	93-16-033	51-11-0532	AMD-P	93-08-077	51-11-1120	NEW	93-21-052
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51-11-1132	NEW	93-21-052	51-11-1411	NEW	93-21-052	51-11-1520	NEW	93-21-052
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51-11-1134	NEW-P	93-08-077	51-11-1412	NEW	93-21-052	51-11-1522	NEW-P	93-08-077
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51-11-1141	NEW	93-21-052	51-11-1414	NEW	93-21-052	51-11-1531	NEW	93-21-052
51-11-1142	NEW-P	93-08-077	51-11-1415	NEW-P	93-08-077	51-11-1532	NEW-P	93-08-077
51-11-1142	NEW	93-21-052	51-11-1415	NEW-C	93-16-111	51-11-1532	NEW-C	93-16-111
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51-11-1303	NEW	93-21-052	51-11-1435	NEW-P	93-08-077	51-11-2002	NEW-W	93-08-084
51-11-1310	NEW-P	93-08-077	51-11-1435	NEW	93-21-052	51-11-2002	NEW	93-21-052
51-11-1310	NEW-C	93-16-111	51-11-1436	NEW-P	93-08-077	51-11-2003	NEW-P	93-08-077
51-11-1310	NEW	93-21-052	51-11-1436	NEW	93-21-052	51-11-2003	NEW-W	93-08-084
51-11-1311	NEW-P	93-08-077	51-11-1437	NEW-P	93-08-077	51-11-2003	NEW	93-21-052
51-11-1311	NEW-C	93-16-111	51-11-1437	NEW	93-21-052	51-11-2004	NEW-P	93-08-077
51-11-1311	NEW	93-21-052	51-11-1438	NEW	93-21-052	51-11-2004	NEW-W	93-08-084
51-11-1312	NEW-P	93-08-077	51-11-1440	NEW-P	93-08-077	51-11-2004	NEW	93-21-052
51-11-1312	NEW	93-21-052	51-11-1440	NEW	93-21-052	51-11-2005	NEW-P	93-08-077
51-11-1313	NEW-P	93-08-077	51-11-1441	NEW-P	93-08-077	51-11-2005	NEW-W	93-08-084
51-11-1313	NEW	93-21-052	51-11-1441	NEW	93-21-052	51-11-2005	NEW	93-21-052
51-11-1314	NEW-P	93-08-077	51-11-1442	NEW-P	93-08-077	51-11-2006	NEW-P	93-08-077
51-11-1314	NEW	93-21-052	51-11-1442	NEW	93-21-052	51-11-2006	NEW-W	93-08-084
51-11-1320	NEW-P	93-08-077	51-11-1450	NEW-P	93-08-077	51-11-2006	NEW-C	93-16-111
51-11-1320	NEW	93-21-052	51-11-1450	NEW	93-21-052	51-11-2006	NEW	93-21-052
51-11-1321	NEW-P	93-08-077	51-11-1451	NEW-P	93-08-077	51-11-2007	NEW-P	93-08-077
51-11-1321	NEW	93-21-052	51-11-1451	NEW	93-21-052	51-11-2007	NEW-W	93-08-084
51-11-1322	NEW-P	93-08-077	51-11-1452	NEW-P	93-08-077	51-11-2007	NEW	93-21-052
51-11-1322	NEW	93-21-052	51-11-1452	NEW	93-21-052	51-11-2008	NEW-P	93-08-077
51-11-1323	NEW-P	93-08-077	51-11-1453	NEW-P	93-08-077	51-11-2008	NEW-W	93-08-084
51-11-1323	NEW	93-21-052	51-11-1453	NEW	93-21-052	51-11-2008	NEW	93-21-052
51-11-1330	NEW-P	93-08-077	51-11-1454	NEW-P	93-08-077	51-11-2009	NEW-P	93-08-077
51-11-1330	NEW	93-21-052	51-11-1454	NEW-C	93-16-111	51-11-2009	NEW-W	93-08-084
51-11-1331	NEW-P	93-08-077	51-11-1454	NEW	93-21-052	51-11-2009	NEW	93-21-052
51-11-1331	NEW	93-21-052	51-11-1501	NEW-P	93-08-077	51-11-99901	NEW-S	93-10-004
51-11-1332	NEW-P	93-08-077	51-11-1501	NEW-W	93-08-084	51-11-99901	NEW	93-21-052
51-11-1332	NEW	93-21-052	51-11-1501	NEW	93-21-052	51-11-99902	NEW-S	93-10-004
51-11-1333	NEW-P	93-08-077	51-11-1502	NEW-W	93-08-084	51-11-99902	NEW	93-21-052
51-11-1333	NEW	93-21-052	51-11-1503	NEW-W	93-08-084	51-11-99903	NEW-S	93-10-004
51-11-1334	NEW-P	93-08-077	51-11-1504	NEW-W	93-08-084	51-11-99903	NEW	93-21-052
51-11-1334	NEW-C	93-16-111	51-11-1505	NEW-W	93-08-084	51-11-99904	NEW-S	93-10-004
51-11-1334	NEW	93-21-052	51-11-1510	NEW-P	93-08-077	51-11-99904	NEW	93-21-052
51-11-1401	NEW-P	93-08-077	51-11-1510	NEW	93-21-052	51-13-101	AMD	93-02-056
51-11-1401	NEW-W	93-08-084	51-11-1511	NEW-P	93-08-077	51-13-202	AMD	93-02-056
51-11-1401	NEW	93-21-052	51-11-1511	NEW	93-21-052	51-13-300	AMD	93-02-056
51-11-1402	NEW-P	93-08-077	51-11-1512	NEW-P	93-08-077	51-13-302	AMD	93-02-056
51-11-1402	NEW-W	93-08-084	51-11-1512	NEW	93-21-052	51-13-303	AMD	93-02-056
51-11-1402	NEW	93-21-052	51-11-1513	NEW-P	93-08-077	51-13-304	AMD	93-02-056
51-11-1410	NEW-P	93-08-077	51-11-1513	NEW-C	93-16-111	51-13-401	AMD	93-02-056

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51-13-502	AMD	93-02-056	118-04-130	REP	93-23-005	131-47-030	NEW-E	93-14-053
51-13-503	AMD	93-02-056	118-04-140	REP-P	93-15-087	131-47-030	NEW	93-19-079
55-01-001	AMD-E	93-14-089	118-04-140	REP	93-23-005	131-47-035	NEW-E	93-09-047
55-01-010	AMD-E	93-14-089	118-04-150	REP-P	93-15-087	131-47-035	NEW-P	93-14-052
55-01-010	AMD-P	93-18-102	118-04-150	REP	93-23-005	131-47-035	NEW-E	93-14-053
55-01-010	AMD-E	93-22-042	118-04-160	NEW-P	93-15-087	131-47-035	NEW	93-19-079
55-01-020	AMD-E	93-14-089	118-04-160	NEW	93-23-005	131-47-040	NEW-E	93-09-047
55-01-020	AMD-P	93-18-102	118-04-170	REP-P	93-15-087	131-47-040	NEW-P	93-14-052
55-01-020	AMD-E	93-22-042	118-04-170	REP	93-23-005	131-47-040	NEW-E	93-14-053
55-01-030	AMD-E	93-14-089	118-04-180	NEW-P	93-15-087	131-47-040	NEW	93-19-079
55-01-030	AMD-P	93-18-102	118-04-180	NEW	93-23-005	131-47-045	NEW-E	93-09-047
55-01-030	AMD-E	93-22-042	118-04-190	REP-P	93-15-087	131-47-045	NEW-P	93-14-052
55-01-040	AMD-E	93-14-089	118-04-190	REP	93-23-005	131-47-045	NEW-E	93-14-053
55-01-040	AMD-P	93-18-102	118-04-200	NEW-P	93-15-087	131-47-045	NEW	93-19-079
55-01-040	AMD-E	93-22-042	118-04-200	NEW	93-23-005	131-47-050	NEW-E	93-09-047
55-01-050	AMD-E	93-14-089	118-04-210	REP-P	93-15-087	131-47-050	NEW-P	93-14-052
55-01-050	AMD-P	93-18-102	118-04-210	REP	93-23-005	131-47-050	NEW-E	93-14-053
55-01-050	AMD-E	93-22-042	118-04-220	NEW-P	93-15-087	131-47-050	NEW	93-19-079
55-01-060	AMD-E	93-14-089	118-04-220	NEW	93-23-005	131-47-055	NEW-E	93-09-047
55-01-060	AMD-P	93-18-102	118-04-230	REP-P	93-15-087	131-47-055	NEW-P	93-14-052
55-01-060	AMD-E	93-22-042	118-04-230	REP	93-23-005	131-47-055	NEW-E	93-14-053
55-01-070	AMD-E	93-14-089	118-04-240	NEW-P	93-15-087	131-47-055	NEW	93-19-079
55-01-070	AMD-P	93-18-102	118-04-240	NEW	93-23-005	131-47-060	NEW-E	93-09-047
55-01-070	AMD-E	93-22-042	118-04-250	REP-P	93-15-087	131-47-060	NEW-P	93-14-052
55-01-080	AMD-E	93-14-089	118-04-250	REP	93-23-005	131-47-060	NEW-E	93-14-053
55-01-080	AMD-P	93-18-102	118-04-260	NEW-P	93-15-087	131-47-060	NEW	93-19-079
67-35-030	AMD-P	93-07-117	118-04-260	NEW	93-23-005	131-47-065	NEW-E	93-09-047
67-35-030	AMD	93-10-067	118-04-270	REP-P	93-15-087	131-47-065	NEW-P	93-14-052
67-35-040	AMD-P	93-06-048	118-04-270	REP	93-23-005	131-47-065	NEW-E	93-14-053
67-35-040	AMD	93-09-013	118-04-280	NEW-P	93-15-087	131-47-065	NEW	93-19-079
67-35-055	REP-P	93-06-048	118-04-280	NEW	93-23-005	131-47-070	NEW-E	93-09-047
67-35-055	REP	93-09-013	118-04-290	REP-P	93-15-087	131-47-070	NEW-P	93-14-052
67-35-056	REP-P	93-06-048	118-04-290	REP	93-23-005	131-47-070	NEW-E	93-14-053
67-35-056	REP	93-09-013	118-04-300	NEW-P	93-15-087	131-47-070	NEW	93-19-079
82-50-021	AMD-P	93-19-148	118-04-300	NEW	93-23-005	131-47-075	NEW-E	93-09-047
98-60-010	NEW-P	93-03-063	118-04-320	NEW-P	93-15-087	131-47-075	NEW-P	93-14-052
98-60-010	NEW	93-07-040	118-04-320	NEW	93-23-005	131-47-075	NEW-E	93-14-053
98-60-020	NEW-P	93-03-063	118-04-340	NEW-P	93-15-087	131-47-075	NEW	93-19-079
98-60-020	NEW	93-07-040	118-04-340	NEW	93-23-005	131-47-080	NEW-E	93-09-047
98-60-030	NEW-P	93-03-063	118-04-360	NEW-P	93-15-087	131-47-080	NEW-P	93-14-052
98-60-030	NEW	93-07-040	118-04-360	NEW	93-23-005	131-47-080	NEW-E	93-14-053
98-60-040	NEW-P	93-03-063	118-04-380	NEW-P	93-15-087	131-47-080	NEW	93-19-079
98-60-040	NEW	93-07-040	118-04-380	NEW	93-23-005	131-47-085	NEW-E	93-09-047
98-60-050	NEW-P	93-03-063	118-04-400	NEW-P	93-15-087	131-47-085	NEW-P	93-14-052
98-60-050	NEW	93-07-040	118-04-400	NEW	93-23-005	131-47-085	NEW-E	93-14-053
98-70-010	AMD-P	93-03-062	118-04-420	NEW-P	93-15-087	131-47-085	NEW	93-19-079
98-70-010	AMD	93-07-041	118-04-420	NEW	93-23-005	131-47-090	NEW-E	93-09-047
98-70-010	AMD-P	93-20-126	131-16-045	NEW-P	93-18-032	131-47-090	NEW-P	93-14-052
118-04-010	REP-P	93-15-087	131-16-045	NEW	93-22-008	131-47-090	NEW-E	93-14-053
118-04-010	REP	93-23-005	131-16-091	AMD-P	93-10-103	131-47-090	NEW	93-19-079
118-04-020	NEW-P	93-15-087	131-16-091	AMD	93-14-008	131-47-095	NEW-E	93-09-047
118-04-020	NEW	93-23-005	131-16-092	AMD-P	93-10-103	131-47-095	NEW-P	93-14-052
118-04-030	REP-P	93-15-087	131-16-092	AMD	93-14-008	131-47-095	NEW-E	93-14-053
118-04-030	REP	93-23-005	131-16-093	AMD-P	93-10-103	131-47-095	NEW	93-19-079
118-04-040	NEW-P	93-15-087	131-16-093	AMD	93-14-008	131-47-100	NEW-E	93-09-047
118-04-040	NEW	93-23-005	131-47-010	NEW-E	93-09-047	131-47-100	NEW-P	93-14-052
118-04-050	REP-P	93-15-087	131-47-010	NEW-P	93-14-052	131-47-100	NEW-E	93-14-053
118-04-050	REP	93-23-005	131-47-010	NEW-E	93-14-053	131-47-100	NEW	93-19-079
118-04-060	NEW-P	93-15-087	131-47-010	NEW	93-19-079	131-47-105	NEW-E	93-09-047
118-04-060	NEW	93-23-005	131-47-015	NEW-E	93-09-047	131-47-105	NEW-P	93-14-052
118-04-070	REP-P	93-15-087	131-47-015	NEW-P	93-14-052	131-47-105	NEW-E	93-14-053
118-04-070	REP	93-23-005	131-47-015	NEW-E	93-14-053	131-47-105	NEW	93-19-079
118-04-080	NEW-P	93-15-087	131-47-015	NEW	93-19-079	131-47-110	NEW-E	93-09-047
118-04-080	NEW	93-23-005	131-47-020	NEW-E	93-09-047	131-47-110	NEW-P	93-14-052
118-04-090	REP-P	93-15-087	131-47-020	NEW-P	93-14-052	131-47-110	NEW-E	93-14-053
118-04-090	REP	93-23-005	131-47-020	NEW-E	93-14-053	131-47-110	NEW	93-19-079
118-04-100	NEW-P	93-15-087	131-47-020	NEW	93-19-079	131-47-115	NEW-E	93-09-047
118-04-100	NEW	93-23-005	131-47-025	NEW-E	93-09-047	131-47-115	NEW-P	93-14-052
118-04-110	REP-P	93-15-087	131-47-025	NEW-P	93-14-052	131-47-115	NEW-E	93-14-053
118-04-110	REP	93-23-005	131-47-025	NEW-E	93-14-053	131-47-115	NEW	93-19-079
118-04-120	NEW-P	93-15-087	131-47-025	NEW	93-19-079	131-47-120	NEW-E	93-09-047
118-04-120	NEW	93-23-005	131-47-030	NEW-E	93-09-047	131-47-120	NEW-P	93-14-052

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
131-47-120	NEW-E	93-14-053	131-48-120	NEW	93-22-006	132G-116-125	NEW	93-02-063
131-47-120	NEW	93-19-079	131-48-130	NEW-E	93-14-010	132G-116-130	REP	93-02-063
131-47-125	NEW-E	93-09-047	131-48-130	NEW-P	93-18-067	132G-116-135	NEW	93-02-063
131-47-125	NEW-P	93-14-052	131-48-130	NEW	93-22-006	132G-116-140	REP	93-02-063
131-47-125	NEW-E	93-14-053	131-48-140	NEW-E	93-14-010	132G-116-145	NEW	93-02-063
131-47-125	NEW	93-19-079	131-48-140	NEW-P	93-18-067	132G-116-150	REP	93-02-063
131-47-130	NEW-E	93-09-047	131-48-140	NEW	93-22-006	132G-116-155	NEW	93-02-063
131-47-130	NEW-P	93-14-052	132D-120-040	AMD-P	93-19-118	132G-116-160	REP	93-02-063
131-47-130	NEW-E	93-14-053	132D-120-230	AMD-P	93-19-118	132G-116-170	REP	93-02-063
131-47-130	NEW	93-19-079	132D-120-260	AMD-P	93-19-118	132G-116-175	NEW	93-02-063
131-47-135	NEW-E	93-09-047	132D-120-270	AMD-P	93-19-118	132G-116-180	REP	93-02-063
131-47-135	NEW-P	93-14-052	132D-125-010	NEW-P	93-19-118	132G-116-185	NEW	93-02-063
131-47-135	NEW-E	93-14-053	132D-125-020	NEW-P	93-19-118	132G-116-190	REP	93-02-063
131-47-135	NEW	93-19-079	132D-125-025	NEW-P	93-19-118	132G-116-195	NEW	93-02-063
131-47-140	NEW-E	93-09-047	132D-125-030	NEW-P	93-19-118	132G-116-200	REP	93-02-063
131-47-140	NEW-P	93-14-052	132D-125-035	NEW-P	93-19-118	132G-116-205	NEW	93-02-063
131-47-140	NEW-E	93-14-053	132D-125-040	NEW-P	93-19-118	132G-116-210	REP	93-02-063
131-47-140	NEW	93-19-079	132D-125-045	NEW-P	93-19-118	132G-116-215	NEW	93-02-063
131-47-145	NEW-E	93-09-047	132D-125-050	NEW-P	93-19-118	132G-116-220	REP	93-02-063
131-47-145	NEW-P	93-14-052	132D-125-055	NEW-P	93-19-118	132G-116-225	NEW	93-02-063
131-47-145	NEW-E	93-14-053	132D-125-060	NEW-P	93-19-118	132G-116-230	REP	93-02-063
131-47-145	NEW	93-19-079	132D-125-070	NEW-P	93-19-118	132G-116-235	NEW	93-02-063
131-47-150	NEW-E	93-09-047	132D-125-075	NEW-P	93-19-118	132G-116-240	REP	93-02-063
131-47-150	NEW-P	93-14-052	132D-125-080	NEW-P	93-19-118	132G-116-245	NEW	93-02-063
131-47-150	NEW-E	93-14-053	132D-125-085	NEW-P	93-19-118	132G-116-250	REP	93-02-063
131-47-150	NEW	93-19-079	132D-125-090	NEW-P	93-19-118	132G-116-255	NEW	93-02-063
131-47-155	NEW-E	93-09-047	132D-125-095	NEW-P	93-19-118	132G-116-260	REP	93-02-063
131-47-155	NEW-P	93-14-052	132D-125-100	NEW-P	93-19-118	132G-116-265	NEW	93-02-063
131-47-155	NEW-E	93-14-053	132D-130-010	REP-P	93-19-118	132G-116-270	AMD	93-02-063
131-47-155	NEW	93-19-079	132D-130-020	REP-P	93-19-118	132G-116-275	NEW	93-02-063
131-47-160	NEW-E	93-09-047	132D-130-030	REP-P	93-19-118	132G-116-280	REP	93-02-063
131-47-160	NEW-P	93-14-052	132D-130-035	REP-P	93-19-118	132G-116-285	NEW	93-02-063
131-47-160	NEW-E	93-14-053	132D-130-040	REP-P	93-19-118	132G-116-290	REP	93-02-063
131-47-160	NEW	93-19-079	132D-130-045	REP-P	93-19-118	132G-116-295	NEW	93-02-063
137-47-165	NEW-E	93-09-047	132D-130-050	REP-P	93-19-118	132G-116-300	REP	93-02-063
131-47-165	NEW-P	93-14-052	132D-130-055	REP-P	93-19-118	132G-116-305	NEW	93-02-063
131-47-165	NEW-E	93-14-053	132D-130-060	REP-P	93-19-118	132G-116-310	REP	93-02-063
131-47-165	NEW	93-19-079	132D-130-070	REP-P	93-19-118	132G-116-315	NEW	93-02-063
131-48-010	NEW-E	93-14-010	132D-130-075	REP-P	93-19-118	132G-116-320	REP	93-02-063
131-48-010	NEW-P	93-18-067	132D-130-080	REP-P	93-19-118	132G-116-330	REP	93-02-063
131-48-010	NEW	93-22-006	132D-130-085	REP-P	93-19-118	132G-116-340	AMD	93-02-063
131-48-020	NEW-E	93-14-010	132D-130-090	REP-P	93-19-118	132G-116-350	REP	93-02-063
131-48-020	NEW-P	93-18-067	132D-130-095	REP-P	93-19-118	132H-116-315	AMD-P	93-08-067
131-48-020	NEW	93-22-006	132D-130-100	REP-P	93-19-118	132H-116-315	AMD	93-12-007
131-48-030	NEW-E	93-14-010	132D-140-090	NEW-P	93-19-118	132H-120-050	AMD-P	93-08-068
131-48-030	NEW-P	93-18-067	132D-280-010	REP-P	93-19-118	132H-120-050	AMD	93-12-008
131-48-030	NEW	93-22-006	132D-280-020	REP-P	93-19-118	132H-120-200	AMD-P	93-08-068
131-48-040	NEW-E	93-14-010	132D-280-025	REP-P	93-19-118	132H-120-200	AMD	93-12-008
131-48-040	NEW-P	93-18-067	132D-280-030	REP-P	93-19-118	132H-120-220	AMD-P	93-08-068
131-48-040	NEW	93-22-006	132D-280-035	REP-P	93-19-118	132H-120-220	AMD	93-12-008
131-48-050	NEW-E	93-14-010	132D-280-040	REP-P	93-19-118	132H-120-225	AMD-P	93-08-068
131-48-050	NEW-P	93-18-067	132D-300-010	AMD-P	93-19-118	132H-120-225	AMD	93-12-008
131-48-050	NEW	93-22-006	132D-300-020	AMD-P	93-19-118	132H-120-245	AMD-P	93-08-068
131-48-060	NEW-E	93-14-010	132D-300-030	AMD-P	93-19-118	132H-120-245	AMD	93-12-008
131-48-060	NEW-P	93-18-067	132D-300-040	NEW-P	93-19-118	132H-120-300	AMD-P	93-08-068
131-48-060	NEW	93-22-006	132G-116-010	REP	93-02-063	132H-120-300	AMD	93-12-008
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173-164-070	REP	93-14-116	173-220-045	REP	93-10-099	173-226-160	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
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173-303-102	AMD-P	93-12-109	173-328-020	NEW	93-09-065	173-400-070	AMD-W	93-07-042
173-303-103	AMD-P	93-12-109	173-328-030	NEW	93-09-065	173-400-075	AMD	93-05-044
173-303-110	AMD-P	93-12-109	173-328-040	NEW	93-09-065	173-400-081	NEW-S	93-05-048
173-303-120	AMD-E	93-02-049	173-328-050	NEW	93-09-065	173-400-081	NEW	93-18-007
173-303-120	AMD	93-02-050	173-328-060	NEW	93-09-065	173-400-091	NEW	93-18-007
173-303-120	AMD-P	93-12-109	173-328-070	NEW	93-09-065	173-400-100	AMD-S	93-05-048
173-303-140	AMD-P	93-12-109	173-340-550	AMD-P	93-15-125	173-400-100	AMD	93-18-007
173-303-160	AMD-P	93-12-109	173-351-010	NEW-P	93-12-110	173-400-105	AMD-S	93-05-048
173-303-161	AMD-P	93-12-109	173-351-010	NEW	93-22-016	173-400-105	AMD	93-18-007
173-303-170	AMD-P	93-12-109	173-351-100	NEW-P	93-12-110	173-400-107	NEW-S	93-05-048
173-303-180	AMD-P	93-12-109	173-351-100	NEW	93-22-016	173-400-107	NEW	93-18-007
173-303-200	AMD-P	93-12-109	173-351-120	NEW-P	93-12-110	173-400-110	AMD-S	93-05-048
173-303-201	AMD-P	93-12-109	173-351-120	NEW	93-22-016	173-400-110	AMD	93-18-007
173-303-202	AMD-P	93-12-109	173-351-130	NEW-P	93-12-110	173-400-112	NEW-S	93-05-048
173-303-210	AMD-P	93-12-109	173-351-130	NEW	93-22-016	173-400-112	NEW	93-18-007
173-303-220	AMD-P	93-12-109	173-351-140	NEW-P	93-12-110	173-400-113	NEW-S	93-05-048
173-303-230	AMD-P	93-12-109	173-351-140	NEW	93-22-016	173-400-113	NEW	93-18-007
173-303-240	AMD-P	93-12-109	173-351-200	NEW-P	93-12-110	173-400-114	NEW-S	93-05-048
173-303-281	AMD-P	93-12-109	173-351-200	NEW	93-22-016	173-400-114	NEW	93-18-007
173-303-282	AMD-P	93-12-109	173-351-210	NEW-P	93-12-110	173-400-115	AMD	93-05-044
173-303-290	AMD-P	93-12-109	173-351-210	NEW	93-22-016	173-400-116	NEW-W	93-07-042
173-303-300	AMD-P	93-12-109	173-351-220	NEW-P	93-12-110	173-400-120	AMD-S	93-05-048
173-303-320	AMD-P	93-12-109	173-351-220	NEW	93-22-016	173-400-120	AMD	93-18-007
173-303-330	AMD-P	93-12-109	173-351-300	NEW-P	93-12-110	173-400-131	AMD-S	93-05-048
173-303-350	AMD-P	93-12-109	173-351-300	NEW	93-22-016	173-400-131	AMD	93-18-007
173-303-370	AMD-P	93-12-109	173-351-400	NEW-P	93-12-110	173-400-136	AMD-S	93-05-048
173-303-390	AMD-P	93-12-109	173-351-400	NEW	93-22-016	173-400-136	AMD	93-18-007
173-303-400	AMD-P	93-12-109	173-351-405	NEW-P	93-12-110	173-400-141	AMD-S	93-05-048
173-303-505	AMD-P	93-12-109	173-351-405	NEW	93-22-016	173-400-141	AMD	93-18-007
173-303-506	NEW-E	93-02-049	173-351-410	NEW-P	93-12-110	173-400-171	AMD-S	93-05-048
173-303-506	NEW	93-02-050	173-351-410	NEW	93-22-016	173-400-171	AMD	93-18-007
173-303-510	AMD-P	93-12-109	173-351-415	NEW-P	93-12-110	173-400-180	AMD-S	93-05-048
173-303-515	AMD-P	93-12-109	173-351-415	NEW	93-22-016	173-400-180	AMD	93-18-007
173-303-520	AMD-P	93-12-109	173-351-420	NEW-P	93-12-110	173-400-230	AMD	93-05-044
173-303-600	AMD-P	93-12-109	173-351-420	NEW	93-22-016	173-400-250	AMD-S	93-05-048
173-303-610	AMD-P	93-12-109	173-351-430	NEW-P	93-12-110	173-400-250	AMD	93-18-007
173-303-630	AMD-P	93-12-109	173-351-430	NEW	93-22-016	173-401	NEW-C	93-15-053
173-303-640	AMD-P	93-12-109	173-351-440	NEW-P	93-12-110	173-401	NEW-C	93-18-082
173-303-645	AMD-P	93-12-109	173-351-440	NEW	93-22-016	173-401-100	NEW-P	93-07-062
173-303-646	NEW-P	93-12-109	173-351-450	NEW-P	93-12-110	173-401-100	NEW	93-20-075
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173-303-660	AMD-P	93-12-109	173-351-460	NEW	93-22-016	173-401-300	NEW-P	93-07-062
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173-303-800	AMD-P	93-12-109	173-351-480	NEW-P	93-12-110	173-401-400	NEW	93-20-075
173-303-802	AMD-P	93-12-109	173-351-480	NEW	93-22-016	173-401-500	NEW-P	93-07-062
173-303-805	AMD-P	93-12-109	173-351-490	NEW-P	93-12-110	173-401-500	NEW	93-20-075
173-303-806	AMD-P	93-12-109	173-351-490	NEW	93-22-016	173-401-510	NEW-P	93-07-062
173-303-807	AMD-P	93-12-109	173-351-500	NEW-P	93-12-110	173-401-510	NEW	93-20-075
173-303-810	AMD-P	93-12-109	173-351-500	NEW	93-22-016	173-401-520	NEW-P	93-07-062
173-303-830	AMD-P	93-12-109	173-351-600	NEW-P	93-12-110	173-401-520	NEW	93-20-075
173-303-840	AMD-P	93-12-109	173-351-600	NEW	93-22-016	173-401-600	NEW-P	93-07-062
173-303-900	AMD-P	93-12-109	173-351-700	NEW-P	93-12-110	173-401-600	NEW	93-20-075
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173-303-9903	AMD-P	93-12-109	173-351-720	NEW-P	93-12-110	173-401-605	NEW	93-20-075
173-303-9904	AMD-P	93-12-109	173-351-720	NEW	93-22-016	173-401-610	NEW-P	93-07-062
173-303-9905	AMD-P	93-12-109	173-351-730	NEW-P	93-12-110	173-401-610	NEW	93-20-075
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173-303-9908	NEW-P	93-12-109	173-351-740	NEW	93-22-016	173-401-620	NEW-P	93-07-062
173-322-010	AMD-P	93-12-108	173-351-750	NEW-P	93-12-110	173-401-620	NEW	93-20-075
173-322-020	AMD-P	93-12-108	173-351-750	NEW	93-22-016	173-401-625	NEW-P	93-07-062
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173-322-050	AMD-P	93-12-108	173-351-990	NEW-P	93-12-110	173-401-630	NEW	93-20-075
173-322-060	AMD-P	93-12-108	173-351-990	NEW	93-22-016	173-401-635	NEW-P	93-07-062
173-322-070	AMD-P	93-12-108	173-400	AMD-C	93-03-065	173-401-635	NEW	93-20-075
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173-401-645	NEW	93-20-075	173-422-070	AMD-P	93-20-047	173-460-020	AMD-P	93-14-118
173-401-650	NEW-P	93-07-062	173-422-075	NEW-P	93-03-092	173-460-030	AMD-P	93-14-118
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173-401-705	NEW-P	93-07-062	173-422-080	REP	93-10-062	173-460-080	AMD-P	93-14-118
173-401-705	NEW	93-20-075	173-422-090	AMD-P	93-03-092	173-460-090	AMD-P	93-14-118
173-401-710	NEW-P	93-07-062	173-422-090	AMD	93-10-062	173-460-100	AMD-P	93-14-118
173-401-710	NEW	93-20-075	173-422-095	NEW-P	93-03-092	173-460-110	AMD-P	93-14-118
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173-401-720	NEW	93-20-075	173-422-095	AMD-P	93-20-047	173-460-160	AMD-P	93-14-118
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173-401-722	NEW	93-20-075	173-422-100	AMD	93-10-062	173-491-020	AMD	93-13-011
173-401-724	NEW	93-20-075	173-422-110	REP-P	93-03-092	173-491-040	AMD-P	93-04-108
173-401-725	NEW-P	93-07-062	173-422-110	REP	93-10-062	173-491-040	AMD	93-13-011
173-401-725	NEW	93-20-075	173-422-120	AMD-P	93-03-092	173-491-050	AMD	93-03-089
173-401-730	NEW-P	93-07-062	173-422-120	AMD	93-10-062	173-491-050	AMD-P	93-04-108
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173-401-735	NEW-P	93-07-062	173-422-130	AMD	93-10-062	173-492-070	AMD-P	93-22-100
173-401-735	NEW	93-20-075	173-422-130	AMD-P	93-12-080	180-16-200	AMD-P	93-23-058
173-401-750	NEW-P	93-07-062	173-422-130	AMD-E	93-12-081	180-16-222	AMD-P	93-04-116
173-401-750	NEW	93-20-075	173-422-130	AMD	93-20-010	180-16-222	AMD	93-07-102
173-401-800	NEW-P	93-07-062	173-422-130	AMD-P	93-20-047	180-16-223	AMD-P	93-04-116
173-401-800	NEW	93-20-075	173-422-140	AMD-P	93-03-092	180-16-223	AMD	93-07-102
173-401-805	NEW-P	93-07-062	173-422-140	AMD	93-10-062	180-16-236	AMD-P	93-20-092
173-401-805	NEW	93-20-075	173-422-140	REP-P	93-20-047	180-20-005	NEW-P	93-04-117
173-401-810	NEW-P	93-07-062	173-422-150	REP-P	93-03-092	180-20-005	NEW	93-08-007
173-401-810	NEW	93-20-075	173-422-150	REP	93-10-062	180-20-030	NEW-P	93-04-117
173-401-820	NEW-P	93-07-062	173-422-160	AMD-P	93-03-092	180-20-030	NEW	93-08-007
173-401-820	NEW	93-20-075	173-422-160	AMD	93-10-062	180-20-031	NEW-P	93-04-117
173-401-830	NEW	93-20-075	173-422-160	AMD-P	93-20-047	180-20-031	NEW	93-08-007
173-401-900	NEW-P	93-17-100	173-422-170	AMD-P	93-03-092	180-20-034	NEW-P	93-04-117
173-401-905	NEW-P	93-17-100	173-422-170	AMD	93-10-062	180-20-034	NEW	93-08-007
173-401-910	NEW-P	93-17-100	173-422-170	AMD-P	93-20-047	180-20-035	NEW-P	93-04-117
173-401-915	NEW-P	93-17-100	173-422-180	REP-P	93-03-092	180-20-035	NEW	93-08-007
173-401-920	NEW-P	93-17-100	173-422-180	REP	93-10-062	180-20-040	NEW-P	93-04-117
173-401-925	NEW-P	93-17-100	173-430	AMD-P	93-03-090	180-20-040	NEW	93-08-007
173-401-930	NEW-P	93-17-100	173-430	AMD-E	93-04-002	180-20-045	NEW-P	93-04-117
173-401-935	NEW-P	93-17-100	173-430	AMD-C	93-09-063	180-20-045	NEW	93-08-007
173-401-940	NEW-P	93-17-100	173-430-010	AMD-P	93-03-090	180-20-050	NEW-P	93-04-117
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173-420-020	NEW	93-04-006	173-430-010	AMD-E	93-12-012	180-20-055	NEW-P	93-04-117
173-420-030	NEW	93-04-006	173-430-010	AMD	93-14-022	180-20-055	NEW	93-08-007
173-420-040	NEW	93-04-006	173-430-020	AMD-P	93-03-090	180-20-060	NEW-P	93-04-117
173-420-050	NEW	93-04-006	173-430-020	AMD-E	93-04-002	180-20-060	NEW	93-08-007
173-420-060	NEW	93-04-006	173-430-020	AMD-E	93-12-012	180-20-065	NEW-P	93-04-117
173-420-070	NEW	93-04-006	173-430-020	AMD	93-14-022	180-20-065	NEW	93-08-007
173-420-080	NEW	93-04-006	173-430-030	AMD-P	93-03-090	180-20-070	NEW-P	93-04-117
173-420-090	NEW	93-04-006	173-430-030	AMD-E	93-04-002	180-20-070	NEW	93-08-007
173-420-100	NEW	93-04-006	173-430-030	AMD-E	93-12-012	180-20-075	NEW-P	93-04-117
173-420-110	NEW	93-04-006	173-430-030	AMD	93-14-022	180-20-075	NEW	93-08-007
173-422	AMD-C	93-17-061	173-430-040	AMD-P	93-03-090	180-20-080	NEW-P	93-04-117
173-422-010	AMD-P	93-03-092	173-430-040	AMD-E	93-04-002	180-20-080	NEW	93-08-007
173-422-010	AMD	93-10-062	173-430-040	AMD-E	93-12-012	180-20-090	NEW-P	93-04-117
173-422-020	AMD-P	93-03-092	173-430-040	AMD	93-14-022	180-20-090	NEW	93-08-007
173-422-020	AMD	93-10-062	173-430-050	AMD-P	93-03-090	180-20-095	NEW-P	93-04-117
173-422-020	AMD-P	93-20-047	173-430-050	AMD-E	93-04-002	180-20-095	NEW	93-08-007
173-422-030	AMD-P	93-03-092	173-430-060	AMD-P	93-03-090	180-20-100	REP-P	93-04-117
173-422-030	AMD	93-10-062	173-430-060	AMD-E	93-04-002	180-20-100	REP	93-08-007
173-422-030	AMD-P	93-20-047	173-430-060	AMD-E	93-12-012	180-20-101	NEW-P	93-04-117
173-422-035	AMD-P	93-03-092	173-430-060	AMD	93-14-022	180-20-101	NEW	93-08-007
173-422-035	AMD	93-10-062	173-430-070	AMD-P	93-03-090	180-20-105	REP-P	93-04-117
173-422-040	AMD-P	93-03-092	173-430-070	AMD-E	93-04-002	180-20-105	REP	93-08-007
173-422-040	AMD	93-10-062	173-430-070	AMD-E	93-12-012	180-20-106	REP-P	93-04-117
173-422-050	AMD-P	93-03-092	173-430-070	AMD	93-14-022	180-20-106	REP	93-08-007
173-422-050	AMD	93-10-062	173-430-080	AMD-P	93-03-090	180-20-111	NEW-P	93-04-117
173-422-050	AMD-P	93-20-047	173-430-080	AMD-E	93-04-002	180-20-111	NEW	93-08-007
173-422-060	AMD-P	93-03-092	173-430-080	AMD-E	93-12-012	180-20-115	NEW-P	93-04-117
173-422-060	AMD	93-10-062	173-430-080	AMD	93-14-022	180-20-115	NEW	93-08-007
173-422-065	NEW-P	93-03-092	173-433-100	AMD	93-04-105	180-20-120	NEW-P	93-04-117
173-422-065	NEW	93-10-062	173-433-110	AMD	93-04-105	180-20-120	NEW	93-08-007

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180-20-125	NEW-P	93-04-117	180-72-070	AMD	93-22-007	192-10-120	REP-P	93-17-012
180-20-125	NEW	93-08-007	180-78-010	AMD-P	93-04-120	192-10-120	REP	93-20-037
180-20-130	NEW-P	93-04-117	180-78-010	AMD	93-07-101	192-10-130	REP-P	93-17-012
180-20-130	NEW	93-08-007	180-78-191	REP-P	93-20-094	192-10-130	REP	93-20-037
180-20-135	NEW-P	93-04-117	180-78-196	REP-P	93-20-094	192-10-140	REP-P	93-17-012
180-20-135	NEW	93-08-007	180-79-010	AMD-P	93-04-120	192-10-140	REP	93-20-037
180-20-140	NEW-P	93-04-117	180-79-010	AMD	93-07-101	192-10-150	REP-P	93-17-012
180-20-140	NEW	93-08-007	180-79-065	AMD-P	93-20-095	192-10-150	REP	93-20-037
180-20-145	NEW-P	93-04-117	180-79-115	AMD-P	93-20-095	192-10-160	REP-P	93-17-012
180-20-145	NEW	93-08-007	180-79-120	AMD-P	93-20-095	192-10-160	REP	93-20-037
180-20-150	NEW-P	93-04-117	180-79-124	NEW-P	93-20-095	192-10-170	REP-P	93-17-012
180-20-150	NEW	93-08-007	180-79-125	AMD-P	93-20-095	192-10-170	REP	93-20-037
180-20-155	NEW-P	93-04-117	180-79-126	NEW-P	93-20-095	192-10-180	REP-P	93-17-012
180-20-155	NEW	93-08-007	180-79-236	AMD	93-05-007	192-10-180	REP	93-20-037
180-20-160	NEW-P	93-04-117	180-79-245	AMD-P	93-20-095	192-10-190	REP-P	93-17-012
180-20-160	NEW	93-08-007	180-79-247	NEW-P	93-20-095	192-10-190	REP	93-20-037
180-20-200	REP-P	93-04-117	180-79-303	AMD-P	93-20-095	192-10-200	REP-P	93-17-012
180-20-200	REP	93-08-007	180-85-025	AMD-P	93-20-093	192-10-200	REP	93-20-037
180-20-205	REP-P	93-04-117	180-87-001	REP-P	93-17-077	192-10-210	REP-P	93-17-012
180-20-205	REP	93-08-007	180-87-001	REP	93-20-068	192-10-210	REP	93-20-037
180-20-210	REP-P	93-04-117	180-95-010	AMD-P	93-23-057	192-10-220	REP-P	93-17-012
180-20-210	REP	93-08-007	180-95-020	AMD-P	93-23-057	192-10-220	REP	93-20-037
180-20-215	REP-P	93-04-117	180-95-030	AMD-P	93-23-057	192-10-230	REP-P	93-17-012
180-20-215	REP	93-08-007	180-95-040	AMD-P	93-23-057	192-10-230	REP	93-20-037
180-20-220	REP-P	93-04-117	180-95-050	AMD-P	93-23-057	192-10-240	REP-P	93-17-012
180-20-220	REP	93-08-007	180-95-060	AMD-P	93-23-057	192-10-240	REP	93-20-037
180-20-225	REP-P	93-04-117	182-08-160	AMD-E	93-17-001	192-10-250	REP-P	93-17-012
180-20-225	REP	93-08-007	182-08-160	AMD-P	93-19-047	192-10-250	REP	93-20-037
180-20-230	REP-P	93-04-117	182-08-160	AMD	93-23-065	192-10-265	REP-P	93-17-012
180-20-230	REP	93-08-007	182-08-175	NEW-E	93-17-001	192-10-265	REP	93-20-037
180-26-020	AMD-P	93-04-118	182-08-175	NEW-P	93-19-047	192-10-280	REP-P	93-17-012
180-26-020	AMD	93-07-104	182-08-175	NEW	93-23-065	192-10-280	REP	93-20-037
180-26-020	AMD-P	93-20-089	182-08-190	AMD-E	93-17-001	192-10-290	REP-P	93-17-012
180-26-025	AMD-P	93-04-119	182-08-190	AMD-P	93-19-047	192-10-290	REP	93-20-037
180-26-025	AMD-W	93-07-100	182-08-190	AMD	93-23-065	192-10-300	REP-P	93-17-012
180-27-032	AMD-P	93-20-090	182-12-110	AMD-E	93-17-091	192-10-300	REP	93-20-037
180-27-070	AMD-P	93-08-041	182-12-111	AMD-E	93-17-091	192-10-310	REP-P	93-17-012
180-27-070	AMD	93-13-026	182-12-115	AMD-E	93-17-091	192-10-310	REP	93-20-037
180-27-115	AMD-P	93-17-079	182-12-122	AMD-E	93-17-091	192-10-330	REP-P	93-17-012
180-27-115	AMD	93-20-067	182-14-010	NEW-E	93-18-059	192-10-330	REP	93-20-037
180-27-505	AMD	93-04-019	182-14-020	NEW-E	93-18-059	192-12-141	AMD-P	93-07-086
180-29-090	AMD-P	93-20-089	182-14-030	NEW-E	93-18-059	192-12-141	AMD	93-10-025
180-29-125	AMD-P	93-20-091	182-14-040	NEW-E	93-18-059	192-12-158	REP-P	93-17-012
180-33-042	AMD-E	93-17-005	182-14-050	NEW-E	93-18-059	192-12-158	REP	93-20-037
180-33-042	AMD-P	93-17-078	182-14-060	NEW-E	93-18-059	192-12-180	AMD-P	93-13-137
180-33-042	AMD	93-20-066	182-14-070	NEW-E	93-18-059	192-12-180	AMD	93-16-053
180-50-115	AMD-P	93-23-058	182-14-080	NEW-E	93-18-059	192-12-182	AMD-P	93-13-137
180-50-120	AMD-P	93-23-058	182-14-090	NEW-E	93-18-059	192-12-182	AMD	93-16-053
180-51-005	AMD	93-04-115	182-14-100	NEW-E	93-18-059	192-12-184	AMD-P	93-13-137
180-51-025	AMD	93-04-115	192-10-010	REP-P	93-17-012	192-12-184	AMD	93-16-053
180-51-030	AMD	93-04-115	192-10-010	REP	93-20-037	192-12-186	AMD-P	93-13-137
180-51-050	AMD-P	93-20-128	192-10-015	REP-P	93-17-012	192-12-186	AMD	93-16-053
180-51-055	AMD	93-04-115	192-10-015	REP	93-20-037	192-16-070	NEW-E	93-13-007
180-51-075	AMD-P	93-23-058	192-10-020	REP-P	93-17-012	192-16-070	NEW-P	93-15-115
180-51-100	AMD	93-04-115	192-10-020	REP	93-20-037	192-16-070	NEW	93-18-054
180-51-105	AMD-P	93-23-057	192-10-030	REP-P	93-17-012	192-30-010	REP-P	93-17-012
180-72-040	AMD-E	93-14-009	192-10-030	REP	93-20-037	192-30-010	REP	93-20-037
180-72-040	AMD-P	93-18-068	192-10-040	REP-P	93-17-012	192-30-020	REP-P	93-17-012
180-72-040	AMD	93-22-007	192-10-040	REP	93-20-037	192-30-020	REP	93-20-037
180-72-045	AMD-E	93-14-009	192-10-050	REP-P	93-17-012	192-30-030	REP-P	93-17-012
180-72-045	AMD-P	93-18-068	192-10-050	REP	93-20-037	192-30-030	REP	93-20-037
180-72-045	AMD	93-22-007	192-10-060	REP-P	93-17-012	192-30-040	REP-P	93-17-012
180-72-050	AMD-E	93-14-009	192-10-060	REP	93-20-037	192-30-040	REP	93-20-037
180-72-050	AMD-P	93-18-068	192-10-070	REP-P	93-17-012	192-30-100	REP-P	93-17-012
180-72-050	AMD	93-22-007	192-10-070	REP	93-20-037	192-30-100	REP	93-20-037
180-72-060	AMD-E	93-14-009	192-10-080	REP-P	93-17-012	192-30-200	REP-P	93-17-012
180-72-060	AMD-P	93-18-068	192-10-080	REP	93-20-037	192-30-200	REP	93-20-037
180-72-060	AMD	93-22-007	192-10-090	REP-P	93-17-012	192-30-210	REP-P	93-17-012
180-72-065	AMD-E	93-14-009	192-10-090	REP	93-20-037	192-30-210	REP	93-20-037
180-72-065	AMD-P	93-18-068	192-10-100	REP-P	93-17-012	192-30-220	REP-P	93-17-012
180-72-065	AMD	93-22-007	192-10-100	REP	93-20-037	192-30-220	REP	93-20-037

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
192-30-230	REP-P	93-17-012	212-12-040	NEW-E	93-04-061	212-26-050	REP	93-05-032
192-30-230	REP	93-20-037	212-12-040	NEW	93-05-032	212-26-055	REP-E	93-04-061
194-10-030	AMD	93-02-033	212-12-044	NEW-E	93-04-061	212-26-055	REP	93-05-032
194-10-100	AMD	93-02-033	212-12-044	NEW	93-05-032	212-26-060	REP-E	93-04-061
194-10-110	AMD	93-02-033	212-14-001	REP-E	93-04-061	212-26-060	REP	93-05-032
194-10-130	AMD	93-02-033	212-14-001	REP	93-05-032	212-26-065	REP-E	93-04-061
194-10-140	AMD	93-02-033	212-14-005	REP-E	93-04-061	212-26-065	REP	93-05-032
196-24-041	NEW-P	93-09-024	212-14-005	REP	93-05-032	212-26-070	REP-E	93-04-061
196-24-041	NEW	93-13-064	212-14-010	REP-E	93-04-061	212-26-070	REP	93-05-032
196-24-097	NEW-P	93-09-022	212-14-010	REP	93-05-032	212-26-075	REP-E	93-04-061
196-24-097	NEW	93-13-065	212-14-015	REP-E	93-04-061	212-26-075	REP	93-05-032
196-24-098	NEW-P	93-09-023	212-14-015	REP	93-05-032	212-26-080	REP-E	93-04-061
196-24-098	NEW	93-13-066	212-14-020	REP-E	93-04-061	212-26-080	REP	93-05-032
196-26-020	AMD-P	93-07-111	212-14-020	REP	93-05-032	212-26-085	REP-E	93-04-061
196-26-020	AMD	93-10-057	212-14-025	REP-E	93-04-061	212-26-085	REP	93-05-032
204-10-120	AMD-P	93-05-029	212-14-025	REP	93-05-032	212-26-090	REP-E	93-04-061
204-10-120	AMD	93-11-018	212-14-030	REP-E	93-04-061	212-26-090	REP	93-05-032
204-30-010	REP-P	93-16-067	212-14-030	REP	93-05-032	212-26-095	REP-E	93-04-061
204-30-020	REP-P	93-16-067	212-14-035	REP-E	93-04-061	212-26-095	REP	93-05-032
204-30-030	REP-P	93-16-067	212-14-035	REP	93-05-032	212-26-100	REP-E	93-04-061
204-30-040	REP-P	93-16-067	212-14-040	REP-E	93-04-061	212-26-100	REP	93-05-032
204-30-050	REP-P	93-16-067	212-14-040	REP	93-05-032	212-26-105	REP-E	93-04-061
204-30-060	REP-P	93-16-067	212-14-045	REP-E	93-04-061	212-26-105	REP	93-05-032
204-30-070	REP-P	93-16-067	212-14-045	REP	93-05-032	212-28-001	REP-E	93-04-061
204-30-080	REP-P	93-16-067	212-14-050	REP-E	93-04-061	212-28-001	REP	93-05-032
204-44-040	NEW-P	93-05-028	212-14-050	REP	93-05-032	212-28-010	REP-E	93-04-061
204-44-040	NEW	93-11-017	212-14-055	REP-E	93-04-061	212-28-010	REP	93-05-032
204-74A-050	AMD-P	93-20-034	212-14-055	REP	93-05-032	212-28-015	REP-E	93-04-061
204-82A-070	AMD-P	93-10-002	212-14-060	REP-E	93-04-061	212-28-015	REP	93-05-032
204-82A-070	AMD	93-15-075	212-14-060	REP	93-05-032	212-28-020	REP-E	93-04-061
204-84-010	REP-P	93-05-029	212-14-070	REP-E	93-04-061	212-28-020	REP	93-05-032
204-84-010	REP	93-11-018	212-14-070	REP	93-05-032	212-28-025	REP-E	93-04-061
204-84-020	REP-P	93-05-029	212-14-080	REP-E	93-04-061	212-28-025	REP	93-05-032
204-84-020	REP	93-11-018	212-14-080	REP	93-05-032	212-28-030	REP-E	93-04-061
204-84-030	REP-P	93-05-029	212-14-090	REP-E	93-04-061	212-28-030	REP	93-05-032
204-84-030	REP	93-11-018	212-14-090	REP	93-05-032	212-28-035	REP-E	93-04-061
204-84-040	REP-P	93-05-029	212-14-100	REP-E	93-04-061	212-28-035	REP	93-05-032
204-84-040	REP	93-11-018	212-14-100	REP	93-05-032	212-28-040	REP-E	93-04-061
204-84-050	REP-P	93-05-029	212-14-105	REP-E	93-04-061	212-28-040	REP	93-05-032
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

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
212-32-015	REP-E	93-04-061	212-36-030	REP	93-05-032
212-32-015	REP	93-05-032	212-36-035	REP-E	93-04-061
212-32-020	REP-E	93-04-061	212-36-035	REP	93-05-032
212-32-020	REP	93-05-032	212-36-040	REP-E	93-04-061
212-32-025	REP-E	93-04-061	212-36-040	REP	93-05-032
212-32-025	REP	93-05-032	212-36-045	REP-E	93-04-061
212-32-030	REP-E	93-04-061	212-36-045	REP	93-05-032
212-32-030	REP	93-05-032	212-36-050	REP-E	93-04-061
212-32-035	REP-E	93-04-061	212-36-050	REP	93-05-032
212-32-035	REP	93-05-032	212-36-055	REP-E	93-04-061
212-32-040	REP-E	93-04-061	212-36-055	REP	93-05-032
212-32-040	REP	93-05-032	212-36-060	REP-E	93-04-061
212-32-045	REP-E	93-04-061	212-36-060	REP	93-05-032
212-32-045	REP	93-05-032	212-36-065	REP-E	93-04-061
212-32-050	REP-E	93-04-061	212-36-065	REP	93-05-032
212-32-050	REP	93-05-032	212-36-070	REP-E	93-04-061
212-32-055	REP-E	93-04-061	212-36-070	REP	93-05-032
212-32-055	REP	93-05-032	212-36-075	REP-E	93-04-061
212-32-060	REP-E	93-04-061	212-36-075	REP	93-05-032
212-32-060	REP	93-05-032	212-36-080	REP-E	93-04-061
212-32-065	REP-E	93-04-061	212-36-080	REP	93-05-032
212-32-065	REP	93-05-032	212-36-085	REP-E	93-04-061
212-32-070	REP-E	93-04-061	212-36-085	REP	93-05-032
212-32-070	REP	93-05-032	212-36-090	REP-E	93-04-061
212-32-075	REP-E	93-04-061	212-36-090	REP	93-05-032
212-32-075	REP	93-05-032	212-36-095	REP-E	93-04-061
212-32-080	REP-E	93-04-061	212-36-095	REP	93-05-032
212-32-080	REP	93-05-032	212-36-100	REP-E	93-04-061
212-32-085	REP-E	93-04-061	212-36-100	REP	93-05-032
212-32-085	REP	93-05-032	212-40-001	REP-E	93-04-061
212-32-090	REP-E	93-04-061	212-40-001	REP	93-05-032
212-32-090	REP	93-05-032	212-40-005	REP-E	93-04-061
212-32-095	REP-E	93-04-061	212-40-005	REP	93-05-032
212-32-095	REP	93-05-032	212-40-010	REP-E	93-04-061
212-32-100	REP-E	93-04-061	212-40-010	REP	93-05-032
212-32-100	REP	93-05-032	212-40-015	REP-E	93-04-061
212-32-105	REP-E	93-04-061	212-40-015	REP	93-05-032
212-32-105	REP	93-05-032	212-40-020	REP-E	93-04-061
212-32-110	REP-E	93-04-061	212-40-020	REP	93-05-032
212-32-110	REP	93-05-032	212-40-025	REP-E	93-04-061
212-32-115	REP-E	93-04-061	212-40-025	REP	93-05-032
212-32-115	REP	93-05-032	212-40-030	REP-E	93-04-061
212-32-120	REP-E	93-04-061	212-40-030	REP	93-05-032
212-32-120	REP	93-05-032	212-40-035	REP-E	93-04-061
212-32-125	REP-E	93-04-061	212-40-035	REP	93-05-032
212-32-125	REP	93-05-032	212-40-040	REP-E	93-04-061
212-32-130	REP-E	93-04-061	212-40-040	REP	93-05-032
212-32-130	REP	93-05-032	212-40-045	REP-E	93-04-061
212-32-135	REP-E	93-04-061	212-40-045	REP	93-05-032
212-32-135	REP	93-05-032	212-40-050	REP-E	93-04-061
212-32-140	REP-E	93-04-061	212-40-050	REP	93-05-032
212-32-140	REP	93-05-032	212-40-055	REP-E	93-04-061
212-32-145	REP-E	93-04-061	212-40-055	REP	93-05-032
212-32-145	REP	93-05-032	212-40-060	REP-E	93-04-061
212-32-150	REP-E	93-04-061	212-40-060	REP	93-05-032
212-32-150	REP	93-05-032	212-40-065	REP-E	93-04-061
212-32-155	REP-E	93-04-061	212-40-065	REP	93-05-032
212-32-155	REP	93-05-032	212-40-070	REP-E	93-04-061
212-32-160	REP-E	93-04-061	212-40-070	REP	93-05-032
212-32-160	REP	93-05-032	212-40-075	REP-E	93-04-061
212-36-001	REP-E	93-04-061	212-40-075	REP	93-05-032
212-36-001	REP	93-05-032	212-40-080	REP-E	93-04-061
212-36-005	REP-E	93-04-061	212-40-080	REP	93-05-032
212-36-005	REP	93-05-032	212-40-085	REP-E	93-04-061
212-36-010	REP-E	93-04-061	212-40-085	REP	93-05-032
212-36-010	REP	93-05-032	212-40-090	REP-E	93-04-061
212-36-015	REP-E	93-04-061	212-40-090	REP	93-05-032
212-36-015	REP	93-05-032	212-40-095	REP-E	93-04-061
212-36-020	REP-E	93-04-061	212-40-095	REP	93-05-032
212-36-020	REP	93-05-032	212-40-100	REP-E	93-04-061
212-36-025	REP-E	93-04-061	212-40-100	REP	93-05-032
212-36-025	REP	93-05-032	212-40-105	REP-E	93-04-061
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212-64-037	REP	93-05-032	212-70-040	REP-E	93-04-061	220-24-02000W	REP-E	93-16-082
212-64-039	REP-E	93-04-061	212-70-040	REP	93-05-032	220-24-02000X	NEW-E	93-16-082
212-64-039	REP	93-05-032	212-70-050	REP-E	93-04-061	220-24-02000X	REP-E	93-18-030
212-64-040	REP-E	93-04-061	212-70-050	REP	93-05-032	220-24-02000Y	NEW-E	93-18-030
212-64-040	REP	93-05-032	212-70-060	REP-E	93-04-061	220-24-02000Y	REP-E	93-18-077
212-64-043	REP-E	93-04-061	212-70-060	REP	93-05-032	220-24-02000Z	NEW-E	93-18-077
212-64-043	REP	93-05-032	212-70-070	REP-E	93-04-061	220-24-02000Z	REP-E	93-19-042
212-64-045	REP-E	93-04-061	212-70-070	REP	93-05-032	220-32-05100A	NEW-E	93-18-045
212-64-045	REP	93-05-032	212-70-080	REP-E	93-04-061	220-32-05100A	REP-E	93-19-059
212-64-050	REP-E	93-04-061	212-70-080	REP	93-05-032	220-32-05100B	NEW-E	93-19-059
212-64-050	REP	93-05-032	212-70-090	REP-E	93-04-061	220-32-05100B	REP-E	93-19-132
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212-64-060	REP-E	93-04-061	212-70-100	REP	93-05-032	220-32-05100D	NEW-E	93-20-025
212-64-060	REP	93-05-032	212-70-110	REP-E	93-04-061	220-32-05100T	REP-E	93-04-073
212-64-065	REP-E	93-04-061	212-70-110	REP	93-05-032	220-32-05100U	NEW-E	93-04-073
212-64-065	REP	93-05-032	212-70-120	REP-E	93-04-061	220-32-05100U	REP-E	93-06-015
212-64-067	REP-E	93-04-061	212-70-120	REP	93-05-032	220-32-05100V	NEW-E	93-06-015
212-64-067	REP	93-05-032	212-70-130	REP-E	93-04-061	220-32-05100V	REP-E	93-06-069
212-64-068	REP-E	93-04-061	212-70-130	REP	93-05-032	220-32-05100W	NEW-E	93-06-069
212-64-068	REP	93-05-032	212-70-140	REP-E	93-04-061	220-32-05100Y	NEW-E	93-15-098
212-64-069	REP-E	93-04-061	212-70-140	REP	93-05-032	220-32-05100Y	REP-E	93-17-008
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212-64-070	REP-E	93-04-061	212-70-150	REP	93-05-032	220-32-05100X	REP-E	93-15-098
212-64-070	REP	93-05-032	212-70-160	REP-E	93-04-061	220-32-05100Z	NEW-E	93-17-008
212-65-001	REP-E	93-04-061	212-70-160	REP	93-05-032	220-32-05100Z	REP-E	93-18-045
212-65-001	REP	93-05-032	212-70-170	REP-E	93-04-061	220-32-05500C	NEW-E	93-10-061
212-65-005	REP-E	93-04-061	212-70-170	REP	93-05-032	220-32-05500C	REP-E	93-12-010
212-65-005	REP	93-05-032	212-70-180	REP-E	93-04-061	220-32-05500D	NEW-E	93-12-010
212-65-010	REP-E	93-04-061	212-70-180	REP	93-05-032	220-32-05500D	REP-E	93-13-030
212-65-010	REP	93-05-032	212-70-190	REP-E	93-04-061	220-32-05500E	NEW-E	93-13-030
212-65-015	REP-E	93-04-061	212-70-190	REP	93-05-032	220-32-05900T	NEW-E	93-21-011
212-65-015	REP	93-05-032	212-70-200	REP-E	93-04-061	220-33-01000M	REP-E	93-05-017
212-65-020	REP-E	93-04-061	212-70-200	REP	93-05-032	220-33-01000N	NEW-E	93-05-017
212-65-020	REP	93-05-032	212-70-210	REP-E	93-04-061	220-33-01000N	REP-E	93-06-014
212-65-025	REP-E	93-04-061	212-70-210	REP	93-05-032	220-33-01000P	NEW-E	93-06-070
212-65-025	REP	93-05-032	212-70-220	REP-E	93-04-061	220-33-01000P	REP-E	93-07-001
212-65-030	REP-E	93-04-061	212-70-220	REP	93-05-032	220-33-01000Q	NEW-E	93-07-001
212-65-030	REP	93-05-032	212-70-230	REP-E	93-04-061	220-33-01000R	NEW-E	93-19-116
212-65-035	REP-E	93-04-061	212-70-230	REP	93-05-032	220-33-01000R	REP-E	93-20-024
212-65-035	REP	93-05-032	212-70-240	REP-E	93-04-061	220-33-01000S	NEW-E	93-20-024
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212-65-040	REP	93-05-032	212-70-250	REP-E	93-04-061	220-33-01000T	NEW-E	93-21-018
212-65-045	REP-E	93-04-061	212-70-250	REP	93-05-032	220-33-03000E	NEW-E	93-12-041
212-65-045	REP	93-05-032	212-70-260	REP-E	93-04-061	220-33-03000E	REP-E	93-13-078
212-65-050	REP-E	93-04-061	212-70-260	REP	93-05-032	220-33-03000F	NEW-E	93-13-078
212-65-050	REP	93-05-032	220-16-015	AMD-P	93-12-092	220-36-02100L	NEW-E	93-14-108
212-65-055	REP-E	93-04-061	220-16-015	AMD	93-15-051	220-36-02100L	REP-E	93-16-034
212-65-055	REP	93-05-032	220-16-460	NEW-P	93-04-096	220-36-023	AMD-P	93-09-074
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212-65-060	REP	93-05-032	220-20-010	AMD-P	93-12-092	220-36-023	AMD	93-14-042
212-65-065	REP-E	93-04-061	220-20-010	AMD	93-15-051	220-36-02300M	NEW-E	93-21-046
212-65-065	REP	93-05-032	220-20-01000A	NEW-E	93-23-071	220-40-02100U	NEW-E	93-14-108
212-65-070	REP-E	93-04-061	220-20-017	REP-P	93-20-109	220-40-02100U	REP-E	93-16-034
212-65-070	REP	93-05-032	220-20-020	AMD-P	93-09-074	220-40-027	AMD-P	93-09-074
212-65-075	REP-E	93-04-061	220-20-020	AMD-C	93-13-006	220-40-027	AMD-C	93-13-006
212-65-075	REP	93-05-032	220-20-020	AMD	93-14-042	220-40-027	AMD	93-14-042
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212-65-080	REP	93-05-032	220-20-026	NEW-P	93-12-092	220-40-02700H	REP-E	93-19-068
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212-65-085	REP	93-05-032	220-20-026	NEW	93-17-021	220-44-04000D	NEW-E	93-11-010
212-65-090	REP-E	93-04-061	220-20-050	AMD-P	93-20-109	220-44-050	AMD-P	93-04-095
212-65-090	REP	93-05-032	220-20-051	NEW-P	93-20-109	220-44-050	AMD	93-07-093
212-65-095	REP-E	93-04-061	220-24-02000A	NEW-E	93-19-042	220-44-05000B	REP-E	93-09-067
212-65-095	REP	93-05-032	220-24-02000A	REP-E	93-19-089	220-44-05000C	NEW-E	93-09-067
212-65-100	REP-E	93-04-061	220-24-02000B	NEW-E	93-19-089	220-44-05000C	REP-E	93-10-094
212-65-100	REP	93-05-032	220-24-02000T	NEW-E	93-10-043	220-44-05000D	NEW-E	93-10-094
212-70-010	REP-E	93-04-061	220-24-02000T	REP-E	93-15-008	220-44-05000D	REP-E	93-12-078
212-70-010	REP	93-05-032	220-24-02000U	NEW-E	93-15-008	220-44-05000E	NEW-E	93-12-078
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220-47-302	AMD	93-14-041	220-52-07100L	REP-E	93-13-089	220-56-191	NEW-C	93-08-033
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220-47-304	AMD	93-14-041	220-52-07100M	REP-E	93-13-089	220-56-19100A	NEW-E	93-13-036
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220-47-307	AMD-W	93-22-087	220-52-07300M	REP-E	93-05-006	220-56-19100B	NEW-E	93-15-016
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220-47-411	AMD-P	93-09-073	220-52-075	AMD	93-15-051	220-56-195	AMD-C	93-08-033
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220-47-901	REP-E	93-17-053	220-55-010	AMD-P	93-04-096	220-56-19500K	NEW-E	93-20-026
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220-47-904	REP-E	93-19-026	220-55-055	AMD-P	93-20-109	220-56-240	AMD	93-08-034
220-47-905	NEW-E	93-19-026	220-55-060	AMD-P	93-20-109	220-56-240	AMD-P	93-10-095
220-47-905	REP-E	93-19-031	220-55-065	AMD-P	93-20-109	220-56-240	AMD-C	93-15-009
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220-47-906	REP-E	93-19-057	220-55-075	AMD-P	93-20-109	220-56-240	AMD-C	93-18-076
220-47-907	NEW-E	93-19-057	220-55-080	REP-P	93-20-109	220-56-240	AMD	93-22-004
220-47-907	REP-E	93-19-103	220-55-086	REP-P	93-20-109	220-56-24000A	NEW-E	93-09-026
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220-47-908	REP-E	93-20-023	220-55-100	AMD-P	93-20-109	220-56-245	AMD	93-08-034
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220-47-912	REP-E	93-22-011	220-55-150	REP-P	93-20-109	220-56-25500S	NEW-E	93-15-015
220-47-913	NEW-E	93-22-011	220-56-100	AMD-P	93-04-096	220-56-25500S	REP-E	93-15-068
220-47-913	REP-E	93-22-065	220-56-105	AMD-P	93-04-096	220-56-25500T	NEW-E	93-15-068
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220-47-915	REP-E	93-23-017	220-56-116	AMD-W	93-17-065	220-56-285	AMD	93-08-034
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220-48-005	AMD-P	93-12-092	220-56-126	AMD	93-08-034	220-56-310	AMD-P	93-04-096
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220-52-01901	AMD	93-15-051	220-56-132	AMD-P	93-04-096	220-56-325	AMD-P	93-04-096
220-52-04000A	NEW-E	93-20-001	220-56-132	AMD	93-08-034	220-56-325	AMD	93-08-034
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220-52-043	AMD	93-15-051	220-56-180	AMD	93-08-034	220-56-32500X	NEW-E	93-11-063
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220-52-046	AMD	93-15-051	220-56-190	AMD-C	93-08-033	220-56-32500Y	NEW-E	93-12-079
220-52-050	AMD-P	93-12-092	220-56-190	AMD	93-14-043	220-56-330	AMD-P	93-04-096
220-52-050	AMD	93-15-051	220-56-19000P	NEW-E	93-10-045	220-56-330	AMD	93-08-034
220-52-051	AMD-P	93-12-092	220-56-19000P	REP-E	93-14-012	220-56-335	AMD-P	93-04-096
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220-56-35000U	REP-E	93-17-016	220-57-380	AMD-P	93-04-096	222-20-010	AMD	93-12-001
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220-56-36000C	REP-E	93-08-017	220-57-400	AMD-W	93-17-065	222-22-040	AMD-P	93-20-077
220-56-36000D	NEW-E	93-08-017	220-57-425	AMD-P	93-04-096	222-22-050	AMD-P	93-20-077
220-56-36000D	REP-E	93-10-096	220-57-425	AMD-C	93-08-033	222-22-060	AMD-P	93-20-077
220-56-36000E	NEW-E	93-10-096	220-57-425	AMD	93-14-043	222-22-070	AMD-P	93-20-077
220-56-36000F	NEW-E	93-20-038	220-57-42500A	NEW-E	93-15-016	222-22-080	AMD-P	93-20-077
220-56-36000F	REP-E	93-23-022	220-57-42500A	REP-E	93-20-003	222-22-090	AMD-P	93-20-077
220-56-36000G	NEW-E	93-23-022	220-57-42500B	NEW-E	93-20-003	222-22-100	AMD-P	93-20-077
220-56-36000G	REP-E	93-23-052	220-57-430	AMD-P	93-04-096	222-24-010	AMD-P	93-20-077
220-56-380	AMD-P	93-04-096	220-57-430	AMD-C	93-08-033	222-24-025	AMD-P	93-20-077
220-56-380	AMD	93-08-034	220-57-430	AMD	93-14-043	222-24-040	AMD-P	93-20-077
220-56-38000L	NEW-E	93-09-027	220-57-43000H	NEW-E	93-20-108	222-24-050	AMD-P	93-05-010
220-56-38000L	REP-E	93-15-022	220-57-43500I	NEW-E	93-19-076	222-24-050	AMD	93-12-001
220-56-38000M	NEW-E	93-15-022	220-57-445	AMD-P	93-04-096	222-30-020	AMD-P	93-05-010
220-56-38000M	REP-E	93-17-016	220-57-445	AMD	93-08-034	222-30-020	AMD	93-12-001
220-56-38000N	NEW-E	93-15-032	220-57-45500D	NEW-E	93-19-076	222-30-040	AMD-P	93-05-010
220-56-38000N	REP-E	93-17-016	220-57-460	AMD-P	93-04-096	222-30-040	AMD-E	93-10-015
220-56-38000P	NEW-E	93-17-016	220-57-460	AMD	93-08-034	222-30-040	AMD	93-12-001
220-56-38000Q	NEW-E	93-20-130	220-57-46000Z	NEW-E	93-21-036	222-34-030	AMD-P	93-20-077
220-56-382	AMD-P	93-04-096	220-57-465	AMD-P	93-04-096	222-34-040	AMD-P	93-05-010
220-56-382	AMD	93-08-034	220-57-465	AMD	93-08-034	222-34-040	AMD	93-12-001
220-56-390	AMD-P	93-04-096	220-57-46500G	NEW-E	93-20-026	222-38-020	AMD-P	93-05-010
220-56-390	AMD	93-08-034	220-57-495	AMD-P	93-04-096	222-38-020	AMD	93-12-001
220-57-13000R	NEW-E	93-21-036	220-57-495	AMD	93-08-034	222-38-030	AMD-P	93-05-010
220-57-13500P	NEW-E	93-21-036	220-57-49700	NEW-E	93-08-016	222-38-030	AMD	93-12-001
220-57-137	AMD-P	93-04-096	220-57-50500U	NEW-E	93-08-016	222-46	AMD-P	93-20-077
220-57-137	AMD	93-08-034	220-57-51000I	NEW-E	93-21-036	222-46-010	AMD-P	93-20-077
220-57-14000N	NEW-E	93-14-040	220-57-51000I	REP-E	93-22-005	222-46-020	AMD-P	93-05-010
220-57-14000N	REP-E	93-20-107	220-57-51500I	NEW-E	93-08-016	222-46-020	AMD	93-12-001
220-57-14000P	NEW-E	93-20-107	220-57-51500I	REP-E	93-13-029	222-46-020	AMD-P	93-20-077
220-57-160	AMD-P	93-04-096	220-57-51500J	NEW-E	93-13-029	222-46-030	AMD-P	93-20-077
220-57-160	AMD	93-08-034	220-57A-183	AMD-P	93-04-096	222-46-040	AMD-P	93-20-077
220-57-16000Q	NEW-E	93-04-043	220-57A-183	AMD	93-08-034	222-46-060	AMD-P	93-20-077
220-57-16000R	NEW-E	93-06-013	220-69-220	AMD-P	93-20-109	222-46-065	NEW-P	93-20-077
220-57-16000R	REP-E	93-06-068	220-69-245	AMD-P	93-20-109	222-46-070	AMD-P	93-20-077
220-57-16000S	NEW-E	93-08-018	220-69-260	AMD-P	93-20-109	222-50-020	AMD-P	93-05-010
220-57-175	AMD-P	93-04-096	220-69-270	AMD-P	93-20-109	222-50-020	AMD-E	93-07-060
220-57-175	AMD	93-08-034	220-69-273	AMD-P	93-20-109	222-50-020	AMD	93-12-001
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220-57-210	AMD-P	93-04-096	220-88-030	AMD-P	93-15-051	230-02-108	NEW-P	93-20-009
220-57-210	AMD-C	93-08-033	222-08-030	AMD-P	93-20-077	230-02-183	NEW-P	93-20-009
220-57-210	AMD	93-14-043	222-08-040	AMD-P	93-05-010	230-02-210	AMD-P	93-20-006
220-57-235	AMD-P	93-04-096	222-08-040	AMD	93-12-001	230-02-230	AMD-P	93-20-006
220-57-235	AMD	93-08-034	222-10-110	AMD-P	93-05-010	230-02-250	AMD-P	93-20-006
220-57-252000A	NEW-E	93-22-019	222-10-110	AMD	93-12-001	230-02-270	AMD-P	93-07-081
220-57-255	AMD-P	93-04-096	222-12-020	AMD-P	93-05-010	230-02-270	AMD	93-12-082
220-57-255	AMD	93-08-034	222-12-020	AMD	93-12-001	230-02-278	NEW-P	93-20-009
220-57-25500A	NEW-E	93-22-019	222-12-020	AMD-P	93-20-077	230-02-400	AMD-P	93-13-061
220-57-270	AMD-P	93-04-096	222-12-050	AMD-P	93-05-010	230-02-400	AMD	93-17-098
220-57-270	AMD-W	93-17-065	222-12-050	AMD	93-12-001	230-02-511	NEW-P	93-20-008
220-57-29000N	NEW-E	93-08-016	222-16-010	AMD-P	93-05-010	230-02-514	NEW-P	93-20-008
220-57-310	AMD-P	93-04-096	222-16-010	AMD-E	93-07-060	230-04-024	AMD-P	93-20-009
220-57-310	AMD	93-08-034	222-16-010	AMD	93-12-001	230-04-040	AMD-P	93-10-042
220-57-315	AMD-P	93-04-096	222-16-010	AMD-E	93-15-071	230-04-040	AMD	93-13-062
220-57-315	AMD	93-08-034	222-16-010	AMD-P	93-23-048	230-04-110	AMD-P	93-20-006
220-57-31500W	NEW-E	93-08-016	222-16-010	AMD-E	93-23-049	230-04-120	AMD-P	93-20-006
220-57-31500W	REP-E	93-13-009	222-16-030	AMD-P	93-20-077	230-04-135	AMD-P	93-15-042
220-57-31500X	NEW-E	93-13-009	222-16-035	AMD-P	93-20-077	230-04-135	AMD	93-19-090
220-57-319	AMD-P	93-04-096	222-16-050	AMD-P	93-05-010	230-04-138	AMD-P	93-15-042
220-57-319	AMD	93-08-034	222-16-050	AMD	93-12-001	230-04-138	AMD	93-19-090
220-57-33500G	NEW-E	93-21-036	222-16-060	AMD-P	93-20-077	230-04-201	AMD-P	93-16-052
220-57-33500G	REP-E	93-22-005	222-16-070	AMD-P	93-05-010	230-04-201	AMD	93-19-090
220-57-34000G	NEW-E	93-21-013	222-16-070	AMD	93-12-001	230-04-400	AMD-P	93-07-082
220-57-34000G	REP-E	93-22-005	222-16-080	AMD-P	93-05-010	230-04-400	AMD	93-12-082
220-57-350	AMD-P	93-04-096	222-16-080	AMD-E	93-07-060	230-08-010	AMD-P	93-08-066
220-57-350	AMD	93-08-034	222-16-080	AMD	93-12-001	230-08-010	AMD	93-13-063
220-57-370	AMD-P	93-10-095	222-16-080	AMD-E	93-15-071	230-08-017	AMD-P	93-20-006
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230-08-060	AMD	93-19-090	232-12-007	AMD-P	93-14-110	232-28-61912	REP-P	93-13-140
230-08-080	AMD-P	93-20-007	232-12-007	AMD-C	93-15-055	232-28-61912	REP	93-21-070
230-08-090	AMD-P	93-06-036	232-12-007	AMD	93-21-025	232-28-61913	REP-P	93-13-140
230-08-090	AMD	93-10-005	232-12-011	AMD-P	93-14-111	232-28-61913	REP	93-21-070
230-08-095	AMD-P	93-10-042	232-12-011	AMD-C	93-15-056	232-28-61914	NEW-W	93-03-015
230-08-095	AMD	93-13-062	232-12-011	AMD	93-21-027	232-28-61916	REP-P	93-13-140
230-08-105	NEW-P	93-20-007	232-12-014	AMD-P	93-14-112	232-28-61916	REP	93-21-070
230-08-140	AMD-P	93-20-006	232-12-014	AMD-C	93-15-057	232-28-61917	REP-P	93-13-140
230-08-150	AMD-P	93-20-006	232-12-014	AMD	93-21-026	232-28-61917	REP	93-21-070
230-08-255	NEW-P	93-20-009	232-12-017	AMD	93-04-039	232-28-61918	REP-P	93-13-140
230-12-020	AMD-P	93-15-042	232-12-019	AMD-P	93-06-019	232-28-61918	REP	93-21-070
230-12-020	AMD	93-19-090	232-12-019	AMD-P	93-06-020	232-28-61919	REP-P	93-13-140
230-12-030	AMD-P	93-13-061	232-12-019	AMD	93-10-011	232-28-61919	REP	93-21-070
230-12-030	AMD	93-17-098	232-12-019	AMD	93-10-012	232-28-61923	NEW	93-04-046
230-12-078	NEW-P	93-20-009	232-12-021	AMD	93-04-040	232-28-61923	REP-P	93-13-140
230-20-010	AMD-P	93-10-042	232-12-045	NEW-E	93-04-083	232-28-61923	REP	93-21-070
230-20-010	AMD	93-13-062	232-12-064	AMD	93-04-038	232-28-61924	NEW	93-04-047
230-20-064	AMD-P	93-10-042	232-12-074	REP	93-04-075	232-28-61924	REP-P	93-13-140
230-20-064	AMD	93-13-062	232-12-166	NEW-P	93-06-018	232-28-61924	REP	93-21-070
230-20-070	AMD-P	93-13-061	232-12-166	NEW	93-10-013	232-28-61925	NEW	93-04-049
230-20-070	AMD	93-17-098	232-12-242	NEW	93-04-074	232-28-61925	REP-P	93-13-140
230-20-101	AMD-P	93-20-007	232-12-619	AMD-P	93-06-017	232-28-61925	REP	93-21-070
230-20-111	NEW-E	93-07-080	232-12-619	AMD	93-10-054	232-28-61926	NEW	93-04-050
230-20-111	NEW-P	93-07-083	232-12-619	AMD-P	93-13-140	232-28-61926	REP-P	93-13-140
230-20-111	NEW	93-15-041	232-12-619	AMD	93-21-070	232-28-61926	REP	93-21-070
230-20-192	NEW-P	93-20-006	232-28-022	AMD-P	93-06-074	232-28-61927	NEW	93-04-051
230-20-240	AMD-P	93-20-006	232-28-022	AMD	93-13-048	232-28-61927	REP-P	93-13-140
230-20-241	AMD-P	93-20-006	232-28-022	AMD-P	93-17-112	232-28-61927	REP	93-21-070
230-20-242	NEW-P	93-10-042	232-28-022	AMD	93-20-070	232-28-61928	NEW	93-04-048
230-20-242	NEW	93-13-062	232-28-226	AMD-P	93-06-064	232-28-61928	REP-P	93-13-140
230-20-243	NEW-P	93-20-006	232-28-226	AMD	93-11-016	232-28-61928	REP	93-21-070
230-20-246	AMD-P	93-10-042	232-28-227	AMD-P	93-06-059	232-28-61929	NEW	93-04-052
230-20-246	AMD	93-13-062	232-28-227	AMD	93-11-015	232-28-61929	REP-P	93-13-140
230-20-508	NEW-P	93-20-008	232-28-228	AMD-P	93-06-058	232-28-61929	REP	93-21-070
230-20-509	NEW-P	93-20-008	232-28-228	AMD	93-11-014	232-28-61930	NEW	93-04-053
230-20-605	REP-P	93-20-008	232-28-233	REP-P	93-06-062	232-28-61930	REP-P	93-13-140
230-20-615	AMD-P	93-20-008	232-28-233	REP	93-11-011	232-28-61930	REP	93-21-070
230-20-630	AMD-P	93-20-008	232-28-234	REP-P	93-06-063	232-28-61931	NEW-E	93-03-039
230-20-670	AMD-P	93-07-082	232-28-234	REP	93-11-012	232-28-61932	NEW-P	93-06-021
230-20-670	AMD	93-12-082	232-28-235	REP-P	93-06-060	232-28-61932	NEW	93-10-055
230-20-670	AMD-P	93-15-042	232-28-235	REP	93-11-013	232-28-61932	REP-P	93-13-140
230-20-670	AMD	93-19-090	232-28-236	NEW-P	93-06-060	232-28-61932	REP	93-21-070
230-20-685	AMD-P	93-07-082	232-28-236	NEW	93-11-013	232-28-61933	NEW-P	93-06-022
230-20-685	AMD	93-12-082	232-28-237	NEW-P	93-06-063	232-28-61933	NEW	93-10-053
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230-25-160	AMD-P	93-07-081	232-28-238	NEW-P	93-06-062	232-28-61933	REP	93-21-070
230-25-160	AMD	93-12-082	232-28-238	NEW	93-11-011	232-28-61934	NEW-E	93-06-061
230-30-060	AMD-P	93-07-081	232-28-416	REP-P	93-13-136	232-28-61935	NEW-P	93-06-057
230-30-060	AMD	93-12-082	232-28-416	REP	93-19-101	232-28-61935	NEW	93-10-056
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230-30-072	AMD	93-13-063	232-28-417	NEW	93-19-101	232-28-61935	REP	93-21-070
230-30-075	AMD	93-04-007	232-28-619	AMD-P	93-13-140	232-28-61936	NEW-E	93-12-002
230-30-080	AMD-P	93-07-083	232-28-619	AMD	93-21-070	232-28-61936	NEW-P	93-14-134
230-30-080	AMD	93-12-082	232-28-61901	REP-P	93-13-140	232-28-61936	NEW-W	93-17-111
230-30-095	REP-P	93-07-083	232-28-61901	REP	93-21-070	232-28-61937	NEW-E	93-18-058
230-30-095	REP	93-12-082	232-28-61902	REP-P	93-13-140	232-28-61938	NEW-E	93-22-055
230-30-097	NEW-P	93-07-087	232-28-61902	REP	93-21-070	236-14-010	NEW-W	93-05-041
230-30-097	NEW	93-12-082	232-28-61904	REP-P	93-13-140	236-14-010	NEW-P	93-09-068
230-30-100	AMD-P	93-07-083	232-28-61904	REP	93-21-070	236-14-010	NEW-W	93-10-090
230-30-100	AMD	93-12-082	232-28-61905	REP-P	93-13-140	236-14-010	NEW-P	93-15-126
230-30-106	AMD-P	93-06-036	232-28-61905	REP	93-21-070	236-14-010	NEW	93-20-027
230-30-106	AMD	93-10-005	232-28-61906	REP-P	93-13-140	236-14-015	NEW-W	93-05-041
230-30-300	AMD-P	93-06-036	232-28-61906	REP	93-21-070	236-14-015	NEW-P	93-09-068
230-30-300	AMD	93-10-005	232-28-61907	REP-P	93-13-140	236-14-015	NEW-W	93-10-090
230-30-998	NEW-P	93-20-005	232-28-61907	REP	93-21-070	236-14-015	NEW-P	93-15-126
230-40-055	AMD-P	93-07-082	232-28-61908	REP-P	93-13-140	236-14-015	NEW	93-20-027
230-40-055	AMD	93-12-082	232-28-61908	REP	93-21-070	236-14-050	NEW-W	93-05-041
230-40-120	AMD-P	93-04-044	232-28-61909	REP-P	93-13-140	236-14-050	NEW-P	93-09-068
230-40-120	AMD-W	93-17-064	232-28-61909	REP	93-21-070	236-14-050	NEW-W	93-10-090
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236-14-100	NEW-W	93-10-090	240-20-130	NEW-E	93-23-072	246-08-130	REP	93-13-005
236-14-100	NEW-P	93-15-126	240-20-140	NEW-E	93-22-050	246-08-140	REP-P	93-08-071
236-14-100	NEW	93-20-027	240-20-150	NEW-E	93-23-072	246-08-140	REP	93-13-005
236-14-200	NEW-W	93-05-041	242-02	PREP	93-23-080	246-08-150	REP-P	93-08-071
236-14-200	NEW-P	93-09-068	242-02-220	AMD-P	93-08-032	246-08-150	REP	93-13-005
236-14-200	NEW-W	93-10-090	242-02-220	AMD	93-11-068	246-08-160	REP-P	93-08-071
236-14-200	NEW-P	93-15-126	242-02-562	NEW-W	93-06-045	246-08-160	REP	93-13-005
236-14-200	NEW	93-20-027	242-04	PREP	93-23-080	246-08-170	REP-P	93-08-071
236-14-300	NEW-W	93-05-041	244-12-060	AMD-P	93-07-038	246-08-170	REP	93-13-005
236-14-300	NEW-P	93-09-068	244-12-060	AMD-W	93-09-049	246-08-180	REP-P	93-08-071
236-14-300	NEW-W	93-10-090	244-12-060	AMD-P	93-09-053	246-08-180	REP	93-13-005
236-14-300	NEW-P	93-15-126	244-12-060	AMD	93-13-013	246-08-190	REP-P	93-08-071
236-14-300	NEW	93-20-027	244-12-100	NEW-P	93-07-038	246-08-190	REP	93-13-005
236-14-800	NEW-P	93-15-126	244-12-100	NEW-W	93-09-049	246-08-200	REP-P	93-08-071
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236-14-900	NEW-W	93-05-041	244-12-100	NEW	93-13-013	246-08-210	REP-P	93-08-071
236-14-900	NEW-P	93-09-068	246-01-001	NEW	93-08-004	246-08-210	REP	93-13-005
236-14-900	NEW-W	93-10-090	246-01-010	NEW	93-08-004	246-08-320	REP-P	93-08-071
236-14-900	NEW-P	93-15-126	246-01-020	NEW	93-08-004	246-08-320	REP	93-13-005
236-14-900	NEW	93-20-027	246-01-030	NEW	93-08-004	246-08-330	REP-P	93-08-071
236-22-010	AMD-P	93-09-030	246-01-040	NEW	93-08-004	246-08-330	REP	93-13-005
236-22-010	AMD	93-16-079	246-01-050	NEW	93-08-004	246-08-340	REP-P	93-08-071
236-22-020	NEW-P	93-09-030	246-01-060	NEW	93-08-004	246-08-340	REP	93-13-005
236-22-020	NEW	93-16-079	246-01-070	NEW	93-08-004	246-08-350	REP-P	93-08-071
236-22-030	NEW-P	93-09-030	246-01-080	NEW	93-08-004	246-08-350	REP	93-13-005
236-22-030	NEW	93-16-079	246-01-090	NEW	93-08-004	246-08-360	REP-P	93-08-071
236-22-031	NEW-P	93-09-030	246-01-100	NEW	93-08-004	246-08-360	REP	93-13-005
236-22-031	NEW	93-16-079	246-05-001	NEW-E	93-15-012	246-08-370	REP-P	93-08-071
236-22-032	NEW-P	93-09-030	246-05-001	NEW-P	93-15-091	246-08-370	REP	93-13-005
236-22-032	NEW	93-16-079	246-05-001	NEW	93-19-061	246-08-380	REP-P	93-08-071
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236-22-033	NEW	93-16-079	246-05-010	NEW-P	93-15-091	246-08-420	NEW	93-08-004
236-22-034	NEW-P	93-09-030	246-05-010	NEW	93-19-061	246-08-440	NEW	93-08-004
236-22-034	NEW	93-16-079	246-05-030	NEW-E	93-15-012	246-08-450	NEW	93-08-004
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236-22-036	NEW	93-16-079	246-08-001	REP	93-13-005	246-10-101	NEW	93-13-005
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236-22-037	NEW	93-16-079	246-08-020	REP	93-13-005	246-10-102	NEW	93-13-005
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236-22-080	NEW	93-16-079	246-08-080	REP	93-13-005	246-10-108	NEW	93-13-005
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236-22-200	NEW	93-16-079	246-08-100	REP	93-13-005	246-10-110	NEW	93-13-005
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246-221-120	AMD-P	93-19-048	246-243-150	AMD-P	93-19-048	246-272-20501	NEW-P	93-21-062
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246-221-150	AMD-P	93-19-048	246-243-170	AMD-P	93-19-048	246-272-21501	NEW-P	93-21-062
246-221-160	AMD-P	93-19-048	246-243-180	AMD-P	93-19-048	246-272-220	REP-P	93-21-062
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246-225-99910	AMD-P	93-19-048	246-272-00501	NEW-P	93-21-062	246-290-110	AMD	93-08-011
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246-290-320	AMD-P	93-04-122	246-290-696	NEW	93-08-011	246-318-590	AMD	93-07-011
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246-290-652	NEW-P	93-04-122	246-310-381	NEW-E	93-21-033	246-325-022	NEW-P	93-08-078
246-290-652	NEW	93-08-011	246-316-020	AMD-W	93-04-091	246-325-022	NEW	93-16-030
246-290-654	NEW-P	93-04-122	246-316-020	AMD-P	93-08-078	246-327-090	NEW-W	93-04-091
246-290-654	NEW	93-08-011	246-316-020	AMD	93-16-030	246-327-090	NEW-P	93-08-078
246-290-660	NEW-P	93-04-122	246-316-040	AMD-W	93-04-091	246-327-090	NEW	93-16-030
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246-290-662	NEW-P	93-04-122	246-316-040	AMD	93-16-030	246-327-990	AMD-P	93-17-045
246-290-662	NEW	93-08-011	246-316-045	NEW-W	93-04-091	246-327-990	AMD	93-21-034
246-290-664	NEW-P	93-04-122	246-316-045	NEW-P	93-08-078	246-329-035	NEW-W	93-04-091
246-290-664	NEW	93-08-011	246-316-045	NEW	93-16-030	246-329-035	NEW-P	93-08-078
246-290-666	NEW-P	93-04-122	246-316-050	AMD-W	93-04-091	246-329-035	NEW	93-16-030
246-290-666	NEW	93-08-011	246-316-050	AMD-P	93-08-078	246-331-100	NEW-W	93-04-091
246-290-668	NEW-P	93-04-122	246-316-050	AMD	93-16-030	246-331-100	NEW-P	93-08-078
246-290-668	NEW	93-08-011	246-316-240	AMD-E	93-12-004	246-331-100	NEW	93-16-030
246-290-670	NEW-P	93-04-122	246-316-240	AMD-P	93-19-060	246-331-990	AMD-E	93-14-093
246-290-670	NEW	93-08-011	246-316-240	AMD-E	93-19-062	246-331-990	AMD-P	93-17-045
246-290-672	NEW-P	93-04-122	246-316-260	AMD-E	93-12-004	246-331-990	AMD	93-21-034
246-290-672	NEW	93-08-011	246-316-260	AMD-P	93-19-060	246-336-100	NEW-W	93-04-091
246-290-674	NEW-P	93-04-122	246-316-260	AMD-E	93-19-062	246-336-100	NEW-P	93-08-078
246-290-674	NEW	93-08-011	246-318-010	AMD	93-07-011	246-336-100	NEW	93-16-030
246-290-676	NEW-P	93-04-122	246-318-040	AMD-W	93-04-091	246-336-990	AMD-E	93-14-093
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246-290-678	NEW-P	93-04-122	246-318-040	AMD	93-16-030	246-336-990	AMD	93-21-034
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246-338-020	AMD-P	93-14-036	246-358-045	AMD	93-03-032	246-807-280	AMD-C	93-17-094
246-338-020	AMD	93-18-091	246-358-055	AMD	93-03-032	246-807-290	AMD-P	93-14-094
246-338-030	AMD-P	93-14-036	246-358-065	AMD	93-03-032	246-807-290	AMD-C	93-17-094
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246-338-040	AMD-P	93-14-036	246-358-085	AMD	93-03-032	246-807-311	NEW-C	93-17-094
246-338-040	AMD	93-18-091	246-358-095	AMD	93-03-032	246-807-320	AMD-P	93-14-094
246-338-050	AMD-P	93-14-036	246-358-105	AMD	93-03-032	246-807-320	AMD-C	93-17-094
246-338-050	AMD	93-18-091	246-358-115	AMD	93-03-032	246-807-395	NEW-E	93-10-006
246-338-060	AMD-P	93-14-036	246-358-125	AMD	93-03-032	246-807-395	NEW-P	93-14-094
246-338-060	AMD	93-18-091	246-358-135	AMD	93-03-032	246-807-395	NEW-C	93-17-094
246-338-070	AMD-P	93-14-036	246-358-140	NEW	93-03-032	246-807-395	NEW-E	93-18-016
246-338-070	AMD	93-18-091	246-358-145	AMD	93-03-032	246-807-396	NEW-E	93-10-006
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246-338-090	AMD	93-18-091	246-358-990	AMD	93-03-031	246-807-500	NEW-P	93-14-094
246-338-100	AMD-P	93-14-036	246-360-005	NEW-W	93-11-075	246-807-500	NEW-C	93-17-094
246-338-100	AMD	93-18-091	246-374-005	NEW-W	93-11-075	246-807-510	NEW-P	93-14-094
246-338-110	AMD-P	93-14-036	246-376-005	NEW-W	93-11-075	246-807-510	NEW-C	93-17-094
246-338-110	AMD	93-18-091	246-378-005	NEW-W	93-11-075	246-807-520	NEW-P	93-14-094
246-338-990	AMD-P	93-14-036	246-388-070	AMD-W	93-04-091	246-807-520	NEW-C	93-17-094
246-338-990	AMD	93-18-091	246-388-070	AMD-P	93-08-078	246-807-530	NEW-P	93-14-094
246-340-001	REP-E	93-14-034	246-388-070	AMD	93-16-030	246-807-530	NEW-C	93-17-094
246-340-001	REP-P	93-14-035	246-388-072	NEW-W	93-04-091	246-810-020	AMD-P	93-10-071
246-340-001	REP	93-19-109	246-388-072	NEW-P	93-08-078	246-810-020	AMD	93-14-011
246-340-010	REP-E	93-14-034	246-388-072	NEW	93-16-030	246-810-990	AMD-P	93-10-071
246-340-010	REP-P	93-14-035	246-420-005	NEW-W	93-11-075	246-810-990	AMD	93-14-011
246-340-010	REP	93-19-109	246-490-100	NEW-E	93-18-037	246-815-100	AMD	93-06-042A
246-340-020	REP-E	93-14-034	246-490-100	NEW-P	93-18-090	246-815-300	NEW-P	93-22-051
246-340-020	REP-P	93-14-035	246-490-110	NEW-E	93-18-037	246-815-990	AMD-P	93-12-121
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246-340-030	REP	93-19-109	246-520-005	NEW-W	93-11-075	246-816-220	AMD-W	93-13-014
246-340-040	REP-E	93-14-034	246-520-010	REP-P	93-16-099	246-816-225	NEW-P	93-08-106
246-340-040	REP-P	93-14-035	246-520-020	REP-P	93-16-099	246-816-225	NEW-W	93-13-014
246-340-040	REP	93-19-109	246-520-030	REP-P	93-16-099	246-816-225	NEW-P	93-16-028
246-340-050	REP-E	93-14-034	246-520-040	REP-P	93-16-099	246-816-225	NEW	93-19-111
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246-340-080	REP-E	93-14-034	246-806-075	NEW-P	93-16-100	246-824-040	AMD-P	93-10-040
246-340-080	REP-P	93-14-035	246-806-075	NEW	93-20-061	246-824-040	AMD	93-14-011
246-340-080	REP	93-19-109	246-806-090	AMD-P	93-06-090	246-824-071	NEW-P	93-10-040
246-340-085	NEW-W	93-04-091	246-806-090	AMD-W	93-09-054	246-824-071	NEW	93-14-011
246-340-085	NEW-P	93-08-078	246-806-090	AMD-P	93-16-100	246-824-072	NEW-P	93-10-040
246-340-085	NEW	93-16-030	246-806-090	AMD-W	93-20-062	246-824-072	NEW	93-14-011
246-340-090	REP-E	93-14-034	246-806-091	NEW-P	93-16-100	246-824-072	NEW-P	93-10-040
246-340-090	REP-P	93-14-035	246-806-091	AMD-W	93-20-062	246-824-073	NEW-P	93-10-040
246-340-090	REP	93-19-109	246-806-092	NEW-P	93-16-100	246-824-073	NEW	93-14-011
246-340-100	REP-E	93-14-034	246-806-092	AMD-W	93-20-062	246-824-200	NEW-P	93-02-066
246-340-100	REP-P	93-14-035	246-806-100	AMD-P	93-06-090	246-824-200	NEW-W	93-16-023
246-340-100	REP	93-19-109	246-806-100	AMD	93-09-055	246-824-210	NEW-P	93-02-066
246-340-110	REP-E	93-14-034	246-806-110	AMD-P	93-06-090	246-824-210	NEW-W	93-16-023
246-340-110	REP-P	93-14-035	246-806-110	AMD	93-09-055	246-824-220	NEW-P	93-02-066
246-340-110	REP	93-19-109	246-806-130	AMD-P	93-06-090	246-824-220	NEW-W	93-16-023
246-340-990	REP-E	93-14-034	246-806-130	AMD	93-09-055	246-824-230	NEW-P	93-02-066
246-340-990	REP-P	93-14-035	246-806-140	AMD-P	93-06-090	246-824-230	NEW-W	93-16-023
246-340-990	REP	93-19-109	246-806-140	AMD	93-09-055	246-824-240	NEW-P	93-02-066
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246-358-001	AMD-P	93-07-106	246-806-160	AMD-P	93-06-090	246-824-990	AMD	93-14-011
246-358-001	AMD	93-12-043	246-806-160	AMD	93-09-055	246-828-005	NEW	93-07-009
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246-358-020	NEW	93-03-032	246-806-190	AMD-P	93-06-090	246-828-400	NEW	93-07-008
246-358-025	AMD	93-03-031	246-806-190	AMD	93-09-055	246-828-410	NEW	93-07-008
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246-828-530	NEW	93-07-007	246-843-158	NEW	93-23-034	246-851-530	REP-P	93-08-079
246-828-540	NEW	93-07-007	246-843-180	AMD-P	93-08-105	246-851-530	REP	93-18-092
246-828-550	NEW	93-07-007	246-843-180	AMD	93-13-004	246-851-540	NEW-P	93-08-079
246-828-560	NEW	93-07-007	246-843-205	AMD-P	93-08-105	246-851-540	NEW-W	93-21-061
246-828-570	NEW-P	93-13-145	246-843-205	AMD	93-13-004	246-851-550	NEW-P	93-08-079
246-828-570	NEW	93-17-044	246-843-340	NEW-P	93-19-149	246-851-550	NEW-W	93-21-061
246-828-990	AMD-P	93-10-071	246-843-340	NEW	93-23-034	246-851-560	NEW-P	93-08-079
246-828-990	AMD	93-14-011	246-843-990	AMD-P	93-10-071	246-851-560	NEW-W	93-21-061
246-828-990	AMD-E	93-20-059	246-843-990	AMD	93-14-011	246-853-020	AMD-P	93-17-095
246-828-990	AMD-P	93-20-060	246-845-020	REP-P	93-10-039	246-853-190	AMD-P	93-17-095
246-830-460	NEW-P	93-14-133	246-845-020	REP	93-14-011	246-853-275	NEW-P	93-17-095
246-830-465	NEW-P	93-14-133	246-845-030	REP-P	93-10-039	246-854-020	AMD-P	93-17-095
246-830-470	NEW-P	93-14-133	246-845-030	REP	93-14-011	246-854-030	AMD-P	93-17-095
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246-830-990	AMD	93-14-011	246-845-060	NEW	93-14-011	246-854-100	REP-P	93-17-095
246-836-990	AMD-P	93-10-071	246-845-070	NEW-P	93-10-039	246-854-110	NEW-P	93-17-095
246-836-990	AMD	93-14-011	246-845-070	NEW	93-14-011	246-854-115	NEW-P	93-17-095
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246-838-050	AMD	93-21-006	246-845-080	NEW	93-14-011	246-857-030	REP	93-04-017
246-838-090	AMD-P	93-16-101	246-845-090	NEW-P	93-10-039	246-857-040	REP	93-04-017
246-838-090	AMD	93-21-006	246-845-090	NEW	93-14-011	246-857-050	REP	93-04-017
246-838-110	AMD-P	93-16-101	246-845-100	NEW-P	93-10-039	246-857-060	REP	93-04-017
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246-838-120	AMD	93-04-080	246-845-110	NEW-P	93-10-039	246-857-080	REP	93-04-017
246-838-120	AMD-P	93-16-101	246-845-110	NEW	93-14-011	246-857-090	REP	93-04-017
246-838-120	AMD	93-21-006	246-845-990	AMD-P	93-10-071	246-857-100	REP	93-04-017
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246-843-080	AMD	93-23-034	246-851-270	REVIEW	93-03-030	246-887-160	AMD-P	93-08-109
246-843-090	AMD-P	93-08-105	246-851-360	REVIEW	93-03-030	246-887-160	AMD	93-14-038
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246-901-060	AMD-P	93-08-107	246-924-070	AMD-P	93-04-014	246-933-990	AMD-P	93-10-071
246-901-060	AMD	93-17-097	246-924-070	AMD-E	93-06-023	246-933-990	AMD	93-14-011
246-901-065	NEW-P	93-08-107	246-924-070	AMD	93-07-078	246-935-060	AMD-P	93-08-081
246-901-065	NEW	93-17-097	246-924-100	AMD-P	93-16-074	246-935-060	AMD	93-12-126
246-903-010	AMD	93-04-016	246-924-100	AMD-E	93-16-075	246-935-070	AMD-P	93-04-079
246-903-020	AMD	93-04-016	246-924-100	AMD	93-21-024	246-935-070	AMD	93-08-029
246-907-030	AMD	93-05-045	246-924-350	REP-P	93-02-067	246-935-080	REP-P	93-04-079
246-907-030	AMD-P	93-12-003	246-924-350	REP	93-07-036	246-935-080	REP	93-08-029
246-907-030	AMD	93-18-015	246-924-351	NEW-P	93-02-067	246-935-125	AMD-P	93-04-079
246-907-030	AMD-P	93-23-082	246-924-351	NEW	93-07-036	246-935-125	AMD	93-08-029
246-915-020	AMD	93-04-081	246-924-352	NEW-P	93-02-067	246-935-990	AMD-P	93-10-071
246-915-040	AMD-P	93-20-058	246-924-352	NEW	93-07-036	246-935-990	AMD	93-14-011
246-915-050	AMD-P	93-20-058	246-924-353	NEW-P	93-02-067	246-976-470	AMD-P	93-13-124
246-915-078	NEW-P	93-20-058	246-924-353	NEW	93-07-036	246-976-470	AMD	93-20-063
246-915-085	NEW-P	93-20-058	246-924-354	NEW-P	93-02-067	246-976-510	AMD-P	93-13-124
246-915-080	AMD	93-04-081	246-924-354	NEW	93-07-036	246-976-510	AMD	93-20-063
246-915-085	NEW-W	93-04-082	246-924-355	NEW-P	93-02-067	246-976-520	AMD-P	93-13-124
246-915-090	AMD-P	93-20-058	246-924-355	NEW	93-07-036	246-976-520	AMD	93-20-063
246-915-120	AMD	93-04-081	246-924-356	NEW-P	93-02-067	246-976-560	AMD-P	93-13-124
246-915-120	AMD-P	93-20-058	246-924-356	NEW	93-07-036	246-976-560	AMD	93-20-063
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246-915-340	NEW-P	93-20-058	246-924-359	NEW-P	93-02-067	246-976-650	AMD-P	93-13-124
246-917-100	AMD-P	93-17-043	246-924-359	NEW	93-07-036	246-976-650	AMD	93-20-063
246-917-100	AMD	93-21-017	246-924-360	REP-P	93-02-067	246-976-680	AMD-P	93-13-124
246-917-110	AMD-P	93-17-043	246-924-360	REP	93-07-036	246-976-680	AMD	93-20-063
246-917-110	AMD	93-21-017	246-924-361	NEW-P	93-02-067	246-976-720	AMD-P	93-13-124
246-917-120	AMD-P	93-17-043	246-924-361	NEW	93-07-036	246-976-720	AMD	93-20-063
246-917-120	AMD	93-21-017	246-924-363	NEW-P	93-02-067	246-976-730	AMD-P	93-13-124
246-917-121	AMD-P	93-05-047	246-924-363	NEW	93-07-036	246-976-730	AMD	93-20-063
246-917-121	AMD	93-11-008	246-924-364	NEW-P	93-02-067	246-976-770	AMD-P	93-13-124
246-917-220	NEW-P	93-17-043	246-924-364	NEW	93-07-036	246-976-770	AMD	93-20-063
246-917-220	NEW	93-21-017	246-924-365	NEW-P	93-02-067	246-976-780	AMD-P	93-13-124
246-917-990	AMD-W	93-11-073	246-924-365	NEW	93-07-036	246-976-780	AMD	93-20-063
246-917-990	AMD-P	93-12-122	246-924-366	NEW-P	93-02-067	246-976-790	AMD-P	93-13-124
246-917-990	AMD-E	93-12-124	246-924-366	NEW	93-07-036	246-976-790	AMD	93-20-063
246-917-990	AMD	93-16-102	246-924-367	NEW-P	93-02-067	246-976-810	AMD-P	93-13-124
246-918-005	AMD-P	93-17-042	246-924-367	NEW	93-07-036	246-976-810	AMD	93-20-063
246-918-005	AMD	93-21-016	246-924-370	REP-P	93-02-067	246-976-820	AMD-P	93-13-124
246-918-009	NEW-P	93-17-042	246-924-370	REP	93-07-036	246-976-820	AMD	93-20-063
246-918-009	NEW	93-21-016	246-924-380	REP-P	93-02-067	246-976-830	NEW-P	93-13-124
246-918-250	AMD-P	93-17-042	246-924-380	REP	93-07-036	246-976-830	NEW	93-20-063
246-918-250	AMD	93-21-016	246-924-390	REP-P	93-02-067	246-976-840	NEW-P	93-13-124
246-918-260	AMD-P	93-05-047	246-924-390	REP	93-07-036	246-976-840	NEW	93-20-063
246-918-260	AMD	93-11-008	246-924-400	REP-P	93-02-067	246-976-850	NEW-P	93-13-124
246-922-032	NEW-P	93-19-150	246-924-400	REP	93-07-036	246-976-850	NEW	93-20-063
246-922-033	NEW-P	93-19-150	246-924-410	REP-P	93-02-067	246-976-860	NEW-P	93-13-124
246-922-035	NEW-P	93-08-082	246-924-410	REP	93-07-036	246-976-860	NEW	93-20-063
246-922-035	NEW	93-18-036	246-924-420	REP-P	93-02-067	246-976-990	AMD-P	93-13-124
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246-922-120	AMD-P	93-19-150	246-924-430	REP	93-07-036	248-14-001	AMD-C	93-22-022
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246-922-235	NEW-P	93-08-082	246-924-440	REP	93-07-036	248-14-001	AMD	93-23-040
246-922-235	NEW	93-18-036	246-924-450	REP-P	93-02-067	248-14-071	REP-P	93-18-022
246-922-250	REP-P	93-19-150	246-924-450	REP	93-07-036	248-14-071	REP-W	93-23-039
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246-922-275	NEW	93-18-036	246-924-475	NEW	93-16-027	248-14-075	NEW-C	93-23-003
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246-922-310	AMD-P	93-19-150	246-930-499	AMD	93-14-095	248-14-080	AMD-P	93-18-022
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246-924-040	AMD	93-06-092	246-933-010	AMD	93-08-029	248-14-080	AMD-C	93-23-003
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248-14-249	AMD-C	93-22-022	250-40-060	AMD-E	93-13-034	250-62-150	NEW-S	93-18-027
248-14-249	AMD-C	93-23-003	250-40-060	AMD	93-20-044	250-62-160	NEW-P	93-12-106
248-14-249	AMD	93-23-040	250-40-070	AMD-P	93-11-093	250-62-160	NEW-S	93-18-027
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248-172-101	REP-E	93-21-080	250-40-070	AMD	93-20-044	250-62-170	NEW-S	93-18-027
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248-172-201	REP-E	93-21-080	250-44-110	AMD	93-07-061	250-62-180	NEW-S	93-18-027
248-172-202	REP-P	93-21-079	250-44-130	AMD	93-07-061	250-62-190	NEW-P	93-12-106
248-172-202	REP-E	93-21-080	250-61-010	REP-P	93-12-106	250-62-190	NEW-S	93-18-027
248-172-203	REP-P	93-21-079	250-61-010	REP-S	93-18-027	250-62-200	NEW-P	93-12-106
248-172-203	REP-E	93-21-080	250-61-020	REP-P	93-12-106	250-62-200	NEW-S	93-18-027
248-172-204	REP-P	93-21-079	250-61-020	REP-S	93-18-027	250-62-210	NEW-P	93-12-106
248-172-204	REP-E	93-21-080	250-61-030	REP-P	93-12-106	250-62-210	NEW-S	93-18-027
248-172-205	REP-P	93-21-079	250-61-030	REP-S	93-18-027	250-65	AMD-C	93-14-099
248-172-205	REP-E	93-21-080	250-61-040	REP-P	93-12-106	250-65-030	AMD-P	93-11-089
248-172-206	REP-P	93-21-079	250-61-040	REP-S	93-18-027	250-65-030	AMD	93-19-022
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248-172-301	REP-P	93-21-079	250-61-050	REP-S	93-18-027	250-65-040	AMD	93-19-022
248-172-301	REP-E	93-21-080	250-61-060	REP-P	93-12-106	250-65-050	AMD-P	93-11-089
248-172-302	REP-P	93-21-079	250-61-060	REP-S	93-18-027	250-65-050	AMD	93-19-022
248-172-302	REP-E	93-21-080	250-61-070	REP-P	93-12-106	250-65-060	AMD-P	93-11-089
248-172-303	REP-P	93-21-079	250-61-070	REP-S	93-18-027	250-65-060	AMD	93-19-022
248-172-303	REP-E	93-21-080	250-61-080	REP-P	93-12-106	250-66-020	AMD-P	93-11-094
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250-18-020	AMD-P	93-16-076	250-61-120	REP-S	93-18-027	250-76-070	AMD-P	93-11-091
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250-18-050	AMD-P	93-16-076	250-61-130	REP-S	93-18-027	250-76-070	AMD	93-19-025
250-18-050	AMD	93-20-004	250-61-140	REP-P	93-12-106	250-78-050	AMD-P	93-11-092
250-18-060	AMD-P	93-16-076	250-61-140	REP-S	93-18-027	250-78-050	AMD-C	93-14-102
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250-20-011	AMD-E	93-04-070	250-61-160	REP-P	93-12-106	250-78-060	AMD-C	93-14-102
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250-20-041	AMD	93-08-010	250-62-040	NEW-S	93-18-027	251-05-030	REP-P	93-22-038
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250-20-051	AMD	93-08-010	250-62-060	NEW-P	93-12-106	251-05-060	REP-P	93-22-038
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251-10-061	NEW-P	93-16-095	260-08-050	REP-P	93-20-115	260-24-010	AMD-P	93-20-117
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251-12-076	AMD-P	93-22-106	260-08-230	REP-P	93-20-115	260-24-285	NEW-P	93-20-118
251-12-080	AMD-P	93-22-106	260-08-240	REP-P	93-20-115	260-24-290	AMD-P	93-20-122
251-12-085	REP-P	93-22-106	260-08-250	REP-P	93-20-115	260-24-315	NEW-P	93-20-118
251-12-096	AMD-P	93-22-106	260-08-260	REP-P	93-20-115	260-24-440	AMD-P	93-20-122
251-12-097	REP-P	93-22-106	260-08-270	REP-P	93-20-115	260-24-460	AMD-P	93-20-122
251-12-240	AMD	93-06-033	260-08-280	REP-P	93-20-115	260-24-470	AMD-P	93-20-122
251-12-290	AMD	93-06-033	260-08-290	REP-P	93-20-115	260-24-500	NEW-P	93-20-118
251-12-600	AMD-P	93-22-106	260-08-300	REP-P	93-20-115	260-24-510	NEW-P	93-20-118
251-14-090	AMD-P	93-22-106	260-08-310	REP-P	93-20-115	260-24-520	NEW-P	93-20-118
251-14-130	NEW-P	93-22-105	260-08-320	REP-P	93-20-115	260-32-115	NEW-P	93-18-071
251-17-090	AMD-E	93-13-008	260-08-330	REP-P	93-20-115	260-32-115	NEW	93-23-010
251-17-090	AMD-P	93-16-095	260-08-340	REP-P	93-20-115	260-34-030	AMD-P	93-20-119
251-17-090	AMD	93-19-078	260-08-350	REP-P	93-20-115	260-44-060	AMD-P	93-18-070
251-17-170	AMD-P	93-22-106	260-08-360	REP-P	93-20-115	260-44-060	AMD	93-23-011
251-18-180	AMD-E	93-13-008	260-08-370	REP-P	93-20-115	260-48-110	AMD-E	93-09-008
251-18-180	AMD-P	93-16-095	260-08-380	REP-P	93-20-115	260-48-110	AMD-P	93-11-060
251-18-180	AMD	93-19-078	260-08-390	REP-P	93-20-115	260-48-110	AMD	93-14-124
251-18-190	AMD-E	93-13-008	260-08-400	REP-P	93-20-115	260-48-328	AMD-P	93-11-101
251-18-190	AMD-P	93-16-095	260-08-410	REP-P	93-20-115	260-48-328	AMD	93-14-125
251-18-190	AMD	93-19-078	260-08-420	REP-P	93-20-115	260-48-331	NEW-P	93-11-102
251-18-240	AMD-E	93-13-008	260-08-430	REP-P	93-20-115	260-48-331	NEW	93-14-126
251-18-240	AMD-E	93-14-092	260-08-440	REP-P	93-20-115	260-70-010	AMD-P	93-20-120
251-18-240	AMD-P	93-16-020	260-08-450	REP-P	93-20-115	260-70-025	AMD-E	93-15-020
251-18-240	AMD-P	93-16-095	260-08-460	REP-P	93-20-115	260-70-025	AMD-P	93-18-072
251-18-240	AMD-W	93-19-077	260-08-470	REP-P	93-20-115	260-70-025	AMD	93-23-009
251-18-240	AMD	93-19-147	260-08-480	REP-P	93-20-115	260-70-028	AMD-E	93-15-021
251-18-260	AMD-E	93-14-092	260-08-490	REP-P	93-20-115	260-70-028	AMD-P	93-18-073
251-18-260	AMD-P	93-16-020	260-08-500	REP-P	93-20-115	260-70-028	AMD	93-23-008
251-18-260	AMD	93-19-147	260-08-510	REP-P	93-20-115	275-16-030	AMD-P	93-16-002
251-18-280	AMD-E	93-14-092	260-08-520	REP-P	93-20-115	275-16-030	AMD-E	93-16-004
251-18-280	AMD-P	93-16-020	260-08-530	REP-P	93-20-115	275-16-030	AMD-S	93-19-055
251-18-280	AMD	93-19-147	260-08-540	REP-P	93-20-115	275-16-030	AMD-E	93-20-052
251-19-010	AMD-E	93-13-008	260-08-550	REP-P	93-20-115	275-16-030	RESCIND	93-20-054
251-19-010	AMD-P	93-16-095	260-08-560	REP-P	93-20-115	275-16-030	AMD	93-22-031
251-19-010	AMD	93-19-078	260-08-570	REP-P	93-20-115	275-19-010	REP-P	93-18-008
251-19-060	AMD-E	93-13-008	260-08-580	REP-P	93-20-115	275-19-020	REP-P	93-18-008
251-19-060	AMD-P	93-16-095	260-08-590	REP-P	93-20-115	275-19-030	REP-P	93-18-008
251-19-060	AMD	93-19-078	260-08-600	NEW-P	93-20-114	275-19-040	REP-P	93-18-008
251-19-060	AMD-P	93-22-106	260-08-610	NEW-P	93-20-114	275-19-050	REP-P	93-18-008
251-19-100	AMD-E	93-13-008	260-08-620	NEW-P	93-20-114	275-19-060	REP-P	93-18-008
251-19-100	AMD-P	93-16-095	260-08-630	NEW-P	93-20-114	275-19-070	REP-P	93-18-008
251-19-100	AMD	93-19-078	260-08-640	NEW-P	93-20-114	275-19-075	REP-P	93-18-008
251-22-116	NEW	93-14-115	260-08-650	NEW-P	93-20-114	275-19-080	REP-P	93-18-008
251-22-167	AMD-P	93-11-103	260-08-660	NEW-P	93-20-114	275-19-100	REP-P	93-18-008
251-22-167	AMD	93-14-115	260-08-670	NEW-P	93-20-114	275-19-110	REP-P	93-18-008
251-22-167	AMD	93-16-061	260-08-680	NEW-P	93-20-114	275-19-130	REP-P	93-18-008
251-22-195	AMD-P	93-11-103	260-08-690	NEW-P	93-20-123	275-19-135	REP-P	93-18-008
251-22-195	AMD	93-14-115	260-08-700	NEW-P	93-20-123	275-19-140	REP-P	93-18-008
251-22-195	AMD	93-16-061	260-08-710	NEW-P	93-20-123	275-19-145	REP-P	93-18-008
251-22-197	NEW-P	93-11-103	260-08-720	NEW-P	93-20-123	275-19-150	REP-P	93-18-008
251-22-197	NEW	93-14-115	260-08-730	NEW-P	93-20-123	275-19-160	REP-P	93-18-008
251-22-200	AMD-P	93-11-103	260-08-740	NEW-P	93-20-123	275-19-165	REP-P	93-18-008
251-22-200	AMD	93-14-115	260-08-750	NEW-P	93-20-123	275-19-170	REP-P	93-18-008
251-22-215	REP	93-06-032	260-08-760	NEW-P	93-20-124	275-19-180	REP-P	93-18-008
251-25-010	REP-P	93-22-041	260-08-770	NEW-P	93-20-124	275-19-200	REP-P	93-18-008
251-25-020	REP-P	93-22-041	260-08-780	NEW-P	93-20-124	275-19-210	REP-P	93-18-008
251-25-030	REP-P	93-22-041	260-08-790	NEW-P	93-20-124	275-19-220	REP-P	93-18-008
251-25-040	REP-P	93-22-041	260-08-800	NEW-P	93-20-124	275-19-230	REP-P	93-18-008
251-25-050	REP-P	93-22-041	260-08-810	NEW-P	93-20-124	275-19-240	REP-P	93-18-008
260-08-005	AMD-P	93-20-121	260-08-820	NEW-P	93-20-124	275-19-250	REP-P	93-18-008

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-19-260	REP-P	93-18-008	275-27-220	AMD-E	93-21-077	284-12-220	NEW-P	93-15-111
275-19-270	REP-P	93-18-008	275-27-220	AMD-P	93-21-078	284-12-220	NEW	93-19-009
275-19-280	REP-P	93-18-008	275-27-221	NEW-E	93-21-077	284-12-230	NEW-P	93-15-111
275-19-300	REP-P	93-18-008	275-27-221	NEW-P	93-21-078	284-12-230	NEW	93-19-009
275-19-320	REP-P	93-18-008	275-27-223	AMD-E	93-21-077	284-12-250	NEW-P	93-15-111
275-19-400	REP-P	93-18-008	275-27-223	AMD-P	93-21-078	284-12-250	NEW	93-19-009
275-19-410	REP-P	93-18-008	275-38-860	AMD-P	93-14-074	284-12-260	NEW-P	93-15-111
275-19-430	REP-P	93-18-008	275-38-860	AMD-E	93-14-076	284-12-260	NEW	93-19-009
275-19-450	REP-P	93-18-008	275-38-860	AMD	93-17-034	284-12-270	NEW-P	93-15-111
275-19-455	REP-P	93-18-008	275-38-906	AMD-P	93-14-074	284-12-270	NEW	93-19-009
275-19-500	REP-P	93-18-008	275-38-906	AMD-E	93-14-076	284-12-280	NEW-P	93-15-111
275-19-530	REP-P	93-18-008	275-38-906	AMD	93-17-034	284-12-280	NEW	93-19-009
275-19-550	REP-P	93-18-008	275-56	AMD-C	93-23-026	284-13-160	NEW-P	93-15-106
275-19-560	REP-P	93-18-008	275-56	AMD-C	93-23-078	284-13-160	NEW	93-19-004
275-19-570	REP-P	93-18-008	275-56-015	AMD-P	93-19-095	284-13-210	NEW-P	93-15-109
275-19-580	REP-P	93-18-008	275-56-015	AMD-E	93-19-098	284-13-210	NEW	93-19-007
275-19-585	REP-P	93-18-008	275-56-600	NEW-P	93-19-095	284-13-220	NEW-P	93-15-109
275-19-590	REP-P	93-18-008	275-56-600	NEW-E	93-19-098	284-13-220	NEW	93-19-007
275-19-595	REP-P	93-18-008	275-56-610	NEW-P	93-19-095	284-13-280	NEW-P	93-15-112
275-19-600	REP-P	93-18-008	275-56-610	NEW-E	93-19-098	284-13-280	NEW	93-19-010
275-19-610	REP-P	93-18-008	275-56-620	NEW-P	93-19-095	284-13-310	NEW-P	93-15-114
275-19-650	REP-P	93-18-008	275-56-620	NEW-E	93-19-098	284-13-310	NEW	93-19-012
275-19-660	REP-P	93-18-008	275-56-630	NEW-P	93-19-095	284-13-320	NEW-P	93-15-114
275-19-675	REP-P	93-18-008	275-56-630	NEW-E	93-19-098	284-13-320	NEW	93-19-012
275-19-680	REP-P	93-18-008	275-56-640	NEW-P	93-19-095	284-13-330	NEW-P	93-15-114
275-19-700	REP-P	93-18-008	275-56-640	NEW-E	93-19-098	284-13-330	NEW	93-19-012
275-19-710	REP-P	93-18-008	275-56-650	NEW-P	93-19-095	284-13-340	NEW-P	93-15-114
275-19-750	REP-P	93-18-008	275-56-650	NEW-E	93-19-098	284-13-340	NEW	93-19-012
275-19-760	REP-P	93-18-008	275-56-660	NEW-P	93-19-095	284-13-350	NEW-P	93-15-114
275-19-770	REP-P	93-18-008	275-56-660	NEW-E	93-19-098	284-13-350	NEW	93-19-012
275-19-800	REP-P	93-18-008	275-56-670	NEW-P	93-19-095	284-13-360	NEW-P	93-15-114
275-19-810	REP-P	93-18-008	275-56-670	NEW-E	93-19-098	284-13-360	NEW	93-19-012
275-19-820	REP-P	93-18-008	275-56-680	NEW-P	93-19-095	284-13-370	NEW-P	93-15-114
275-19-830	REP-P	93-18-008	275-56-680	NEW-E	93-19-098	284-13-370	NEW	93-19-012
275-19-900	REP-P	93-18-008	275-56-690	NEW-P	93-19-095	284-13-380	NEW-P	93-15-114
275-19-910	REP-P	93-18-008	275-56-690	NEW-E	93-19-098	284-13-380	NEW	93-19-012
275-19-920	REP-P	93-18-008	275-56-700	NEW-P	93-19-095	284-13-390	NEW-P	93-15-114
275-19-930	REP-P	93-18-008	275-56-700	NEW-E	93-19-098	284-13-390	NEW	93-19-012
275-19-940	REP-P	93-18-008	275-56-710	NEW-P	93-19-095	284-13-400	NEW-P	93-15-114
275-19-950	REP-P	93-18-008	275-56-710	NEW-E	93-19-098	284-13-400	NEW	93-19-012
275-19-960	REP-P	93-18-008	275-56-720	NEW-P	93-19-095	284-13-410	NEW-P	93-15-114
275-19-970	REP-P	93-18-008	275-56-720	NEW-E	93-19-098	284-13-410	NEW	93-19-012
275-19-980	REP-P	93-18-008	275-155-020	AMD-P	93-14-073	284-13-420	NEW-P	93-15-114
275-19-985	REP-P	93-18-008	275-155-020	AMD	93-17-027	284-13-420	NEW	93-19-012
275-19-990	REP-P	93-18-008	275-155-050	AMD-P	93-14-073	284-13-500	NEW-P	93-15-104
275-25	AMD-E	93-11-051	275-155-050	AMD	93-17-027	284-13-500	NEW	93-19-002
275-25	AMD-P	93-11-053	284-07-060	NEW-C	93-04-062	284-13-510	NEW-P	93-15-104
275-25	AMD	93-15-013	284-07-060	NEW	93-07-020	284-13-510	NEW	93-19-002
275-25-010	AMD-E	93-11-051	284-07-070	NEW-P	93-15-105	284-13-520	NEW-P	93-15-104
275-25-010	AMD-P	93-11-053	284-07-070	NEW	93-19-003	284-13-520	NEW	93-19-002
275-25-010	AMD	93-15-013	284-10-010	NEW-P	93-23-073	284-13-540	NEW-P	93-15-104
275-25-040	AMD-E	93-11-051	284-10-015	NEW-P	93-23-073	284-13-540	NEW	93-19-002
275-25-040	AMD-P	93-11-053	284-10-020	NEW-P	93-23-073	284-13-550	NEW-P	93-15-104
275-25-040	AMD	93-15-013	284-10-030	NEW-P	93-23-073	284-13-550	NEW	93-19-002
275-25-300	REP-E	93-11-051	284-10-060	NEW-P	93-23-073	284-13-560	NEW-P	93-15-104
275-25-300	REP-P	93-11-053	284-10-070	NEW-P	93-23-073	284-13-560	NEW	93-19-002
275-25-300	REP	93-15-013	284-10-080	NEW-P	93-23-073	284-13-570	NEW-P	93-15-104
275-25-310	REP-E	93-11-051	284-10-090	NEW-P	93-23-073	284-13-570	NEW	93-19-002
275-25-310	REP-P	93-11-053	284-10-100	NEW-P	93-23-073	284-13-580	NEW-P	93-15-104
275-25-310	REP	93-15-013	284-10-110	NEW-P	93-23-073	284-13-580	NEW	93-19-002
275-25-330	REP-E	93-11-051	284-10-120	NEW-P	93-23-073	284-13-590	NEW-P	93-15-104
275-25-330	REP-P	93-11-053	284-10-130	NEW-P	93-23-073	284-13-590	NEW	93-19-002
275-25-330	REP	93-15-013	284-10-140	NEW-P	93-23-073	284-13-700	NEW-P	93-15-113
275-25-340	REP-E	93-11-051	284-10-150	NEW-P	93-23-073	284-13-700	NEW	93-19-011
275-25-340	REP-P	93-11-053	284-10-160	NEW-P	93-23-073	284-13-710	NEW-P	93-15-113
275-25-340	REP	93-15-013	284-10-170	NEW-P	93-23-073	284-13-710	NEW	93-19-011
275-25-810	REP-E	93-11-051	284-10-180	NEW-P	93-23-073	284-13-720	NEW-P	93-15-113
275-25-810	REP-P	93-11-053	284-10-190	NEW-P	93-23-073	284-13-720	NEW	93-19-011
275-25-810	REP	93-15-013	284-10-200	NEW-P	93-23-073	284-13-730	NEW-P	93-15-113
275-25-840	REP-E	93-11-051	284-12-200	NEW-P	93-15-111	284-13-730	NEW	93-19-011
275-25-840	REP-P	93-11-053	284-12-200	NEW	93-19-009	284-13-740	NEW-P	93-15-113
275-25-840	REP	93-15-013	284-12-210	NEW-P	93-15-111	284-13-740	NEW	93-19-011
275-26-065	AMD	93-04-029	284-12-210	NEW	93-19-009	284-15-100	NEW-P	93-15-110

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-15-100	NEW	93-19-008	284-22-010	AMD	93-20-019	284-92-460	NEW	93-19-006
284-18-010	REP-P	93-15-107	284-22-020	AMD-P	93-14-072	284-92-470	NEW-P	93-15-108
284-18-010	REP	93-19-005	284-22-020	AMD-P	93-17-105	284-92-470	NEW	93-19-006
284-18-020	REP-P	93-15-107	284-22-020	AMD	93-20-019	284-92-480	NEW-P	93-15-108
284-18-020	REP	93-19-005	284-22-030	AMD-P	93-14-072	284-92-480	NEW	93-19-006
284-18-030	REP-P	93-15-107	284-22-030	AMD-P	93-17-105	284-92-490	NEW-P	93-15-108
284-18-030	REP	93-19-005	284-22-030	AMD	93-20-019	284-92-490	NEW	93-19-006
284-18-040	REP-P	93-15-107	284-22-050	AMD-P	93-14-072	284-92-500	NEW-P	93-15-108
284-18-040	REP	93-19-005	284-22-050	AMD-P	93-17-105	284-92-500	NEW	93-19-006
284-18-050	REP-P	93-15-107	284-22-050	AMD	93-20-019	284-92-510	NEW-P	93-15-108
284-18-050	REP	93-19-005	284-22-060	AMD-P	93-14-072	284-92-510	NEW	93-19-006
284-18-060	REP-P	93-15-107	284-22-060	AMD-P	93-17-105	286-20-010	AMD-P	93-20-099
284-18-060	REP	93-19-005	284-22-060	AMD	93-20-019	286-27-060	AMD-P	93-20-098
284-18-070	REP-P	93-15-107	284-32-140	AMD-P	93-15-103	287-04-030	REP	93-04-008
284-18-070	REP	93-19-005	284-32-140	AMD	93-19-001	287-04-031	NEW	93-04-008
284-18-080	REP-P	93-15-107	284-44-241	NEW-P	93-15-092	296-04-270	AMD	93-04-100
284-18-080	REP	93-19-005	284-44-241	NEW-C	93-18-074	296-04-280	AMD	93-04-100
284-18-090	REP-P	93-15-107	284-44-241	NEW-C	93-20-046	296-14-350	AMD-P	98-18-105
284-18-090	REP	93-19-005	284-44-241	NEW-C	93-22-056	296-14-350	AMD	93-23-060
284-18-100	REP-P	93-15-107	284-46-576	NEW-P	93-15-093	296-14-420	AMD-P	98-18-105
284-18-100	REP	93-19-005	284-46-576	NEW-C	93-18-074	296-14-420	AMD	93-23-060
284-18-110	REP-P	93-15-107	284-46-576	NEW-C	93-20-046	296-14-900	AMD-P	98-18-105
284-18-110	REP	93-19-005	284-46-576	NEW-C	93-22-056	296-14-900	AMD	93-23-060
284-18-120	REP-P	93-15-107	284-87-010	NEW-P	93-22-107	296-14-910	AMD-P	98-18-105
284-18-120	REP	93-19-005	284-87-020	NEW-P	93-22-107	296-14-910	AMD	93-23-060
284-18-300	NEW-P	93-15-107	284-87-030	NEW-P	93-22-107	296-14-930	AMD-P	98-18-105
284-18-300	NEW	93-19-005	284-87-040	NEW-P	93-22-107	296-14-930	AMD	93-23-060
284-18-310	NEW-P	93-15-107	284-87-050	NEW-P	93-22-107	296-14-940	AMD-P	98-18-105
284-18-310	NEW	93-19-005	284-87-060	NEW-P	93-22-107	296-14-940	AMD	93-23-060
284-18-320	NEW-P	93-15-107	284-87-070	NEW-P	93-22-107	296-14-950	REP-P	98-18-105
284-18-320	NEW	93-19-005	284-87-080	NEW-P	93-22-107	296-14-950	REP	93-23-060
284-18-330	NEW-P	93-15-107	284-87-090	NEW-P	93-22-107	296-14-960	REP-P	98-18-105
284-18-330	NEW	93-19-005	284-87-100	NEW-P	93-22-107	296-14-960	REP	93-23-060
284-18-340	NEW-P	93-15-107	284-87-110	NEW-P	93-22-107	296-15-022	AMD-P	93-07-115
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				296-22-160	REP-P	93-11-095
				296-22-160	REP	93-16-072
				296-22-165	REP-P	93-11-095
				296-22-165	REP	93-16-072
				296-22-170	REP-P	93-11-095
				296-22-170	REP	93-16-072
				296-22-180	REP-P	93-11-095
				296-22-180	REP	93-16-072
				296-22-190	REP-P	93-11-095
				296-22-190	REP	93-16-072
				296-22-195	REP-P	93-11-095
				296-22-195	REP	93-16-072
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				296-22-200	REP	93-16-072
				296-22-205	REP-P	93-11-095
				296-22-205	REP	93-16-072
				296-22-210	REP-P	93-11-095
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				296-22-215	REP	93-16-072
				296-22-220	REP-P	93-11-095
				296-22-220	REP	93-16-072
				296-22-225	REP-P	93-11-095
				296-22-225	REP	93-16-072
				296-22-230	REP-P	93-11-095
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				296-22-310	REP-P	93-11-095
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296-22-330	REP-P	93-11-095	296-23-030	REP	93-16-072	296-23-205	NEW-P	93-11-095
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296-22-333	REP-P	93-11-095	296-23-035	REP	93-16-072	296-23-208	REP-P	93-11-095
296-22-333	REP	93-16-072	296-23-040	REP-P	93-11-095	296-23-208	REP	93-16-072
296-22-337	REP-P	93-11-095	296-23-040	REP	93-16-072	296-23-210	NEW-P	93-11-095
296-22-337	REP	93-16-072	296-23-045	REP-P	93-11-095	296-23-210	NEW	93-16-072
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296-22-350	REP-P	93-11-095	296-23-050	REP	93-16-072	296-23-215	NEW-P	93-11-095
296-22-350	REP	93-16-072	296-23-055	REP-P	93-11-095	296-23-215	NEW	93-16-072
296-22-355	REP-P	93-11-095	296-23-055	REP	93-16-072	296-23-216	REP-P	93-11-095
296-22-355	REP	93-16-072	296-23-065	REP-P	93-11-095	296-23-216	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
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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
296-22-420	REP	93-16-072	296-23-07908	REP-P	93-11-095	296-23-231	REP-P	93-11-095
296-22-425	REP-P	93-11-095	296-23-07908	REP	93-16-072	296-23-231	REP	93-16-072
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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
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296-23-010	REP-P	93-11-095	296-23-165	NEW	93-16-072	296-23-421	REP	93-16-072
296-23-010	REP	93-16-072	296-23-170	NEW-P	93-11-095	296-23-430	REP-P	93-11-095
296-23-01001	REP-P	93-11-095	296-23-170	NEW	93-16-072	296-23-430	REP	93-16-072
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296-23-01006	REP	93-16-072	296-23-195	NEW-P	93-11-095	296-23-480	REP-P	93-11-095
296-23-01007	REP-P	93-11-095	296-23-195	NEW	93-16-072	296-23-480	REP	93-16-072
296-23-01007	REP	93-16-072	296-23-200	REP-P	93-11-095	296-23-485	REP-P	93-11-095
296-23-01008	REP-P	93-11-095	296-23-200	REP	93-16-072	296-23-485	REP	93-16-072
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296-23-015	REP-P	93-11-095	296-23-201	REP	93-16-072	296-23-490	REP	93-16-072
296-23-015	REP	93-16-072	296-23-20101	REP-P	93-11-095	296-23-495	REP-P	93-11-095
296-23-020	REP-P	93-11-095	296-23-20101	REP	93-16-072	296-23-495	REP	93-16-072
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
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296-23-50002	REP	93-16-072	296-23A-200	AMD-P	93-11-095	296-24	AMD-C	93-15-031
296-23-50003	REP-P	93-11-095	296-23A-200	AMD	93-16-072	296-24-11001	AMD-P	93-21-071
296-23-50003	REP	93-16-072	296-23A-205	AMD-P	93-11-095	296-24-11003	AMD-P	93-10-101
296-23-50004	REP-P	93-11-095	296-23A-205	AMD	93-16-072	296-24-11003	AMD	93-19-142
296-23-50004	REP	93-16-072	296-23A-230	AMD-P	93-11-095	296-24-12001	AMD-P	93-21-071
296-23-50005	REP-P	93-11-095	296-23A-230	AMD	93-16-072	296-24-14011	AMD-P	93-21-071
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296-23-50007	REP-P	93-11-095	296-23A-240	REP	93-16-072	296-24-70007	AMD-W	93-19-141
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
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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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296-23A-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
296-23A-110	AMD-P	93-11-095	296-23A-410	REP-P	93-11-095	296-62-07105	AMD	93-19-142
296-23A-110	AMD	93-16-072	296-23A-410	REP	93-16-072	296-62-074	NEW-P	93-02-057
296-23A-115	AMD-P	93-11-095	296-23A-415	REP-P	93-11-095	296-62-074	NEW	93-07-044
296-23A-115	AMD	93-16-072	296-23A-415	REP	93-16-072	296-62-07401	NEW-P	93-02-057
296-23A-130	AMD-P	93-11-095	296-23A-420	REP-P	93-11-095	296-62-07401	NEW	93-07-044
296-23A-130	AMD	93-16-072	296-23A-420	REP	93-16-072	296-62-07403	NEW-P	93-02-057

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296-62-07403	NEW	93-07-044	296-62-07617	NEW	93-04-111	296-62-14547	NEW-P	93-10-10
296-62-07403	AMD-P	93-16-108	296-62-07619	NEW	93-04-111	296-62-14547	AMD-W	93-19-14
296-62-07403	AMD	93-21-075	296-62-07621	NEW	93-04-111	296-62-14549	NEW-P	93-10-10
296-62-07405	NEW-P	93-02-057	296-62-07623	NEW	93-04-111	296-62-14549	AMD-W	93-19-14
296-62-07405	NEW	93-07-044	296-62-07625	NEW	93-04-111	296-62-14551	NEW-P	93-10-10
296-62-07407	NEW-P	93-02-057	296-62-07627	NEW	93-04-111	296-62-14551	AMD-W	93-19-14
296-62-07407	NEW	93-07-044	296-62-07629	NEW	93-04-111	296-62-14553	NEW-P	93-10-10
296-62-07409	NEW-P	93-02-057	296-62-07631	NEW	93-04-111	296-62-14553	AMD-W	93-19-14
296-62-07409	NEW	93-07-044	296-62-07633	NEW	93-04-111	296-62-3090	AMD-P	93-10-10
296-62-07411	NEW-P	93-02-057	296-62-07635	NEW	93-04-111	296-62-3090	AMD	93-19-14
296-62-07411	NEW	93-07-044	296-62-07637	NEW	93-04-111	296-67-005	AMD-P	93-16-10
296-62-07411	AMD-P	93-16-108	296-62-07639	NEW	93-04-111	296-67-005	AMD	93-21-07
296-62-07411	AMD	93-21-075	296-62-07654	NEW	93-04-111	296-67-285	AMD-P	93-16-10
296-62-07413	NEW-P	93-02-057	296-62-07656	NEW	93-04-111	296-67-285	AMD	93-21-07
296-62-07413	NEW	93-07-044	296-62-07658	NEW	93-04-111	296-67-291	AMD-P	93-16-10
296-62-07413	AMD-P	93-16-108	296-62-07660	NEW	93-04-111	296-67-291	AMD	93-21-07
296-62-07413	AMD	93-21-075	296-62-07662	NEW	93-04-111	296-104-010	AMD-P	93-08-07
296-62-07415	NEW-P	93-02-057	296-62-07664	NEW	93-04-111	296-104-010	AMD	93-12-01
296-62-07415	NEW	93-07-044	296-62-07666	NEW	93-04-111	296-104-055	AMD-P	93-08-07
296-62-07417	NEW-P	93-02-057	296-62-07668	NEW	93-04-111	296-104-055	AMD	93-12-01
296-62-07417	NEW	93-07-044	296-62-07670	NEW	93-04-111	296-104-200	AMD-P	93-08-07
296-62-07417	AMD-P	93-16-108	296-62-07672	NEW	93-04-111	296-104-200	AMD	93-12-01
296-62-07417	AMD	93-21-075	296-62-07711	AMD-P	93-10-101	296-104-500	AMD-P	93-08-07
296-62-07419	NEW-P	93-02-057	296-62-07711	AMD	93-19-142	296-104-500	AMD	93-12-01
296-62-07419	NEW	93-07-044	296-62-12000	NEW-P	93-22-108	296-104-501	AMD-P	93-08-07
296-62-07421	NEW-P	93-02-057	296-62-12001	NEW-P	93-22-108	296-104-501	AMD	93-12-01
296-62-07421	NEW	93-07-044	296-62-12003	NEW-P	93-22-108	296-104-700	AMD-P	93-08-07
296-62-07423	NEW-P	93-02-057	296-62-12005	NEW-P	93-22-108	296-104-700	AMD	93-12-01
296-62-07423	NEW	93-07-044	296-62-12007	NEW-P	93-22-108	296-116-082	AMD-E	93-06-01
296-62-07423	AMD-P	93-16-108	296-62-12009	NEW-P	93-22-108	296-116-082	AMD-P	93-06-05
296-62-07423	AMD	93-21-075	296-62-12011	NEW-P	93-22-108	296-116-082	AMD	93-09-14
296-62-07425	NEW-P	93-02-057	296-62-12013	NEW-P	93-22-108	296-116-110	AMD-P	93-04-10
296-62-07425	NEW	93-07-044	296-62-12015	NEW-P	93-22-108	296-116-110	AMD	93-07-07
296-62-07425	AMD-P	93-16-108	296-62-12017	NEW-P	93-22-108	296-116-185	AMD-C	93-03-00
296-62-07425	AMD	93-21-075	296-62-12019	NEW-P	93-22-108	296-116-185	AMD	93-03-08
296-62-07427	NEW-P	93-02-057	296-62-12021	NEW-P	93-22-108	296-116-185	AMD-P	93-10-10
296-62-07427	NEW	93-07-044	296-62-12023	NEW-P	93-22-108	296-116-185	AMD	93-13-05
296-62-07429	NEW-P	93-02-057	296-62-14501	AMD-P	93-10-101	296-116-185	AMD-E	93-18-08
296-62-07429	NEW	93-07-044	296-62-14501	AMD-W	93-19-141	296-116-300	AMD-P	93-08-02
296-62-07431	NEW-P	93-02-057	296-62-14503	AMD-P	93-10-101	296-116-300	AMD-C	93-12-00
296-62-07431	NEW	93-07-044	296-62-14503	AMD-W	93-19-141	296-116-300	AMD	93-12-13
296-62-07433	NEW-P	93-02-057	296-62-14505	AMD-P	93-10-101	296-116-360	AMD-P	93-04-11
296-62-07433	NEW	93-07-044	296-62-14505	AMD-W	93-19-141	296-116-360	AMD	93-07-07
296-62-07441	NEW-P	93-02-057	296-62-14507	AMD-P	93-10-101	296-125-070	NEW	93-04-11
296-62-07441	NEW	93-07-044	296-62-14507	AMD-W	93-19-141	296-127-010	AMD-P	93-20-13
296-62-07441	AMD-P	93-16-108	296-62-14509	AMD-P	93-10-101	296-127-040	AMD-E	93-16-07
296-62-07441	AMD	93-21-075	296-62-14509	AMD-W	93-19-141	296-127-040	AMD-P	93-20-13
296-62-07443	NEW-P	93-02-057	296-62-14511	AMD-P	93-10-101	296-127-045	AMD-E	93-16-07
296-62-07443	NEW	93-07-044	296-62-14511	AMD-W	93-19-141	296-127-045	AMD-P	93-20-13
296-62-07445	NEW-P	93-02-057	296-62-14513	AMD-P	93-10-101	296-155	AMD-C	93-15-03
296-62-07445	NEW	93-07-044	296-62-14513	AMD-W	93-19-141	296-155-012	AMD-P	93-10-10
296-62-07445	AMD-P	93-16-108	296-62-14515	AMD-P	93-10-101	296-155-012	AMD-W	93-19-14
296-62-07445	AMD	93-21-075	296-62-14515	AMD-W	93-19-141	296-155-173	NEW	93-04-11
296-62-07447	NEW-P	93-02-057	296-62-14517	AMD-P	93-10-101	296-155-17301	NEW	93-04-11
296-62-07447	NEW	93-07-044	296-62-14517	AMD-W	93-19-141	296-155-17303	NEW	93-04-11
296-62-07447	AMD-P	93-16-108	296-62-14519	AMD-P	93-10-101	296-155-17305	NEW	93-04-11
296-62-07447	AMD	93-21-075	296-62-14519	AMD-W	93-19-141	296-155-17307	NEW	93-04-11
296-62-07449	NEW-P	93-02-057	296-62-14521	AMD-P	93-10-101	296-155-17309	NEW	93-04-11
296-62-07449	NEW	93-07-044	296-62-14521	AMD-W	93-19-141	296-155-17311	NEW	93-04-11
296-62-07449	AMD-P	93-16-108	296-62-14523	AMD-P	93-10-101	296-155-17313	NEW	93-04-11
296-62-07449	AMD	93-21-075	296-62-14523	AMD-W	93-19-141	296-155-17315	NEW	93-04-11
296-62-07451	NEW	93-02-057	296-62-14525	AMD-P	93-10-101	296-155-17317	NEW	93-04-11
296-62-07451	NEW	93-07-044	296-62-14525	AMD-W	93-19-141	296-155-17319	NEW	93-04-11
296-62-07521	PREP	93-17-109	296-62-14527	AMD-P	93-10-101	296-155-17321	NEW	93-04-11
296-62-076	NEW	93-04-111	296-62-14527	AMD-W	93-19-141	296-155-17323	NEW	93-04-11
296-62-07601	NEW	93-04-111	296-62-14529	AMD-P	93-10-101	296-155-17325	NEW	93-04-11
296-62-07603	NEW	93-04-111	296-62-14529	AMD-W	93-19-141	296-155-17327	NEW	93-04-11
296-62-07605	NEW	93-04-111	296-62-14540	NEW-P	93-10-101	296-155-17329	NEW	93-04-11
296-62-07607	NEW	93-04-111	296-62-14540	AMD-W	93-19-141	296-155-17331	NEW	93-04-11
296-62-07609	NEW	93-04-111	296-62-14542	NEW-P	93-10-101	296-155-17333	NEW	93-04-11
296-62-07611	NEW	93-04-111	296-62-14542	AMD-W	93-19-141	296-155-17335	NEW	93-04-11
296-62-07613	NEW	93-04-111	296-62-14545	NEW-P	93-10-101	296-155-17337	NEW	93-04-11
296-62-07615	NEW	93-04-111	296-62-14545	AMD-W	93-19-141	296-155-17339	NEW	93-04-11

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296-155-17343	NEW	93-04-111	296-155-310	AMD-P	93-10-101	296-306-064	NEW-W	93-10-041
296-155-17345	NEW	93-04-111	296-155-310	AMD	93-19-142	296-306-06401	NEW-W	93-10-041
296-155-17347	NEW	93-04-111	296-155-375	AMD	93-04-111	296-306-06403	NEW-W	93-10-041
296-155-17349	NEW	93-04-111	296-155-444	AMD-P	93-10-101	296-306-06405	NEW-W	93-10-041
296-155-17351	NEW	93-04-111	296-155-444	AMD	93-19-142	296-306-06407	NEW-W	93-10-041
296-155-17353	NEW	93-04-111	296-155-447	AMD-P	93-10-101	296-306-06409	NEW-W	93-10-041
296-155-17355	NEW	93-04-111	296-155-447	AMD	93-19-142	296-306-06411	NEW-W	93-10-041
296-155-17357	NEW	93-04-111	296-155-449	AMD-P	93-10-101	296-306-06413	NEW-W	93-10-041
296-155-17359	NEW	93-04-111	296-155-449	AMD	93-19-142	296-306-06415	NEW-W	93-10-041
296-155-174	NEW-P	93-02-057	296-155-459	AMD-P	93-10-101	296-306-06417	NEW-W	93-10-041
296-155-174	NEW	93-07-044	296-155-459	AMD	93-19-142	296-306-065	REP-P	93-21-071
296-155-174	AMD-P	93-16-108	296-155-462	AMD-P	93-10-101	296-306-067	NEW-W	93-19-041
296-155-174	AMD	93-21-075	296-155-462	AMD	93-19-142	296-306-06701	NEW-W	93-10-041
296-155-176	NEW-P	93-17-106	296-200-110	NEW-E	93-17-057	296-306-06703	NEW-W	93-10-041
296-155-176	NEW	93-22-054	296-200-110	NEW-P	93-18-106	296-306-06705	NEW-W	93-10-041
296-155-17603	NEW-P	93-17-106	296-200-110	NEW	93-23-043	296-306-06707	NEW-W	93-10-041
296-155-17603	NEW	93-22-054	296-200-111	NEW-E	93-17-057	296-306-06709	NEW-W	93-10-041
296-155-17605	NEW-P	93-17-106	296-200-111	NEW-P	93-18-106	296-306-068	NEW-W	93-10-041
296-155-17605	PREP	93-17-109	296-200-111	NEW	93-23-043	296-306-06801	NEW-W	93-10-041
296-155-17605	NEW	93-22-054	296-200-112	NEW-E	93-17-057	296-306-06803	NEW-W	93-10-041
296-155-17607	NEW-P	93-17-106	296-200-112	NEW-P	93-18-106	296-306-06805	NEW-W	93-10-041
296-155-17607	NEW	93-22-054	296-200-112	NEW	93-23-043	296-306-070	AMD	93-07-012
296-155-17609	NEW-P	93-17-106	296-304	AMD-C	93-15-031	296-306-070	REP-P	93-21-071
296-155-17609	NEW	93-22-054	296-304-01001	AMD-P	93-10-101	296-306-075	REP-P	93-21-071
296-155-17611	NEW-P	93-17-106	296-304-01001	AMD-W	93-19-141	296-306-080	REP-P	93-21-071
296-155-17611	NEW	93-22-054	296-304-020	AMD	93-04-111	296-306-081	NEW-W	93-10-041
296-155-17613	NEW-P	93-17-106	296-304-02003	AMD-P	93-10-101	296-306-08101	NEW-W	93-10-041
296-155-17613	NEW	93-22-054	296-304-02003	AMD	93-19-142	296-306-08103	NEW-W	93-10-041
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296-155-17615	NEW	93-22-054	296-304-03001	AMD	93-19-142	296-306-082	NEW-W	93-10-041
296-155-17617	NEW-P	93-17-106	296-304-03005	AMD-P	93-10-101	296-306-08201	NEW-W	93-10-041
296-155-17617	NEW	93-22-054	296-304-03005	AMD	93-19-142	296-306-083	NEW-W	93-10-041
296-155-17619	NEW-P	93-17-106	296-304-03007	AMD-P	93-10-101	296-306-08301	NEW-W	93-10-041
296-155-17619	PREP	93-17-109	296-304-03007	AMD	93-19-142	296-306-08307	NEW-W	93-10-041
296-155-17619	NEW	93-22-054	296-304-04001	AMD-P	93-10-101	296-306-084	NEW	93-07-012
296-155-17621	NEW-P	93-17-106	296-304-04001	AMD	93-19-142	296-306-084	REP-P	93-21-071
296-155-17621	PREP	93-17-109	296-304-04005	AMD-P	93-10-101	296-306-08401	NEW-W	93-10-041
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296-155-17623	NEW-P	93-17-106	296-304-09003	AMD-P	93-10-101	296-306-08405	NEW-W	93-10-041
296-155-17623	PREP	93-17-109	296-304-09003	AMD	93-19-142	296-306-08407	NEW-W	93-10-041
296-155-17623	NEW	93-22-054	296-306	AMD-C	93-02-031	296-306-08409	NEW-W	93-10-041
296-155-17625	NEW-P	93-17-106	296-306-003	AMD-P	93-21-071	296-306-085	REP-P	93-21-071
296-155-17625	NEW	93-22-054	296-306-010	AMD	93-07-012	296-306-090	REP-P	93-21-071
296-155-17627	NEW-P	93-17-106	296-306-010	AMD-P	93-21-071	296-306-095	REP-P	93-21-071
296-155-17627	NEW	93-22-054	296-306-01001	NEW-P	93-02-057	296-306-100	REP-P	93-21-071
296-155-17629	NEW-P	93-17-106	296-306-01001	NEW	93-07-044	296-306-105	AMD	93-07-012
296-155-17629	NEW	93-22-054	296-306-012	AMD	93-07-012	296-306-110	AMD-P	93-21-071
296-155-17631	NEW-P	93-17-106	296-306-012	AMD-P	93-21-071	296-306-115	AMD	93-07-012
296-155-17631	NEW	93-22-054	296-306-015	AMD-P	93-21-071	296-306-115	AMD-P	93-21-071
296-155-17635	NEW-P	93-17-106	296-306-020	AMD-P	93-21-071	296-306-120	AMD-P	93-21-071
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296-155-17652	PREP	93-17-109	296-306-050	REP-P	93-21-071	296-306-145	AMD	93-07-012
296-155-17652	NEW	93-22-054	296-306-055	REP-P	93-21-071	296-306-145	REP-P	93-21-071
296-155-17654	NEW-P	93-17-106	296-306-057	AMD-P	93-21-071	296-306-14501	NEW-W	93-10-041
296-155-17654	PREP	93-17-109	296-306-060	AMD	93-07-012	296-306-14503	NEW-W	93-10-041
296-155-17654	NEW	93-22-054	296-306-060	AMD-P	93-21-071	296-306-14505	NEW-W	93-10-041
296-155-17656	NEW-P	93-17-106	296-306-061	NEW	93-07-012	296-306-14507	NEW-W	93-10-041
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296-155-203	AMD-P	93-10-101	296-306-06101	NEW-W	93-10-041	296-306-146	NEW-W	93-10-041
296-155-203	AMD-W	93-19-141	296-306-06103	NEW-W	93-10-041	296-306-147	NEW-W	93-10-041
296-155-20301	AMD-P	93-10-101	296-306-06105	NEW-W	93-10-041	296-306-148	NEW-W	93-10-041
296-155-20301	AMD-W	93-19-141	296-306-06107	NEW-W	93-10-041	296-306-160	AMD-P	93-21-071
296-155-20307	AMD-P	93-10-101	296-306-06109	NEW-W	93-10-041	296-306-165	AMD	93-07-012
296-155-20307	AMD-W	93-19-141	296-306-06111	NEW-W	93-10-041	296-306-165	AMD-P	93-21-071
296-155-24510	AMD-P	93-10-101	296-306-06113	NEW-W	93-10-041	296-306-175	AMD-P	93-21-071
296-155-24510	AMD	93-19-142	296-306-06115	NEW-W	93-10-041	296-306-200	AMD	93-07-012
296-155-300	AMD-P	93-10-101	296-306-06117	NEW-W	93-10-041	296-306-200	AMD-P	93-21-071
296-155-300	AMD	93-19-142	296-306-06119	NEW-W	93-10-041	296-306-25007	AMD-P	93-21-071
296-155-305	AMD-P	93-10-101	296-306-062	NEW-W	93-10-041	296-306-260	AMD-P	93-21-071

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296-306-265	AMD	93-07-012	308-30-010	AMD	93-05-009	308-63-130	NEW	93-08-076
296-306-265	AMD-P	93-21-071	308-30-020	AMD	93-05-009	308-63-140	NEW	93-08-076
296-306-270	AMD	93-07-012	308-30-030	AMD	93-05-009	308-63-150	NEW	93-08-076
296-306-27095	AMD	93-07-012	308-30-040	AMD	93-05-009	308-63-160	NEW	93-08-076
296-306-300	AMD-P	93-21-071	308-30-050	AMD	93-05-009	308-65-010	NEW	93-08-076
296-306-330	NEW	93-07-012	308-30-060	AMD	93-05-009	308-65-020	NEW	93-08-076
296-306-33001	NEW-W	93-10-041	308-30-070	AMD	93-05-009	308-65-030	NEW	93-08-076
296-306-400	AMD	93-07-012	308-30-080	AMD	93-05-009	308-65-040	NEW	93-08-076
296-306-400	AMD-P	93-21-071	308-30-090	AMD	93-05-009	308-65-050	NEW	93-08-076
296-306-40003	AMD	93-07-012	308-30-110	NEW-W	93-08-083	308-65-060	NEW	93-08-076
296-306-40007	NEW	93-07-012	308-30-120	NEW	93-05-009	308-65-070	NEW	93-08-076
296-306-40009	NEW	93-07-012	308-30-130	NEW	93-05-009	308-65-080	NEW	93-08-076
296-306-40011	NEW	93-07-012	308-30-140	NEW	93-05-009	308-65-090	NEW	93-08-076
296-401-075	NEW	93-03-048	308-30-150	NEW	93-05-009	308-65-100	NEW	93-08-076
296-401-163	NEW-P	93-19-140	308-30-155	NEW	93-05-009	308-65-110	NEW	93-08-076
296-401-165	AMD-P	93-19-140	308-30-160	NEW	93-05-009	308-65-120	NEW	93-08-076
296-401-175	AMD-P	93-19-140	308-30-170	NEW-W	93-08-083	308-65-130	NEW	93-08-076
304-12-030	AMD-P	93-22-043	308-30-180	NEW-W	93-08-083	308-65-140	NEW	93-08-076
308-13-020	AMD-P	93-12-105	308-30-190	NEW-W	93-08-083	308-65-150	NEW	93-08-076
308-13-020	AMD	93-16-009	308-56A-115	AMD-P	93-10-073	308-65-160	NEW	93-08-076
308-13-022	REP-P	93-12-105	308-56A-115	AMD	93-14-084	308-65-170	NEW	93-08-076
308-13-022	REP	93-16-009	308-56A-125	AMD-P	93-10-073	308-65-180	NEW	93-08-076
308-13-024	NEW-P	93-12-105	308-56A-125	AMD	93-14-084	308-65-190	NEW	93-08-076
308-13-024	NEW	93-16-009	308-56A-140	AMD-P	93-10-073	308-66-196	NEW-P	93-10-073
308-13-025	REP-P	93-12-105	308-56A-140	AMD	93-14-084	308-66-196	NEW	93-14-084
308-13-025	REP	93-16-009	308-56A-160	NEW-P	93-10-073	308-90-080	AMD-W	93-14-120
308-13-032	AMD-P	93-12-105	308-56A-160	NEW	93-14-084	308-93-050	AMD-P	93-11-076
308-13-032	AMD	93-16-009	308-56A-322	NEW-P	93-20-078	308-93-050	AMD	93-14-082
308-13-100	AMD-P	93-12-105	308-56A-323	NEW-P	93-20-078	308-93-070	AMD-P	93-11-076
308-13-100	AMD	93-16-009	308-56A-420	AMD-P	93-10-073	308-93-070	AMD	93-14-082
308-13-150	AMD-P	93-22-068	308-56A-420	AMD	93-14-084	308-93-174	NEW-P	93-11-076
308-13-160	AMD-P	93-22-068	308-61	AMD	93-08-076	308-93-174	NEW	93-14-082
308-17-150	AMD-P	93-07-099	308-61-010	REP	93-08-076	308-93-460	AMD-P	93-11-076
308-17-150	AMD-W	93-12-040	308-61-025	REP	93-08-076	308-93-460	AMD	93-14-082
308-17-150	AMD-P	93-13-146	308-61-026	AMD	93-08-076	308-96A-005	AMD-P	93-11-069
308-17-150	AMD	93-16-060	308-61-030	REP	93-08-076	308-96A-005	AMD	93-14-083
308-18-150	AMD-P	93-07-098	308-61-040	REP	93-08-076	308-96A-057	AMD-P	93-11-069
308-18-150	AMD	93-11-025	308-61-135	AMD	93-08-076	308-96A-057	AMD	93-14-083
308-19-010	NEW-P	93-18-100	308-61-168	AMD	93-08-076	308-96A-066	NEW-P	93-11-069
308-19-010	NEW	93-21-053	308-61-200	REP	93-08-076	308-96A-066	NEW	93-14-083
308-19-020	NEW-P	93-18-100	308-61-205	REP	93-08-076	308-96A-072	NEW-P	93-11-069
308-19-020	NEW	93-21-053	308-61-210	NEW	93-08-076	308-96A-072	NEW	93-14-083
308-19-030	NEW-P	93-18-100	308-61-220	REP	93-08-076	308-96A-295	AMD-P	93-11-069
308-19-030	NEW	93-21-053	308-61-230	REP	93-08-076	308-96A-295	AMD	93-14-083
308-19-100	NEW-P	93-18-100	308-61-240	REP	93-08-076	308-96A-330	AMD-P	93-11-069
308-19-100	NEW	93-21-053	308-61-250	NEW	93-08-076	308-96A-330	AMD	93-14-083
308-19-110	NEW-P	93-18-100	308-61-260	REP	93-08-076	308-96A-560	AMD-P	93-11-069
308-19-110	NEW	93-21-053	308-61-270	REP	93-08-076	308-96A-560	AMD	93-14-083
308-19-120	NEW-P	93-18-100	308-61-300	REP	93-08-076	308-100-030	REP-P	93-19-158
308-19-120	NEW	93-21-053	308-61-305	NEW	93-08-076	308-100-030	REP	93-22-071
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308-19-140	NEW-P	93-18-100	308-61-330	REP	93-08-076	308-104-015	AMD-P	93-19-158
308-19-140	NEW	93-21-053	308-61-340	REP	93-08-076	308-104-015	AMD	93-22-071
308-19-150	NEW-P	93-18-100	308-61-400	REP	93-08-076	308-104-040	AMD-P	93-19-158
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308-19-200	NEW	93-21-053	308-61-440	REP	93-08-076	308-104-057	REP	93-22-071
308-19-210	NEW-P	93-18-100	308-61-450	REP	93-08-076	308-104-080	AMD-P	93-19-158
308-19-210	NEW	93-21-053	308-63-010	NEW	93-08-076	308-104-080	AMD	93-22-071
308-19-220	NEW-P	93-18-100	308-63-020	NEW	93-08-076	308-104-090	AMD-P	93-19-158
308-19-220	NEW	93-21-053	308-63-030	NEW	93-08-076	308-104-090	AMD	93-22-071
308-19-230	NEW-P	93-18-100	308-63-040	NEW	93-08-076	308-104-110	REP-P	93-19-158
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308-19-300	NEW-P	93-18-100	308-63-100	NEW	93-08-076	308-104-170	AMD-P	93-19-158
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308-124A-440	AMD-P	93-17-099	308-330-148	NEW-P	93-20-079	308-330-464	NEW-P	93-20-079
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308-124A-460	AMD-P	93-17-099	308-330-154	NEW-P	93-20-079	308-330-469	NEW-P	93-20-079
308-125-010	AMD-P	93-12-127	308-330-157	NEW-P	93-20-079	308-330-472	NEW-P	93-20-079
308-125-010	AMD	93-17-020	308-330-160	NEW-P	93-20-079	308-330-475	NEW-P	93-20-079
308-125-020	AMD-P	93-12-127	308-330-163	NEW-P	93-20-079	308-330-478	NEW-P	93-20-079
308-125-020	AMD	93-17-020	308-330-169	NEW-P	93-20-079	308-330-481	NEW-P	93-20-079
308-125-030	AMD-P	93-12-127	308-330-172	NEW-P	93-20-079	308-330-500	NEW-P	93-20-079
308-125-030	AMD	93-17-020	308-330-175	NEW-P	93-20-079	308-330-505	NEW-P	93-20-079
308-125-035	REP-P	93-12-127	308-330-178	NEW-P	93-20-079	308-330-510	NEW-P	93-20-079
308-125-035	REP	93-17-020	308-330-181	NEW-P	93-20-079	308-330-515	NEW-P	93-20-079
308-125-040	AMD-P	93-12-127	308-330-184	NEW-P	93-20-079	308-330-520	NEW-P	93-20-079
308-125-040	AMD	93-17-020	308-330-187	NEW-P	93-20-079	308-330-525	NEW-P	93-20-079
308-125-040	AMD-P	93-21-068	308-330-190	NEW-P	93-20-079	308-330-530	NEW-P	93-20-079
308-125-045	AMD-P	93-12-127	308-330-195	NEW-P	93-20-079	308-330-535	NEW-P	93-20-079
308-125-045	AMD	93-17-020	308-330-197	NEW-P	93-20-079	308-330-540	NEW-P	93-20-079
308-125-050	AMD-P	93-12-127	308-330-200	NEW-P	93-20-079	308-330-545	NEW-P	93-20-079
308-125-050	AMD	93-17-020	308-330-205	NEW-P	93-20-079	308-330-550	NEW-P	93-20-079
308-125-060	AMD-P	93-12-127	308-330-210	NEW-P	93-20-079	308-330-555	NEW-P	93-20-079
308-125-060	AMD	93-17-020	308-330-215	NEW-P	93-20-079	308-330-560	NEW-P	93-20-079
308-125-065	NEW-P	93-12-127	308-330-220	NEW-P	93-20-079	308-330-565	NEW-P	93-20-079
308-125-065	NEW	93-17-020	308-330-225	NEW-P	93-20-079	308-330-600	NEW-P	93-20-079
308-125-070	AMD-P	93-12-127	308-330-230	NEW-P	93-20-079	308-330-610	NEW-P	93-20-079
308-125-070	AMD	93-17-020	308-330-235	NEW-P	93-20-079	308-330-620	NEW-P	93-20-079
308-125-085	AMD-P	93-12-127	308-330-240	NEW-P	93-20-079	308-330-630	NEW-P	93-20-079
308-125-085	AMD	93-17-020	308-330-245	NEW-P	93-20-079	308-330-640	NEW-P	93-20-079
308-125-090	AMD-P	93-12-127	308-330-250	NEW-P	93-20-079	308-330-650	NEW-P	93-20-079
308-125-090	AMD	93-17-020	308-330-255	NEW-P	93-20-079	308-330-660	NEW-P	93-20-079
308-125-100	AMD-P	93-12-127	308-330-260	NEW-P	93-20-079	308-330-700	NEW-P	93-20-079
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308-125-110	AMD-P	93-12-127	308-330-270	NEW-P	93-20-079	308-330-710	NEW-P	93-20-079
308-125-110	AMD	93-17-020	308-330-275	NEW-P	93-20-079	308-330-720	NEW-P	93-20-079
308-125-130	AMD-P	93-12-127	308-330-300	NEW-P	93-20-079	308-330-730	NEW-P	93-20-079
308-125-130	AMD	93-17-020	308-330-305	NEW-P	93-20-079	308-330-740	NEW-P	93-20-079
308-125-140	AMD-P	93-12-127	308-330-307	NEW-P	93-20-079	308-330-800	NEW-P	93-20-079
308-125-140	AMD	93-17-020	308-330-309	NEW-P	93-20-079	308-330-810	NEW-P	93-20-079
308-125-160	REP-P	93-12-127	308-330-310	NEW-P	93-20-079	308-330-815	NEW-P	93-20-079
308-125-160	REP	93-17-020	308-330-312	NEW-P	93-20-079	308-330-820	NEW-P	93-20-079
308-125-180	AMD-P	93-12-127	308-330-314	NEW-P	93-20-079	308-330-825	NEW-P	93-20-079
308-125-180	AMD	93-17-020	308-330-316	NEW-P	93-20-079	308-330-910	NEW-P	93-20-079
308-125-190	AMD-P	93-12-127	308-330-320	NEW-P	93-20-079	314-10-010	NEW-E	93-15-062
308-125-190	AMD	93-17-020	308-330-322	NEW-P	93-20-079	314-10-010	NEW-P	93-19-123
308-125-210	AMD-P	93-12-127	308-330-325	NEW-P	93-20-079	314-10-010	NEW	93-23-016
308-125-210	AMD	93-17-020	308-330-327	NEW-P	93-20-079	314-10-020	NEW-E	93-15-062
308-125-225	NEW-P	93-12-127	308-330-329	NEW-P	93-20-079	314-10-020	NEW-P	93-19-123
308-125-225	NEW	93-17-020	308-330-330	NEW-P	93-20-079	314-10-020	NEW	93-23-016
308-128A-020	AMD-P	93-21-063	308-330-360	NEW-P	93-20-079	314-10-030	NEW-E	93-15-062
308-128A-030	AMD-P	93-21-063	308-330-365	NEW-P	93-20-079	314-10-030	NEW-P	93-19-123
308-128A-040	AMD-P	93-21-063	308-330-370	NEW-P	93-20-079	314-10-030	NEW	93-23-016
308-128C-040	AMD-P	93-21-063	308-330-375	NEW-P	93-20-079	314-10-040	NEW-P	93-19-123
308-128C-050	AMD-P	93-21-063	308-330-400	NEW-P	93-20-079	314-10-040	NEW	93-23-016
308-128D-010	AMD-P	93-21-063	308-330-403	NEW-P	93-20-079	314-10-050	NEW-E	93-15-062
308-128D-030	AMD-P	93-21-063	308-330-406	NEW-P	93-20-079	314-10-050	NEW-P	93-19-123
308-128D-040	AMD-P	93-21-063	308-330-408	NEW-P	93-20-079	314-10-050	NEW	93-23-016
308-128D-070	AMD-P	93-21-063	308-330-409	NEW-P	93-20-079	314-10-060	NEW-E	93-15-062
308-128E-011	AMD-P	93-21-063	308-330-412	NEW-P	93-20-079	314-10-060	NEW-P	93-19-123
308-128F-020	AMD-P	93-21-063	308-330-415	NEW-P	93-20-079	314-10-060	NEW	93-23-016
308-330-005	NEW-P	93-20-079	308-330-418	NEW-P	93-20-079	314-10-070	NEW-E	93-15-062
308-330-010	NEW-P	93-20-079	308-330-421	NEW-P	93-20-079	314-10-070	NEW-P	93-19-123
308-330-030	NEW-P	93-20-079	308-330-423	NEW-P	93-20-079	314-10-080	NEW-E	93-15-062
308-330-100	NEW-P	93-20-079	308-330-425	NEW-P	93-20-079	314-10-080	NEW-P	93-19-123
308-330-109	NEW-P	93-20-079	308-330-430	NEW-P	93-20-079	314-10-080	NEW	93-23-016
308-330-112	NEW-P	93-20-079	308-330-433	NEW-P	93-20-079	314-10-090	NEW-E	93-15-062
308-330-115	NEW-P	93-20-079	308-330-436	NEW-P	93-20-079	314-10-090	NEW-P	93-19-123
308-330-118	NEW-P	93-20-079	308-330-439	NEW-P	93-20-079	314-10-090	NEW	93-23-016
308-330-121	NEW-P	93-20-079	308-330-442	NEW-P	93-20-079	314-10-100	NEW-E	93-15-062
308-330-123	NEW-P	93-20-079	308-330-445	NEW-P	93-20-079	314-10-100	NEW-P	93-19-123
308-330-127	NEW-P	93-20-079	308-330-448	NEW-P	93-20-079	314-10-100	NEW	93-23-016
308-330-133	NEW-P	93-20-079	308-330-451	NEW-P	93-20-079	314-10-110	NEW-E	93-15-062
308-330-136	NEW-P	93-20-079	308-330-454	NEW-P	93-20-079	314-10-110	NEW-P	93-19-123
308-330-139	NEW-P	93-20-079	308-330-457	NEW-P	93-20-079	314-10-110	NEW	93-23-016
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314-12-020	AMD-W	93-10-069	315-06-125	AMD	93-11-056	315-11-510	REP	93-15-019
314-12-020	AMD-P	93-12-117	315-06-125	AMD-P	93-16-096	315-11-511	REP-P	93-12-104
314-12-020	AMD	93-15-024	315-06-125	AMD-W	93-19-032	315-11-511	REP	93-15-019
314-12-025	AMD-P	93-07-110	315-06-125	AMD-P	93-19-133	315-11-512	REP-P	93-12-104
314-12-025	AMD	93-10-070	315-06-125	AMD	93-23-012	315-11-512	REP	93-15-019
314-12-030	AMD-P	93-06-066	315-06-130	AMD	93-04-004	315-11-520	REP-P	93-12-104
314-12-030	AMD	93-10-092	315-11-400	REP-P	93-12-104	315-11-520	REP	93-15-019
314-12-030	AMD-P	93-15-117	315-11-400	REP	93-15-019	315-11-521	REP-P	93-12-104
314-12-030	AMD	93-18-094	315-11-401	REP-P	93-12-104	315-11-521	REP	93-15-019
314-12-140	AMD-P	93-07-110	315-11-401	REP	93-15-019	315-11-522	REP-P	93-12-104
314-12-140	AMD	93-10-070	315-11-402	REP-P	93-12-104	315-11-522	REP	93-15-019
314-12-142	NEW-P	93-17-070	315-11-402	REP	93-15-019	315-11-530	REP-P	93-12-104
314-12-142	NEW-W	93-21-019	315-11-410	REP-P	93-12-104	315-11-530	REP	93-15-019
314-15-010	NEW-E	93-15-061	315-11-410	REP	93-15-019	315-11-531	REP-P	93-12-104
314-15-010	NEW-P	93-19-122	315-11-411	REP-P	93-12-104	315-11-531	REP	93-15-019
314-15-010	NEW	93-23-015	315-11-411	REP	93-15-019	315-11-532	REP-P	93-12-104
314-15-020	NEW-E	93-15-061	315-11-412	REP-P	93-12-104	315-11-532	REP	93-15-019
314-15-020	NEW-P	93-19-122	315-11-412	REP	93-15-019	315-11-540	REP-P	93-12-104
314-15-020	NEW	93-23-015	315-11-420	REP-P	93-12-104	315-11-540	REP	93-15-019
314-15-030	NEW-E	93-15-061	315-11-420	REP	93-15-019	315-11-541	REP-P	93-12-104
314-15-030	NEW-P	93-19-122	315-11-421	REP-P	93-12-104	315-11-541	REP	93-15-019
314-15-030	NEW	93-23-015	315-11-421	REP	93-15-019	315-11-542	REP-P	93-12-104
314-15-040	NEW-E	93-15-061	315-11-422	REP-P	93-12-104	315-11-542	REP	93-15-019
314-15-040	NEW-P	93-19-122	315-11-422	REP	93-15-019	315-11-550	REP-P	93-12-104
314-15-040	NEW	93-23-015	315-11-430	REP-P	93-12-104	315-11-550	REP	93-15-019
314-15-050	NEW-E	93-15-061	315-11-430	REP	93-15-019	315-11-551	REP-P	93-12-104
314-15-050	NEW-P	93-19-122	315-11-431	REP-P	93-12-104	315-11-551	REP	93-15-019
314-15-050	NEW	93-23-015	315-11-431	REP	93-15-019	315-11-552	REP-P	93-12-104
314-16-020	AMD-P	93-07-110	315-11-432	REP-P	93-12-104	315-11-552	REP	93-15-019
314-16-020	AMD	93-10-070	315-11-432	REP	93-15-019	315-11-560	REP-P	93-12-104
314-16-030	AMD-P	93-07-110	315-11-440	REP-P	93-12-104	315-11-560	REP	93-15-019
314-16-030	AMD-W	93-10-069	315-11-440	REP	93-15-019	315-11-561	REP-P	93-12-104
314-16-050	AMD-P	93-17-068	315-11-441	REP-P	93-12-104	315-11-561	REP	93-15-019
314-16-050	AMD-W	93-21-019	315-11-441	REP	93-15-019	315-11-562	REP-P	93-12-104
314-16-090	AMD-P	93-12-118	315-11-442	REP-P	93-12-104	315-11-562	REP	93-15-019
314-16-090	AMD	93-15-025	315-11-442	REP	93-15-019	315-11-570	REP-P	93-12-104
314-16-150	AMD-P	93-17-069	315-11-450	REP-P	93-12-104	315-11-570	REP	93-15-019
314-16-150	AMD-W	93-21-019	315-11-450	REP	93-15-019	315-11-571	REP-P	93-12-104
314-16-190	AMD-P	93-06-066	315-11-451	REP-P	93-12-104	315-11-571	REP	93-15-019
314-16-190	AMD	93-10-092	315-11-451	REP	93-15-019	315-11-572	REP-P	93-12-104
314-16-196	AMD-P	93-06-066	315-11-452	REP-P	93-12-104	315-11-572	REP	93-15-019
314-16-196	AMD	93-10-092	315-11-452	REP	93-15-019	315-11-580	REP-P	93-12-104
314-16-250	AMD-P	93-12-119	315-11-460	REP-P	93-12-104	315-11-580	REP	93-15-019
314-16-250	AMD	93-15-026	315-11-460	REP	93-15-019	315-11-581	REP-P	93-12-104
314-20-015	AMD-P	93-07-109	315-11-461	REP-P	93-12-104	315-11-581	REP	93-15-019
314-20-015	AMD	93-11-028	315-11-461	REP	93-15-019	315-11-582	REP-P	93-12-104
314-20-030	AMD-P	93-07-110	315-11-462	REP-P	93-12-104	315-11-582	REP	93-15-019
314-20-030	AMD	93-10-070	315-11-462	REP	93-15-019	315-11-590	REP-P	93-12-104
314-20-070	AMD-P	93-06-066	315-11-470	REP-P	93-12-104	315-11-590	REP	93-15-019
314-20-070	AMD	93-10-092	315-11-470	REP	93-15-019	315-11-591	REP-P	93-12-104
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314-20-180	NEW-P	93-12-116	315-11-471	REP	93-15-019	315-11-592	REP-P	93-12-104
314-20-180	NEW	93-15-023	315-11-472	REP-P	93-12-104	315-11-592	REP	93-15-019
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314-24-095	AMD	93-11-028	315-11-480	REP-P	93-12-104	315-11-890	AMD	93-07-016
314-24-160	AMD-P	93-07-109	315-11-480	REP	93-15-019	315-11-920	NEW	93-03-008
314-24-160	AMD	93-11-028	315-11-481	REP-P	93-12-104	315-11-921	NEW	93-03-008
314-24-190	AMD-P	93-20-087	315-11-481	REP	93-15-019	315-11-922	NEW	93-03-008
314-24-190	AMD-W	93-23-055	315-11-482	REP-P	93-12-104	315-11-930	NEW	93-03-008
314-24-200	AMD-P	93-20-087	315-11-482	REP	93-15-019	315-11-931	NEW	93-03-008
314-24-200	AMD-W	93-23-055	315-11-490	REP-P	93-12-104	315-11-932	NEW	93-03-008
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314-52-080	AMD	93-11-028	315-11-500	REP-P	93-12-104	315-11-951	NEW-P	93-03-094
314-70-050	NEW-P	93-07-109	315-11-500	REP	93-15-019	315-11-951	NEW	93-07-016
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315-11-970	NEW	93-07-016	315-20-120	REP-P	93-12-104	317-20-040	NEW	93-07-005
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315-11-972	NEW	93-07-016	315-20-140	REP-P	93-12-104	317-20-055	NEW	93-07-005
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315-11-980	NEW	93-11-056	315-20-150	REP-P	93-12-104	317-20-060	NEW	93-07-005
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315-11-981	NEW	93-11-056	315-33A-030	AMD-P	93-16-096	317-20-065	NEW	93-07-005
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315-11-982	NEW	93-11-056	315-33A-050	AMD-P	93-16-096	317-20-066	NEW	93-07-005
315-11-990	NEW-P	93-07-121	315-33A-050	AMD	93-19-052	317-20-070	NEW-P	93-02-055
315-11-990	NEW	93-11-056	315-33A-060	AMD-P	93-16-096	317-20-070	NEW	93-07-005
315-11-990	AMD-P	93-16-096	315-33A-060	AMD	93-19-052	317-20-080	NEW-P	93-02-055
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315-11-991	AMD-P	93-16-096	317-01-010	NEW-P	93-06-086	317-20-090	NEW	93-07-005
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315-11-992	AMD-P	93-16-096	317-01-030	NEW-P	93-06-086	317-20-110	NEW	93-07-005
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315-11A-102	NEW	93-15-019	317-02-030	NEW	93-11-003	317-20-150	NEW-P	93-02-055
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315-11A-108	NEW	93-19-052	317-02-090	NEW	93-11-003	317-20-190	NEW	93-07-005
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315-11A-113	NEW	93-23-012	317-03-020	NEW	93-11-002	317-20-240	NEW	93-07-005
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388-15-202	NEW	93-06-042	388-29-110	AMD	93-04-030	388-34-160	REP-P	93-16-106
388-15-203	NEW-C	93-04-023	388-29-112	AMD	93-04-030	388-34-160	REP	93-19-134
388-15-203	NEW	93-06-042	388-29-130	AMD-P	93-09-017	388-34-165	REP-P	93-06-040
388-15-204	NEW-C	93-04-023	388-29-130	AMD	93-12-052	388-34-165	REP-W	93-08-113
388-15-204	NEW	93-06-042	388-29-160	AMD	93-04-030	388-34-165	REP-P	93-16-106
388-15-205	NEW-C	93-04-023	388-29-220	AMD	93-04-030	388-34-165	REP	93-19-134
388-15-205	NEW	93-06-042	388-29-280	AMD-P	93-09-017	388-34-180	REP-P	93-06-040
388-15-207	AMD	93-04-036	388-29-280	AMD	93-12-052	388-34-180	REP-W	93-08-113
388-15-208	AMD	93-04-036	388-29-295	AMD	93-04-030	388-34-180	REP-P	93-16-106
388-15-209	AMD	93-04-036	388-31-035	AMD-P	93-13-018	388-34-180	REP	93-19-134
388-15-212	AMD	93-04-036	388-31-035	AMD	93-16-043	388-34-370	REP-P	93-06-040
388-15-213	AMD	93-04-036	388-34-010	REP-P	93-06-040	388-34-370	REP-W	93-08-113
388-15-214	AMD	93-04-036	388-34-010	REP-W	93-08-113	388-34-370	REP-P	93-16-106
388-15-215	AMD	93-04-036	388-34-010	REP-P	93-16-106	388-34-370	REP	93-19-134
388-15-216	AMD	93-04-036	388-34-010	REP	93-19-134	388-34-372	REP-P	93-06-040
388-15-217	AMD	93-04-036	388-34-015	REP-P	93-06-040	388-34-372	REP-W	93-08-113
388-15-600	AMD-P	93-11-085	388-34-015	REP-W	93-08-113	388-34-372	REP-P	93-16-106
388-15-600	AMD	93-13-135	388-34-015	REP-P	93-16-106	388-34-372	REP	93-19-134
388-15-610	AMD-P	93-11-085	388-34-015	REP	93-19-134	388-34-374	REP-P	93-06-040
388-15-610	AMD	93-13-135	388-34-020	REP-P	93-06-040	388-34-374	REP-W	93-08-113
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388-15-615	AMD	93-13-135	388-34-020	REP-P	93-16-106	388-34-374	REP	93-19-134
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388-15-620	AMD	93-13-135	388-34-025	REP-P	93-06-040	388-34-375	REP-W	93-08-113
388-15-630	AMD-P	93-11-085	388-34-025	REP-W	93-08-113	388-34-375	REP-P	93-16-106
388-15-630	AMD	93-13-135	388-34-025	REP-P	93-16-106	388-34-375	REP	93-19-134
388-15-820	AMD-P	93-07-071	388-34-025	REP	93-19-134	388-34-376	REP-P	93-06-040
388-15-820	AMD	93-10-023	388-34-035	REP-P	93-06-040	388-34-376	REP-W	93-08-113
388-15-830	AMD-P	93-07-071	388-34-035	REP-W	93-08-113	388-34-376	REP-P	93-16-106
388-15-830	AMD	93-10-023	388-34-035	REP-P	93-16-106	388-34-376	REP	93-19-134
388-15-840	AMD-P	93-07-071	388-34-035	REP	93-19-134	388-34-378	REP-P	93-06-040
388-15-840	AMD	93-10-023	388-34-040	REP-P	93-06-040	388-34-378	REP-W	93-08-113
388-15-850	AMD-P	93-07-071	388-34-040	REP-W	93-08-113	388-34-378	REP-P	93-16-106
388-15-850	AMD	93-10-023	388-34-040	REP-P	93-16-106	388-34-378	REP	93-19-134
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388-15-870	AMD	93-10-023	388-34-045	REP-P	93-16-106	388-34-380	REP	93-19-134
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388-28-435	AMD	93-07-126	388-34-110	REP-P	93-16-106	388-37-029	REP-P	93-08-074
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388-28-500	AMD	93-19-036	388-34-120	REP-P	93-16-106	388-37-032	REP-P	93-08-074
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388-28-560	AMD	93-19-036	388-34-125	REP-P	93-06-040	388-37-035	REP-P	93-08-074
388-28-570	AMD-P	93-03-057	388-34-125	REP-W	93-08-113	388-37-035	REP	93-16-058
388-28-570	AMD	93-12-057	388-34-125	REP-P	93-16-106	388-37-037	REP-P	93-08-074
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388-37-120	REP-P	93-08-074	388-42-025	REP-E	93-11-083	388-49-220	AMD	93-11-043
388-37-120	REP	93-16-058	388-42-025	REP-P	93-11-084	388-49-430	AMD-P	93-13-053
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388-40-020	REP-P	93-15-080	388-43-030	NEW-E	93-21-080	388-51-110	AMD	93-12-059
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388-96-774	AMD	93-12-051	388-150-390	AMD	93-18-001	388-160-300	NEW	93-15-124
388-96-774	AMD-P	93-14-075	388-150-460	AMD-P	93-13-056	388-160-310	NEW-P	93-05-031
388-96-774	AMD-E	93-14-077	388-150-460	AMD	93-18-001	388-160-310	NEW	93-15-124
388-96-774	AMD	93-17-033	388-150-470	AMD-P	93-13-056	388-160-320	NEW-P	93-05-031
388-96-775	REP-P	93-14-078	388-150-470	AMD	93-18-001	388-160-320	NEW	93-15-124
388-96-775	REP-E	93-14-079	388-150-490	AMD-P	93-13-056	388-160-340	NEW-P	93-05-031
388-96-775	REP	93-19-074	388-150-490	AMD	93-18-001	388-160-340	NEW	93-15-124
388-99-010	AMD-P	93-03-060	388-150-500	AMD-P	93-13-056	388-160-350	NEW-P	93-05-031
388-99-010	AMD-E	93-03-061	388-150-500	AMD	93-18-001	388-160-350	NEW	93-15-124
388-99-010	AMD	93-06-037	388-160	NEW-C	93-08-009	388-160-360	NEW-P	93-05-031
388-99-011	AMD-P	93-14-023	388-160	NEW-C	93-10-020	388-160-360	NEW	93-15-124
388-99-011	AMD	93-17-035	388-160	NEW-C	93-12-095	388-160-370	NEW-P	93-05-031
388-99-020	AMD-E	93-04-087	388-160	NEW-C	93-13-025	388-160-370	NEW	93-15-124
388-99-020	AMD-P	93-04-090	388-160	NEW-C	93-15-039	388-160-380	NEW-P	93-05-031
388-99-020	AMD	93-07-028	388-160-010	NEW-P	93-05-031	388-160-380	NEW	93-15-124
388-99-020	AMD-P	93-16-054	388-160-010	NEW	93-15-124	388-160-390	NEW-P	93-05-031
388-99-020	AMD-E	93-16-055	388-160-020	NEW-P	93-05-031	388-160-390	NEW	93-15-124
388-99-020	AMD	93-19-037	388-160-020	NEW	93-15-124	388-160-400	NEW-P	93-05-031
388-99-030	AMD-P	93-16-107	388-160-030	NEW-P	93-05-031	388-160-400	NEW	93-15-124
388-99-030	AMD	93-19-137	388-160-030	NEW	93-15-124	388-160-410	NEW-P	93-05-031
388-99-035	AMD-E	93-20-050	388-160-040	NEW-P	93-05-031	388-160-410	NEW	93-15-124
388-99-035	AMD-P	93-20-055	388-160-040	NEW	93-15-124	388-160-420	NEW-P	93-05-031
388-99-035	AMD	93-23-032	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

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-160-450	NEW-W	93-15-123	388-233-0100	NEW	93-17-029	388-235-7300	NEW	93-16-058
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

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-240-4400	NEW-P	93-15-080	388-538-080	NEW	93-17-039	390-05-235	AMD-P	93-17-107
388-240-4400	NEW	93-19-039	388-538-090	NEW-P	93-14-046	390-05-235	AMD	93-22-002
388-240-4600	NEW-P	93-15-080	388-538-090	NEW-E	93-14-047	390-12-170	AMD-P	93-15-101
388-240-4600	NEW	93-19-039	388-538-090	NEW	93-17-039	390-12-170	AMD	93-19-034
388-240-5100	NEW-P	93-15-080	388-538-095	NEW-P	93-14-046	390-16-011	AMD-P	93-10-049
388-240-5100	NEW	93-19-039	388-538-095	NEW-E	93-14-047	390-16-011	AMD-E	93-10-051
388-240-6100	NEW-P	93-15-080	388-538-095	NEW	93-17-039	390-16-011	AMD	93-15-004
388-240-6100	NEW	93-19-039	388-538-100	NEW-P	93-14-046	390-16-012	AMD-P	93-10-049
388-280-1010	NEW-P	93-08-075	388-538-100	NEW-E	93-14-047	390-16-012	AMD-E	93-10-051
388-280-1010	NEW	93-12-054	388-538-100	NEW	93-17-039	390-16-012	AMD	93-15-004
388-280-1020	NEW-P	93-08-075	388-538-110	NEW-P	93-14-046	390-16-031	AMD-P	93-04-127
388-280-1020	NEW	93-12-054	388-538-110	NEW-E	93-14-047	390-16-031	AMD	93-09-002
388-280-1030	NEW-P	93-08-075	388-538-110	NEW	93-17-039	390-16-034	NEW-P	93-19-033
388-280-1030	NEW	93-12-054	388-538-120	NEW-P	93-14-046	390-16-038	AMD-P	93-12-024
388-280-1040	NEW-P	93-08-075	388-538-120	NEW-E	93-14-047	390-16-038	AMD-P	93-16-062
388-280-1040	NEW	93-12-054	388-538-120	NEW	93-17-039	390-16-038	AMD-E	93-16-063
388-280-1050	NEW-P	93-08-075	388-538-130	NEW-P	93-14-046	390-16-038	AMD	93-22-002
388-280-1050	NEW	93-12-054	388-538-130	NEW-E	93-14-047	390-16-041	AMD-P	93-04-127
388-280-1060	NEW-P	93-08-075	388-538-130	NEW	93-17-039	390-16-041	AMD	93-09-002
388-280-1060	NEW	93-12-054	388-538-140	NEW-P	93-14-046	390-16-044	NEW-P	93-15-002
388-280-1070	NEW-P	93-08-075	388-538-140	NEW-E	93-14-047	390-16-044	NEW-E	93-15-003
388-280-1070	NEW	93-12-054	388-538-140	NEW	93-17-039	390-16-044	NEW	93-19-034
388-280-1080	NEW-P	93-08-075	388-538-150	NEW-P	93-14-046	390-16-200	AMD-P	93-12-025
388-280-1080	NEW	93-12-054	388-538-150	NEW-E	93-14-047	390-16-207	AMD-P	93-12-026
388-280-1090	NEW-P	93-08-075	388-538-150	NEW	93-17-039	390-16-207	AMD	93-16-064
388-280-1090	NEW	93-12-054	388-539-001	NEW-P	93-14-024	390-16-207	AMD-P	93-17-107
388-280-1100	NEW-P	93-08-075	388-539-001	NEW-E	93-14-028	390-16-207	AMD	93-22-002
388-280-1100	NEW	93-12-054	388-539-001	NEW	93-17-037	390-16-226	NEW-P	93-12-031
388-280-1110	NEW-P	93-08-075	388-539-050	NEW-P	93-14-024	390-16-226	NEW	93-16-064
388-280-1110	NEW	93-12-054	388-539-050	NEW-E	93-14-028	390-16-230	AMD-P	93-12-027
388-280-1120	NEW-P	93-08-075	388-539-050	NEW	93-17-037	390-16-230	AMD	93-16-064
388-280-1120	NEW	93-12-054	388-539-100	NEW-P	93-14-024	390-16-230	AMD-P	93-17-107
388-280-1130	NEW-P	93-08-075	388-539-100	NEW-E	93-14-028	390-16-230	AMD	93-22-002
388-280-1130	NEW	93-12-054	388-539-100	NEW	93-17-037	390-16-232	NEW-P	93-12-032
388-280-1140	NEW-P	93-08-075	388-539-150	NEW-P	93-14-024	390-16-232	NEW	93-16-064
388-280-1140	NEW	93-12-054	388-539-150	NEW-E	93-14-028	390-16-234	NEW-P	93-12-033
388-280-1150	NEW-P	93-08-075	388-539-150	NEW	93-17-037	390-16-234	NEW	93-16-064
388-280-1150	NEW	93-12-054	388-540-001	NEW-P	93-13-001	390-16-240	AMD-P	93-12-028
388-280-1160	NEW-P	93-08-075	388-540-001	NEW-E	93-13-130	390-16-240	AMD	93-16-064
388-280-1160	NEW	93-12-054	388-540-001	NEW	93-16-039	390-16-308	AMD	93-04-072
388-320-350	AMD-P	93-21-043	388-540-005	NEW-P	93-13-001	390-16-309	NEW-P	93-19-033
388-320-400	AMD-P	93-21-043	388-540-005	NEW-E	93-13-130	390-16-310	AMD-P	93-12-029
388-320-450	AMD-P	93-21-043	388-540-005	NEW	93-16-039	390-16-310	AMD	93-16-064
388-330-010	AMD-P	93-07-035	388-540-010	NEW-P	93-13-001	390-16-312	AMD-P	93-12-030
388-330-010	AMD-C	93-10-018	388-540-010	NEW-E	93-13-130	390-16-312	AMD	93-16-064
388-330-010	AMD-C	93-12-096	388-540-010	NEW	93-16-039	390-17-011	NEW-P	93-12-018
388-330-010	AMD	93-15-040	388-540-020	NEW-P	93-13-001	390-17-011	NEW	93-16-064
388-330-020	AMD-P	93-07-035	388-540-020	NEW-E	93-13-130	390-17-013	NEW-P	93-12-018
388-330-020	AMD-C	93-10-018	388-540-020	NEW	93-16-039	390-17-013	NEW	93-16-064
388-330-020	AMD-C	93-12-096	388-540-030	NEW-P	93-13-001	390-17-015	NEW-P	93-12-018
388-330-020	AMD	93-15-040	388-540-030	NEW-E	93-13-130	390-17-015	NEW	93-16-064
388-330-030	AMD-P	93-07-035	388-540-030	NEW	93-16-039	390-17-017	NEW-P	93-12-018
388-330-030	AMD-C	93-10-018	388-540-040	NEW-P	93-13-001	390-17-017	NEW	93-16-064
388-330-030	AMD-C	93-12-096	388-540-040	NEW-E	93-13-130	390-17-030	NEW-P	93-12-018
388-330-030	AMD	93-15-040	388-540-040	NEW	93-16-039	390-17-030	NEW	93-16-064
388-330-050	AMD-P	93-07-035	388-540-050	NEW-P	93-13-001	390-17-050	NEW-P	93-12-018
388-330-050	AMD-C	93-10-018	388-540-050	NEW-E	93-13-130	390-17-050	NEW-P	93-16-062
388-330-050	AMD-C	93-12-096	388-540-050	NEW	93-16-039	390-17-050	NEW-E	93-16-063
388-330-050	AMD	93-15-040	388-540-060	NEW-P	93-13-001	390-17-050	NEW	93-22-002
388-538-001	NEW-P	93-14-046	388-540-060	NEW-E	93-13-130	390-17-052	NEW-P	93-12-018
388-538-001	NEW-E	93-14-047	388-540-060	NEW	93-16-039	390-17-052	NEW	93-16-064
388-538-001	NEW	93-17-039	390-05-190	NEW-P	93-12-019	390-17-060	NEW-P	93-12-018
388-538-050	NEW-P	93-14-046	390-05-190	NEW	93-16-064	390-17-060	NEW-P	93-12-046
388-538-050	NEW-E	93-14-047	390-05-190	AMD-P	93-17-107	390-17-060	NEW-P	93-19-033
388-538-050	NEW	93-17-039	390-05-190	AMD	93-22-002	390-17-060	NEW-E	93-19-035
388-538-060	NEW-P	93-14-046	390-05-200	AMD-P	93-12-020	390-17-065	NEW-P	93-12-018
388-538-060	NEW-E	93-14-047	390-05-200	AMD	93-16-064	390-17-065	NEW-P	93-19-104
388-538-060	NEW	93-17-039	390-05-205	AMD-P	93-12-021	390-17-065	NEW-W	93-19-130
388-538-070	NEW-P	93-14-046	390-05-205	AMD	93-16-064	390-17-065	NEW-P	93-19-131
388-538-070	NEW-E	93-14-047	390-05-210	AMD-P	93-12-022	390-17-065	NEW-E	93-22-001
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390-17-205	NEW-P	93-12-018	392-123-072	AMD	93-17-006	392-140-259	REP-P	93-07-047
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390-37-060	AMD-P	93-19-033	392-139-610	AMD	93-21-092	392-140-306	REP-P	93-18-019
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390-37-140	AMD-C	93-10-050	392-139-615	AMD-P	93-18-062	392-140-307	REP	93-21-091
390-37-140	AMD	93-15-004	392-139-615	AMD	93-21-092	392-140-308	REP-P	93-18-019
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392-12-170	AMD-P	93-15-101	392-139-620	AMD	93-21-092	392-140-310	REP-P	93-18-019
392-105-030	AMD-P	93-03-002	392-139-621	NEW-P	93-18-062	392-140-310	REP	93-21-091
392-105-030	AMD	93-07-039	392-139-621	NEW	93-21-092	392-140-311	REP-P	93-18-019
392-105-035	AMD-P	93-03-002	392-139-625	AMD-P	93-18-062	392-140-311	REP	93-21-091
392-105-035	AMD	93-07-039	392-139-625	AMD	93-21-092	392-140-312	REP-P	93-18-019
392-105-040	AMD-P	93-03-002	392-139-626	NEW-P	93-18-062	392-140-312	REP	93-21-091
392-105-040	AMD	93-07-039	392-139-626	NEW	93-21-092	392-140-313	REP-P	93-18-019
392-105-060	AMD-P	93-03-002	392-139-660	AMD-P	93-18-062	392-140-313	REP	93-21-091
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392-121-245	AMD-P	93-19-091	392-139-670	AMD-P	93-18-062	392-140-314	REP	93-21-091
392-121-249	NEW-P	93-19-091	392-139-670	AMD	93-21-092	392-140-315	REP-P	93-18-019
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
392-121-257	AMD-P	93-19-091	392-139-676	AMD-P	93-18-062	392-140-316	REP	93-21-091
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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392-121-261	AMD-P	93-19-091	392-139-680	NEW	93-21-092	392-140-318	REP-P	93-18-019
392-121-265	REP-P	93-19-091	392-139-681	NEW-P	93-18-062	392-140-318	REP	93-21-091
392-121-267	REP-P	93-19-091	392-139-681	NEW	93-21-092	392-140-319	REP-P	93-18-019
392-121-270	AMD-P	93-19-091	392-139-685	NEW-P	93-18-062	392-140-319	REP	93-21-091
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392-121-280	AMD-P	93-19-091	392-139-690	NEW-P	93-18-062	392-140-320	REP	93-21-091
392-121-285	REP-P	93-19-091	392-139-690	NEW	93-21-092	392-140-321	REP-P	93-18-019
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392-167A-010	NEW	392-171-384	REP-P	392-171-696	AMD
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392-167A-015	NEW	392-171-401	AMD-P	392-171-728	NEW
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392-167A-025	NEW	392-171-454	NEW-P	392-171-835	NEW
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392-167A-045	NEW	392-171-462	NEW-P	392-171-910	NEW
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392-167A-055	NEW	392-171-464	NEW-P	392-171-925	NEW
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392-167A-075	NEW	392-171-481	AMD-P	392-171-945	NEW
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392-167A-080	NEW	392-171-504	NEW-P	392-171-950	NEW
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392-167A-090	NEW-P	392-171-507	NEW	392-171-960	NEW-P
392-167A-090	NEW	392-171-508	NEW-P	392-171-960	NEW
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392-168-110	AMD	392-171-509	NEW-P	392-173-005	AMD
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392-315-005	REP-P	93-11-033	392-315-125	REP	93-17-007	415-08-190	REP-P	93-08-054
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392-315-045	REP-E	93-08-037	392-315-165	REP-P	93-11-033	415-08-300	REP	93-11-079
392-315-045	REP-P	93-11-033	392-315-165	REP	93-17-007	415-08-310	REP-P	93-08-054
392-315-045	REP	93-17-007	399-10-010	AMD-P	93-15-089	415-08-310	REP	93-11-079
392-315-050	REP-E	93-08-037	399-10-010	AMD	93-22-014	415-08-320	REP-P	93-08-054
392-315-050	REP-P	93-11-033	399-10-020	AMD-P	93-15-089	415-08-320	REP	93-11-079
392-315-050	REP	93-17-007	399-10-020	AMD	93-22-014	415-08-330	REP-P	93-08-054
392-315-055	REP-E	93-08-037	399-10-030	AMD-P	93-15-089	415-08-330	REP	93-11-079
392-315-055	REP-P	93-11-033	399-10-030	AMD	93-22-014	415-08-340	REP-P	93-08-054
392-315-055	REP	93-17-007	399-30-040	AMD-P	93-15-090	415-08-340	REP	93-11-079
392-315-060	REP-E	93-08-037	399-30-040	AMD	93-22-015	415-08-350	REP-P	93-08-054
392-315-060	REP-P	93-11-033	415-04-010	AMD-P	93-08-054	415-08-350	REP	93-11-079
392-315-060	REP	93-17-007	415-04-010	AMD	93-11-079	415-08-360	REP-P	93-08-054
392-315-065	REP-E	93-08-037	415-04-020	AMD-P	93-08-054	415-08-360	REP	93-11-079
392-315-065	REP-P	93-11-033	415-04-020	AMD	93-11-079	415-08-370	REP-P	93-08-054
392-315-065	REP	93-17-007	415-08-010	AMD-P	93-08-054	415-08-370	REP	93-11-079
392-315-070	REP-E	93-08-037	415-08-010	AMD	93-11-079	415-08-380	REP-P	93-08-054
392-315-070	REP-P	93-11-033	415-08-020	AMD-P	93-08-054	415-08-380	REP	93-11-079
392-315-070	REP	93-17-007	415-08-020	AMD	93-11-079	415-08-390	REP-P	93-08-054
392-315-075	REP-E	93-08-037	415-08-025	NEW-P	93-08-054	415-08-390	REP	93-11-079
392-315-075	REP-P	93-11-033	415-08-025	NEW	93-11-079	415-08-400	REP-P	93-08-054
392-315-075	REP	93-17-007	415-08-030	AMD-P	93-08-054	415-08-400	REP	93-11-079
392-315-080	REP-E	93-08-037	415-08-030	AMD	93-11-079	415-08-410	REP-P	93-08-054
392-315-080	REP-P	93-11-033	415-08-040	AMD-P	93-08-054	415-08-410	REP	93-11-079
392-315-080	REP	93-17-007	415-08-040	AMD	93-11-079	415-08-420	AMD-P	93-08-054
392-315-085	REP-E	93-08-037	415-08-060	REP-P	93-08-054	415-08-420	AMD	93-11-079
392-315-085	REP-P	93-11-033	415-08-060	REP	93-11-079	415-08-430	REP-P	93-08-054
392-315-085	REP	93-17-007	415-08-080	AMD-P	93-08-054	415-08-430	REP	93-11-079
392-315-090	REP-E	93-08-037	415-08-080	AMD	93-11-079	415-08-440	REP-P	93-08-054
392-315-090	REP-P	93-11-033	415-08-090	AMD-P	93-08-054	415-08-440	REP	93-11-079

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415-08-450	REP-P	93-08-054	434-19-014	AMD-E	93-22-066	434-19-190	AMD-E	93-22-066
415-08-450	REP	93-11-079	434-19-015	REP-P	93-21-093	434-19-191	AMD-E	93-14-081
415-08-460	REP-P	93-08-054	434-19-016	REP-P	93-21-093	434-19-191	REP-P	93-21-093
415-08-460	REP	93-11-079	434-19-017	REP-P	93-21-093	434-19-191	AMD-E	93-22-066
415-08-470	REP-P	93-08-054	434-19-018	REP-P	93-21-093	434-19-192	AMD-E	93-14-081
415-08-470	REP	93-11-079	434-19-020	AMD-E	93-14-081	434-19-192	REP-P	93-21-093
415-08-480	REP-P	93-08-054	434-19-020	REP-P	93-21-093	434-19-192	AMD-E	93-22-066
415-08-480	REP	93-11-079	434-19-020	AMD-E	93-22-066	434-19-193	AMD-E	93-14-081
415-104-011	NEW-P	93-08-053	434-19-050	REP-P	93-21-093	434-19-193	REP-P	93-21-093
415-104-011	NEW	93-11-078	434-19-051	REP-P	93-21-093	434-19-193	AMD-E	93-22-066
415-104-782	NEW-P	93-08-053	434-19-052	REP-P	93-21-093	434-19-194	AMD-E	93-14-081
415-104-782	NEW	93-11-078	434-19-053	REP-P	93-21-093	434-19-194	REP-P	93-21-093
415-104-783	NEW-P	93-08-053	434-19-054	REP-P	93-21-093	434-19-194	AMD-E	93-22-066
415-104-783	NEW	93-11-078	434-19-055	REP-P	93-21-093	434-19-195	AMD-E	93-14-081
415-104-784	NEW-P	93-08-053	434-19-056	AMD-E	93-14-081	434-19-195	REP-P	93-21-093
415-104-784	NEW	93-11-078	434-19-056	REP-P	93-21-093	434-19-195	AMD-E	93-22-066
415-104-785	NEW-P	93-08-053	434-19-056	AMD-E	93-22-066	434-19-230	REP-P	93-21-093
415-104-785	NEW	93-11-078	434-19-059	REP-P	93-21-093	434-50-010	AMD-E	93-14-080
415-108-010	AMD-P	93-08-052	434-19-060	REP-P	93-21-093	434-50-010	AMD-E	93-14-107
415-108-010	AMD	93-11-077	434-19-061	REP-P	93-21-093	434-50-010	REP-P	93-16-114
415-108-100	REP-P	93-08-052	434-19-075	REP-P	93-21-093	434-50-010	REP	93-20-072
415-108-100	REP	93-11-077	434-19-077	REP-P	93-21-093	434-50-015	AMD-E	93-14-080
415-108-110	REP-P	93-08-052	434-19-078	REP-P	93-21-093	434-50-015	AMD-E	93-14-107
415-108-110	REP	93-11-077	434-19-080	AMD-E	93-14-081	434-50-015	REP-P	93-16-114
415-108-120	REP-P	93-08-052	434-19-080	REP-P	93-21-093	434-50-015	REP	93-20-072
415-108-120	REP	93-11-077	434-19-080	AMD-E	93-22-066	434-50-020	AMD-E	93-14-080
415-108-130	REP-P	93-08-052	434-19-081	AMD-E	93-14-081	434-50-020	AMD-E	93-14-107
415-108-130	REP	93-11-077	434-19-081	REP-P	93-21-093	434-50-020	REP-P	93-16-114
415-108-150	REP-P	93-08-052	434-19-081	AMD-E	93-22-066	434-50-020	REP	93-20-072
415-108-150	REP	93-11-077	434-19-082	AMD-E	93-14-081	434-50-025	REP-P	93-16-114
415-108-160	REP-P	93-08-052	434-19-082	REP-P	93-21-093	434-50-025	REP	93-20-072
415-108-160	REP	93-11-077	434-19-082	AMD-E	93-22-066	434-50-030	REP-P	93-16-114
415-108-620	NEW-P	93-08-052	434-19-083	AMD-E	93-14-081	434-50-030	REP	93-20-072
415-108-620	NEW	93-11-077	434-19-083	REP-P	93-21-093	434-50-031	NEW-E	93-14-080
415-108-630	NEW-P	93-08-052	434-19-083	AMD-E	93-22-066	434-50-031	NEW-E	93-14-107
415-108-630	NEW	93-11-077	434-19-084	AMD-E	93-14-081	434-50-032	NEW-E	93-14-080
415-108-640	NEW-P	93-08-052	434-19-084	REP-P	93-21-093	434-50-032	NEW-E	93-14-107
415-108-640	NEW	93-11-077	434-19-084	AMD-E	93-22-066	434-50-033	NEW-E	93-14-080
415-108-650	NEW-P	93-08-052	434-19-085	AMD-E	93-14-081	434-50-033	NEW-E	93-14-107
415-108-650	NEW	93-11-077	434-19-085	REP-P	93-21-093	434-50-034	NEW-E	93-14-080
415-108-660	NEW-P	93-08-052	434-19-085	AMD-E	93-22-066	434-50-034	NEW-E	93-14-107
415-108-660	NEW	93-11-077	434-19-086	AMD-E	93-14-081	434-50-035	AMD-E	93-14-080
415-108-671	NEW-E	93-15-059	434-19-086	REP-P	93-21-093	434-50-035	AMD-E	93-14-107
415-108-671	NEW-P	93-15-082	434-19-086	AMD-E	93-22-066	434-50-035	REP-P	93-16-114
415-108-671	NEW	93-20-020	434-19-087	AMD-E	93-14-081	434-50-035	REP	93-20-072
415-112-015	NEW-P	93-08-051	434-19-087	REP-P	93-21-093	434-50-036	NEW-E	93-14-080
415-112-015	NEW-S	93-17-023	434-19-087	AMD-E	93-22-066	434-50-036	NEW-E	93-14-107
415-112-015	NEW	93-20-021	434-19-088	AMD-E	93-14-081	434-50-037	NEW-E	93-14-080
415-112-535	REP-P	93-08-051	434-19-088	REP-P	93-21-093	434-50-037	NEW-E	93-14-107
415-112-535	REP-S	93-17-023	434-19-088	AMD-E	93-22-066	434-50-038	NEW-E	93-14-109
415-112-535	REP	93-20-021	434-19-097	AMD-E	93-14-081	434-50-040	AMD-E	93-14-080
415-112-561	NEW-E	93-15-059	434-19-097	REP-P	93-21-093	434-50-040	AMD-E	93-14-107
415-112-561	NEW-P	93-15-082	434-19-097	AMD-E	93-22-066	434-50-040	REP-P	93-16-114
415-112-561	NEW	93-20-020	434-19-098	AMD-E	93-14-081	434-50-040	REP	93-20-072
415-112-722	REP-P	93-08-051	434-19-098	REP-P	93-21-093	434-50-045	AMD-E	93-14-080
415-112-722	REP-S	93-17-023	434-19-098	AMD-E	93-22-066	434-50-045	AMD-E	93-14-107
415-112-722	REP	93-20-021	434-19-100	REP-P	93-21-093	434-50-045	REP-P	93-16-114
415-112-810	AMD-P	93-08-051	434-19-101	AMD-E	93-14-081	434-50-045	REP	93-20-072
415-112-810	AMD-S	93-17-023	434-19-101	REP-P	93-21-093	434-50-050	AMD-E	93-14-080
415-112-810	AMD	93-20-021	434-19-101	AMD-E	93-22-066	434-50-050	AMD-E	93-14-107
415-112-820	AMD-P	93-08-051	434-19-102	REP-E	93-14-081	434-50-050	REP-P	93-16-114
415-112-820	AMD-S	93-17-023	434-19-102	REP-P	93-21-093	434-50-050	REP	93-20-072
415-112-820	AMD	93-20-021	434-19-102	REP-E	93-22-066	434-50-055	AMD-E	93-14-080
415-112-830	NEW-P	93-08-051	434-19-110	REP-P	93-21-093	434-50-055	AMD-E	93-14-107
415-112-830	NEW-S	93-17-023	434-19-114	AMD-E	93-14-081	434-50-055	REP-P	93-16-114
415-112-830	NEW	93-20-021	434-19-114	REP-P	93-21-093	434-50-055	REP	93-20-072
434-19-010	REP-P	93-21-093	434-19-114	AMD-E	93-22-066	434-60-010	NEW-P	93-15-058
434-19-012	AMD-E	93-14-081	434-19-115	REP-P	93-21-093	434-60-010	NEW	93-18-053
434-19-012	REP-P	93-21-093	434-19-118	AMD-E	93-14-081	434-60-020	NEW-P	93-15-058
434-19-012	AMD-E	93-22-066	434-19-118	REP-P	93-21-093	434-60-020	NEW	93-18-053
434-19-013	REP-P	93-21-093	434-19-118	AMD-E	93-22-066	434-60-030	NEW-P	93-15-058
434-19-014	AMD-E	93-14-081	434-19-190	AMD-E	93-14-081	434-60-030	NEW	93-18-053
434-19-014	REP-P	93-21-093	434-19-190	REP-P	93-21-093	434-60-040	NEW-P	93-15-058

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434-60-040	NEW	93-18-053	434-120-140	NEW-P	93-21-093	440-22-055	NEW-P	93-18-008
434-60-050	NEW-P	93-15-058	434-120-145	NEW-P	93-21-093	440-22-060	NEW-P	93-18-008
434-60-050	NEW	93-18-053	434-120-155	NEW-P	93-21-093	440-22-065	NEW-P	93-18-008
434-60-060	NEW-P	93-15-058	434-120-160	NEW-P	93-21-093	440-22-070	NEW-P	93-18-008
434-60-060	NEW	93-18-053	434-120-170	NEW-P	93-21-093	440-22-075	NEW-P	93-18-008
434-60-070	NEW-P	93-15-058	434-120-175	NEW-P	93-21-093	440-22-080	NEW-P	93-18-008
434-60-070	NEW	93-18-053	434-120-210	NEW-P	93-21-093	440-22-085	NEW-P	93-18-008
434-60-080	NEW-P	93-15-058	434-120-215	NEW-P	93-21-093	440-22-090	NEW-P	93-18-008
434-60-080	NEW	93-18-053	434-120-220	NEW-P	93-21-093	440-22-100	NEW-P	93-18-008
434-60-090	NEW-P	93-15-058	434-120-225	NEW-P	93-21-093	440-22-105	NEW-P	93-18-008
434-60-090	NEW	93-18-053	434-120-240	NEW-P	93-21-093	440-22-110	NEW-P	93-18-008
434-60-100	NEW-P	93-15-058	434-120-250	NEW-P	93-21-093	440-22-115	NEW-P	93-18-008
434-60-100	NEW	93-18-053	434-120-255	NEW-P	93-21-093	440-22-120	NEW-P	93-18-008
434-60-110	NEW-P	93-15-058	434-120-260	NEW-P	93-21-093	440-22-125	NEW-P	93-18-008
434-60-110	NEW	93-18-053	434-120-265	NEW-P	93-21-093	440-22-150	NEW-P	93-18-008
434-60-120	NEW-P	93-15-058	434-120-270	NEW-P	93-21-093	440-22-155	NEW-P	93-18-008
434-60-120	NEW	93-18-053	434-120-280	NEW-P	93-21-093	440-22-160	NEW-P	93-18-008
434-60-130	NEW-P	93-15-058	434-120-300	NEW-P	93-21-093	440-22-165	NEW-P	93-18-008
434-60-130	NEW	93-18-053	434-120-305	NEW-P	93-21-093	440-22-175	NEW-P	93-18-008
434-60-140	NEW-P	93-15-058	434-120-310	NEW-P	93-21-093	440-22-180	NEW-P	93-18-008
434-60-140	NEW	93-18-053	434-120-320	NEW-P	93-21-093	440-22-200	NEW-P	93-18-008
434-60-150	NEW-P	93-15-058	434-120-330	NEW-P	93-21-093	440-22-205	NEW-P	93-18-008
434-60-150	NEW	93-18-053	434-120-335	NEW-P	93-21-093	440-22-210	NEW-P	93-18-008
434-60-160	NEW-P	93-15-058	434-120-340	NEW-P	93-21-093	440-22-215	NEW-P	93-18-008
434-60-160	NEW	93-18-053	434-120-350	NEW-P	93-21-093	440-22-220	NEW-P	93-18-008
434-60-170	NEW-P	93-15-058	434-600-010	NEW	93-04-001	440-22-225	NEW-P	93-18-008
434-60-170	NEW	93-18-053	434-610-010	NEW	93-04-001	440-22-230	NEW-P	93-18-008
434-60-180	NEW-P	93-15-058	434-610-020	NEW	93-04-001	440-22-240	NEW-P	93-18-008
434-60-180	NEW	93-18-053	434-610-025	NEW	93-04-001	440-22-245	NEW-P	93-18-008
434-60-190	NEW-P	93-15-058	434-610-030	NEW	93-04-001	440-22-250	NEW-P	93-18-008
434-60-190	NEW	93-18-053	434-610-040	NEW	93-04-001	440-22-260	NEW-P	93-18-008
434-60-200	NEW-P	93-15-058	434-610-050	NEW	93-04-001	440-22-270	NEW-P	93-18-008
434-60-200	NEW	93-18-053	434-610-060	NEW	93-04-001	440-22-275	NEW-P	93-18-008
434-79-010	AMD-E	93-14-088	434-610-070	NEW	93-04-001	440-22-280	NEW-P	93-18-008
434-110-010	NEW-P	93-16-114	434-610-080	NEW	93-04-001	440-22-285	NEW-P	93-18-008
434-110-010	NEW	93-20-072	434-610-090	NEW	93-04-001	440-22-288	NEW-P	93-18-008
434-110-020	NEW-P	93-16-114	434-610-100	NEW	93-04-001	440-22-290	NEW-P	93-18-008
434-110-020	NEW	93-20-072	434-610-110	NEW	93-04-001	440-22-292	NEW-P	93-18-008
434-110-030	NEW-P	93-16-114	434-610-120	NEW	93-04-001	440-22-294	NEW-P	93-18-008
434-110-030	NEW	93-20-072	434-615-010	NEW	93-04-001	440-22-296	NEW-P	93-18-008
434-110-040	NEW-P	93-16-114	434-615-020	NEW	93-04-001	440-22-298	NEW-P	93-18-008
434-110-040	NEW	93-20-072	434-615-030	NEW	93-04-001	440-22-300	NEW-P	93-18-008
434-110-050	NEW-P	93-16-114	434-620-010	NEW	93-04-001	440-22-310	NEW-P	93-18-008
434-110-050	NEW	93-20-072	434-624-010	NEW	93-04-001	440-22-320	NEW-P	93-18-008
434-110-060	NEW-P	93-16-114	434-624-020	NEW	93-04-001	440-22-325	NEW-P	93-18-008
434-110-060	NEW	93-20-072	434-624-030	NEW	93-04-001	440-22-330	NEW-P	93-18-008
434-110-070	NEW-P	93-16-114	434-624-040	NEW	93-04-001	440-22-335	NEW-P	93-18-008
434-110-070	NEW	93-20-072	434-624-050	NEW	93-04-001	440-22-350	NEW-P	93-18-008
434-110-075	NEW-P	93-16-114	434-626-010	NEW	93-04-001	440-22-355	NEW-P	93-18-008
434-110-075	NEW	93-20-072	434-626-020	NEW	93-04-001	440-22-400	NEW-P	93-18-008
434-110-075	AMD-P	93-22-091	434-660-010	NEW-P	93-14-002	440-22-405	NEW-P	93-18-008
434-110-080	NEW-P	93-16-114	434-660-010	NEW	93-19-051	440-22-410	NEW-P	93-18-008
434-110-080	NEW	93-20-072	434-663-001	NEW-P	93-14-001	440-22-420	NEW-P	93-18-008
434-110-090	NEW-P	93-16-114	434-663-005	NEW-P	93-14-001	440-22-430	NEW-P	93-18-008
434-110-090	NEW	93-20-072	434-663-020	NEW-P	93-14-001	440-22-450	NEW-P	93-18-008
434-110-100	NEW-P	93-16-114	434-663-030	NEW-P	93-14-001	440-22-455	NEW-P	93-18-008
434-110-100	NEW	93-20-072	434-663-050	NEW-P	93-14-001	440-22-460	NEW-P	93-18-008
434-110-120	NEW-P	93-16-114	434-663-060	NEW-P	93-14-001	440-22-465	NEW-P	93-18-008
434-110-120	NEW	93-20-072	434-663-070	NEW-P	93-14-001	440-22-500	NEW-P	93-18-008
434-110-130	NEW-P	93-16-114	437-10-030	AMD-P	93-20-096	440-22-505	NEW-P	93-18-008
434-110-130	NEW	93-20-072	437-10-040	AMD-P	93-20-096	440-22-510	NEW-P	93-18-008
434-110-140	NEW	93-20-072	437-10-060	AMD-P	93-20-096	440-22-515	NEW-P	93-18-008
434-120-010	NEW-P	93-21-093	440-22-001	NEW-P	93-18-008	440-22-520	NEW-P	93-18-008
434-120-015	NEW-P	93-21-093	440-22-005	NEW-P	93-18-008	440-22-525	NEW-P	93-18-008
434-120-020	NEW-P	93-21-093	440-22-010	NEW-P	93-18-008	440-22-530	NEW-P	93-18-008
434-120-025	NEW-P	93-21-093	440-22-015	NEW-P	93-18-008	440-22-550	NEW-P	93-18-008
434-120-030	NEW-P	93-21-093	440-22-020	NEW-P	93-18-008	440-22-560	NEW-P	93-18-008
434-120-100	NEW-P	93-21-093	440-22-025	NEW-P	93-18-008	440-22-565	NEW-P	93-18-008
434-120-105	NEW-P	93-21-093	440-22-030	NEW-P	93-18-008	440-22-600	NEW-P	93-18-008
434-120-115	NEW-P	93-21-093	440-22-035	NEW-P	93-18-008	440-22-610	NEW-P	93-18-008
434-120-120	NEW-P	93-21-093	440-22-040	NEW-P	93-18-008	440-22-620	NEW-P	93-18-008
434-120-125	NEW-P	93-21-093	440-22-045	NEW-P	93-18-008	440-22-900	NEW-P	93-18-008
434-120-130	NEW-P	93-21-093	440-22-050	NEW-P	93-18-008	440-22-905	NEW-P	93-18-008

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440-22-915	NEW-P	93-18-008	446-55-280	REP-P	93-20-033	458-20-102	PREP	93-17-086
440-22-920	NEW-P	93-18-008	446-60-005	REP-P	93-20-033	458-20-102	AMD-E	93-21-056
440-22-925	NEW-P	93-18-008	446-60-010	REP-P	93-20-033	458-20-115	PREP	93-12-111
440-22-930	NEW-P	93-18-008	446-60-015	REP-P	93-20-033	458-20-115	AMD-P	93-15-064
440-22-935	NEW-P	93-18-008	446-60-020	REP-P	93-20-033	458-20-115	AMD	93-19-017
440-25-005	NEW-E	93-11-050	446-60-030	REP-P	93-20-033	458-20-116	PREP	93-12-112
440-25-005	NEW-P	93-11-052	446-60-040	REP-P	93-20-033	458-20-116	AMD-P	93-15-065
440-25-005	NEW	93-15-014	446-60-050	REP-P	93-20-033	458-20-116	AMD	93-19-018
440-25-010	NEW-E	93-11-050	446-60-060	REP-P	93-20-033	458-20-117	PREP	93-12-113
440-25-010	NEW-P	93-11-052	446-60-070	REP-P	93-20-033	458-20-117	AMD-P	93-15-066
440-25-010	NEW	93-15-014	446-60-080	REP-P	93-20-033	458-20-117	AMD	93-19-019
440-25-020	NEW-E	93-11-050	446-60-090	REP-P	93-20-033	458-20-119	AMD-P	93-07-069
440-25-020	NEW-P	93-11-052	446-65-010	AMD-P	93-20-033	458-20-119	AMD-C	93-18-079
440-25-020	NEW	93-15-014	446-80-005	NEW-P	93-13-119	458-20-119	AMD	93-23-019
440-25-030	NEW-E	93-11-050	446-80-005	NEW	93-18-043	458-20-121	PREP	93-17-085
440-25-030	NEW-P	93-11-052	446-80-010	NEW-P	93-13-119	458-20-122	PREP	93-16-086
440-25-030	NEW	93-15-014	446-80-010	NEW	93-18-043	458-20-124	AMD-P	93-07-070
440-25-040	NEW-E	93-11-050	448-13-080	AMD-P	93-18-013	458-20-124	AMD-C	93-18-080
440-25-040	NEW-P	93-11-052	448-13-210	AMD-P	93-18-013	458-20-124	AMD	93-23-018
440-25-040	NEW	93-15-014	458-12-010	AMD-P	93-05-016	458-20-125	PREP	93-16-083
440-25-050	NEW-E	93-11-050	458-12-010	AMD	93-08-049	458-20-149	REP	93-03-005
440-25-050	NEW-P	93-11-052	458-12-240	REP-P	93-05-016	458-20-150	PREP	93-12-114
440-25-050	NEW	93-15-014	458-12-240	REP	93-08-049	458-20-150	AMD-P	93-15-067
440-25-060	NEW-E	93-11-050	458-12-342	AMD-P	93-05-016	458-20-150	AMD	93-19-020
440-25-060	NEW-P	93-11-052	458-12-342	AMD	93-08-049	458-20-165	PREP	93-16-084
440-25-060	NEW	93-15-014	458-14-015	AMD-P	93-05-015	458-20-166	PREP	93-17-084
440-25-070	NEW-E	93-11-050	458-14-015	AMD	93-08-050	458-20-167	PREP	93-12-115
440-25-070	NEW-P	93-11-052	458-14-025	AMD-P	93-05-015	458-20-168	AMD-E	93-13-086
440-25-070	NEW	93-15-014	458-14-025	AMD	93-08-050	458-20-168	AMD-E	93-21-057
440-25-080	NEW-E	93-11-050	458-14-026	NEW-P	93-05-015	458-20-168	PREP	93-21-054
440-25-080	NEW-P	93-11-052	458-14-026	NEW	93-08-050	458-20-174	PREP	93-02-047
440-25-080	NEW	93-15-014	458-14-127	AMD-P	93-05-015	458-20-179	PREP	93-17-083
440-25-090	NEW-E	93-11-050	458-14-127	AMD	93-08-050	458-20-17901	AMD-P	93-04-045
440-25-090	NEW-P	93-11-052	458-14-170	AMD-P	93-05-015	458-20-17901	AMD	93-07-066
440-25-090	NEW	93-15-014	458-14-170	AMD	93-08-050	458-20-185	PREP	93-17-082
440-25-100	NEW-E	93-11-050	458-14-171	NEW-P	93-05-015	458-20-186	PREP	93-17-082
440-25-100	NEW-P	93-11-052	458-14-171	NEW	93-08-050	458-20-209	PREP	93-16-087
440-25-100	NEW	93-15-014	458-16	PREP	93-18-066	458-20-210	PREP	93-16-085
440-25-110	NEW-E	93-11-050	458-16-160	NEW-E	93-16-012	458-20-226	PREP	93-17-081
440-25-110	NEW-P	93-11-052	458-16-165	NEW-E	93-23-079	458-20-229	AMD	93-04-077
440-25-110	NEW	93-15-014	458-16-210	AMD-E	93-16-012	458-20-230	AMD	93-03-004
440-25-120	NEW-E	93-11-050	458-16-210	AMD-E	93-23-079	458-20-258	PREP	93-18-042
440-25-120	NEW-P	93-11-052	458-16-240	AMD-E	93-16-012	458-20-258	AMD-E	93-21-055
440-25-120	NEW	93-15-014	458-16-240	AMD-E	93-23-079	458-20-261	PREP	93-17-080
446-40-070	AMD-P	93-10-001	458-16-300	AMD-E	93-16-012	458-20-900	NEW-E	93-13-087
446-40-070	AMD	93-15-074	458-16-300	AMD-E	93-23-079	458-20-901	NEW-E	93-21-058
446-50-040	REP-P	93-20-032	458-16-310	AMD-E	93-16-012	458-30-262	AMD-P	93-04-020
446-55-005	REP-P	93-20-033	458-16-310	AMD-E	93-23-079	458-30-262	AMD-E	93-04-021
446-55-010	REP-P	93-20-033	458-18-215	NEW-P	93-21-023	458-30-262	AMD	93-07-067
446-55-020	REP-P	93-20-033	458-18-220	AMD-P	93-03-024	458-40-540	AMD-P	93-22-096
446-55-030	REP-P	93-20-033	458-18-220	AMD-E	93-03-025	458-40-610	PREP	93-17-110
446-55-040	REP-P	93-20-033	458-18-220	AMD	93-06-096	458-40-634	PREP	93-07-068
446-55-050	REP-P	93-20-033	458-19	PREP	93-16-103	458-40-634	AMD-P	93-11-081
446-55-060	REP-P	93-20-033	458-19-005	NEW-P	93-18-087	458-40-634	AMD	93-14-090
446-55-070	REP-P	93-20-033	458-19-010	NEW-P	93-18-087	458-40-640	PREP	93-13-102
446-55-080	REP-P	93-20-033	458-19-015	NEW-P	93-18-087	458-40-650	PREP	93-17-110
446-55-090	REP-P	93-20-033	458-19-020	NEW-P	93-18-087	458-40-660	AMD-P	93-10-091
446-55-100	REP-P	93-20-033	458-19-025	NEW-P	93-18-087	458-40-660	AMD	93-14-051
446-55-110	REP-P	93-20-033	458-19-030	NEW-P	93-18-087	458-40-660	AMD-P	93-22-097
446-55-120	REP-P	93-20-033	458-19-035	NEW-P	93-18-087	458-40-670	AMD-P	93-10-091
446-55-130	REP-P	93-20-033	458-19-040	NEW-P	93-18-087	458-40-670	AMD	93-14-051
446-55-140	REP-P	93-20-033	458-19-045	NEW-P	93-18-087	458-40-670	PREP	93-19-155
446-55-150	REP-P	93-20-033	458-19-050	NEW-P	93-18-087	458-40-670	AMD-P	93-22-097
446-55-160	REP-P	93-20-033	458-19-055	NEW-P	93-18-087	458-40-690	PREP	93-09-029
446-55-165	REP-P	93-20-033	458-19-060	NEW-P	93-18-087	458-61	PREP	93-18-017
446-55-170	REP-P	93-20-033	458-19-065	NEW-P	93-18-087	458-61-010	REP-E	93-14-015
446-55-180	REP-P	93-20-033	458-19-070	NEW-P	93-18-087	458-61-010	REP-E	93-21-067
446-55-190	REP-P	93-20-033	458-19-075	NEW-P	93-18-087	458-61-015	NEW-E	93-14-015
446-55-220	REP-P	93-20-033	458-19-080	NEW-P	93-18-087	458-61-015	NEW-E	93-21-067
446-55-230	REP-P	93-20-033	458-20-101	PREP	93-02-046	458-61-020	REP-E	93-14-015
446-55-250	REP-P	93-20-033	458-20-101	AMD-P	93-08-013	458-61-020	REP-E	93-21-067
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458-61-030	AMD-E	93-21-067	458-61-420	AMD-E	93-14-015	463-39	AMD	93-23-035
458-61-040	REP-E	93-14-015	458-61-420	AMD-E	93-21-067	463-39-005	AMD-P	93-18-104
458-61-040	REP-E	93-21-067	458-61-430	AMD-E	93-14-015	463-39-005	AMD	93-23-035
458-61-050	AMD-E	93-14-015	458-61-430	AMD-E	93-21-067	463-39-020	AMD-P	93-18-104
458-61-050	AMD-E	93-21-067	458-61-440	REP-E	93-14-015	463-39-020	AMD	93-23-035
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458-61-060	AMD-E	93-21-067	458-61-450	REP-E	93-14-015	463-39-030	AMD	93-23-035
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458-61-070	AMD-E	93-21-067	458-61-460	REP-E	93-14-015	463-39-100	AMD	93-23-035
458-61-080	AMD-E	93-14-015	458-61-460	REP-E	93-21-067	463-39-120	AMD-P	93-18-104
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458-61-100	AMD-E	93-14-015	458-61-480	AMD-E	93-21-067	468-16-030	AMD	93-03-020
458-61-100	AMD-E	93-21-067	458-61-490	REP-E	93-14-015	468-16-040	AMD	93-03-020
458-61-110	REP-E	93-14-015	458-61-490	REP-E	93-21-067	468-16-050	AMD	93-03-020
458-61-110	REP-E	93-21-067	458-61-500	REP-E	93-14-015	468-16-060	AMD	93-03-020
458-61-120	AMD-E	93-14-015	458-61-500	REP-E	93-21-067	468-16-070	AMD	93-03-020
458-61-120	AMD-E	93-21-067	458-61-510	AMD-E	93-14-015	468-16-090	AMD	93-03-020
458-61-130	AMD-E	93-14-015	458-61-510	AMD-E	93-21-067	468-16-100	AMD	93-03-020
458-61-130	AMD-E	93-21-067	458-61-520	AMD-E	93-14-015	468-16-120	AMD	93-03-020
458-61-140	REP-E	93-14-015	458-61-520	AMD-E	93-21-067	468-16-130	AMD	93-03-020
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458-61-150	AMD-E	93-14-015	458-61-530	REP-E	93-21-067	468-16-150	AMD	93-03-020
458-61-150	AMD-E	93-21-067	458-61-540	AMD-E	93-14-015	468-16-160	AMD	93-03-020
458-61-200	AMD-E	93-14-015	458-61-540	AMD-E	93-21-067	468-16-170	AMD	93-03-020
458-61-200	AMD-E	93-21-067	458-61-548	NEW-E	93-14-015	468-16-180	AMD	93-03-020
458-61-210	AMD-E	93-14-015	458-61-548	NEW-E	93-21-067	468-16-190	AMD	93-03-020
458-61-210	AMD-E	93-21-067	458-61-550	AMD-E	93-14-015	468-16-200	AMD	93-03-020
458-61-220	AMD-E	93-14-015	458-61-550	AMD-E	93-21-067	468-38-075	NEW-P	93-17-067
458-61-220	AMD-E	93-21-067	458-61-553	NEW-E	93-14-015	468-38-075	NEW	93-21-008
458-61-230	AMD-E	93-14-015	458-61-553	NEW-E	93-21-067	468-38-100	AMD-P	93-17-067
458-61-230	AMD-E	93-21-067	458-61-555	AMD-E	93-14-015	468-38-100	AMD-W	93-21-009
458-61-235	NEW-E	93-14-015	458-61-555	AMD-E	93-21-067	468-38-280	AMD-P	93-16-069
458-61-235	NEW-E	93-21-067	458-61-560	REP-E	93-14-015	468-38-280	AMD	93-19-056
458-61-240	REP-E	93-14-015	458-61-560	REP-E	93-21-067	468-38-360	AMD	93-04-071
458-61-240	REP-E	93-21-067	458-61-570	REP-E	93-14-015	468-52-010	NEW	93-03-033
458-61-250	AMD-E	93-14-015	458-61-570	REP-E	93-21-067	468-52-020	NEW	93-03-033
458-61-250	AMD-E	93-21-067	458-61-590	AMD-E	93-14-015	468-52-030	NEW	93-03-033
458-61-255	NEW-E	93-14-015	458-61-590	AMD-E	93-21-067	468-52-040	NEW	93-03-033
458-61-255	NEW-E	93-21-067	458-61-610	AMD-E	93-14-015	468-52-050	NEW	93-03-033
458-61-270	REP-E	93-14-015	458-61-610	AMD-E	93-21-067	468-52-060	NEW	93-03-033
458-61-270	REP-E	93-21-067	458-61-620	REP-E	93-14-015	468-52-070	NEW	93-03-033
458-61-280	REP-E	93-14-015	458-61-620	REP-E	93-21-067	468-95-035	NEW-C	93-07-055
458-61-280	REP-E	93-21-067	458-61-630	REP-E	93-14-015	468-95-035	NEW-C	93-10-068
458-61-300	AMD-E	93-14-015	458-61-630	REP-E	93-21-067	468-95-035	NEW	93-17-018
458-61-300	AMD-E	93-21-067	458-61-640	AMD-E	93-14-015	468-95-037	NEW-C	93-07-055
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458-61-310	REP-E	93-21-067	458-61-650	AMD-E	93-14-015	468-95-037	NEW	93-17-018
458-61-320	REP-E	93-14-015	458-61-650	AMD-E	93-21-067	468-300-010	AMD-P	93-14-113
458-61-320	REP-E	93-21-067	458-61-660	AMD-E	93-14-015	468-300-010	AMD	93-18-005
458-61-330	AMD-E	93-14-015	458-61-660	AMD-E	93-21-067	468-300-020	AMD-P	93-14-113
458-61-330	AMD-E	93-21-067	458-61-670	AMD-E	93-14-015	468-300-020	AMD	93-18-005
458-61-335	AMD-E	93-14-015	458-61-670	AMD-E	93-21-067	468-300-040	AMD-P	93-14-113
458-61-335	AMD-E	93-21-067	458-61-680	REP-E	93-14-015	468-300-040	AMD	93-18-005
458-61-340	AMD-E	93-14-015	458-61-680	REP-E	93-21-067	468-300-700	AMD-P	93-08-012
458-61-340	AMD-E	93-21-067	458-61-690	REP-E	93-14-015	468-300-700	AMD-W	93-09-048
458-61-360	REP-E	93-14-015	458-61-690	REP-E	93-21-067	468-300-700	AMD-E	93-13-027
458-61-360	REP-E	93-21-067	460-20A-220	PREP	93-16-025	468-300-700	AMD-P	93-13-059
458-61-370	AMD-E	93-14-015	460-20A-230	PREP	93-16-025	478-116-370	AMD-P	93-08-110
458-61-370	AMD-E	93-21-067	460-24A-050	PREP	93-16-025	478-116-370	AMD	93-14-130
458-61-375	NEW-E	93-14-015	460-24A-150	NEW-P	93-16-026	478-116-400	AMD-P	93-08-110
458-61-375	NEW-E	93-21-067	460-24A-150	NEW	93-20-012	478-116-400	AMD	93-14-130
458-61-376	NEW-E	93-14-015	460-24A-170	PREP	93-16-024	478-116-410	REP-P	93-08-110
458-61-376	NEW-E	93-21-067	460-44A-500	AMD-P	93-23-064	478-116-410	REP	93-14-130
458-61-380	REP-E	93-14-015	460-44A-501	AMD-P	93-23-064	478-116-420	REP-P	93-08-110
458-61-380	REP-E	93-21-067	460-44A-502	AMD-P	93-23-064	478-116-420	REP	93-14-130
458-61-390	REP-E	93-14-015	460-44A-504	AMD-P	93-23-064	478-116-430	REP-P	93-08-110
458-61-390	REP-E	93-21-067	460-44A-505	AMD-P	93-23-064	478-116-430	REP	93-14-130
458-61-400	AMD-E	93-14-015	460-44A-506	AMD-P	93-23-064	478-116-440	AMD-P	93-08-110
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478-116-450	AMD	93-14-130	480-12-127	AMD	93-22-117	480-120-350	NEW-P	93-05-013
478-116-460	AMD-P	93-08-110	480-12-130	AMD-E	93-17-003	480-120-350	NEW	93-11-026
478-116-460	AMD	93-14-130	480-12-130	AMD-P	93-18-101	480-120-500	NEW	93-06-055
478-116-470	REP-P	93-08-110	480-12-130	AMD	93-22-117	480-120-505	NEW	93-06-055
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478-116-480	REP	93-14-130	480-12-135	AMD-E	93-17-003	480-120-520	NEW	93-06-055
478-116-490	REP-P	93-08-110	480-12-135	AMD-P	93-18-101	480-120-525	NEW	93-06-055
478-116-490	REP	93-14-130	480-12-135	AMD	93-22-117	480-120-530	NEW	93-06-055
478-116-500	REP-P	93-08-110	480-12-150	AMD-P	93-11-097	480-120-535	NEW	93-06-055
478-116-500	REP	93-14-130	480-12-150	AMD	93-15-038	480-120-535	NEW	93-14-119
478-116-510	REP-P	93-08-110	480-12-181	AMD	93-05-038	480-149-120	AMD-E	93-17-002
478-116-510	REP	93-14-130	480-12-250	AMD-P	93-18-101	480-149-120	AMD-P	93-18-096
478-116-511	REP-P	93-08-110	480-12-250	AMD	93-22-117	484-20-065	AMD-E	93-20-111
478-116-511	REP	93-14-130	480-12-260	AMD-P	93-23-084	484-20-065	RESCIND	93-22-092
478-116-520	AMD-P	93-08-110	480-12-285	AMD-P	93-11-098	490-04B-010	NEW-P	93-02-045
478-116-520	AMD	93-14-130	480-12-285	AMD	93-15-036	490-04B-010	NEW	93-06-005
478-116-530	REP-P	93-08-110	480-12-321	AMD-P	93-22-116	490-08B-010	NEW-P	93-02-045
478-116-530	REP	93-14-130	480-12-350	AMD-E	93-17-003	490-08B-010	NEW	93-06-005
478-116-540	AMD-P	93-08-110	480-12-350	AMD-P	93-18-101	490-08B-020	NEW-P	93-02-045
478-116-540	AMD	93-14-130	480-12-350	AMD	93-22-117	490-08B-020	NEW	93-06-005
478-116-550	AMD-P	93-08-110	480-12-600	NEW-P	93-19-162	490-08B-030	NEW-P	93-02-045
478-116-550	AMD	93-14-130	480-30-015	AMD-P	93-11-099	490-08B-030	NEW	93-06-005
478-116-560	REP-P	93-08-110	480-30-015	AMD	93-15-035	490-08B-040	NEW-P	93-02-045
478-116-560	REP	93-14-130	480-30-030	AMD-P	93-11-096	490-08B-040	NEW	93-06-005
478-116-582	AMD-P	93-08-110	480-30-030	AMD	93-15-037	490-08B-050	NEW-P	93-02-045
478-116-582	AMD	93-14-130	480-35-030	AMD-P	93-11-096	490-08B-050	NEW	93-06-005
478-116-586	AMD-P	93-08-110	480-35-030	AMD	93-15-037	490-08B-060	NEW-P	93-02-045
478-116-586	AMD	93-14-130	480-40-015	AMD-P	93-11-099	490-08B-060	NEW	93-06-005
478-116-588	AMD-P	93-08-110	480-40-015	AMD	93-15-035	490-08B-070	NEW-P	93-02-045
478-116-588	AMD	93-14-130	480-40-030	AMD-P	93-11-096	490-08B-070	NEW	93-06-005
478-116-589	NEW-P	93-08-110	480-40-030	AMD	93-15-037	490-08B-080	NEW-P	93-02-045
478-116-589	NEW	93-14-130	480-50-010	AMD-P	93-23-083	490-08B-080	NEW	93-06-005
478-116-601	AMD-P	93-08-110	480-50-040	AMD-P	93-23-083	490-10-010	NEW-P	93-02-045
478-116-601	AMD	93-14-130	480-70-055	AMD-P	93-11-099	490-10-010	NEW	93-06-005
458-355-010	AMD-P	93-19-160	480-70-055	AMD	93-15-035	490-10-010	NEW-P	93-02-045
458-355-020	AMD-P	93-19-160	480-70-700	NEW-P	93-13-139	490-13-010	NEW	93-06-005
478-355-030	AMD-E	93-19-016	480-70-700	NEW	93-20-039	490-100-030	AMD-P	93-18-098
458-355-030	AMD-P	93-19-160	480-70-710	NEW-P	93-13-139	490-100-030	AMD	93-22-034
458-355-060	AMD-P	93-19-160	480-70-710	NEW	93-20-039	490-100-035	AMD-P	93-18-098
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480-09-120	AMD-P	93-18-096	480-70-730	NEW	93-20-039	490-100-050	AMD-P	93-18-098
480-09-210	AMD-P	93-18-096	480-70-740	NEW-P	93-13-139	490-100-050	AMD	93-22-034
480-09-220	AMD-P	93-18-096	480-70-740	NEW	93-20-039	490-100-060	AMD-P	93-18-098
480-09-320	AMD-P	93-18-096	480-70-750	NEW-P	93-13-139	490-100-060	AMD	93-22-034
480-09-330	AMD-P	93-18-096	480-70-750	NEW	93-20-039	490-100-070	AMD-P	93-18-098
480-09-420	AMD-P	93-18-096	480-70-760	NEW-P	93-13-139	490-100-070	AMD	93-22-034
480-09-425	AMD-P	93-18-096	480-70-760	NEW	93-20-039	490-100-080	AMD-P	93-18-098
480-09-480	AMD-P	93-18-096	480-70-770	NEW-P	93-13-139	490-100-080	AMD	93-22-034
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480-09-736	AMD-P	93-18-096	480-70-780	NEW-P	93-13-139	490-100-100	AMD-P	93-18-098
480-09-760	AMD-P	93-18-095	480-70-780	NEW	93-20-039	490-100-100	AMD	93-22-034
480-09-770	AMD-P	93-18-096	480-70-780	NEW	93-22-067	490-100-105	AMD-P	93-18-098
480-09-780	AMD-P	93-18-096	480-70-790	NEW-P	93-13-139	490-100-105	AMD	93-22-034
480-09-810	AMD-P	93-18-096	480-70-790	NEW	93-20-039	490-100-120	AMD-P	93-18-098
480-12-010	AMD-P	93-11-098	480-80-240	AMD-P	93-18-096	490-100-120	AMD	93-22-034
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480-12-022	NEW	93-22-117	480-93-010	AMD-P	93-13-035	490-100-170	AMD-P	93-18-098
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480-12-030	AMD	93-22-117	480-110-023	NEW	93-12-062	490-100-180	AMD	93-22-034
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480-12-083	AMD-P	93-11-099	480-110-176	AMD-P	93-06-056	490-100-190	AMD	93-22-034
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490-100-208	AMD	93-22-034	495B-116-250	NEW	93-05-018	495B-280-080	NEW	93-05-018
490-100-210	AMD-P	93-18-098	495B-116-260	NEW	93-05-018	495B-280-090	NEW	93-05-018
490-100-210	AMD	93-22-034	495B-116-270	NEW	93-05-018	495B-280-100	NEW	93-05-018
490-100-250	AMD-P	93-02-044	495B-116-280	NEW	93-05-018	495B-280-110	NEW	93-05-018
490-100-250	AMD	93-06-006	495B-120-010	NEW	93-05-018	495B-280-120	NEW	93-05-018
490-276-010	NEW-P	93-02-045	495B-120-020	NEW	93-05-018	495B-300-010	NEW	93-05-018
490-276-010	NEW	93-06-005	495B-120-030	NEW	93-05-018	495B-300-020	NEW	93-05-018
490-276-020	NEW-P	93-02-045	495B-120-040	NEW	93-05-018	495B-300-030	NEW	93-05-018
490-276-020	NEW	93-06-005	495B-120-045	NEW	93-05-018	495B-300-040	NEW	93-05-018
490-276-030	NEW-P	93-02-045	495B-120-050	NEW	93-05-018	495B-310-010	NEW	93-05-018
490-276-030	NEW	93-06-005	495B-120-060	NEW	93-05-018	495B-310-020	NEW	93-05-018
490-276-040	NEW-P	93-02-045	495B-120-070	NEW	93-05-018	495B-310-030	NEW	93-05-018
490-276-040	NEW	93-06-005	495B-120-080	NEW	93-05-018	495B-310-040	NEW	93-05-018
490-276-050	NEW-P	93-02-045	495B-120-090	NEW	93-05-018	495B-325-010	NEW	93-05-018
490-276-050	NEW	93-06-005	495B-120-100	NEW	93-05-018	495D-104-010	AMD	93-03-086
490-276-060	NEW-P	93-02-045	495B-120-110	NEW	93-05-018	495D-135-040	AMD-E	93-15-073
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490-276-070	NEW-P	93-02-045	495B-120-130	NEW	93-05-018	495D-135-040	AMD	93-19-075
490-276-070	NEW	93-06-005	495B-120-135	NEW	93-05-018	495E-104-010	NEW-P	93-09-031
490-276-080	NEW-P	93-02-045	495B-120-140	NEW	93-05-018	495E-104-010	NEW	93-13-104
490-276-080	NEW	93-06-005	495B-120-150	NEW	93-05-018	495E-104-020	NEW-P	93-09-031
490-276-090	NEW-P	93-02-045	495B-120-160	NEW	93-05-018	495E-104-020	NEW	93-13-104
490-276-090	NEW	93-06-005	495B-120-170	NEW	93-05-018	495E-104-030	NEW-P	93-09-031
490-276-100	NEW-P	93-02-045	495B-120-180	NEW	93-05-018	495E-104-030	NEW	93-13-104
490-276-100	NEW	93-06-005	495B-120-190	NEW	93-05-018	495E-108-010	NEW-P	93-09-032
490-276-110	NEW-P	93-02-045	495B-120-200	NEW	93-05-018	495E-108-010	NEW	93-13-105
490-276-110	NEW	93-06-005	495B-122-010	NEW	93-05-018	495E-108-020	NEW-P	93-09-032
490-276-120	NEW-P	93-02-045	495B-122-020	NEW	93-05-018	495E-108-020	NEW	93-13-105
490-276-120	NEW	93-06-005	495B-122-030	NEW	93-05-018	495E-108-030	NEW-P	93-09-032
490-276-130	NEW-P	93-02-045	495B-130-010	NEW	93-05-018	495E-108-030	NEW	93-13-105
490-276-130	NEW	93-06-005	495B-131-010	NEW	93-05-018	495E-108-040	NEW-P	93-09-032
490-276-140	NEW-P	93-02-045	495B-132-010	NEW	93-05-018	495E-108-040	NEW	93-13-105
490-276-140	NEW	93-06-005	495B-133-020	NEW	93-05-018	495E-108-050	NEW-P	93-09-032
490-325A-010	NEW-P	93-18-099	495B-134-010	NEW	93-05-018	495E-108-050	NEW	93-13-105
490-325A-010	NEW	93-22-033	495B-140-010	NEW	93-05-018	495E-108-060	NEW-P	93-09-032
491-10-010	NEW-E	93-16-015	495B-140-020	NEW	93-05-018	495E-108-060	NEW	93-13-105
491-10-010	NEW-P	93-16-016	495B-140-030	NEW	93-05-018	495E-108-070	NEW-P	93-09-032
491-10-010	NEW	93-22-003	495B-140-040	NEW	93-05-018	495E-108-070	NEW	93-13-105
495B-104-010	NEW	93-05-018	495B-140-050	NEW	93-05-018	495E-108-080	NEW-P	93-09-032
495B-104-020	NEW	93-05-018	495B-140-060	NEW	93-05-018	495E-108-080	NEW	93-13-105
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495B-108-010	NEW	93-05-018	495B-140-080	NEW	93-05-018	495E-116-010	NEW	93-13-106
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495B-108-040	NEW	93-05-018	495B-140-110	NEW	93-05-018	495E-116-030	NEW-P	93-09-033
495B-108-050	NEW	93-05-018	495B-168-010	NEW	93-05-018	495E-116-030	NEW	93-13-106
495B-108-060	NEW	93-05-018	495B-168-020	NEW	93-05-018	495E-116-040	NEW-P	93-09-033
495B-108-070	NEW	93-05-018	495B-168-030	NEW	93-05-018	495E-116-040	NEW	93-13-106
495B-108-080	NEW	93-05-018	495B-168-040	NEW	93-05-018	495E-116-050	NEW-P	93-09-033
495B-116-010	NEW	93-05-018	495B-168-050	NEW	93-05-018	495E-116-050	NEW	93-13-106
495B-116-020	NEW	93-05-018	495B-168-060	NEW	93-05-018	495E-116-060	NEW-P	93-09-033
495B-116-030	NEW	93-05-018	495B-276-010	NEW	93-05-018	495E-116-060	NEW	93-13-106
495B-116-040	NEW	93-05-018	495B-276-020	NEW	93-05-018	495E-116-070	NEW-P	93-09-033
495B-116-050	NEW	93-05-018	495B-276-030	NEW	93-05-018	495E-116-070	NEW	93-13-106
495B-116-060	NEW	93-05-018	495B-276-040	NEW	93-05-018	495E-116-080	NEW-P	93-09-033
495B-116-070	NEW	93-05-018	495B-276-050	NEW	93-05-018	495E-116-080	NEW	93-13-106
495B-116-080	NEW	93-05-018	495B-276-060	NEW	93-05-018	495E-116-090	NEW-P	93-09-033
495B-116-090	NEW	93-05-018	495B-276-070	NEW	93-05-018	495E-116-090	NEW	93-13-106
495B-116-100	NEW	93-05-018	495B-276-080	NEW	93-05-018	495E-116-100	NEW-P	93-09-033
495B-116-110	NEW	93-05-018	495B-276-090	NEW	93-05-018	495E-116-100	NEW	93-13-106
495B-116-120	NEW	93-05-018	495B-276-100	NEW	93-05-018	495E-116-110	NEW-P	93-09-033
495B-116-130	NEW	93-05-018	495B-276-110	NEW	93-05-018	495E-116-110	NEW	93-13-106
495B-116-140	NEW	93-05-018	495B-276-120	NEW	93-05-018	495E-116-120	NEW-P	93-09-033
495B-116-150	NEW	93-05-018	495B-276-130	NEW	93-05-018	495E-116-120	NEW	93-13-106
495B-116-160	NEW	93-05-018	495B-276-140	NEW	93-05-018	495E-116-130	NEW-P	93-09-033
495B-116-170	NEW	93-05-018	495B-280-010	NEW	93-05-018	495E-116-130	NEW	93-13-106
495B-116-180	NEW	93-05-018	495B-280-015	NEW	93-05-018	495E-116-140	NEW-P	93-09-033
495B-116-190	NEW	93-05-018	495B-280-020	NEW	93-05-018	495E-116-140	NEW	93-13-106
495B-116-200	NEW	93-05-018	495B-280-030	NEW	93-05-018	495E-116-150	NEW-P	93-09-033
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495E-120-020	NEW	93-13-107	495E-168-010	NEW-P	93-09-040	495E-300-040	NEW	93-13-116
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495E-120-030	NEW	93-13-107	495E-168-020	NEW-P	93-09-040	495E-300-050	NEW	93-13-116
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495E-120-040	NEW	93-13-107	495E-168-030	NEW-P	93-09-040	495E-325-010	NEW	93-13-117
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495E-120-080	NEW	93-13-107	495E-276-010	NEW	93-13-114	495E-400-050	NEW	93-13-118
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495E-120-090	NEW	93-13-107	495E-276-020	NEW	93-13-114	495E-400-060	NEW	93-13-118
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495E-120-110	NEW-P	93-09-034	495E-276-040	NEW-P	93-09-041			
495E-120-110	NEW	93-13-107	495E-276-040	NEW	93-13-114			
495E-120-120	NEW-P	93-09-034	495E-276-050	NEW-P	93-09-041			
495E-120-120	NEW	93-13-107	495E-276-050	NEW	93-13-114			
495E-120-130	NEW-P	93-09-034	495E-276-060	NEW-P	93-09-041			
495E-120-130	NEW	93-13-107	495E-276-060	NEW	93-13-114			
495E-120-140	NEW-P	93-09-034	495E-276-070	NEW-P	93-09-041			
495E-120-140	NEW	93-13-107	495E-276-070	NEW	93-13-114			
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495E-120-150	NEW	93-13-107	495E-276-080	NEW	93-13-114			
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	PERM	93-11-056		PROP	93-19-032
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<u>Instant game number 101 - Top Banana</u>				PROP	93-19-032
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ticket validation	PROP	93-12-104		PROP	93-19-133
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<u>Instant game number 103 - Lucky Duck</u>			criteria	PROP	93-19-133
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ticket validation	PROP	93-12-104	<u>Instant game number 113 - Tumbling Dice</u>		
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			definitions	PERM	93-23-012
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