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This issue contains documents officially
filed not later than August 3, 1994

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).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 August 1994 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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Legislative Building
Olympia, WA 98504-0552

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) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **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].

1994 - 1995
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>
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
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
95-01	Nov 23	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 24
95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
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95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

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.

WSR 94-16-001
PREPROPOSAL STATEMENT OF INTENT
HIGHER EDUCATION
COORDINATING BOARD

[Filed July 20, 1994, 12:15 p.m.]

Specific Statutory Authority for New Rule: RCW 43.21C.20, WAC 197-11-904.

Reasons Why the New Rule is Needed: To put the Higher Education Coordinating Board in compliance with the SEPA directive and to assert the agency's commitment to carefully consider environmental issues when projects involving our natural resources are proposed.

Goals of New Rule: To adopt by reference the 1984 SEPA procedures contained in the statewide SEPA rules.

Process for Developing New Rule: Adopting rules by reference.

How Interested Parties can Participate in Formulation of the New Rule: Jim Reed, Higher Education coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, phone (206) 753-2210, FAX (206) 753-1784.

July 20, 1994

Elson S. Floyd
 Executive Director

WSR 94-16-002
PREPROPOSAL STATEMENT OF INTENT
CENTRAL WASHINGTON
UNIVERSITY

[Filed July 20, 1994, 4:05 p.m.]

Specific Statutory Authority for New Rule: RCW 28B.10.528, 28B.10.560.

Reasons Why the New Rule is Needed: WAC 106-116-603, the monetary penalty schedule will be updated to eliminate the option of considering the first infraction a warning.

Goals of New Rule: All parking infraction notices are valid and must be appealed on an individual basis.

Process for Developing New Rule: Recommendation from parking advisory committee.

How Interested Parties can Participate in Formulation of the New Rule: Judy B. Miller, Rules Coordinator, Central Washington University, 400 East 8th Avenue, Ellensburg, WA 98926-7502.

July 19, 1994

Ivory V. Nelson
 President

WSR 94-16-004
PREPROPOSAL STATEMENT OF INTENT
GAMBLING COMMISSION

[Filed July 20, 1994, 4:55 p.m.]

Specific Statutory Authority for New Rule: RCW 9.46.070.

Reasons Why the New Rule is Needed: Amendment restructures minimum percentage of prizes available for punchboard and pull tab series.

Goals of New Rule: Amendment requires series to offer prizes that are equal to a greater than 60% of total gross receipts available for the series. Single prizes cannot exceed \$500, multiple winners on tickets or punch can't exceed single cash or merchandise limitations and if series offers prize for last ticket sold, prize will not exceed \$100 or the highest prize offered, whichever is less.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Shanna R. Lingel, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (206) 438-7654 x. 305, FAX (206) 438-8608.

July 20, 1994

Shanna R. Lingel
 Rules Coordinator

WSR 94-16-005
PREPROPOSAL STATEMENT OF INTENT
GAMBLING COMMISSION

[Filed July 20, 1994, 4:57 p.m.]

Specific Statutory Authority for New Rule: RCW 9.46.070.

Reasons Why the New Rule is Needed: Amends rule to set up guidelines for coin or token activated amusement games.

Goals of New Rule: Requires coin or token activated amusement games to have a coin acceptor capable of taking money for one play and may have additional acceptor to include paper money.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Shanna R. Lingel, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (206) 438-7654 x. 305, FAX (206) 438-8608.

July 20, 1994

Shanna R. Lingel
 Rules Coordinator

WSR 94-16-006
PREPROPOSAL STATEMENT OF INTENT
GAMBLING COMMISSION

[Filed July 20, 1994, 4:58 p.m.]

Specific Statutory Authority for New Rule: RCW 9.46.070.

Reasons Why the New Rule is Needed: Amendment would incorporate two month retention test from WAC 230-30-998 for commercial punchboard and pull tab licensees.

Goals of New Rule: Amends rule to require charitable and nonprofit licensees to retain punchboard and pull tab series for four months and commercial licensees to retain series for two months.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Shanna R. Lingel, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (206) 438-7654 x. 305, FAX (206) 438-8608.

July 20, 1994
Shanna R. Lingel
Rules Coordinator

WSR 94-16-007
PREPROPOSAL STATEMENT OF INTENT
GAMBLING COMMISSION
[Filed July 20, 1994, 4:59 p.m.]

Specific Statutory Authority for New Rule: RCW 67.70.190(6).

Reasons Why the New Rule is Needed: To be consistent with HB 2228.

Goals of New Rule: Requires development of informational signs concerning problem and compulsive gambling. The signs must be placed in establishments of gambling licensees.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Shanna R. Lingel, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (206) 438-7654 x. 305, FAX (206) 438-8608.

July 20, 1994
Shanna R. Lingel
Rules Coordinator

WSR 94-16-018
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed July 21, 1994, 4:54 p.m.]

Specific Statutory Authority for New Rule: RCW 41.50.050.

Reasons Why the New Rule is Needed: Eliminate inconsistency between statutes and WAC by removing reference to sick leave in WAC 415-112-415.

Goals of New Rule: To clarify that WAC 415-112-415 only applies to cashouts of annual leave.

Process for Developing New Rule: Amending rule based on comments from retirement system administrators. We did not solicit comment from outside parties because the amendment involves a technical change to an adopted rule.

How Interested Parties can Participate in Formulation of the New Rule: Paul Neal, Rules Coordinator, Legal/Legislative Affairs Unit, Department of Retirement Systems, P.O. Box 48380, Mailstop 48380, Olympia, WA 98504-8380.

July 21, 1994
Paul Neal
Rules Coordinator

WSR 94-16-020
PREPROPOSAL STATEMENT OF INTENT
POLLUTION LIABILITY
INSURANCE AGENCY
[Filed July 22, 1994, 12:52 p.m.]

Specific Statutory Authority for New Rule: RCW 70.148.040.

Reasons Why the New Rule is Needed: To publish underwriting requirements consistent with insurance industry standards pertaining to site evaluations, prior to insuring UST sites. This will also permit PLIA to reimburse the owners and operators of USTs who are required to meet the underwriting standards for the tests required.

Goals of New Rule: To protect the state of Washington from unwanted and unanticipated liability for accidental release claims, thus reducing the risk exposure in accordance with RCW 70.148.030.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can contact the Director, James M. Sims, at the Pollution Liability Insurance Agency, 1015 10th Avenue S.E., P.O. Box 40930, Olympia, WA 98504-0930, (206) 586-5997.

July 22, 1994
James M. Sims
Director

WSR 94-16-021
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 22, 1994, 2:30 p.m.]

Specific Statutory Authority for New Rule: RCW 74.15.030.

Reasons Why the New Rule is Needed: A new type of program has emerged caring for a small number of children on a residential basis in settings which do not meet the definition of a foster family home and which may care for children requiring more intensive care. Staff work shifts rather than residing in these facilities. Chapter 388-73 WAC.

Goals of New Rule: To facilitate the licensing of these programs and to assure that the requirements include the provision of appropriate services and safeguards.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Barry Fibel, Division of Children and Family Services, P.O. Box 45710, Olympia, WA 98504-5710, phone (206) 753-0204, FAX (206) 586-1040.

July 22, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-024
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed July 25, 1994, 1:50 p.m.]

Specific Statutory Authority for New Rule: Chapter 388-43 WAC is amended to comply with SHB 1752 (RCW 43.20A.720).

Reasons Why the New Rule is Needed: Chapter 388-43 WAC defines our means test too narrowly, and does not address either disposal of used equipment or applications by nonprofit organizations. Constituents requested that hearing parents of infants who are deaf be eligible for equipment.

Goals of New Rule: Allow yearly adjustments to poverty level guidelines; issue used equipment - free to nonprofit organizations; and make TTYs available to hearing parents of deaf children four years of age or younger, so that the parents can make contact with adults who are deaf.

Process for Developing New Rule: Meet all requirements of SHB 1752 - respond to needs of constituents.

How Interested Parties can Participate in Formulation of the New Rule: Write to Leon Curtis, Telecommunications Access Service, P.O. Box 54301, Olympia, WA 98504-5301, phone (206) 586-8250, TTY (206) 753-0699, FAX (206) 586-0855.

July 25, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-16-025
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed July 25, 1994, 1:51 p.m.]

Specific Statutory Authority for New Rule: *Bordner v. Rahm* lawsuit.

Reasons Why the New Rule is Needed: To clarify department policy to consider eligibility for GAU without regard to disqualification from AFDC due to receipt of a lump sum. The language added to WAC 388-235-9000 was suggested by Puget Sound Legal Assistance Foundation, who represented the appellant in the *Bordner v. Rahm* lawsuit.

Goals of New Rule: Fully implement court order in the *Bordner v. Rahm* lawsuit and clarify how to treat a lump sum received by an AFDC client who later applies for GAU.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Barbara Hargrave, Program Manager, Adult/Emergency Services, Division of Income Assistance, Mailstop 45400, phone (SCAN 585) 438-8317, FAX (SCAN 585) 438-8317. Please call to set up an informal meeting around the first of August.

July 25, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-16-028
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed July 26, 1994, 9:05 a.m.]

Specific Statutory Authority for New Rule: RCW 74.15.030.

Reasons Why the New Rule is Needed: Chapter is being revised to delete day care material now in another chapter. Language relating to nontraditional homes may be discriminatory. Recent failures among adoption agencies bespeak the need for more specific requirements. Chapter 388-73 WAC.

Goals of New Rule: Eliminate day care requirements from this chapter; remove discriminatory language; and strengthen adoption agency requirements.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Barry Fibel, DCFS/OCCP, P.O. Box 45710, Olympia, WA 98504-5710, phone (206) 753-0204, FAX (206) 586-1040.

July 26, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-16-030
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed July 26, 1994, 1:05 p.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. Amending WAC 388-86-050 Inpatient hospital care.

Reasons Why the New Rule is Needed: To update to reflect current policy.

Goals of New Rule: To eliminate obsolete language, such as Division of Medical Assistance. The 1983 PAS publication has been updated to 1993. Prior authorizations are no longer needed for all nonemergent hospitalizations.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Contact Bobbe J. Andersen, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, phone (206) 753-0529, FAX (206) 573-7315.

July 26, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-16-037
PREPROPOSAL STATEMENT OF INTENT
BOARD OF BOILER RULES

[Filed July 27, 1994, 9:21 a.m.]

Specific Statutory Authority for New Rule: RCW 70.79.040.

Reasons Why the New Rule is Needed: To respond to requests of Western States Petroleum Industry and to clarify and make new and existing WACs consistent with national codes and standards. The following WACs are amended, added or deleted: WAC 296-104-010, 296-104-065, 296-104-050, 296-104-060, 296-104-100 (amend), 296-104-102, 296-104-411 (add), 296-104-500, 296-104-501, and 296-104-505 (delete).

Goals of New Rule: Clarification and consistence with national codes and standards.

Process for Developing New Rule: Negotiated rule making; and Board of Boiler Rules study of existing rules for consistency and need for clarification.

How Interested Parties can Participate in Formulation of the New Rule: Dick Barkdoll, Chief Boiler Inspector, Secretary to the Board, P.O. Box 44410, Olympia, WA 98504-4410, phone (206) 956-5270, FAX (206) 956-5292. Board of Boiler Rules regular meeting, September 20, 1994, Labor and Industries Building Auditorium, 10:00 a.m., 7273 Linderson Way S.E., Tumwater, WA 98501.

July 27, 1994

Robert Reid

Chairman of the Board

WSR 94-16-056
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF ECOLOGY

[Filed July 27, 1994, 4:16 p.m.]

Specific Statutory Authority for New Rule: The authority to establish the surface water quality standards for the state of Washington is found in chapter 90.48 RCW, Water Pollution Control Act, and in the federal Clean Water Act in section 303(c) (40 CFR § 131.20(a)) which specifies that the state shall hold public hearings for the purpose of reviewing the applicable state water quality standards at least once every three years. In RCW 90.48.010, it is declared to be the public policy of the state of Washington to maintain the highest possible standards to insure the purity of all waters of the state. In RCW 90.48.035, ecology is directed to promulgate, amend, or rescind such rules and regulations as it shall deem necessary to carry out the provisions of chapter 90.48 RCW. RCW 90.48.260 designates the Department of Ecology as the State Water Pollution Control Agency for all purposes of the Clean Water Act.

Reasons Why the New Rule is Needed: The water quality program proposes several important rule changes that are necessary to more effectively manage the water quality of the state of Washington. Additionally, the program will correct minor errors in the existing water quality standards rule.

Goals of New Rule: One of the proposed rule changes will be an antidegradation implementation plan. Federal rule 40 CFR § 131.12 administered by U.S. EPA requires the

state to develop an implementation plan which ensures the state's antidegradation policy will be carried out. In addition, we propose to change the surface water quality standards from a class-based to a use-based approach to enhance the process of assessing water bodies; adopt nutrient criteria for lakes; revise the section on short-term modifications of the water quality standards; and revise the definition of "waters of the state" to clarify that wetlands are included.

Process for Developing New Rule: This process is consultative. Advisory committees will be made of stakeholders to evaluate and develop rules. Case studies will be used for draft rule evaluation.

How Interested Parties can Participate in Formulation of the New Rule: Contact: Eric Schlorff at (206) 407-6478, or Mark Hicks (206) 407-6477 or FAX to (206) 407-6426. To send written comments write to Eric Schlorff, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The formation of rule development teams and public comment on issues will take place in August of 1994. A series of public workshops is proposed for sometime in or around August of 1995 and public hearings in or around May of 1996.

July 25, 1994

Linda Crerar

Assistant Director

WSR 94-16-057
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF ECOLOGY

[Filed July 27, 1994, 4:17 p.m.]

Specific Statutory Authority for New Rule: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Reasons Why the New Rule is Needed: This rule amendment has been requested by San Juan County to amend the San Juan County shoreline master program.

Goals of New Rule: The purpose of the Shaw subarea plan is to protect the existing character and qualities of Shaw Island through goals, policies and regulations which add to and are more specific to the needs and interests of the Shaw Island community than those contained in the current shoreline master program. The second part of this amendment is to redesignate a part of the northeastern portion of the shoreline of Barnes Island, an area approximately 130 feet by 230 feet, from natural to conservancy, for future use as the site of a dock.

Process for Developing New Rule: The subarea plan for Shaw Island was developed by a committee composed of a volunteer group of Shaw Island residents, property owners and the planning department. The plan was reviewed at public meetings held on Shaw Island. The plan was reviewed at a public hearing before the board of county commissioners and the planning commission. The proposal to redesignate a portion of Barnes Island was requested by private individuals and reviewed by planning staff and the planing commission. A public hearing was held by the board of county commissioners.

How Interested Parties can Participate in Formulation of the New Rule: The next public hearing will be held by ecology, tentatively in the late summer or early fall of 1994. Contact Wayne Turnberg, Department of Ecology, Northwest

Regional Office, 3190 160th Avenue S.E. Bellevue, WA
98008-5452, (206) 649-7030.

July 27, 1994
Linda Crerar
Water and Shorelands
Assistant Director

WSR 94-16-063
PREPROPOSAL STATEMENT OF INTENT
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed July 28, 1994, 12:13 p.m.]

Specific Statutory Authority for New Rule: RCW
39.19.030(7).

Reasons Why the New Rule is Needed: RCW
39.19.030(4) requires the establishment of annual overall
goals. Agencies need them to administer their contracting
and procurement programs in a manner consistent with the
mandates of chapter 39.19 RCW.

Goals of New Rule: To provide a framework in which
data can be gathered which will enhance the review and
evaluation of state expenditures. To enable state agencies
and educational institutions to set goals on individual
contracts and procurements. To assist agencies and educa-
tional institutions in determining responsiveness of bidders
on public works contracts. To increase state expenditures
with certified firms.

Process for Developing New Rule: Pilot rule making.

How Interested Parties can Participate in Formulation of
the New Rule: Call or write Juan Huey-Ray, Rules Coordi-
nator, Office of Minority and Women's Business Enterprises,
P.O. Box 41160, Olympia, WA 98504-1160, phone (206)
586-1228, FAX (206) 586-7079.

July 28, 1994
James A. Medina
Director

WSR 94-16-065
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
[Filed July 28, 1994, 12:40 p.m.]

Specific Statutory Authority for New Rule: RCW
70.98.0505 (4)(f) states in part that the Department of Health
shall for the protection of occupational and public health and
safety, formulate, adopt, and promulgate rules and regula-
tions relating to the control of sources of ionizing radiation;
RCW 70.98.080(1) states in part that the Department of
Health shall provide by rule, or regulation, for general or
specific licensing of radioactive material occurring naturally
or produced artificially; and RCW 70.98.085(1) specifies that
the Department of Health is empowered to reinstate site use
permits consistent with regulatory practices and in coordina-
tion with the Department of Ecology, for users of the
Hanford low-level radioactive waste disposal facility.

Reasons Why the New Rule is Needed: Two sections
of chapter 246-249 WAC will be reviewed. They are WAC
246-249-080 Large volume of naturally occurring materials,

the amount of naturally occurring radioactive materials
(NORM) disposed at the Richland commercial low level
radioactive waste (LLRW) disposal facility, and related
issues will be examined to determine if there should be an
annual volume cap and other parameters established. The
disposal of accelerator-produced radioactive materials
(NARM) will be addressed, rules for these materials will be
considered. A point of origin inspection is proposed in
WAC 246-249-020(4) to ensure that the users of the disposal
facility have an adequate waste management program in
place to assure that waste sent to the LLRW facility is in
compliance with all applicable regulations and requirements.

Goals of New Rule: To revise existing large volume
disposal of NORM regulations to conform to current state
policy and procedures; to ensure that users of the commer-
cial LLRW disposal site comply with the requirements,
regulations and intent of all applicable regulations related to
the packaging, transportation, and disposal of low-level
radioactive waste; and to develop standards for the disposal
of NARM.

Process for Developing New Rule: The draft rules will
be sent to all site use permit holders and other interested
parties for comment. The process used to change chapter
246-249 WAC will be in accordance with departmental rule-
making policy.

How Interested Parties can Participate in Formulation of
the New Rule: Interested parties should contact Gary
Robertson, Supervisor, Waste Management Section by phone
at (206) 753-3459, or in writing at P.O. Box 47827, Olym-
pia, WA 98504-7827. FAX messages may be sent to (206)
753-1496. Comments should be received no later than
August 31, 1994.

July 28, 1994
Bruce Miyahara
Secretary

WSR 94-16-070
PREPROPOSAL STATEMENT OF INTENT
HIGHER EDUCATION
COORDINATING BOARD
[Filed July 29, 1994, 10:48 a.m.]

Specific Statutory Authority for New Rule: RCW
28B.80.370.

Reasons Why the New Rule is Needed: The Higher
Education Coordinating Board needs the new rule in order
to administer the Degree Authorization Act (chapter 28B.85
RCW) for certain degree-granting institutions which are
required to be authorized by this agency in order to operate
in the state of Washington and in order to maintain and
administer a separate account for degree-granting private
vocational schools in the tuition recovery trust fund estab-
lished under RCW 43.84.092.

Goals of New Rule: The new rule will strengthen
exemption eligibility criteria; improve consumer protection
and educational standards; clarify scope of the act; and
streamline the application and review process.

Process for Developing New Rule: Through correspon-
dence, phone, FAX, and individual and group meetings,
during the past twelve months, the Higher Education

Coordinating Board staff has consulted with all known interested parties, and will continue this process.

How Interested Parties can Participate in Formulation of the New Rule: Elaine Jones, Policy Associate, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, phone (206) 586-4595, FAX (206) 753-1784.

July 29, 1994
Jane C. Sherman
for Elson S. Floyd
Executive Director

Goals of New Rule: Provide current data to determine a minimum but adequate standard of living.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Betty Brinkman, Division of Income Assistance, Mailstop 45400, (SCAN 585) 438-8309, FAX (SCAN) 585-8258.

July 29, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-071
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 29, 1994, 12:37 p.m.]

Specific Statutory Authority for New Rule: Chapter 21, Laws of 1994, amending RCW 74.09.520.

Reasons Why the New Rule is Needed: To redefine handicapping condition, functional disability, and personal care assistance as required by Thurston County Superior Court Order in *Bosteder v. Soliz*; and to comply with HB 2492 passed in 1994 (chapter 21, Laws of 1994, amending RCW 74.09.520) which eliminates both the requirement for a physician's statement for MPC eligibility and 90-day nurse oversight visits. WAC 388-15-820, 388-15-830, 388-15-840, and 388-15-850.

Goals of New Rule: To implement procedures for serving clients with functional disabilities described in *Bosteder v. Soliz*; eliminate physician statement requirement; and allow flexibility in scheduling nurse oversight visits.

Process for Developing New Rule: Agency study; Superior Court order; and OBRA '93.

How Interested Parties can Participate in Formulation of the New Rule: Lois Wusterbarth, Medicaid Personal Care Program Manager, Aging and Adult Services Administration, Home and Community Services Division, P.O. Box 45600, Olympia, WA 98504-5600, phone (206) 493-2538, SCAN 585-2538, FAX (206) 438-8633, SCAN 585-8633.

July 29, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-073
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 29, 1994, 12:39 p.m.]

Specific Statutory Authority for New Rule: RCW 74.04.050.

Reasons Why the New Rule is Needed: Update the need standard to determine eligibility for various public assistance programs. WAC 388-250-1250.

WSR 94-16-079
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 29, 1994, 4:50 p.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. WAC 388-505-0580 Resources.

Reasons Why the New Rule is Needed: Ensure the transfer of a resource is not considered when determining eligibility, unless the client is institutionalized.

Goals of New Rule: Clarify intent.

Process for Developing New Rule: Negotiated rule making, Evergreen Legal Services; agency study; and interested parties may participate by contacting Medical Assistance Administration.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager, phone 753-7462, FAX 753-7315, Mailstop 45530.

July 29, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-080
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 29, 1994, 4:51 p.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. WAC 388-512-1225 Permanently and totally disabled.

Reasons Why the New Rule is Needed: Correct typographical error made during WAC rewrite.

Goals of New Rule: Amend WAC to reflect original language and intent.

Process for Developing New Rule: Negotiated rule making, requested by Evergreen Legal Services; agency study; and interested parties may contact Medical Assistance Administration.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager, phone 753-7462, FAX 753-7315, Mailstop 45530.

July 29, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-081
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed July 29, 1994, 4:52 p.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. WAC 388-500-0005 Medical definitions.

Reasons Why the New Rule is Needed: Correct a typographical error.

Goals of New Rule: Amend WAC and clarify language.

Process for Developing New Rule: Negotiated rule making, this error was noticed by Evergreen Legal Services and amendment requested; agency study; and interested parties may participate by contacting Medical Assistance Administration.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager, phone 753-7462, FAX 573-7315, Mailstop 45530.

July 29, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-16-082
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed July 29, 1994, 4:54 p.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. WAC 388-517-1710 Medicare "buy-in" program, 388-517-1715 QMB eligible for Medicare cost sharing, and 388-517-1730 SLMB eligible for Medicare cost sharing.

Reasons Why the New Rule is Needed: Requested by Evergreen Legal Services.

Goals of New Rule: Ensure understanding and clarification of technical language.

Process for Developing New Rule: Negotiated rule making, with Evergreen Legal Services, agency study; and interested parties may contact Medical Assistance Administration.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager, phone 753-7462, FAX 753-7315, Mailstop 45530.

July 29, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-16-084
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF ECOLOGY
 [Order 93-40—Filed August 1, 1994, 8:04 a.m.]

Specific Statutory Authority for New Rule: The Washington Clean Air Act provides authority for ecology and local air agencies to implement a registration program for commercial and industrial sources of air pollution. RCW 70.94.151(1) authorizes ecology and local air agencies to

classify sources of air contaminants and to require registration and reporting or both for such classes. RCW 70.94.151(2) authorizes ecology and local air agencies to require the reporting of information relevant to air pollution. RCW 70.94.151(2) also authorizes ecology and local air agencies to assess a fee to cover the costs of administering the registration program.

Reasons Why the New Rule is Needed: In response to new federal requirements for sources of toxic air pollutants and a 1993 legislative directive, the Department of Ecology is reexamining Washington's registration program for industrial and commercial sources of air pollution. Rule-making efforts are underway to clarify the program's components, to identify additional source categories to meet federal toxics requirements, and to develop a fee structure.

Goals of New Rule: This rule-making effort will concentrate on the following areas:

Registration Reporting Requirements: Currently, businesses classified under the registration program must report information on their equipment, processes, and emissions. This information is used to determine whether the source is in compliance with applicable requirements. Ecology will be determining if changes are needed in how the department collects information, performs inspections, and requires reporting.

Source Categories: Washington's general regulation for sources of air pollution, chapter 173-400 WAC, currently list thirty categories of businesses which must register with ecology or a local air agency. Some of those categories are no longer applicable and must be deleted or better defined. Other source categories must be added to accommodate changes to the federal toxic program. Criteria for determining when a source category should be added to the program will be developed through the rulemaking process.

Fee Structure: The Washington Clean Air Act authorizes ecology and local air authorities to assess fees to cover the costs of administering the registration program. In 1993, the legislature directed ecology to transition from general fund moneys to source fees to fund its registration program. Historically, local air agencies have assessed registration fees within their jurisdictions. Ecology initiated an interim fee for funding registration in April 1994. Through this rule, ecology will implement an annual fee structure.

Process for Developing New Rule: This rulemaking process is consultative. Ecology formed an advisory workgroup in January 1994, to assist in the development of this rule. That committee continues to meet on a monthly basis.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can obtain information on how to participate by contacting Judy Geier at the Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, or by phone at (206) 407-6850.

July 27, 1994
 D. J. Patin
 Assistant Director

WSR 94-16-093
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
NATURAL RESOURCES
 [Filed August 1, 1994, 4:05 p.m.]

Specific Statutory Authority for New Rule: RCW 79.90.555, 79.90.560.

Reasons Why the New Rule is Needed: The Department of Natural Resources proposes to amend an existing rule related to proprietary land use fees for disposal of dredged material at sites located on state-owned aquatic lands. The legislature has authorized the Department of Natural Resources to charge a proprietary land use fee to fund the Department of Natural Resources' site management and environmental monitoring of the disposal sites. The Department of Natural Resources must raise the site use fee in order to meet mandatory requirements for environmental monitoring imposed by regulatory agencies. Without the fee increase, the sites would have to be closed and waterfront related jobs may be lost.

Goals of New Rule: Amend WAC 332-30-166 to increase the proprietary land use fee for disposal of dredged material to open water sites in Puget Sound in a manner that accounts for all of the Department of Natural Resources' administrative and site monitoring cost. The Department of Natural Resources estimates an increase in the fee from \$0.40/cubic yard to \$0.45/cubic yard will be needed. In addition, the rule will be amended to reflect the existing fee of \$0.10/cubic yard for disposal at Grays Harbor and Willapa Bay disposal sites.

Process for Developing New Rule: The Department of Natural Resources is working with the Puget Sound dredge disposal analysis (PSDDA) agencies and Washington Public Ports Association (WPPA) to develop the new rule. The Department of Natural Resources made a presentation to the dredging community at the PSDDA annual review meeting to solicit preliminary comments. The Department of Natural Resources will continue to solicit comments and work with the dredging community on the proposed rule change. The Department of Natural Resources also plans to conduct a public hearing which will be announced upon publication of the CR-102 form in the Washington State Register.

How Interested Parties can Participate in Formulation of the New Rule: Contact in writing or by phone or FAX Phil Hertzog, Department of Natural Resources, P.O. Box 47027, Olympia, WA 98504-7027, (206) 902-1066, FAX (206) 902-1786, by August 30, 1994, 4:30 p.m.

July 29, 1994
 Kaleen Cottingham
 Supervisor

AMENDATORY SECTION (Amending WSR 90-02-085, filed 1/3/90, effective 2/3/90)

WAC 332-30-166 Open water disposal sites. (1) Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Material may be disposed of on state-owned aquatic land only at approved open water disposal sites and only

after authorization has been obtained from the department. Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the interagency open water disposal site evaluation committee for establishment of a new site.

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.

(4) The department will only issue authorization for use of the site after:

(a) The environmental protection agency and department of ecology notify the department that, in accordance with Sections 404 and 401, respectively, of the Federal Clean Water Act, the dredged materials are suitable for in-water disposal and do not appear to create a threat to human health, welfare, or the environment; and

(b) All necessary federal, state, and local permits are acquired.

(5) Any use authorization granted by the department shall be subject to the terms and conditions of any required federal, state, or local permits.

(6) The department shall suspend or terminate any authorization to use a site upon the expiration of any required permit.

(7) All leases for use of a designated site must require notification to DNR in Olympia twenty-four hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

(8) Pipeline disposal of material to an established disposal site will require special consideration.

(9) Fees will be charged at rates sufficient to cover all departmental costs associated with management of the sites. Fees will be reviewed and adjusted annually or more often as needed. A penalty fee may be charged for unauthorized dumping or dumping beyond the lease site. Army Corps of Engineers navigation channel maintenance projects (~~where there is no local sponsor~~) where there is no local sponsor are exempt from this fee schedule.

FEES

(a) Puget Sound and Strait of Juan De Fuca:
 (~~(\$))~~ All disposal sites (~~(\$0.40))~~ \$0.45 per cubic yard (~~(c.y.)~~) (c.y.), \$2,000 minimum (~~((\$100))~~)

(b) Grays Harbor/Willapa (~~(Harbor))~~ Bay: All disposal sites \$0.10 per cubic yard (c.y.), minimum fee \$300.00

(c) Damage fee - \$5.00/cubic yard

(10) Open water disposal site selection. Sites are selected and managed by the department with the advice of the interagency open water disposal site evaluation committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources

known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

- (a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.
- (b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.
- (c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.
- (d) When possible, use disposal sites that have substrate similar to the material being dumped.
- (e) Select areas close to dredge sources to insure use of the sites.
- (f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.
- (g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.
- (h) Current velocity, particle size, bottom slope and method of disposal must be considered.
- (i) Projects transporting dredged material by pipeline will require individual review.
- (j) Placement of temporary site marking buoys may be required.
- (k) The department will assure disposal occurs in accordance with permit conditions. Compliance measures may include, but are not limited to, visual or electronic surveillance, marking of sites with buoys, requiring submittal of operator reports and bottom sampling or inspection.
- (l) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.
- (m) Locate sites where surveillance is effective and can easily be found by tugboat operators.
- (11) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

WSR 94-16-094

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 93-35—Filed August 1, 1994, 4:49 p.m.]

Specific Statutory Authority for New Rule: Chapter 70.120 RCW.

Reasons Why the New Rule is Needed: Changes to the existing rule, chapter 173-422 WAC, Motor vehicle emission inspection, are required to comply with the Environmental Protection Agency rule on inspection/ maintenance program requirements (CFR Part 51 Subpart S) and to ensure attainment of the national air quality standard for carbon monoxide in Spokane.

Goals of New Rule: Upgrade the motor vehicle emission program design to ensure attainment of the national air quality standard for carbon monoxide in Spokane and prevent federal sanctions for failure to have an motor vehicle emission inspection acceptable to EPA in the Puget Sound and Spokane areas.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: For information on meetings and hearing

regarding the rule revision please contact John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (206) 407-6856, FAX (206) 407-6802.

August 1, 1994
Mary Riveland
Director

WSR 94-16-097

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration) (Public Assistance)

[Filed August 2, 1994, 8:12 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. Amending WAC 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies.

Reasons Why the New Rule is Needed: Amending WAC 388-86-100 to make an administrative policy change in who owns durable medical equipment in a nursing facility and to delete vehicle lifts from this WAC section. To make technical changes.

Goals of New Rule: Amending the rule allows MAA to transfer the administration of durable medical equipment to aging and adult services. This assures consistency with allowing a nursing facility to provide items for client's quality of care.

Process for Developing New Rule: The Department of Social and Health Services will have focus groups composed of interested persons to comment and provide suggestions. All comments will be considered before the amendment is final.

How Interested Parties can Participate in Formulation of the New Rule: Contact Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, (206) 753-0529, FAX (206) 753-7315.

August 2, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-098

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration) (Public Assistance)

[Filed August 2, 1994, 8:13 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. Amending WAC 388-86-030 Eyeglasses and examinations.

Reasons Why the New Rule is Needed: To add rules on cataracts which was previously in WAC 388-86-095.

Goals of New Rule: To establish consistency in content for easier reference and readability.

Process for Developing New Rule: Distribute proposed rule to all interested parties for review. Review comments and incorporate as appropriate. All comments will be considered before rule is final.

How Interested Parties can Participate in Formulation of the New Rule: Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, (206) 753-0529, FAX (206) 753-7315.

August 2, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-099
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
(Public Assistance)

[Filed August 2, 1994, 8:14 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. Amending WAC 388-86-095 Physician's services.

Reasons Why the New Rule is Needed: To amend regulations to reflect current policy.

Goals of New Rule: To eliminate obsolete language and delete cataract surgery from this WAC.

Process for Developing New Rule: Distribute proposed rule to all interested parties for review. Review comments and incorporate as appropriate. All comments will be considered before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, (206) 753-0529, FAX (206) 753-7315.

August 2, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-16-100
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE

[Filed August 2, 1994, 8:17 a.m.]

Specific Statutory Authority for New Rule: Chapter 15.36 RCW.

Reasons Why the New Rule is Needed: Public health; milk safety's wholesomeness.

Goals of New Rule: Revision of chapter 16-125 WAC; repeal of sections allowing side lines and hoses; revision of sections allowing external hoses; and addition of sections providing enforcement mechanisms for chapter.

Process for Developing New Rule: Limited industry input prior to drafting revision, limited comment period.

How Interested Parties can Participate in Formulation of the New Rule: Michael J. Donovan, Food Safety and Animal Health Division, P.O. Box 42560, Olympia, WA 98504-2560, (206) 902-1883.

August 2, 1994
Verne E. Hedlund
Program Manager

WSR 94-16-101
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE

[Filed August 2, 1994, 8:18 a.m.]

Specific Statutory Authority for New Rule: RCW 69.07.020 and 69.07.085.

Reasons Why the New Rule is Needed: To establish standards and guidelines for issuance of sanitary certificates to ensure they are credible and acceptable to serve their purpose.

Goals of New Rule: Establish standards for issuance of sanitary certificate to ensure that they are credible documents which can be used to market food products.

Process for Developing New Rule: Industry will be given opportunities to review proposed rule.

How Interested Parties can Participate in Formulation of the New Rule: Verne Hedlund, Food Safety and Animal Health Division, P.O. Box 42560, Olympia, WA 98504-2560, (206) 902-1860.

August 2, 1994
Verne E. Hedlund
Program Manager

WSR 94-16-102
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE

[Filed August 2, 1994, 8:19 a.m.]

Specific Statutory Authority for New Rule: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, and 69.07.020.

Reasons Why the New Rule is Needed: Adopt federal regulations promulgated under 21 CFR, 40 CFR and FDA Compliance Policy Guidelines to ensure uniformity with federal standards and to protect the consumers from adulterated or misbranded food.

Goals of New Rule: Adopt federal standards to ensure uniformity with United States standards so food produced in Washington may be freely shipped in interstate commerce. To protect consumers from adulterated or misbranded food.

Process for Developing New Rule: Industry will have opportunity to review and comment.

How Interested Parties can Participate in Formulation of the New Rule: Verne Hedlund, Food Safety and Animal Health Division, P.O. Box 42560, Olympia, WA 98504-2560, (206) 902-1860.

August 2, 1994
Verne E. Hedlund
Program Manager

WSR 94-16-103
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE
 [Filed August 2, 1994, 8:20 a.m.]

Specific Statutory Authority for New Rule: Chapter 15.36 RCW.

Reasons Why the New Rule is Needed: Update existing rule by adopting most current issue pasteurized milk ordinance (PMO). New PMO has been issued with changes since rule was adopted.

Goals of New Rule: PMO establishes requirements for dairy farms, plants and pasteurization of milk. Compliance is necessary to be able to ship milk interstate.

Process for Developing New Rule: Limited industry input through notification and review.

How Interested Parties can Participate in Formulation of the New Rule: Verne Hedlund, Food Safety and Animal Health Division, P.O. Box 42560, Olympia, WA 98504-2560, (206) 902-1860.

August 2, 1994
 Verne E. Hedlund
 Program Manager

WSR 94-16-105
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
 [Filed August 2, 1994, 8:30 a.m.]

Specific Statutory Authority for New Rule: Chapter 70.24 RCW.

Reasons Why the New Rule is Needed: The current system of coded laboratory reporting is inefficient and is a burden to providers and laboratories performing CD4 testing. A significant number of new, reportable cases of AIDS are missed using coded identifiers. Furthermore, current reporting requirements include only laboratories actually performing CD4 testing: A significant number of specimens for CD4 testing are submitted to an in-state lab, which then "passes through" the specimens for testing at an out-of-state laboratory, again contributing to the underreporting of AIDS cases. Additionally, some clinics with a heavy caseload of reportable clients provide surveillance information based on medical record numbers; the proposed rule change would allow laboratories to report medical record numbers when available. Finally, reporting requirements specify that laboratories shall submit reports on a quarterly basis; we have found this lag between the date of performance of the test and the date that disease investigators begin investigation often results in incomplete investigations. We propose encouraging laboratories to report on a more frequent basis by allowing provision of report on a monthly basis. This will amend WAC 246-100-236.

Goals of New Rule: Of primary importance is improving completeness of AIDS case reporting in Washington state; secondary goals include reducing the burden of reporting under the coded system for health care providers and laboratories performing CD4 testing.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Comment on the proposed rule is welcome, and can be directed to Mary Cummings, Director, Division of HIV/AIDS and STD, Department of Health, P.O. Box 47844, Olympia, WA 98504-7844. Ms. Cumming's telephone number is (206) 586-8334; FAX (206) 586-5525. A public meeting to discuss the proposed rule changes will be scheduled in Seattle September 20; in Spokane September 22. Please call Mary Cumming's office for details.

July 28, 1994
 Sylvia Beck
 Executive Director
 State Board of Health

WSR 94-16-106
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
 (Tuberculosis Control Program)
 [Filed August 2, 1994, 8:33 a.m.]

Specific Statutory Authority for New Rule: A new section was added to chapter 70.28 RCW (ESB 6158) requiring the State Board of Health to develop new rules regarding the prevention and control of tuberculosis.

Reasons Why the New Rule is Needed: It has been noted that some local public health officers and prosecuting attorneys may be reluctant to take needed action to contain the spread of tuberculosis in their communities because of uncertainty about their statutory authority and due process requirements and procedures.

Goals of New Rule: This preproposal comment addresses a requirement in the above-noted legislation that requires rules to be established to enable state health officers to exercise their authority to involuntarily detain, test, treat, or isolate persons with suspected or confirmed infectious tuberculosis.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: A statewide TB planning group, representing a wide variety of stakeholders, constituents, and interested persons meets on the last Friday of each month to formulate rules to meet the requirements of the legislation. For information about the committee, the rule-making process, or general information, call Gary Livingston, TB Program Administrator at (206) 464-5406, FAX (206) 464-6123.

July 28, 1994
 Sylvia Beck
 Executive Director
 State Board of Health

WSR 94-16-119
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING
 [Filed August 2, 1994, 11:50 a.m.]

Specific Statutory Authority for New Rule: Sections 2, 3, and 4, chapter 194, Laws of 1994.

Reasons Why the New Rule is Needed: Implementation of collegiate license plate series.

Goals of New Rule: Design and develop a collegiate license plate series program.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Comments and suggestions should be provided by September 15, 1994, to Eric Andersen, Licensing Services Manager, Title and Registration Services, P.O. Box 48030, Olympia, WA 98507-8030, phone (206) 753-0265, FAX (206) 664-0339.

Nancy S. Kelly, Administrator
Title and Registration Services

Written comments may be sent to Steve McLellan, Secretary, at the above address and should be filed not later than the close of business September 17, 1994. Individuals expressing interest will be notified when workshop/meeting dates are established. The commission invites comments about the costs of complying with possible rules. This document may be accessed on Internet via anonymous FTP. Connect to the host at FTP.GOV.T.WASHINGTON.EDU, cd to the directory: /wutc/consumer. Get the file: preproposal_comments_company_customer_notice. Please note: The WUTC is not taking formal comments via the Internet.

August 2, 1994
Steve McLellan
Secretary

WSR 94-16-123

**PREPROPOSAL STATEMENT OF INTENT
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed August 2, 1994, 12:58 p.m.]

Specific Statutory Authority for New Rule: RCW 80.01.040 which requires the commission to regulate in the public interest the rates, services, facilities and practices of persons providing utility service; and RCW 81.77.030 which requires the commission to supervise and regulate every solid waste collection company in Washington state; and RCW 80.28.060 regarding tariff changes.

Reasons Why the New Rule is Needed: Based upon staff's experience assisting regulated companies, existing regulated company customer notification rules need clarification. Companies are frequently uncertain when customer notification is required because commission requirements outline only minimal standards and expectations for notice. Primary customer notification requirements are identified in three commission rules: WAC 480-80-120, 480-149-120, and 480-80-125.

Goals of New Rule: The overall goals of this possible rulemaking are to clarify commission notice requirements, assist regulated companies with providing clear customer notification, achieve the commission's goals for effective customer notification, and reduce the need for regulatory oversight where possible. The commission is sending a document with additional information and questions to interested persons contemporaneous with publication of this notice. A copy is available by contacting the commission at the address listed below.

Process for Developing New Rule: Agency study; solicitation of comments and workshop-type meetings with commission staff, regulated companies, consumer representatives, and other interested persons. Workshops are intended to exchange information and views in an effort to reach consensus.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties may contact Terry Winfield Simmonds, Washington Utilities and Transportation Commission, Public Affairs Section, P.O. Box 47250, Olympia, WA 98504-7250, phone (206) 586-1190, FAX (206) 586-1150. Interested parties may contact the commission's toll free voice messaging system at 1-800-622-2967 and ask to be placed on the mailing list for Docket No. A-930665.

WSR 94-16-133

**PREPROPOSAL STATEMENT OF INTENT
MULTIMODAL TRANSPORTATION PROGRAMS
AND PROJECTS SELECTION COMMITTEE**

[Filed August 3, 1994, 8:33 a.m.]

Specific Statutory Authority for New Rule: Chapter 47.66 RCW.

Reasons Why the New Rule is Needed: A new section is needed within chapter 240-20 WAC to give direction to the committee in case it is determined that funding in any of the transportation accounts will be insufficient to meet the contracted obligations identified for the selected projects.

Goals of New Rule: To give direction to the committee in the event funding shortfalls are experienced in any transportation account.

Process for Developing New Rule: Identified need for such a new section by the committee.

How Interested Parties can Participate in Formulation of the New Rule: Clerk of the Committee, Larry Roediger, TransAid Service Center, Washington State Department of Transportation, P.O. Box 47390, Olympia, WA 98504-7390, (206) 705-7917, FAX (206) 705-6822.

August 1, 1994
Martha Choe
Committee Chairperson

WSR 94-16-140

**PREPROPOSAL STATEMENT OF INTENT
PARKS AND RECREATION
COMMISSION**

[Filed August 3, 1994, 10:40 a.m.]

Specific Statutory Authority for New Rule: RCW 43.51.060.

Reasons Why the New Rule is Needed: To keep fees for state park services current, and to improve the methods of charging fees.

Goals of New Rule: Modify fees and the methods of charging and collecting them.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Rex Derr, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (206) 753-2066, FAX (206) 753-1594.

August 2, 1994
Sharon Howdeshell
Office Manager

WSR 94-16-141
PREPROPOSAL STATEMENT OF INTENT
PARKS AND RECREATION
COMMISSION

[Filed August 3, 1994, 10:41 a.m.]

Specific Statutory Authority for New Rule: RCW 43.51.060.

Reasons Why the New Rule is Needed: To establish procedures for administering water trails grants, contracts, and permit programs.

Goals of New Rule: To comply with elements of RCW 43.51.440-[43.51.]456.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Terry Doran, P.O. Box 487, Burlington, WA 98233, phone (206) 755-9231, FAX (206) 755-9277. Advisory committee which drafted new rules meets several times per year. Date of next meeting can be provided.

August 2, 1994
Sharon Howdeshell
Office Manager

WSR 94-16-142
PREPROPOSAL STATEMENT OF INTENT
OFFICE OF
INSURANCE COMMISSIONER

[Order A-2—Filed August 3, 1994, 10:59 a.m.]

Specific Statutory Authority for New Rule: RCW 48.02.060, 48.43.140. Implementing: RCW 43.72.100(11), 43.72.120(11), and 48.43.120.

Reasons Why the New Rule is Needed: The grievance procedure regulation will set minimum standards for grievance procedures of plans for the protection of patients and covered persons.

Goals of New Rule: The goal is to set minimum standards to assure reasonable and effective resolution of complaints initiated by persons enrolled in certified health plans. These complaints would concern matters relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services.

Process for Developing New Rule: Agency study; and solicitation of written comments on outline of regulation.

STANDARDS FOR GRIEVANCE PROCEDURES

1. Scope and purpose of the standards

a. These standards apply to all plans providing coverage to a resident of this state.

b. The standards set forth procedures to assure that patients have an opportunity for a reasonable and effective resolution of complaints.

c. The standards provide a method to help identify areas of plan operation in need of improvement (the standards do not measure outcomes).

2. Forms of grievance

a. Telephone calls should be accepted for inquiries and preliminary reports of grievances, but patients should be encouraged to follow up in writing.

b. All formal grievances that are appealed shall be in writing.

3. "Inquiries" distinguished from "grievances"

a. An inquiry is a request for administrative service information, or expression of opinion (inquiries need not be reported to the commissioner).

b. A grievance is a written objection concerning an aspect of the patient's care or the provider's performance, any matter relating to the provision of benefits under the UBP and supplemental benefits, access to health care services, and quality of services. Grievances must be reported to the commissioner.

4. Minimum standards for grievance procedures

a. Every plan shall establish, maintain, and use written procedures to hear and resolve inquiries and grievances.

b. The goal of the minimum standards for grievance procedures is to promote efficient and mutually satisfactory settlement of differences.

c. There shall be no fewer than two levels of grievance appeal; a plan may include an optional third level which employs methods of third party alternative dispute resolution including binding mediation or binding arbitration.

d. The grievance procedure and samples of all forms used, and any substantive modifications made later (including, but not limited to forms used for denial of treatment, explanation of the grievance procedures, rights to appeal at each level, etc.), shall be filed with and approved by the commissioner prior to use.

e. The grievance procedure shall be described clearly in the policy, any applicable certificate, any membership booklet, and the outline of coverage.

f. At the time a patient/covered person becomes a member of the plan, the plan shall provide detailed information to the patient/covered person describing how to register a grievance with the plan.

g. The grievance procedures shall include a method for expediting grievances for medically pressing issues and the availability of this expedited review process shall be explained to all covered persons in all written descriptions of the grievance process.

h. Plans shall respond to complaints filed with the Insurance Commissioner within fifteen working days. No plan may discourage a patient/covered person from contacting the Insurance Commissioner, or unfairly discriminate against such person because of such contact.

5. First level grievance review

a. At the first level, a grievance shall be reviewed by a committee that shall include one or more employees of the plan; but the first level grievance review committee shall not include any person whose decision is being appealed or who made or was involved in making the initial determination denying a claim or access to a provider or in the handling of a complaint.

b. The review or hearing of the first level grievance review committee shall be held within ten days of receipt of the grievance.

c. In order to permit the patient to adequately prepare for the first level grievance review hearing, the plan has an

obligation to assure that the patient's rights are made known to him or her in a timely manner. Such information shall include but need not be limited to the following: The date of hearing or review, any deadlines for submission of statement or documents, a helpful outline of the committee's procedures, and the right to have the aid of a personal representative.

d. At the first level, a grievance is reviewed on the written record; however, the patient has the right to submit additional written material and to have the assistance of a plan employee or any other person who was not involved in the decision being appealed.

e. A written decision shall be issued within three working days from the date of the hearing. The written decision shall include at least the following:

In all cases:

- (i) A record of persons who participated in the decision;
- (ii) Description of the grievance as stated by the plan and by the patient/covered person;
- (iii) The committee's decision in clear and easy to understand terms;

In case of denial:

(iv) The contract basis for denial or the medical rationale therefor in sufficient detail that the patient need not resort to additional research to understand the real reason for the action;

(v) A copy of any evidence or documentation used by the plan as the basis for the decision;

(vi) A statement that the decision is binding unless reversed at a subsequent level grievance review committee; and

(vii) A description of the process to appeal to a higher level grievance review committee including a copy of the written procedures governing such appeal.

f. The plan shall provide a minimum of thirty days during which the covered person may initiate an appeal.

g. The plan shall include in its first level review the right of the patient/covered person to a second opinion or a third party professional review of the patient's medical record.

6. Second level grievance review — The patient/covered person has two options at the second level: A second level "in-plan" appeal, or an option to seek treatment outside the plan (the "out-of-plan" option)

a. In-plan appeal, second level

(i) Each second level in-plan grievance review shall be heard by a committee appointed by the board of directors of the plan, according to the following standards:

(A) No more than one-third of its members may be employees or officers (or their dependents) of the plan;

(B) No one involved in the grievance at a previous level may be a member;

(C) At least one member of the committee shall have policy-making authority for the plan; and

(D) The sole responsibility of the second level grievance committee shall be to hear and consider impartially the dispute based solely on the material and presentations made during the hearing.

(ii) The second level in-plan grievance review committee shall have written procedures for investigating and conducting hearings, including at a minimum:

(A) The hearing shall be held within thirty days of the receipt of an appeal;

(B) The plan shall ensure that the hearing is held at a mutually convenient time and place;

(C) The patient shall be notified in writing at least fifteen days in advance of the hearing;

(D) Any request for postponement of the hearing made by the patient shall not be unreasonably denied.

(iii) The patient/covered person has the right to:

(A) Attend the second level hearing in person;

(B) Be assisted or represented by a person of his or her choice in the preparation or presentation of the issues;

(C) Present the case or dispute or to have a representative present the case or dispute on his or her behalf, which presentation may include:

(I) Written material in support of the claim or dispute;

(II) Live, recorded or written expert testimony or witnesses; and

(III) Questioning of the plan staff about the dispute.

(iv) The right to a fair and equitable hearing may not be made conditional upon the appearance of the patient/covered person at the hearing; the hearing shall be conducted in the same manner whether or not the patient/covered person appears in person.

(v) In order to permit the patient to prepare adequately for the second level grievance review hearing, the plan has an obligation to assure that the rights of the patient/covered person are made known to him or her; such information shall include, but is not limited to, the following:

(A) The date of hearing or review;

(B) Any deadlines for submission of statements or documents;

(C) An outline of the committee's procedures; and

(D) Any right to have the aid of a personal representative or expert.

(vi) Procedures for the in-plan second level of review shall include at least the following:

(A) The written decision of the first level grievance committee shall be the basis for deliberation and no new reasons for denying the claim may be introduced by the plan;

(B) Members of the second level in-plan review committee shall not discuss any matters related to the appeal prior to the hearing;

(C) If the plan will have an attorney present to represent the interests of the plan or its staff, it must so notify the covered person at least ten working days in advance of the hearing;

(D) The hearing shall be recorded by electronic or stenographic means; a written transcript shall be made in disputes involving an amount in excess of \$5,000; and

(E) It is the responsibility of the plan to have a member of the plan's staff previously involved in and knowledgeable about the grievance in attendance at the hearing so that committee members and covered persons or the representatives of either can ask questions of this person.

(vii) A written decision shall be issued within five working days from the date of the hearing.

(viii) The decision of the committee shall be signed by a policy making officer of the plan or a member of the plan board of directors, and shall include at least the following:

In all cases:

(A) A record of persons who participated in the decision;

(B) A complete description of the grievance as stated by the plan and by the patient/covered person;

(C) The committee's decision in clear and easy to understand terms;

In cases of denial:

(D) The contract basis for denial or the medical rationale therefor in sufficient detail that the patient need not resort to additional research to understand the real reason for the action;

(E) A copy of any evidence or documentation used as the basis for the decision;

(F) A statement that the decision is binding unless (if applicable) the covered person/patient appeals to the third level, binding arbitration or mediation;

(G) A description of any process to appeal the determination to optional bidding [binding] arbitration or mediation, and the written procedures governing such an appeal; and

(H) An outline of further legal rights of appeal, in [if] any, that are available to the patient.

b. Option to seek treatment outside the plan (the "out-of-plan" option)

(i) The plan shall provide an option for the patient/covered person to seek alternative care or care from a provider who is not covered by the plan.

(ii) Such an option shall be treated as a right of the patient/covered person.

(iii) Reimbursement for services may be at an additional copayment or deductible not to exceed an additional 100% of the plan's other deductible or copayment provisions or both (that is, not more than double the usual). If the plan does not impose copays or deductibles an alternative method of establishing a minimum patient/covered person payment shall be developed which is acceptable to the commissioner.

(iv) The plan may not discriminate against the patient/covered person for claims for other accidental injuries, illnesses, or courses of treatments unrelated to the course of treatment or provider that is the subject of dispute.

(v) The plan may not terminate the member from the plan solely because the patient/covered person chose to exercise this right and chose to receive care off-plan.

7. Third level grievance review

a. A plan may include an optional process for appeal to a third level which employs methods of third party alternative dispute resolution including binding mediation or arbitration.

b. Costs associated with arbitration or mediation may be paid by the plan or may be borne equally by the patient/covered person and the plan.

c. Rules of the American Arbitration Association or other procedures approved by the commissioner shall be used.

8. Expedited review process for medically pressing issues

a. A plan may not use the timeframe or procedures of the plan's grievance process to discourage or prevent the covered person/patient from receiving medically necessary care in a timely manner.

b. When a dispute or claim involves care that is alleged to be medically pressing but which has not yet been provided, the plan shall render a decision within twelve hours of

receipt by the plan of the request by the covered person/patient or notification from the commissioner. The decision must be signed by the medical director of the plan.

c. If the patient/covered person appeals a medically pressing decision, the review must begin at once at the second level (skipping the first review).

d. The availability of this expedited review process shall be explained to all covered persons in all written descriptions of the grievance process.

e. If a covered person/patient with a medically pressing condition contacts the commissioner directly, the commissioner shall promptly advise the plan and the plan shall initiate an expedited review process forthwith.

9. Provision for assistance in communicating

Each plan shall make provision for assistance in communicating (such as interpreters, mechanical or electronic amplification, viewing, or communication equipment) for persons who are non-English speaking or who cannot readily understand or communicate the spoken English language (because they are deaf, are hearing-impaired, have a speech impairment, or for other reasons).

10. Grievance register to be maintained; reporting and retention requirements

a. A register of all grievances received shall be maintained by the plan in a format prescribed by the commissioner; the register must be clearly understandable; and it must be available to the commissioner and to plan members, with confidential information removed upon request.

b. The register shall include useful identifying information and documentation concerning each grievance. The register shall include at least the following information: Category of grievance, date received, date of each hearing, summary of resolution of each level of hearing, name/address of person filing the grievance and patient (if different), contract and certificate number, identity of providers involved.

c. The register shall be organized and kept in a manner that allows sorting and reporting by classification of grievance, by patient, and other useful classifications.

d. A summary of all grievances shall be reported to the commissioner no less frequently than annually in a format to be prescribed by the commissioner, including number of grievances by category and number of grievances resolved at each level of appeal.

e. The complete grievance file for each dispute shall be retained by the plan for at least seven years after the date of its resolution.

f. The plan shall prepare a summary of all grievances filed for review by its internal grievance review committee no less frequently than annually.

11. Certificate of compliance

The plan shall file a certificate of compliance with the commissioner no less frequently than annually. The certificate shall:

a. Be signed by an officer of the plan, and attested by a notary public; and

b. State that the plan has established and uses grievance procedures that fully comply with the provisions of this regulation.

12. Effective date: July 1, 1995.

How Interested Parties can Participate in Formulation of the New Rule: Written comments should be sent to Melodie

Bankers, Deputy Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, or via FAX (206) 586-3535. Deadline for comments is September 6, 1994. Please refer to Preproposal Statement of Intent for Grievance Procedures, No. A-2.

August 2, 1994
Deborah Senn
Insurance Commissioner

WSR 94-16-146
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SERVICES FOR THE BLIND

[Filed August 3, 1994, 11:25 a.m.]

Specific Statutory Authority for New Rule: Chapter 74.15 RCW. Chapter 67-25 WAC, Vocational rehabilitation and services for the blind.

Reasons Why the New Rule is Needed: Update language to be consistent with the 1992 amendments to the Rehabilitation Act (federal law).

Goals of New Rule: To provide clear, concise language consistent with the 1992 amendments to the Rehabilitation Act (federal law).

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Debbie Cook, DSB, 3411 South Alaska Street, Seattle, WA 98118, (206) 721-4412, FAX (206) 721-4103, SCAN 339-4412.

August 1, 1994
Susan Maynard
Executive Assistant

WSR 94-16-009
PROPOSED RULES
GAMBLING COMMISSION

[Filed July 20, 1994, 5:01 p.m.]

Original Notice.

Title of Rule: WAC 230-20-685 Commercial amusement games—Wager and prize limitations.

Purpose: Amendment would increase the cost of prizes to the operator from one hundred to two hundred dollars.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: Amendment would allow operators to purchase prizes costing \$200.00 instead of \$100.00.

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

Name of Proponent: Music Vend Distributing Company, 1562 4th Avenue South, Seattle, WA 98134, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment would allow commercial amusement game operators to purchase prizes costing \$200.00.

Proposal Changes the Following Existing Rules: Amendment increases the cost of prizes to the operator from \$100.00 to \$200.00.

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

Hearing Location: Lakeway Inn/Best Western, 714 Lakeway Drive, Bellingham, WA 98226, on September 9, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shanna Lingel by September 7, 1994, TDD (206) 438-7638, or (206) 438-7685.

Submit Written Comments to: Shanna Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (206) 438-8608, by September 7, 1994.

Date of Intended Adoption: September 9, 1994.

July 20, 1994

Shanna R. Lingel
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-12-082, filed 5/28/93, effective 7/1/93)

WAC 230-20-685 Commercial amusement games—Wager and prize limitations. For locations authorized under WAC 230-04-138 (1)(g), (i), (j), or (k) where school-aged minors are allowed to play, the following limitations shall apply.

(1) Prize limitations. No prize offered shall exceed a cost to the operator of ~~((one))~~ two hundred dollars.

(2) Consideration. The maximum wager for play shall not exceed fifty cents.

WSR 94-16-010
PROPOSED RULES
GAMBLING COMMISSION

[Filed July 20, 1994, 5:02 p.m.]

Original Notice.

Title of Rule: WAC 230-30-070 Control of prizes.

Purpose: Amendment clarifies the requirement for punchboard/pull tab operators to permanently delete reference to prizes from the flare upon determination of a winner and prior to awarding the prize.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: Amendment requires punchboard/pull tab operators to permanently delete references to prizes from the flare with an indelible ink marking pen upon determination of a winner and prior to awarding prize.

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

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment would require punchboard/pull tab operators to permanently delete references to prizes from the flare with an indelible ink marking pen prior to awarding of the prize.

Proposal Changes the Following Existing Rules: Amendment clarifies the requirement for punchboard/pull tab operators to permanently delete reference to prizes from the flare upon determination of a winner and prior to awarding of the prize.

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

Hearing Location: Lakeway Inn/Best Western, 714 Lakeway Drive, Bellingham, WA 98226, on September 9, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shanna Lingel by September 7, 1994, TDD (206) 438-7638, or (206) 438-7685.

Submit Written Comments to: Shanna Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (206) 438-8608, by September 7, 1994.

Date of Intended Adoption: September 9, 1994.

PROPOSED

July 20, 1994
Shanna R. Lingel
Rules Coordinator

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

WAC 230-30-070 Control of prizes. All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(1) Prizes shall be cash or merchandise only. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2) Display of prizes:

(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(d) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

(e) Upon determination of a winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall permanently and conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The reference to the prize shall be deleted using an indelible ink marking pen. Labels or stickers shall not be used to delete references to any prize. The prize shall then be paid or delivered to the winner forthwith.

(3) Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab

series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) Cash in lieu of merchandise prizes. No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) Record of winners:

(a) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(i) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(ii) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab.

(iii) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (i) and (ii) above in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.

~~((6) Retention of records. Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches for a period of at least four months following the last day of the month in which it was removed from play and shall display the same to any representative of the commission or law enforcement officials upon demand.))~~

~~((7)) (6) Defacing winning punches or tabs.~~ The licensee shall, within twenty-four hours after a winning pull tab or punch of five dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.

~~((8)) (7) Value of merchandise prizes.~~ For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

~~((9)) (8) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only.~~ Pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

WSR 94-16-011
PROPOSED RULES
GAMBLING COMMISSION
 [Filed July 20, 1994, 5:03 p.m.]

Continuance of WSR 94-11-094.

Title of Rule: WAC 230-40-244 Electronic bingo card daubers—Definition—Operating restrictions.

Purpose: New rule establishes operating restrictions and standards of electronic bingo card daubers.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: New rule establishes operating restrictions and standards of electronic bingo card daubers.

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

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New rule to establish operating restrictions and standards for electronic bingo card daubers.

Proposal Changes the Following Existing Rules: Establishes operating restrictions and standards for electronic bingo card daubers.

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

Hearing Location: Campbell's Resort, 104 West Woodlin Avenue, Chelan, WA 98816, on August 12, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shanna Lingel by August 10, 1994, TDD (206) 438-7638, or (206) 438-7685.

Submit Written Comments to: Shanna Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (206) 438-8608, by August 10, 1994.

Date of Intended Adoption: August 12, 1994.

July 20, 1994

Shanna R. Lingel
Rules Coordinator

NEW SECTION

WAC 230-20-244 Electronic bingo card daubers—Definition—Operating restriction—Standards. The commission deems that any device, apparatus, or scheme that allows a player in any gambling activity a material advantage over other players is against public policy; restriction of such is in the public's interest. Electronic bingo card marking devices or daubers are deemed to provide a player a material advantage unless operated in accordance with subsection (2) of this section. For purposes of this title, the

following definitions, restrictions, and standards apply to such devices:

(1) Electronic bingo card daubers are defined as electronic appliances used by players to identify bingo cards that contain numbers or symbols input by a player. These devices electronically store preprinted bingo cards purchased by player, provide a means for players to input numbers or symbols called by the operator, compare the numbers or symbols input by the player to bingo cards previously stored in an electronic data base, and identify to the player those stored bingo cards that contain the numbers or symbols input by the player: *Provided*, That player-owned devices which are not directly interfaced with or connected to equipment used to conduct bingo games or the electronic data base in which electronically generated bingo cards are stored in any manner, are not "electronic bingo card daubers" for purposes of this title;

(2) Electronic bingo card daubers will not be deemed to provide players a material advantage and may be used by players in bingo games when operated in the following manner:

(a) The player performs at least the following functions:

(i) Inputs the number or symbol called by the operator into the memory of the unit;

(ii) Notifies the operator when a winning pattern or "bingo" occurs; and

(iii) Identifies the winning card and displays the card to the operator;

(b) Each player using such a device is limited to playing a maximum of sixty-six cards during any game;

(c) The number of devices allowed in play by an operator does not exceed ten percent of the maximum seating capacity of the game;

(d) Electronic daubers owned, leased, or otherwise controlled by an operator must be made available to all players on a first come, first served basis: *Provided*, That when demand exceeds availability, operators may devise schemes for assignment of devices to players if such schemes allow all players an equal opportunity: *Provided further*, That operators shall reserve at least one device for players with disabilities. If there are no requests for use of this device prior to five minutes before the scheduled session, it may be released for use by other players;

(e) Operators may charge players a fee for use of the devices. Such fees must be a flat fee and shall not be based on the number or dollar value of cards purchased;

(f) Each player utilizing such a device must have in their possession cards that meet all requirements of WAC 230-20-240 and 230-20-101(3). Electronic images of cards or faces stored in such devices are for player convenience only and are not bingo cards for purposes of this title;

(g) If the devices are leased to an operator, the lease cannot be based in whole or part on the amount of bingo card sales or rental income derived from such devices; and

(h) The use of these devices is prohibited when a licensee utilizes any marketing scheme for cards that result in a decrease in the per unit price of each card as the number of cards purchased increases;

(3) Electronic bingo card daubers must meet the following standards:

(a) Be manufactured by licensed manufacturers: *Provided*, That player-owned units are exempt from this provision;

(b) Be sold, leased, and serviced by licensed distributors or manufacturers: *Provided*, That operators may perform routine maintenance on devices under their control;

(c) Not be capable of modifying cards stored in the electronic data base in any way; and

(d) Be capable of complying with applicable requirements of WAC 230-20-101(3).

**WSR 94-16-014
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)
[Filed July 21, 1994, 3:52 p.m.]

Original Notice.

Title of Rule: WAC 388-49-100 Rights and responsibilities.

Purpose: Requires the department to advise the food stamp household of their right to select an adult parent of children living in the household or an adult who has parental control over children living in the household as the household employment representative.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: The department shall advise the food stamp household of the household's right to select an adult parent of children living in the household or an adult who has parental control over children living in the household as the household employment representative.

Reasons Supporting Proposal: Public Law 101-624 requires that certain food stamp households be allowed to select the head of household for employment and training and voluntary quit purposes. A new definition "household employment representative" has been created to identify who shall be designated as the head of household for this provision.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Diana Arnaud, Division of Income Assistance, 438-8318.

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

Rule is necessary because of federal law, Public Law 101-624 Section 1725 and Administrative Notice 92-34.

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Affects only food stamp recipients.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on September 6, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by August 22, 1994, TDD (206) 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, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by August 29, 1994.

Date of Intended Adoption: September 7, 1994.

July 21, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-100 Rights and responsibilities. The department shall advise the household of the following:

(1) The right to:

(a) Receive an application upon request;

(b) File an application the day of receipt;

(c) If eligible, receive food stamps within thirty days after the application is filed;

(d) If eligible, receive expedited services;

(e) Have a fair hearing;

(f) Have information remain confidential; ~~(and)~~

(g) Be treated without discrimination because of age, handicap, color, sex, religion, race, national origin, or political beliefs; and

(h) Select an adult parent of children living in the household or an adult who has parental control over children living in the household as the household employment representative.

(2) The responsibility to:

(a) Report certain changes, and

(b) Submit a food stamp monthly report each month if applicable.

**WSR 94-16-015
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 21, 1994, 4:27 p.m.]

The Department of Labor and Industries is hereby withdrawing the following proposed new sections of chapter 296-24 WAC, General safety and health standards; chapter 296-27 WAC, Recordkeeping and reporting; and chapter 296-155 WAC, Safety standards for construction work: WAC 296-24-020 Management's responsibility, 296-27-090 Reporting of fatality or multiple hospitalization accidents, 296-155-012 Definitions applicable to all sections of this chapter, 296-155-20301 Definitions, and 296-155-24510 Fall restraint, fall arrest systems.

These proposed changes were filed on April 22, 1994, in WSR 94-10-010, with a public hearing held on June 9, 1994.

**WSR 94-16-022
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 22, 1994, 3:55 p.m.]

Original Notice.

PROPOSED

Title of Rule: WAC 392-202-110 Awards for teachers, principals, administrators, and classified staff, and 392-202-120 Award for superintendent.

Purpose: To change language to reflect a recognition award amount of \$2,500 for teachers, principals, administrators, and classified staff. To change language to reflect a recognition award amount of at least \$1,000 for superintendents in first class districts.

Statutory Authority for Adoption: RCW 28A.03.532.

Statute Being Implemented: RCW 28A.03.532.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Chris McElroy, Superintendent of Public Instruction, Olympia, 753-6760; and Enforcement: John A. Pearson, Superintendent of Public Instruction, Olympia, 753-1545.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 392-202-110 Awards for teachers, principals, administrators, and classified staff, to change language to reflect a recognition award amount of \$2,500 for teachers, principals, administrators, and classified staff. The purpose is to simplify the administration of the award disbursement. It will reduce paperwork and staff time; and WAC 392-202-120 Award for superintendent, to change language to reflect a recognition award amount of at least \$1,000 for superintendents in first class school districts. This rule will reduce paperwork and staff time in disbursement of award amount.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: Old Capitol Building, 2nd Floor, Wanamaker Conference Room, 600 South Washington Street, Olympia, WA 98504-7200, on September 9, 1994, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by August 26, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (206) 753-4201, by September 8, 1994.

Date of Intended Adoption: September 12, 1994.

July 20, 1994
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 93-16, filed 9/21/93, effective 10/22/93)

WAC 392-202-110 Awards for teachers, principals, administrators, and classified staff. The award for educational excellence for teachers, classified employees, and principals or administrators shall include:

(1) A certificate presented by the governor and superintendent of public instruction in public ceremony(ies); and

(2) The ~~((recipients' choice of one of the following:~~

~~(a) An academic cash grant worth up to forty five quarter or thirty semester credits, reimbursable at a rate not to exceed the part-time, resident, graduate cost per credit at the University of Washington. The grant may be used at eligible private schools in Washington provided the school matches the state grant dollar for dollar with actual cash or a tuition waiver;~~

~~(b) A grant not to exceed one thousand dollars, which shall be used for educational purposes; or~~

~~(c) A recognition stipend not to exceed one thousand))~~
recipient shall receive a recognition award of at least two thousand five hundred dollars.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-120 Award for superintendent. The awards for superintendent shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) ~~((A grant not to exceed one thousand dollars, which shall be used for educational purposes.))~~ The amount of the recognition award shall be at least one thousand dollars for superintendents employed in first class school districts. The award for superintendents employed in second class school districts shall be at least two thousand five hundred dollars.

WSR 94-16-034

PROPOSED RULES

DEPARTMENT OF

GENERAL ADMINISTRATION

[Filed July 26, 1994, 4:20 p.m.]

Original Notice.

Title of Rule: Surplus property disposal priorities, intent of priorities.

Purpose: To prohibit state agencies, colleges, universities, political subdivisions and tax-exempt nonprofits from profiting from immediate resale of surplus property.

Other Identifying Information: WAC 236-48-1902 is a new section providing action against accounts in arrears or priority buyers that do not comply with this section.

Statutory Authority for Adoption: RCW 43.19.1919.

Statute Being Implemented: RCW 43.19.1919.

Summary: Surplus property transferred, purchased or donated pursuant to the priorities of WAC 236-48-190 is intended for the sole use of the purchaser, transferee or donee, and not for profit from resale of surplus property.

Reasons Supporting Proposal: Surplus property is to be used in the best interests of the people of the state and to aid institutions and individuals that are not meeting basic needs, not to generate profit for priority beneficiaries.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Neil House, Commodities Re-dist., 477-3933.

Name of Proponent: Department of General Administration, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Noncompliance may result in loss of priority purchase status.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules add tax-exempt nonprofits to the list of disposal priorities and prohibits profits from immediate resale of surplus property. In 1991, the legislature recognized that it was in the best interests of the people of the state to use surplus property wisely, even to assist the homeless in meeting their basic needs. Section 1, chapter 216, Laws of 1991. Preventing immediate resale of state surplus property makes that property more available to meet basic needs and, therefore "of great assistance to homeless persons throughout the state."

Proposal Changes the Following Existing Rules: Adds tax-exempt nonprofits to the disposal priorities list.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These rules have no impact on the business economy under RCW 19.85.030.

Hearing Location: 1st Floor Auditorium, General Administration Building, 11th and Columbia, Olympia, Washington 98504, on September 16th, at 9 to 11 a.m.

Assistance for Persons with Disabilities: Contact Julie Boyer, ADA Coordinator by September 1, 1994, TDD 664-3799, or (206) 586-5144.

Submit Written Comments to: APA Coordinator, P.O. Box 41018, Olympia, WA 98504-1018, FAX (206) 664-9040, by September 16, 1994.

Date of Intended Adoption: September 30, 1994.

July 22, 1994
Nancy Locke
Staff Director

[AMENDATORY SECTION (Amending WSR 92-09-016, filed 4/3/92)]

WAC 236-48-190 Surplus property disposal priorities Excess and/or surplus property will be offered for sale, transfer, or donation as designated below and according to the following priorities:

- (1) Sale or transfer to state agencies (including state universities and colleges);
- (2) Sale or transfer to other tax supported educational agencies;
- (3) Sale or transfer to tax-supported agencies, municipalities or political subdivisions within the state of Washington;
- (4) Sale or transfer to tax-exempt nonprofits;
- (5) Donation of surplus, tangible personal property to qualified shelters as described in and in accordance with RCW 43.19.1920.
- (6) Sale to the general public including by auction, sealed bid and negotiation;
- (7) Other action as needed, such as destruction where it has been determined that the item has no sale value.

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

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

[NEW SECTION]

WAC 236-48-1902 Surplus property — Intent of state surplus priorities Surplus property purchased, transferred or donated pursuant to the priorities of WAC 236-48-190 (1-5) is intended for the sole use of the purchaser, transferee or donee. Entities with priority under WAC 236-48-190 (1-5) shall not profit from the immediate resale of surplus property.

The director of General Administration may take action against accounts in arrears or priority buyers who do not comply with the intent of this section. An account is in arrears when it is 60 days past due or 90 days past issuance of invoice. Such action includes, but is not limited to, cancellation or suspension of shopping privileges, cancellation or suspension of priority shopping status.

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

**WSR 94-16-035
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION**

[Filed July 26, 1994, 4:24 p.m.]

Original Notice.

Title of Rule: Preference for Class II correctional industries products.

Purpose: To effect compliance with RCW 43.19.534.

Statutory Authority for Adoption: RCW 43.19.534.

Statute Being Implemented: RCW 34.19.534 [43.19.534].

Summary: The legislature has given purchase priority to goods and services produced or provided by correctional industries, when they primarily replace goods or services obtained from outside the state, indicating a balance between commercial and social considerations.

Reasons Supporting Proposal: These regulations clarify the roles and responsibilities of the Department of General Administration and the Department of Corrections to effect compliance with state law pertaining to state purchases of goods and services.

Name of Agency Personnel Responsible for Drafting: Steve Borchardt, General Administration Building, 753-4243; Implementation: Nancy Locke, General Administration Building, 753-5435; and Enforcement: Alan Kurimura, General Administration Building, 753-6461.

Name of Proponent: General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implement state law that gives purchase priority to correctional industries goods and services if they primarily replace goods or services obtained from outside the state of Washington.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The economic impacts, if any, result from the statute. These regulations simply provide the transactional basis for compliance between the Department of General Administration and the Department of Corrections, correctional industries program.

Hearing Location: 1st Floor, General Administration Building, 11th and Columbia, Olympia, Washington 98504, on September 19, 1994, at 9 to 11 a.m.

Assistance for Persons with Disabilities: Contact Julie Boyer by September 1, 1994, TDD 664-3799, or (206) 586-5144.

Submit Written Comments to: APA Coordinator, P.O. Box 1018, Olympia, WA 98504-1018, FAX (206) 664-9040, by September 19, 1994.

Date of Intended Adoption: September 30, 1994.

July 22, 1994

Nancy Locke
Staff Director

[NEW SECTION]

WAC 236-49-055 Preference for correctional industries Class II products. The following provisions indicate how the Department of Corrections and the Department of General Administration will implement a purchasing program for Correctional Industries, Class II goods and services:

(1) Correctional Industries will identify the goods and services available for purchase through the Office of State Procurement and confirm the same in writing to the Director of the Department of General Administration. The writing from Correctional Industries will include a request that the Office of State Procurement tender to Correctional Industries a mandatory use contract to sell these goods and services to state agencies, the legislature and departments in accordance with RCW 43.19.534. A mandatory use contract will be executed between the Office of State Procurement and Correctional Industries that complies with state law and covers all specified Class II goods and services that are produced in whole, or in part, by Correctional Industries.

(2) All goods and services covered by the General Administration mandatory use contract are to be purchased from Correctional Industries. General Administration will administer these contracts.

(3) Any state agency, branch of the legislature or department may apply for an exemption from the Correctional Industries purchase preference. The exemption request shall be in the form of a written application presented to the Director of General Administration. For an exemption to issue, there shall first be a contract executed between Correctional Industries and the Department of General Administration, and the following elements must be proven to the satisfaction of the Director of General Administration:

a) the goods or services provided by Correctional Industries do not meet the reasonable requirements of the applicant/agency, legislature or department;

b) the goods or services provided by Correctional Industries are not of equal or better quality than comparable goods or services available from the private marketplace, or;

c) the correctional industries price for the goods or services is higher than that produced by the private sector.

(4) However, goods or services produced by Class II Correctional Industries programs which primarily replace goods manufactured or services obtained from outside the state of Washington are not subject to the criteria contained in paragraph three (3), infra., and shall be purchased solely from Correctional Industries.

(5) Correctional Industries, Class II purchasing requirements supersede the second proviso of RCW 43.19.190(2), where Correctional Industries offers the goods or services through state contract and the goods are manufactured and/or services are obtained from outside the state of Washington.

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

[AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91)]

WAC 236-48-096 Bid award preference In conducting purchases of goods and/or services, preference shall be given to the extent allowed by statute:

(1) Under RCW 43.19.536, to those goods and services produced in whole or in part by Class II inmate programs operated by the Department of Corrections. These goods and services shall be purchased from Correctional Industries through state contracts administered by the Department of General Administration, unless upon application by a state agency, the legislature or departments, the Director of the Department of General Administration, or his or her representative, finds that:

a) the Correctional Industries products or services do not meet the reasonable requirements of the applicant/agency, legislature or department;

b) the Correctional Industries products or services are not of equal or better quality, or;

c) the Correctional Industries price for the product or service is higher than that available in the private sector.

However, goods or services produced by Class II Correctional Industries programs which primarily replace goods manufactured or services obtained from outside the state of Washington are not subject to the criteria contained in paragraph one (1), infra., and shall be purchased solely from Correctional Industries.

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

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

**WSR 94-16-036
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION**
[Filed July 26, 1994, 4:35 p.m.]

Original Notice.

Title of Rule: Parking program for state facilities off the state capitol grounds in Thurston County.

Purpose: The purpose of these rules is to implement the legislative mandate in RCW 46.08.172, as amended by ESHB 2067, to establish equitable and consistent parking rental fees for state-owned and leased properties. It is the department's intent to implement parking fees throughout the state beginning with Thurston County outside the capitol grounds.

Statutory Authority for Adoption: RCW 46.08.172.

Statute Being Implemented: RCW 46.08.172.

Summary: The proposed rules establish parking rental fees for state facilities off the state capitol grounds within Thurston County. The rules also define categories of users and vehicles. In addition, the Department of General Administration is authorized to establish other permits and issue a fee schedule for each. Except for the capitol campus, the director delegates the responsibility for the collection of parking fees to other agencies of state government. Criteria for adjusting the level of parking rental fees at individual state facilities is also established. The Department of General Administration will promulgate parking rental fees throughout the state after considering comparable market rates in individual geographic area(s), beginning with Thurston County. There are new sections on severability, delegation of authority, and provisions relating to existing leases.

Reasons Supporting Proposal: The legislative mandate is to reduce state subsidization of parking under RCW 46.08.172, as amended. The director of the Department of General Administration is empowered to establish equitable and consistent parking rental fees for state-owned and state-leased properties, considering comparable market rates. To ensure flexible approaches to developing administrative rules and to ensure early joint planning for meaningful public participation in the administrative rule-making process, the department also invited a regional committee representative of affected state agencies, employees, employee bargaining units, local jurisdictions and the business community to advise the director on parking rental fees.

Name of Agency Personnel Responsible for Drafting: Steve Borchardt, P.O. Box 41018, General Administration Building, Olympia, WA 98504, 753-4243; Implementation and Enforcement: J. Duncan Crump, P.O. Box 41025, Plaza Garage, Olympia, WA 98504, 753-3269.

Name of Proponent: Department of General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed rules is to implement the general legislative mandate of RCW 46.08.172, as amended, to ensure the establishment of equitable, and consistent parking rental fees for state-owned and state-leased properties. The focus of these rules are on state facilities located in Thurston County, except for the capitol grounds. The rules explain that the director of general administration has delegated the authority for the collection of parking rental fees to other agencies of state government. These rules outline the authority of the director of general administration to establish fee schedules for various situations and establish the factors and criteria to be used by the

director when adjusting parking rental fees. The anticipated effects are an equitable and consistent parking rental fee structure for Thurston County state facilities, a reduction in state subsidization of parking, and an increased use of high occupancy vehicles.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The adoption of this rule will not impose more than a minor economic impact on more than twenty percent of all industries or more than ten percent of any one industry under the provisions of RCW 19.85.030. These rules govern parking programs for state facilities used primarily by state employees. Private visitors from any industry or small business comprise an insignificant percentage of the affected users.

Hearing Location: 1st Floor Auditorium, General Administration Building, 11th and Columbia, Olympia, Washington, on September 13, 1994, at 11 a.m. to 1:00 p.m. and 4 p.m. to 5:30 p.m.

Assistance for Persons with Disabilities: Contact Julie Boyer, ADA Coordinator by September 1, 1994, TDD (206) 664-3799, or (206) 586-5144.

Submit Written Comments to: APA Coordinator, P.O. Box 41018, Olympia, WA 98504-1018, FAX (206) 664-9040, by September 13, 1994.

Date of Intended Adoption: September 30, 1994.

July 21, 1994

Tim Arnold

Assistant Director

Proposed New Administrative Rules
Department of General Administration
Chapter 236-15 WAC
Parking Program for State Facilities off the
State Capitol Grounds in Thurston County

NEW SECTION

WAC 236-15-010 Purpose. The purpose of these rules is to implement the legislative mandate in RCW 46.08.172 to establish equitable and consistent parking rental fees for state-owned and leased properties within Thurston County outside the state capitol grounds.

NEW SECTION

WAC 236-15-015 Definitions. As used in this chapter, the following terms shall mean:

(1) "Agency assigned uses" means parking stalls reserved exclusively for:

(a) agency use at state-owned or leased facilities;

(b) state-owned or leased motor vehicles available for temporary assignment;

(c) state-owned or leased motor vehicles permanently assigned to individual employees (but not available for commuting purposes); and

(d) state-owned or leased motor vehicles permanently assigned to individual employees (and available for commuting), if those employees are required to perform primary duties away from the assigned facility.

(2) "Carpool" means a motor vehicle occupied by two (2) to four (4) people traveling together for their commute trip that results in the reduction of a minimum of one motor

vehicle trip. (Those under 16 years of age are excluded because they do not eliminate a motor vehicle trip.)

(3) "Department" means the department of general administration.

(4) "Director" means the director of the department of general administration.

(5) "Disabled" means any person who has made application to the department of licensing in accordance with WAC 308-96A-310, and displays a valid permit in accordance with WAC 308-96A-310 and WAC 308-96A-315.

(6) "Employee" means any person assigned to a state facility, including the staff of vendors, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at that facility.

(7) "Parking program" means policies and procedures designed for the specific users of state facility parking areas/ lots.

(8) "Shift worker" means any employee whose regularly scheduled work shift is totally outside his/her agency's core hours, as established by Merit System Rule 356-15-095.

(9) "State facilities" means all state-owned and leased properties.

(10) "Vanpool" means a motor vehicle occupied by five (5) or more people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. (Those under 16 years of age are excluded because they do not eliminate a motor vehicle trip.)

(11) "Visitor" means any person parking at a state facility who is not employed at that facility.

(12) "Zoned parking" means parking areas/lots where individuals are assigned to a zone, but not to an individual stall.

NEW SECTION

WAC 236-15-050 Parking program responsibilities.

(1) State agencies which have control over parking areas at state facilities and are charging parking rental fees as established in WAC 236-15-100, should develop a program to regulate parking in those areas. Recommended program elements include:

(a) Written policies and procedures. A current copy should be sent to and maintained at the department of general administration, office of parking services;

(b) Parking registration;

(c) Compliance with the Americans With Disabilities Act for disabled parkers;

(d) Provisions for carpool and vanpool parking;

(e) Provisions for visitor parking;

(f) Provisions for employees who are specifically required to use their own motor vehicles as a primary condition of employment. Agency directors or their designees may elect to have the agencies pay for these employees' parking rental fees or allow them to park in agency stalls; and

(g) Provisions for part-time, intermittent, and irregularly scheduled employees.

(2) State agencies are encouraged to implement zoned parking wherever practicable.

(3) State agencies are encouraged to have a permitting and enforcement program.

(a) If an agency chooses to have a permitting program, it is encouraged to use the department's permits to provide consistency, and to take advantage of lower bulk prices. Agencies are also encouraged to require permits to be located on motor vehicles in a manner consistent with similar department capitol grounds policies.

(b) Where enforcement programs are implemented, it is recommended that they include:

(i) Noncompliance fees consistent with fees in effect on the capitol grounds;

(ii) Provisions for impoundment;

(iii) Provisions for suspension and/or revocation of parking privileges; and

(iv) Provisions for hearing rights related to fees, impoundment, and suspension and/or revocation of parking privileges.

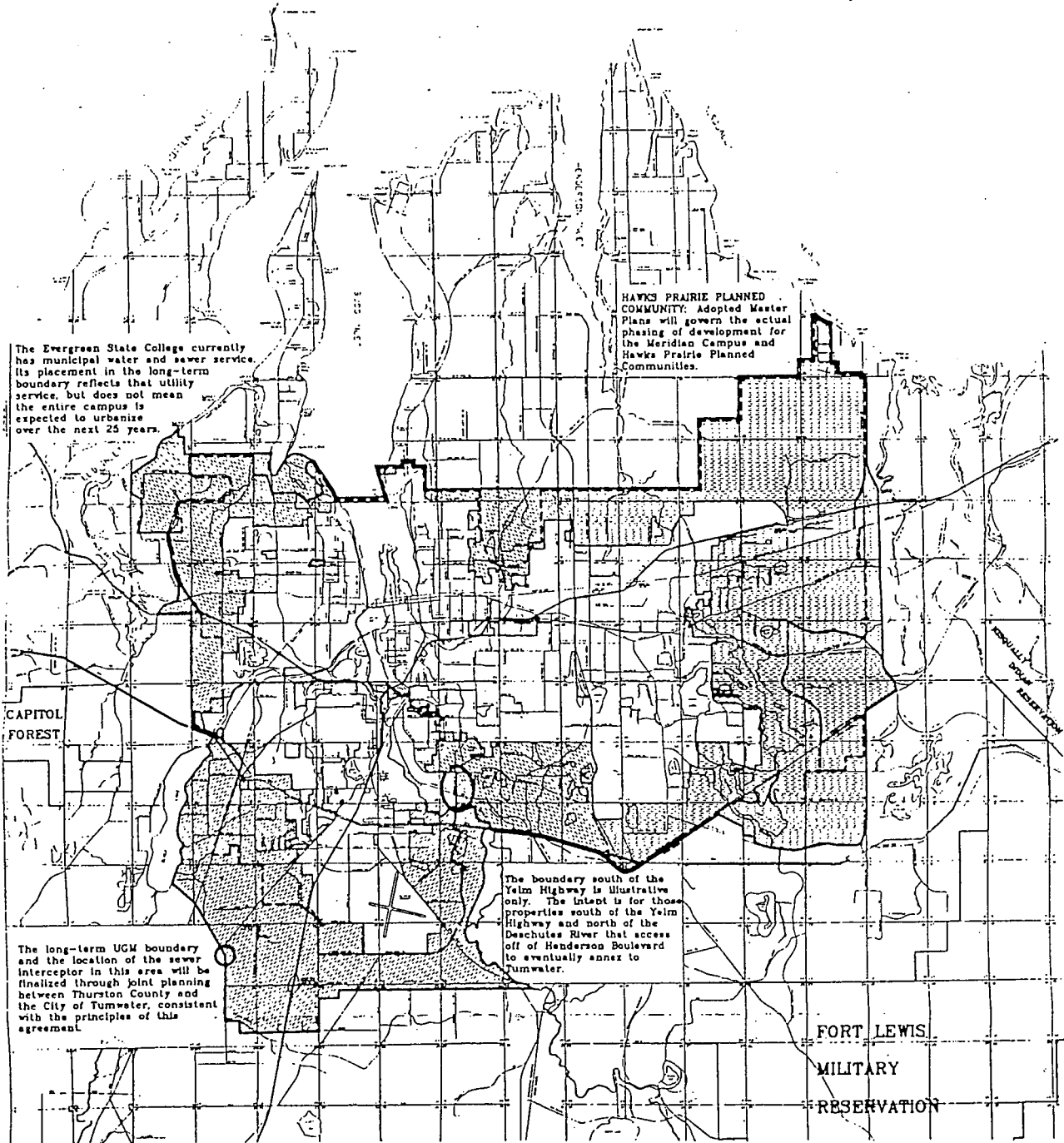
NEW SECTION

WAC 236-15-100 Parking rental fees for state facilities off the state capitol grounds in Thurston County. (1) For the purpose of setting parking rental fees, Thurston County is divided into two zones. They are as follows:

Zone 1 - defined by the Long-term Olympia, Lacey, Tumwater Urban Growth Management Boundary (UGMB), and

Zone 2 - the remainder of Thurston County not within the Long-term Olympia, Lacey, Tumwater Urban Growth Management Boundary.

PROPOSED



URBAN GROWTH MANAGEMENT

- CITY LIMITS
- PROPOSED UGM BOUNDARY
- SHORT TERM
- LONG TERM
- LACEY/COUNTY JOINT PLANNING AREA
- OLYMPIA/COUNTY JOINT PLANNING AREA
- TUMWATER/COUNTY JOINT PLANNING AREA



JUNE 20, 1988

Prepared by:
 THURSTON COUNTY PUBLIC WORKS
 THURSTON REGIONAL PLANNING COUNCIL
 CITY OF OLYMPIA
 CITY OF LACEY

(2) The parking rental fees for state facilities off the state capitol grounds in Thurston County Zone 1 shall be as follows:

PARKING USES	PARKING RENTAL FEES
(a) Agency assigned uses	no charge
(b) Employee uses:	
(i) General "zoned"	\$15 per month
(ii) Leased/reserved areas and/or stalls	\$20 per month
(iii) Disabled employees when general employee parking is zoned	\$15 per month
(iv) Disabled employees when general employee parking is leased/reserved	\$20 per month
(v) Shift workers (non-core hours)	no charge
(v) Part-time (less than 20 hours per week), intermittent, or irregularly scheduled employees	agency discretion (not to exceed \$15/month)
(c) Motorcycle, motor-driven cycle/moped uses	\$10 per month
(d) Visitor uses	
(i) Metered parking	\$.50 per hour,
(ii) Unmetered parking	no charge
(iii) Disabled visitors	no charge
(e) Carpool	agency discretion (not to exceed \$15/month)
(f) Vanpool	no charge

(g) In addition to the permits issued under (a), (b), (c), (d), (e) and (f) of this subsection, the department may establish rates for other uses as required. The department will establish a fee schedule for such uses, and will keep such fee schedule on file at the Department of General Administration, Office of Parking Services, Plaza Garage, D Level, Post Office, Box 41025, Olympia, Washington 98504-1025. Such fee schedule will be available to any person upon request.

(3) The parking rental fees for state facilities off the state capitol grounds in Thurston County Zone 2 shall be as follows:

PARKING USES	PARKING RENTAL FEES
All Uses	no charge

(4) If there is a contract or lease provision which sets fees to be charged to parkers at a state facility which is in effect on the date of adoption of this rule, the schedule of fees set forth in subsection (1) of this rule shall not apply to the parking covered by that contract or lease. This exemption shall be in effect only for the duration of the current term of the existing contract or lease.

(5) The director has set the parking rental fees for the following categories of state facilities at "no charge":

- (a) Roads and highways
- (b) Rest areas
- (c) Weigh stations on highways and roadways
- (d) Institutions of higher education (which are covered by RCW 28B)
- (e) Park and ride facilities
- (f) Parking provided at state owned/leased living quarters assigned to state employees.

(6) The director may, upon written request by an agency director, authorize a different schedule of fees for individual state facilities than provided in subsection (2) of this rule. In determining whether to authorize a different schedule of fees, the director shall consider one or more of the following factors:

- (a) Transportation demand management or commute trip reduction requirements and availability;
- (b) Unusual market conditions;
- (c) Remoteness of location;
- (d) Other factors.

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 236-15-200 Delegation. With the exception of the capitol campus, the director, in accordance with RCW 46.08.172, has determined it is cost effective, and is delegating the responsibility for the collection of parking rental fees to other agencies of state government.

NEW SECTION

WAC 236-15-300 Monthly parking fee payments. Non-state personnel will be billed for parking by the agency that controls the assigned parking lot. State employee parking rental fees shall be paid by payroll deduction.

NEW SECTION

WAC 236-15-700 Liability of state. The state assumes no liability for motor vehicles parked on state-owned or leased property, or in state-owned or leased parking facilities. Only a license, not a bailment, is created by the rental of parking spaces or issuance of a permit to park on state property.

NEW SECTION

WAC 236-15-800 Director review. The director shall review WAC 236-15 periodically to determine if changed circumstances warrant revisions. Such review shall occur no later than three years from the date of initial promulgation or from subsequent review.

NEW SECTION

WAC 236-15-900 Severability. If any provision of this chapter is held invalid, the remainder of the chapter is not affected.

WSR 94-16-050
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed July 27, 1994, 2:50 p.m.]

Continuance of WSR 94-12-056.
 Title of Rule: Repealing WAC 356-30-331 Reduction in force—Transition pool.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on September 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (206) 586-4694, by September 6, 1994.

Date of Intended Adoption: September 8, 1994.

July 21, 1994
Dennis Karras
Secretary

WSR 94-16-051
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed July 27, 1994, 2:53 p.m.]

Continuance of WSR 94-12-060.

Title of Rule: Amending WAC 356-10-020 Classification plan—Revision, 356-10-040 Employee appointment status—Downward reallocation, 356-10-045 Employee appointment status—Lateral reallocation, and 356-10-050 Employee appointment status—Upward reallocation.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 421 Capitol Way South, Olympia, WA, on September 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (206) 586-4694, by September 6, 1994.

Date of Intended Adoption: September 8, 1994.

July 21, 1994
Dennis Karras
Secretary

WSR 94-16-052
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed July 27, 1994, 2:55 p.m.]

Continuance of WSR 94-12-057.

Title of Rule: Amending WAC 251-04-105 Method and completion of service.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on September 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (206) 586-4694, by September 6, 1994.

Date of Intended Adoption: September 8, 1994.

July 21, 1994
Dennis Karras
Secretary

WSR 94-16-053
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed July 27, 1994, 2:59 p.m.]

Continuance of WSR 94-12-058.

Title of Rule: Amending WAC 251-06-020 Classification plan—Adoption and 251-08-112 Salary—Reallocation.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on September 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (206) 586-4694, by September 6, 1994.

Date of Intended Adoption: September 8, 1994.

July 21, 1994
Dennis Karras
Secretary

WSR 94-16-059
PROPOSED RULES
OFFICE OF MARINE SAFETY

[Filed July 28, 1994, 10:19 a.m.]

Continuance of WSR 94-12-093.

Title of Rule: Chapter 317-40 WAC, Bunkering operations.

Purpose: To establish procedures for vessel refueling operations to reduce the likelihood of oil spills.

Statutory Authority for Adoption: RCW 43.211.030.

Statute Being Implemented: RCW 88.46.170.

Summary: This chapter establishes training, communication and watch procedures to increase the ability to prevent oil spills during refueling operations of both receiving and delivering vessel personnel.

Reasons Supporting Proposal: This chapter accomplishes the purpose of RCW 88.46.170 to prevent refueling (bunkering) related oil spills in Washington waters.

Name of Agency Personnel Responsible for Drafting: Jeff Fishel, 711 State Street, Olympia, WA, (206) 664-9110; Implementation: David Johnson, 711 State Street, Olympia, WA, (206) 664-9110; and Enforcement: Bruce Sutherland, 711 State Street, Olympia, WA, (206) 664-9110.

Name of Proponent: Washington State Office of Marine Safety, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter establishes procedures for training personnel to increase safety awareness; for communicating essential information in a timely and understandable manner; for standing watch during a refueling operation; and for ensuring personnel are rested and have clear work assign-

ments. Following these procedures will increase the awareness of personnel performing routine refueling operations.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: David Johnson, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407, phone (206) 664-9110, or FAX (206) 664-9127.

Date of Intended Adoption: July 29, 1994.

July 27, 1994
Barbara Herman
Administrator

WSR 94-16-061
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 28, 1994, 10:54 a.m.]

Original Notice.

Title of Rule: WAC 180-16-233 Temporary out-of-endorsement assignment criteria.

Purpose: To clarify when a school district must seek a waiver from the State Board of Education to place a teacher in a temporary out-of-endorsement assignment and the length of time the waiver is valid.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: If a school district does not meet the conditions set out in subsection (1), (2) and (3), a request for waiver must be submitted to the state board. The board can approve the waiver for three years or less.

Reasons Supporting Proposal: Current language allows misinterpretation.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Linda Byrnes, State Board of Education, Olympia, (206) 753-6710.

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: The rule provides the criteria to a school district to assign a classroom teacher to a temporary out-of-endorsement teaching assignment. It also provides a waiver option if the criteria are not met. The changes to this rule should clarify the process.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: George Washington Bush Middle School, 2120 83rd Avenue S.W., Tumwater, WA 98501, on September 22, 1994, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 8, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by September 21, 1994.

Date of Intended Adoption: September 23, 1994.

July 28, 1994

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 93-07-102, filed 3/23/93, effective 4/23/93)

WAC 180-16-223 Temporary out-of-endorsement assignment criteria. In order to assign a classroom teacher to an out-of-endorsement assignment for more than one year, the board of directors of the district must comply with the following:

(1) The board of directors of the district must make one or more of the following factual determinations:

(a) The district was unable to recruit a teacher with the proper endorsement who was the best qualified of candidates for the position.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

(2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.405.100 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The board of directors of the district shall comply with the following conditions:

(a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

(b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day.

PROPOSED

(c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.

(d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to subsection (3)(a) of this section. Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5)(a) If the conditions in subsections (1), (2) and (3) of this section are met, a school district may place a teacher in an out-of-endorsement assignment without the approval of the state board of education.

(b) If the conditions in one or more of subsection (1), (2) or (3) of this section are not met a school district must apply for a waiver under subsection (6) of this section.

(6) Provided, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education or such lesser period as specified by the board, if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

WSR 94-16-062
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 28, 1994, 10:56 a.m.]

Original Notice.

Title of Rule: WAC 180-26-025 Racial imbalance—Definition and acceptance criteria.

Purpose: As drafted, this revision will bring WAC 180-26-025 into compliance with the current definition of racial imbalance.

Statutory Authority for Adoption: RCW 28A.525.020.

Statute Being Implemented: RCW 28A.525.166(4).

Summary: At the March 24-25, 1994, meeting of the State Board of Education, the board adopted a new definition of racial imbalance. Per the board's directive, staff prepared the amendment to WAC 180-26-025 to reflect the adopted definition of racial imbalance.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Olympia, (206) 753-6742; and Enforcement: Alberta Mehring, Office of Superintendent of Public Instruction, Olympia, (206) 753-6702.

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: WAC 180-26-025 defines the racial imbalance criteria for site approval in the school construction process. At the March 1994 meeting of the State Board of Education, the board considered and adopted a new definition of racial imbalance. To that end, the board directed staff to amend WAC 180-26-025 Racial imbalance—Definition and acceptance criteria, to bring the WAC into compliance with the new racial imbalance interpretation.

Proposal Changes the Following Existing Rules: This proposal will impact WAC 180-27-115(5) dealing with racial imbalance. This rule will be amended to bring it into compliance with current definition.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: George Washington Bush Middle School, 2120 83rd Avenue S.W., Tumwater, WA 98501, on September 22, 1994, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 8, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by September 21, 1994.

Date of Intended Adoption: September 23, 1994.

July 28, 1994
Larry Davis
Executive Director

AMENDATORY SECTION (Amending Order 5-84, filed 5/17/84)

WAC 180-26-025 Racial imbalance prohibition—Definition and acceptance criteria. The superintendent of public instruction shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be defined as the situation that exists when ~~((the combined minority student enrollment in a school plant facility exceeds the district-wide combined minority average by twenty percentage points, provided that the single))~~ minority enrollment (as defined by current federal categories) of a school plant facility ~~((will not exceed fifty percent of the school plant facility enrollment. This section shall not apply to public schools located on American Indian reservations))~~ is as follows:

(1) General rule. As a general rule—except for greater than fifty percent minority school districts—racial imbalance shall be defined as the situation that exists:

(a) When the combined minority enrollment of a school exceeds the district-wide combined minority percentage by twenty percentage points or more; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(2) Greater than fifty percent minority districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent. Racial imbalance in a greater than fifty percent minority, nonmultiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percentage points; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(3) Greater than fifty percent minority, multiracial districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent and consists of two or more minority group enrollments which are each greater than twenty percent. Racial imbalance in a greater than fifty percent minority, multiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage

by more than plus or minus twenty-five percent percentage points; or

(b) When a school's enrollment of a single minority exceeds the combined district-wide minority percentage.

(4) Exclusions—This policy does not apply to:

(a) Public schools located on American Indian reservations; or

(b) School buildings which are the sole site within a school district for the conduct of a regular or special needs program for students of the age(s) or grade level(s) served at the site; or

(c) Student enrollments in programs established and conducted to address extraordinary educational needs, such as bilingual orientation programs, where the assignment and enrollment of students are based solely upon their extraordinary educational needs, the enrollment of students in the program is limited to the duration of their extraordinary educational need, and adherence to the policy would defeat the educational purpose of the program.

WSR 94-16-069

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed July 29, 1994, 9:38 a.m.]

Original Notice.

Title of Rule: WAC 204-10-040 Motorcycle helmets.

Purpose: Amending rule to clarify standards for motorcycle helmets.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.530.

Statute Being Implemented: RCW 46.37.530.

Summary: Amendment is necessary to clarify the federal standards outlined in the RCW for motorcycle helmets.

Reasons Supporting Proposal: Court of appeals decision.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. L. Brackins, 515 15th Avenue, Olympia, (206) 753-0347.

Name of Proponent: Washington State Patrol, governmental.

Rule is necessary because of state court decision, State v. Maxwell, et al 74 Wn. App. 688 (1994).

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment will satisfy the court of appeals decision on motorcycle helmets.

Proposal Changes the Following Existing Rules: Adds additional information for persons required to wear motorcycle helmets meeting the federal standards.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The changes are further clarification of the federal standards already adopted by the state.

Hearing Location: General Administration Building Auditorium, 1st Floor, Olympia, Washington 98504, on September 7, 1994, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Bart by August 31, 1994, (206) 753-4453.

Submit Written Comments to: Lt. L. Brackins, FAX (206) 586-8233, by August 31, 1994.

Date of Intended Adoption: September 8, 1994.

July 29, 1994
Roger W. Bruett
Chief

AMENDATORY SECTION (Amending Order 91-008, filed 11/1/91, effective 12/2/91)

WAC 204-10-040 Motorcycle helmets. (1) The Washington state patrol has hereby adopted by reference, Federal Motor Vehicle Safety Standard 218 ((is hereby adopted by reference)) (49 C.F.R. Sec. 571.218) as the standard for motorcycle helmets.

(2) Motorcycle helmets are to meet the following Federal Motor Vehicle Safety Standard 218, labeling requirements. Each helmet shall be labeled permanently and legibly, in a manner such that the label(s) can be read easily without removing padding or any other permanent part, with the following:

(a) Manufacturer's name or identification.

(b) Precise model designation.

(c) Size.

(d) Month and year of manufacture. This may be spelled out (e.g., June 1988), or expressed in numeral (e.g., 6/99).

(e) The symbol DOT, constituting the manufacturer's certification that the helmet conforms to the applicable Federal Motor Vehicle Safety Standard. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least three-eighths inch (one centimeter) high.

(f) Instructions to the purchaser as follows:

(i) "Shell and liner constructed on (identify type(s) of materials)."

(ii) "Helmet can be seriously damaged by some common substances without damage being visible to the user. Apply only the following: (Recommended cleaning agents, paints, adhesives, etc., as appropriate)."

(iii) "Make no modifications. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy it and replace it."

(iv) Any additional relevant safety information should be applied at the time of purchase by means of an attached tag, brochure, or other suitable means.

(3) If a motorcycle helmet meeting the above federal requirements is to be equipped with an electronic device for transmitting sound, the speaker portion, affixed to the helmet, must not enter or completely block the ear canals.

**WSR 94-16-072
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Institutions)

[Filed July 29, 1994, 12:38 p.m.]

Continuance of WSR 94-12-005.

Title of Rule: New chapter 275-57 WAC, Community mental health programs; and repealing chapter 275-56 WAC, Community mental health programs.

Purpose: Removes cumbersome and burdening regulations that draw resources from the delivery of direct services to mental health consumers. Meets mandates of consumers, advocates, and family members for a stronger voice in governance and quality improvement activities of the mental health system.

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

Date of Intended Adoption: August 17, 1994.

July 29, 1994

Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

**WSR 94-16-090
PROPOSED RULES
GRAYS HARBOR COLLEGE**

[Filed August 1, 1994, 3:45 p.m.]

Original Notice.

Title of Rule: Chapter 132B-300 WAC, Grievance procedure—Handicapped.

Purpose: To delete references to Title IX discrimination which will be covered in chapter 132B-310 WAC. The vice-president for student services replaces the Title IX/handicap officer of the college.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Summary: This proposed rule change deletes references to Title IX discrimination which are the subject of other college rules. The vice-president for student services replaces the Title IX/handicap officer at the college.

Name of Agency Personnel Responsible for Drafting and Implementation: Dale Johnson, Grays Harbor College, Aberdeen, 98520, (206) 532-9020; and Enforcement: Dr. Jewell Manspeaker.

Name of Proponent: Grays Harbor College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule change is a housekeeping measure which deletes references to Title IX sex discrimination and sexual harassment covered in other college rules. The vice-president for student services replaces the Title IX/handicap officer for ease of references.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There is no small business impact. Changes are technical in nature.

Hearing Location: Grays Harbor College, 200 Building, Boardroom, 1629 Edward P. Smith Drive, Aberdeen, WA 98520, on September 19, 1994, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Dale Johnson by September 18, 1994, (206) 532-9020.

Submit Written Comments to: Dr. Jewell Manspeaker, Grays Harbor College, Aberdeen, Washington 98520, FAX (206) 538-4299, by September 18, 1994.

Date of Intended Adoption: September 19, 1994.

July 26, 1994
Dr. Jewell Manspeaker
President

Chapter 132B-300 WAC
GRIEVANCE PROCEDURE—HANDICAPPED

AMENDATORY SECTION (Amending Order 78-1, Resolution No. 17-78, filed 12/1/78)

WAC 132B-300-010 Statement of policy. Grays Harbor Community College is covered by (~~Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and~~) Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in education. It is the policy of Grays Harbor Community College to ensure equal opportunity without regard to (~~sex or~~) handicap status in all areas of admission, education, application for employment, and employment.

A grievance procedure is required by (~~Title IX of the Education Amendments of 1972 and~~) Section 504 of the Rehabilitation Act of 1973.

AMENDATORY SECTION (Amending Order 78-1, Resolution No. 17-78, filed 12/1/78)

WAC 132B-300-020 Grievance procedure. (1) Any applicant for admission, enrolled student, applicant for employment or employee of Grays Harbor Community College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedures:

(a) Step 1: Informal meeting. The complainant may request an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting, the complainant may request a meeting with the college (~~Title IX/handicap officer~~) vice-president for student services.

(i) The request for an official hearing must be made in writing and must stipulate the specific grievance(s) the complainant wishes to raise.

(ii) Within 30 calendar days of receiving the written request, the (~~college Title IX/handicap officer~~) vice-president for student services shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the college officer, who will chair the meeting.

(iii) Following the hearing and within 30 calendar days of receiving the written request, the college officer will report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

(c) Step 3: Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the (~~college Title IX/handicap officer~~) vice-president for student services, either the complainant or the person to whom the

complaint is directed may request an appeal to the college president.

(i) The request must be made in writing within 10 days after receipt of the written results of the Step 2 official hearing.

(ii) Within 15 days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or designee, the (~~Title IX/handicap officer~~) vice-president for student services, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or presidential designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

(v) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, HEW, 1321 Second Avenue, Seattle, Washington 98101.

(b) The Equal Opportunity Commission, 705 Second Avenue, Seattle, Washington 98101.

(c) The Human Rights Commission, 402 Evergreen Plaza Building, 7th and Capitol Way, Olympia, Washington 98504.

WSR 94-16-091

PROPOSED RULES

GRAYS HARBOR COLLEGE

[Filed August 1, 1994, 3:47 p.m.]

Original Notice.

Title of Rule: Chapter 132B-310 WAC, Grievance rules—Title IX.

Purpose: To establish rules governing the filing of grievances based on sex discrimination and sexual harassment.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: 29 U.S.C. Section 794, 20 U.S.C. Section 1681(a), chapter 49.60 RCW.

Summary: Identifies grievance procedures for employees, applicants for employment, enrolled students and applicants for admission to file a formal complaint based upon sex discrimination or sexual harassment.

Name of Agency Personnel Responsible for Drafting and Implementation: Dale Johnson, 200 Building, Grays Harbor College, Aberdeen, 98520, (206) 532-9020; and Enforcement: Dr. Jewell Manspeaker.

Name of Proponent: Grays Harbor College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes grievance procedure and

intra-institutional appeal process for resolution of formal complaints of sex discrimination and sexual harassment.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These new rules are not expected to have any small business economic impact.

Hearing Location: Grays Harbor College, 200 Building, Boardroom, Aberdeen, Washington 98520, on September 19, 1994, at 3:30 p.m.

Submit Written Comments to: Dr. Jewell Manspeaker, Grays Harbor College, Aberdeen, Washington 98520, FAX (206) 538-4299, by September 18, 1994.

Date of Intended Adoption: September 19, 1994.

July 26, 1994

Dr. Jewell Manspeaker
President

Chapter 132B-310 WAC GRIEVANCE RULES—TITLE IX

NEW SECTION

WAC 132B-310-010 Statement of policy. Grays Harbor College, as a place of work and study, aspires to be maintained free of all forms of harassment, discrimination, intimidation and exploitation. Members of the college community should be aware that the college will take action to prevent and correct such behavior and that individuals who engage in such behavior are subject to discipline. Retaliation against any employee, student, applicant or volunteer who reports harassment is also subject to discipline.

It is the intent of this policy to provide an internal means of mediating and resolving harassment complaints, with the understanding that all parties to such complaints have access to resources outside the college as well. Cases involving a student as the accused will be referred to the vice-president for student services for disposition under the student conduct code.

NEW SECTION

WAC 132B-310-020 Definitions. Sexual harassment is unwelcome verbal or physical conduct of a sexual nature, unwelcome or unsolicited sexual advances or requests for sexual favors when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment.

Harassment based on any of the above violates the policies of the board of trustees of Grays Harbor College and may violate federal and state laws.

Application to students. Where students are involved, such behavior is considered harassment whenever such conduct has the purpose or effect of interfering with the

student's learning or learning performance or when the learning environment becomes intimidating, hostile, or offensive to the student involved.

In addition, the unwelcome behavior is considered harassment when: Submission to such conduct is made either explicitly or implicitly a term or condition of the student's grade, receipt of a grade or status as a student; or the student's submission to or rejection of such conduct is used as a basis for a decision affecting that student.

Further, it includes behavior that overtly or covertly uses the power inherent in the status of instructor or other employee to affect a student's educational experience or career opportunities by intimidating, threatening or coercing the student to accept the unwelcome behavior or risk reprisal in terms of a grade, a recommendation, an opportunity for professional growth, or a job.

Application to employees, volunteers, and applicants. In the case of employees, volunteers, or applicants, such behavior is considered harassment whenever such conduct has the purpose or effect of unreasonably interfering with the person's work or work performance, or creating an intimidating, hostile, or offensive environment.

Additionally, harassment of an employee, volunteer, or applicant is defined as unwelcome or offensive verbal or physical conduct when: Submission to such conduct is made either explicitly or implicitly a term or condition of the person's employment, promotion, or status as an employee or volunteer; the person's submission to or rejection of such conduct is used as a basis for a decision affecting that person.

Examples. Examples of behaviors that may constitute harassment include, but are not limited to, the following:

- * Repeated, offensive and unwelcome insults and/or jokes;
- * Repeated, unwelcome comments about an individual's body or clothing;
- * Unwelcome and offensive displays of objects or pictures;
- * Persistent unwelcome flirtation, advances, and/or propositions of a sexual nature;
- * Deliberate and unwelcome touching, such as patting, pinching, hugging, or repeated brushing against an individual's body;
- * Pressure for dates or sex, if unwelcome and repeated;
- * Pressure for dates or sex in exchange for grades, promotions, salary increases or benefits;
- * Stating or implying to an applicant that he or she will be hired with sexual relations as a condition of employment.

NEW SECTION

WAC 132B-310-030 College community responsibilities. Any student, employee, volunteer or applicant on campus who feels that he or she has been harassed should report allegations of harassment to the equity resource director or one of the college's designated ombudspersons who will be appointed annually by the president. It is the responsibility of the vice-president for student services to maintain and ensure wide publicity of the list of ombudspersons' names. Every attempt will be made to

handle such information in a discreet and professional manner.

All members of this college community are responsible for ensuring that their conduct does not harass any other member of this institution's community. If a member of the college community observes incidents of harassment or discovers that a problem exists, he or she has a responsibility to report that information to the equity resource director, the vice-president for student services, or the college's designated ombudspersons.

Administrators and supervisors have the added responsibility of helping to prevent and eliminate harassment within the area(s) they oversee.

NEW SECTION

WAC 132B-310-040 Complaint options. (1) Informal resolution. Internal review and consultative process have been proven to be desirable means of resolving problems.

An individual who believes he or she has been or is being harassed may choose to informally share information and seek advice from the equity resource director or one of the college's designated ombudspersons. The purpose of this informal procedure is to give the complainant a sounding board, to help make sure that the complainant becomes informed of the options available, and to effect an informal resolution of complaints where possible. These include, but are not limited to:

- * Mediation through a liaison between parties.
- * Mediation through a face-to-face meeting between parties.
- * Mediation through written correspondence between parties. Every attempt will be made to keep this material confidential; however, confidentiality cannot be guaranteed.
- * Filing of an informal incident report with the college equity resource director. The informal incident report will be shared with the other party by the appropriate administrative supervisor for a response no later than the end of the subsequent academic term. If over a period of time, complaints continue to be received regarding the conduct of the same individual, it will then be the responsibility of the administrative supervisor to initiate a formal investigation of the merits of the complaints against that individual. All incident reports and responses will remain in the equity resource director's files for no more than six years.

If the complainant is satisfied at this point, he or she may decline to pursue the matter any further. No further action will be taken unless the complainant specifically requests such action or the college decides to pursue the matter on behalf of the college. Every attempt will be made to keep these discussions and materials confidential; however, confidentiality cannot be guaranteed.

Personnel action authority has been delegated to the college president, vice-president for administration, and vice-president for instruction. If a complainant brings an allegation to any one of these three administrators, that administrator will make a good faith effort to inform the employee of the complaint. However, the administrator will consider whether doing so would seriously impair the investigative

process. It is the responsibility of these administrators to inform a potential claimant of their responsibility to so inform the other party.

(2) Formal. The complainant may file a formal written complaint:

(a) At any point in the process, whether an informal resolution has been attempted or not; or

(b) If a satisfactory resolution cannot be obtained through the informal procedure.

The formal written complaint should include the times, dates, places and circumstances surrounding the allegation. The accused will be notified of the allegation at this point.

The investigative process begins with a preliminary meeting with the college's equity resource director or vice-president for student services. The purpose of this meeting is to orient the complainant to the formal complaint process. The complainant is encouraged to bring to this meeting any personal support person such as a friend, clergy, family member, professional counselor, etc., of the complainant's choice who is not, however, an employee of the college. These support persons will be encouraged to accompany the complainant through the remainder of the complaint process. Like the complainant, the accused will be encouraged to identify a support person such as a friend, clergy, family member, professional counselor, etc., who is not an employee of the college to accompany him or her through the remainder of the process.

Nothing herein shall be deemed to preclude an employee's right to union representation. If at any point either party secures legal counsel, the other party will be so notified immediately. The formal complaint will be referred for investigation to the vice-president for administration, the vice-president for instruction or the equity resource director if they have not previously been involved with the case, the selection to be made by the president. In appointing an investigator, the president should obtain such information as he deems appropriate.

Because damage could result to the career and reputation of any person who is affected by a harassment complaint investigation, all investigations of and hearings on such matters will be conducted insofar as possible to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant, until the matter is impartially resolved. Only those persons responsible for investigating and enforcing harassment complaints will have access to the investigative files during the pendency of any proceedings.

NEW SECTION

WAC 132B-310-050 Resolution of formal written complaints. In determining whether the alleged conduct constitutes harassment, the investigator will consider the record as a whole and all relevant circumstances. The investigator will make a complete investigation in a timely manner. Upon concluding the investigation, the investigator will submit a written summary of the investigative files and a recommendation for appropriate resolution of the complaint to the president.

Within five working days after reviewing the investigator's report, the president will make a determination and will advise the accused and the complainant of the

decision, which may include, but is not limited to, the following:

(1) If there appears to be a sufficient foundation for the allegation, the options may include a verbal and/or written reprimand, demotion, suspension or referral to the Grays Harbor College dismissal review committee or the Washington state department of personnel in cases of recommended dismissal. A summary of all action taken to resolve the complaint will be entered into the accused's personnel file or the employment/volunteer application file.

(2) If there appears to be an inadequate foundation for the complaint, no record of the allegation will be made in the personnel records or the employee/volunteer application files of either the accused or the complainant. Malicious or dishonest allegations may justify disciplinary action against the complainant.

Appeals by faculty members will be referred to the board of trustees. Appeals by classified personnel will be heard by a hearing officer of the personnel appeals board.

A summary of all harassment investigations will be retained in the equity resource director's files.

It shall be the responsibility of the college president to provide written complaint investigation guidelines as administrative procedures for the college.

If desired, inquiries or appeals beyond the institution level may be directed to:

(a) United States Equal Opportunity Commission, 2815 Second Avenue, Suite 500, Seattle, WA 98121.

(b) The Washington State Human Rights Commission, 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2490. Phone (206) 753-6770 or 1-800-233-3247.

(c) United States Department of Education, Office of Civil Rights, 1915 Second Avenue, Room 3310, Seattle, WA 98174-1099.

WSR 94-16-096
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 94-17—Filed August 1, 1994, 4:55 p.m.]

Original Notice.

Title of Rule: Agricultural burning, chapter 173-430 WAC.

Purpose: Establish a statewide agricultural burning program.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.650.

Summary: This proposal updates the agricultural burning regulation and incorporates changes made to the Washington Clean Air Act in 1991. The rule replaces the interim permit program and establishes a comprehensive statewide agricultural burning program, including the fee.

Reasons Supporting Proposal: RCW 70.94.650 states the fee must be set by rule. This rule incorporates the decisions of the agricultural burning practices and research task force regarding the fee.

Name of Agency Personnel Responsible for Drafting: Melissa McEachron, Department of Ecology, Olympia, (206)

407-6862; Implementation and Enforcement: Local air authorities and ecology, where no local air authority.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter, promulgated under chapter 70.94 RCW, the Washington Clean Air Act, authorizes the Department of Ecology to implement the provisions of that act. This rule establishes controls for agricultural burning in the state in order to minimize adverse health and environmental effects from agricultural burning. The control strategies include: Establishing a permit program with minimum statewide requirements; providing for implementation of a research program to explore and identify economical and practical alternatives to agricultural burning; encouraging and developing economically feasible alternative methods to agricultural burning; limiting the scope of the rule to agricultural burning and distinguishing between agricultural burning and other types of burning; and providing for local administration of the permitting program through delegation.

Proposal Changes the Following Existing Rules: This rule augments the interim agricultural permit program established in 1993.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to Melissa McEachron, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (206) 407-6862, or FAX (206) 407-6802.

Hearing Location: At the Olympia Timberland Library, 313 8th Avenue S.E., on September 27, 1994, at 7:00 p.m.; at the Spokane County Health District Building, West 1101 College Avenue, Room 140, on October 6, 1994, at 7:00 p.m.; at the Federal Building, Richland, 825 Jadwin Avenue, on October 11, 1994, at 7:00 p.m.; and at the Chelan County PUD, 327 North Wenatchee Avenue, on October 25, 1994, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Jani Gilbert, (509) 456-3150, ten days prior to hearing, TDD (509) 458-2055.

Submit Written Comments to: Melissa McEachron, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (206) 407-6802, by October 28, 1994.

Date of Intended Adoption: January 16, 1995.

July 28, 1994
Terry Husseman
Deputy Director
for Mary Riveland
Director

AMENDATORY SECTION (Amending Order 92-58, filed 6/28/93, effective 7/29/93)

WAC 173-430-010 Purpose of the regulation. (((+)) This chapter, promulgated under chapter 70.94 RCW, as amended, is to assume state jurisdiction over and to control emissions from agricultural burning including the burning of field and forage, and turf grasses grown for seed and for the proper development of the state's natural resources.

~~(2) Authority to enforce all provisions of this regulation, including establishing permit conditions and issuing permits;~~

is delegated to and shall be carried out by all activated air pollution control authorities or ecology for those areas not under the jurisdiction of an authority.

(3) The purpose of this chapter is to:

(a) Minimize adverse effects on air quality from agricultural burning;

(b) Provide for implementation of a research program to explore and identify economical and practical alternatives to agricultural burning;

(c) Provide for interim regulation of such burning until practical alternatives are found.) This chapter, promulgated under chapter 70.94 RCW, the Washington Clean Air Act, authorizes the department of ecology to implement the provisions of that act. This rule establishes controls for agricultural burning in the state in order to minimize adverse health and the environment effects from agricultural burning. The control strategies include:

(1) Establishing a permit program with minimum state-wide requirements.

(2) Providing for implementation of a research program to explore and identify economical and practical alternatives to agricultural burning.

(3) Encouraging and developing economically feasible alternative methods to agricultural burning.

(4) Limiting the scope of the rule to agricultural burning and distinguishing between agricultural burning and other types of burning.

(5) Providing for local administration of the permitting program through delegation.

AMENDATORY SECTION (Amending Order 92-58, filed 6/28/93, effective 7/29/93)

WAC 173-430-020 ((Definitions.)) General applicability. ((The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter, shall have the following meanings:

(1) Agricultural burning: Burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

(2) Field and forage grasses: Canarygrass, bromegrass, oatgrass, timothy, wheatgrass, and orchardgrass, planted to produce seed.

(3) Straw: All material, other than seed, removed by swathing, combining, or cutting.

(4) Tear out: Any operation that destroys the existing crop and prepares the area for next year's planting.

(5) Turf grasses: All blue grasses, fescues, bentgrass, and perennial ryegrass, planted to produce seed.) This regulation applies to burning related to agricultural activities and includes the burning of fields, prunings, weeds, and irrigation ditches, drainage ditches, fence rows or other essential pathways. It does not apply to silvicultural burning or open burning.

AMENDATORY SECTION (Amending Order 92-58, filed 6/28/93, effective 7/29/93)

WAC 173-430-030 ((Permits, conditions, and restrictions.)) Definition of terms. (((1) No agricultural burning including open burning of field or forage grasses, or turf grasses shall be undertaken unless a permit has been obtained from ecology or an authority, as appropriate. Local air agencies (and ecology where no local air agencies exist) may issue permits for appropriate agricultural burning activities in nonattainment and urban growth areas.

(2) For open burning of field or forage grasses, or turf grasses, the issuance, denial, or conditioning of permits shall be governed by consideration of air quality conditions in the area affected by the proposed burning, the time of year, meteorological conditions, the size and duration of the proposed burning activity, the amount of straw removal required, the applicant's need to carry out such burning, and the public's interest in the environment. Permits will be conditioned to minimize air pollution interest in the environment. Permits will be conditioned to minimize air pollution. Until approved alternatives become available, ecology or the authority may limit the number of acres, on a pro rata basis, among those affected for which permits to burn will be issued in order to control emissions.

Burning of acreage not previously under permit may be banned or subject to more restrictive conditions. Burning of field and forage grasses may be restricted, and other measures may be required to minimize air pollution.

Permits issued before 1978 will establish a permit history for the applicant. This permit history will apply to an applicant and not to specific parcels of land and is established only for the maximum amount of acreage included in any permit issued before 1978. Land transferred to a spouse, son, or daughter, will retain a permit history as established by the original applicant.

Any permit denial or restriction may first be applied to applicants without a permit history and to amounts of acreage not included in an applicant's permit history.

Applicants who received permits before 1978 may be given priority for burning the amount of acreage cited in the permit history.

(3) Open burning of field and forage grasses shall be prohibited. However, a permit using restrictions or conditions, may be issued to burn field and forage grasses for disease, pest, or weed control, if such need is certified by a county agent or other agricultural authority; or if such grasses were planted as part of a soil erosion control plan approved by a conservation district.

(4) Open burning of all grasses scheduled for tear out shall be prohibited unless a permit specifically allows such burning.

(5) Practical alternative production methods and disease controls which would reduce or eliminate agricultural burning shall be used when reasonably available. These methods and controls shall be used regardless of specific provisions of the compliance program described in this section.) The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, the meanings of the following words and phrases used in this chapter are listed below.

(1) Agricultural burning: Means the burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

(2) Agricultural operation: Means a farmer who can substantiate that the operation is commercial agriculture by showing the most recent year's IRS schedule F form or proof that the land is designated in a classification for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management.

(3) Best management practice: Means the criteria established by the agricultural burning practices and research task force (AG task force).

(4) Department: Means the department of ecology.

(5) Farmer: Means any person engaged in the business of growing or producing for sale upon their own lands, or upon the land in which they have a present right of possession, any agricultural product. Farmer does not mean persons using such products as ingredients in a manufacturing process, or persons growing or producing such products for their own consumption.

(6) Open burning: Means all forms of burning except those listed as exempt in WAC 173-425-020.

(7) Permitting authority: Means a local air authority (and the department where no local air authority exists) or their delegate. Conservation districts, counties, or fire districts may receive delegation for all or portions of the agricultural burning permit program as identified in a delegation agreement. The permitting authority will issue agricultural permits for a given locale.

(8) Silvicultural burning: Means burning on any land the department of natural resources protects per RCW 70.94.030(13), 70.94.660, 70.94.690, and pursuant to chapter 76.04 RCW.

AMENDATORY SECTION (Amending Order 92-58, filed 6/28/93, effective 7/29/93)

WAC 173-430-040 ((Mobile field burners.)) Agricultural burning requirements. ((Mobile field burners, and other methods of incineration not classified as outdoor burning, shall not be prohibited by the restrictions in WAC 173-430-030. Provided, That emissions do not exceed the following standards:

(1) Visible emissions shall not exceed an opacity of 20 percent for more than three minutes in any one hour;

(2) Particulate emissions shall not exceed 0.1 grains per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen.)) (1) Agricultural burning is allowed when it is reasonably necessary to carry out the enterprise. A farmer can show it is reasonably necessary when it meets the criteria of the best management practices and no practical alternative is reasonably available.

(2) All agricultural burning requires a permit.

(a) To qualify for an agricultural burning permit the farmer must be an agricultural operation or government entity with specific agricultural burning needs, such as

irrigation districts, drainage districts, and weed control boards.

(b) A farmer must fill out the information requested on a permit application (or the permit) and return it to the permitting authority.

(i) The permitting authority may require the farmer to fill out an application prior to issuing a permit.

(ii) The application must describe the reason for burning and include at least the following information: Name and address of the person or corporation responsible for the burn, the specific location (county; legal description: Range, section, block and unit number), the type or size of the burn, directions to the burn, specific reason for the burn, the target date for burning, and any additional information required by the permitting authority. Each permitting authority may require additional information on the application.

(iii) All applications must comply with other state or local regulations.

(c) The permitting authority must evaluate the application, if there is one, and approve the permit prior to burning.

(d) Local air agencies (and the department where no local air agency exists) may issue permits for appropriate agricultural burning activities in nonattainment and urban growth areas.

(3) All agricultural burning permits require a fee. After January 1, 1995, the fee is the greater of:

(a) A minimum fee of twenty-five dollars per year per farm based on burning up to ten acres or equivalent which will be used as follows: Twelve dollars and fifty cents of which goes to the agricultural burning research fund and the remainder will be kept by the permitting authority to cover the costs of administering and enforcing this regulation; or

(b) A variable fee based on the acreage or equivalent of agricultural burning which will be used as follows: Up to one dollar per acre for applied research, twenty-five cents per acre for ecology administration and up to one dollar and twenty-five cents per acre for local permit program administration.

(i) Local permitting program administration. One portion of the fee shall cover the permitting authority's costs of administering and enforcing the program. The permitting authority may set the fee as an amount per farm per year, a set amount per fire, or a set rate no greater than one dollar and twenty-five cents per acre burned. The permitting authority must establish this portion of the fee by an appropriate, public process such as a local rule, ordinance, or resolution. In areas of the state where the department is the permitting authority this portion of the fee shall be one dollar and twenty-five cents per acre burned.

(ii) Ecology administration. Another portion of the fee shall be twenty-five cents per acre burned and cover the state-wide administrative, education, and oversight costs of the department. The amount (if any) by which the annual total, of this portion of the fee, exceeds the annual state-wide administrative, education, and oversight costs shall be deposited in the agricultural burning research fund of the air pollution control account.

(iii) Research fund. A final portion, the agricultural burning applied research portion, of the fee shall be no greater than one dollar per acre burned. The amount assessed may be less than one dollar per acre burned as periodically determined by the AG task force based on

applied research needs, regional needs and the research fund budget. The research portion of the fee assessed shall be fifty cents per acre burned starting in calendar year 1995. The AG task force may also establish discounted assessment rates based on the use of best management practices.

(c) A farmer must pay the fee prior to receiving a permit. Refunds are allowed for portions not burned provided the adjusted fee after subtracting refunds is no less than twenty-five dollars.

(d) The agricultural burning practices and research task force may set acreage equivalents, for nonfield style agricultural burning practices, based on the amount of emissions relative to typical field burning emissions. Any acreage equivalents, established by rule, shall be used in determining fees. For agricultural burning conducted by irrigation or drainage districts, each mile of ditch (including banks) burned is calculated on an equivalent acreage basis.

(4) All agricultural burning permits must be conditioned to minimize air pollution.

(a) A farmer must comply with the conditions on the agricultural burning permit.

(b) For purposes of protecting public health (not eliminating agricultural burning), if an area exceeds or threatens to exceed unhealthy air pollution levels, the permitting authority may limit the number of acres, on a pro rata basis, or as provided by RCW 70.94.656.

(c) Permits must be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

(5) Other laws. A farmer must obtain any local permits, licenses, or other approvals required by any other laws, regulations, or ordinances.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-430-050 ((~~Other approvals~~)) **Best management practices.** ((A person applying for a permit under this chapter is still required to obtain permits, licenses, or approvals required by any other laws, regulations, or ordinances.)) (1) The AG task force must identify best management practices for agricultural burning that are economically feasible and socially acceptable. Practical alternative production methods and controls which would reduce or eliminate agricultural burning must be used when reasonably available.

(2) The AG task force may establish an agricultural burning general best management practice and crop-specific best management practices. The AG task force may review and approve crop-specific best management practices which have been developed or recommended by an individual or group.

(3) Approved best management practices information will be available from permitting authorities. The AG task force will hold public workshops on best management practices that have changed or are new and will periodically review the best management practices starting three years after approval.

(4) The AG task force will clarify best management practices and make interpretative decisions as needed, considering all authoritative sources on the subject.

(a) An individual or group may request a best management practice clarification from the task force.

(b) The chair of the AG task force may direct the questioned practice to a subgroup of task force members, provided that agricultural, research, and regulatory interests are included and all task force members are notified, or may direct it to the whole AG task force.

(5) The AG task force will modify best management practices as necessary to incorporate the latest research.

AMENDATORY SECTION (Amending Order 92-58, filed 6/28/93, effective 7/29/93)

WAC 173-430-060 ((~~Study of alternatives~~)) **Research into alternatives to agricultural burning.** ((~~Ecology shall conduct, cause to be conducted, or approve of a study or studies to explore and identify economical and practical alternative practices to open burning of field and forage, and turf grasses. To conduct any such study, ecology may contract with public or private entities. Any approved study shall provide for the identification of such alternatives as soon as possible. Ecology shall annually review the progress of such studies, review provisions of this regulation and available alternatives to burning and determine if continuing open burning of field and forage, and turf grasses is justified.~~)) (1) The department shall administer the research portion of the permit fee to carry out the recommendations of the AG task force. In carrying out the recommendations, the department may conduct, cause to be conducted, or approve of a study or studies to explore and test economical and practical alternative practices to agricultural burning. To conduct any such study, the department may contract with public or private entities. Any approved study shall provide for the identification of such alternatives as soon as possible.

(2) The AG task force will annually review research needs and submitted proposals and make its recommendations to the department.

AMENDATORY SECTION (Amending Order 92-58, filed 6/28/93, effective 7/29/93)

WAC 173-430-070 ((~~Fees~~)) **General agricultural burning permit conditions and criteria.** ((~~1) To support the study or studies described in WAC 173-430-060, ecology or an authority shall collect a fee:~~

(a) For field and forage, and turf grasses grown for seed, the fee is one dollar per acre of crop. The fee is to be collected before any permit is issued under WAC 173-430-030. This fee shall be submitted with individual permit applications.

(b) For all other agricultural practices, a twenty dollar nonrefundable permit/application fee shall be assessed and submitted with the general agricultural burning permit application. This twenty dollar fee is effective for the interim period ending when the agricultural burning practices and research task force establishes a permanent fee level (pursuant to RCW 70.94.650), or January 1, 1995, whichever occurs first.

(2) When a permit is granted to burn fewer acres of field and forage, and turf grasses grown for seed than requested in the permit application, ecology or the authority

~~shall refund to the permit applicant the unused part of the permit fee.~~

~~(3) No part of the permit fee will be refunded if a grower decides to burn fewer acres than the permit allows.~~

~~(4) After granting any permit and making any refund required under WAC 173-430-070(2), the authority shall transfer the permit fee to ecology.~~

~~(5) Ecology shall deposit all permit fees in the air pollution control account.~~

~~(6) Ecology shall allocate moneys annually from this account to support approved studies provided for in WAC 173-430-060, up to the amount appropriated to ecology for such purpose.~~

~~(7) When ecology concludes that enough reasonably available alternative practices to the open burning of field and forage, and turf grasses grown for seed have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved. Any money remaining in the account shall revert to the general fund.))~~ Permit decisions including the issuance, denial, or conditioning must be based on consideration of air quality conditions in the area affected by the proposed burning, the time of year, meteorological conditions, the size and duration of the proposed burning activity, the type and amount of vegetative material to be burned, the applicant's need to carry out such burning, existence of extreme burning conditions, risk of escape onto property owned by another, and the public's interest in the environment.

(1) Permits must include the following conditions:

(a) No burning at night except as a best management practice;

(b) Complying with all fire safety regulations of the local fire protection agency including any no-burn directives they may issue;

(c) Calling the local air authority burning information line (if there is one) before lighting the fire;

(d) Burning when wind takes the smoke away from roads, homes, population centers, or other public areas, to the greatest extent possible;

(e) No burning when against advised meteorological conditions;

(f) Burning only natural vegetation;

(g) No burning or adding fuel during any stage of an air pollution episode or local air quality burning ban.

(2) If the permitting authority determines a specific situation will cause a nuisance under chapter 173-400 WAC or RCW 70.94.640, agricultural burning will not be allowed.

AMENDATORY SECTION (Amending Order 92-58, filed 6/28/93, effective 7/29/93)

WAC 173-430-080 ((~~Certification of alternatives.~~) ~~Responsibilities of a permitting authority.~~ ((~~When enough information on alternative practices to open burning of field and forage, and turf grasses grown for seed becomes available, ecology shall conduct public hearings to receive testimony from interested parties. If ecology then concludes that any procedure, program, technique, or device is a practical alternative to the open burning of field and forage and turf grasses grown for seed, ecology shall, by order, approve such alternative. After approval, any alternative that is reasonably available shall be used, and open burning of~~

~~field and forage, and turf grasses grown for seed shall not be allowed.))~~ The permitting authority must establish and administer an agricultural burning permit system. The minimum responsibilities are described in this section.

(1) The permitting authority must act on a complete application (as determined by the agency) within seven days of receipt.

(a) The permitting authority must evaluate the application and approve or deny all or part of it.

(b) The permitting authority must evaluate the application to determine if the requested burning is within the general or crop-specific best management practices.

(c) If the application is denied, the reason must be stated.

(2) Permitting authorities must determine day-to-day burning restrictions near populated areas and arrange for dissemination of the results.

(3) The permitting authority or its delegate is responsible for responding to agricultural burning complaints.

(4) The permitting authority must collect the fee and determine the local administration portion of the fee.

(a) Permitting authorities must issue a permit fee refund when a farmer decides to burn fewer acres than identified in the permit on confirmation by the permitting authority.

(b) Permitting authorities must formally adopt the local administration portion of the fee through rule, regulation, ordinance, or resolution.

(5) The permitting authority must transfer the research and ecology administration portion of the fee to the department.

(a) Funds should be transferred twice a year or as designated in the delegation agreement.

(b) The department must deposit all agricultural burning permit fees in the air pollution control account. Permitting authorities may deduct the local administration portion before forwarding the remainder to the department. The portion of the fee designated for research shall be deposited in a special account in the air pollution control account.

(6) The permitting authority must coordinate compliance. Violations are subject to the remedies of chapter 70.94 RCW, Washington Clean Air Act.

NEW SECTION

WAC 173-430-090 Receiving delegation—Counties, conservation districts, and fire districts. (1) The permitting authority is the local air authority (or the department where no local air authority exists), or their delegate. The permitting authority is responsible for administering the agricultural burning permit program. The agricultural burning permit program may be delegated to conservation districts, counties, or fire protection agencies.

(2) When a local air authority (or the department where no local air authority exists) finds that a county, fire protection authority or conservation district is capable of administering the permit program and desires to do so, it may delegate by administrative order the administration and/or enforcement authority of the program. Delegation criteria include:

(a) Demonstrating that the responsibilities listed under permitting authority responsibilities section can be fulfilled; and

(b) Employing, contracting with, or otherwise accessing someone educated and trained in agronomics.

(3) Delegation may be withdrawn if the department or the local air authority finds that the agricultural burning program is not effectively being administered and/or enforced. Before withdrawing delegation, the department or the local air authority shall offer a chance to correct permit program deficiencies.

(4) Permitting authorities must work through agreement with counties (if the county is not the permitting authority) and cities to provide convenient methods for issuing permits and granting permission to burn.

NEW SECTION

WAC 173-430-100 Severability. The provisions of this regulation are severable. If any provision is held invalid, the application of such provision to other circumstances and the remainder of the regulation will not be affected.

WSR 94-16-104
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 2, 1994, 8:28 a.m.]

Original Notice.

Title of Rule: Licensure requirements for RNB or graduate students.

Purpose: To clarify licensure requirements for students who have graduated from a basic professional nursing course and are continuing their education in nursing.

Statutory Authority for Adoption: RCW 18.88.130.

Summary: Clarifies licensure requirements for students who have graduated from a basic professional nursing course and are continuing their education in nursing; and to clarify the requirements for exceptions to the licensing requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia O. Brown, 1300 S.E. Quince, Olympia, (206) 753-2686.

Name of Proponent: Washington State Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This change clarifies licensure requirements for students who have graduated from a basic professional nursing course and are continuing their education in nursing. The effect of the more specific WAC is that it will clarify the need for a license, and the requirements for exceptions, for both students and schools of nursing.

Proposal Changes the Following Existing Rules: The proposed rules clarify existing rules and makes the requirements more explicit.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A statement was not prepared for this WAC change because the changes are to clarify the requirements that are already in practice, but are not specifically stated in the WAC. Therefore, small business would have no impact from this rule change.

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA 98188, on September 16, 1994, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Washington State Nursing Care Quality Assurance Commission by September 9, 1994, TDD (206) 664-0064, or 1-800-525-0127 ext. 753-2686.

Submit Written Comments to: Patricia O. Brown, RN, MSN, by September 9, 1994.

Date of Intended Adoption: September 16, 1994.

July 20, 1994

Patricia O. Brown, RN, MSN
Executive Director

AMENDATORY SECTION (Amending WSR 94-07-012, filed 3/4/94, effective 4/4/94)

WAC 246-839-020 Documents which indicate authorization to practice registered nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure ((-)), confers the right to use the title registered nurse and the use of its abbreviation, R.N., and to practice as a registered nurse in the state of Washington.

A student who has graduated from a basic professional nursing course and who is pursuing a baccalaureate degree in nursing, an advanced degree in nursing or an advanced certification in nursing shall hold an active Washington RN license before participating in the practice of nursing as required to fulfill the learning objectives in a clinical course.

Exception to this requirement may be granted by the board of nursing on an individual basis upon a petition submitted by the dean or director of a school of nursing, on a case-by-case basis.

(a) The exception allows the student to practice in a clinical setting only under the direct supervision of an RN faculty member. The board requires that any RN faculty member supervising these students meet the requirements of direct supervision as defined in WAC 246-839-010 (13)(c)(ii) and, in addition, that supervising faculty document that all clients under the care of the student be assessed by the RN faculty each clinical day.

(b) The dean or director of the school of nursing shall ensure that each faculty member who supervises these students be provided a copy of these rules and be assigned in a manner that allows for direct supervision.

(c) Nursing students who participate in clinical courses under this section are not eligible for the nursing technician role.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires to retire temporarily from the practice of nursing in this state.

(3) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 246-839-120).

(4) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may

PROPOSED

be issued to any person who meets the requirements of the board as contained in WAC 246-839-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP" or any title or abbreviation which may indicate that the person is entitled to practice at an advanced and specialized level as a nurse practitioner, a specialized nurse practitioner, a nurse midwife, or a nurse anesthetist. This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(6) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 246-839-410. This authorizes the ARNP to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

WSR 94-16-107
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed August 2, 1994, 8:42 a.m.]

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.

In the matter of adopting administrative rules relating to economic development gorge commission ordinances.

HEARING AND ADOPTION OF RULES: The Columbia River Gorge Commission proposes to adopt rules relating to the economic development certification process, 350-120, at its regularly scheduled meeting on September 27, 1994, at 10:00 a.m., Mid-Columbia Medical Office Plaza, 1810 East 19th Street, The Dalles, Oregon.

The chair of the commission will preside over and conduct the hearing.

Adoption: Rule 350-120, the commission is the proponent of these proposed rules.

No prior notice given.

SUMMARY OF RULES: The proposed rule sets forth the process whereby the commission certifies proposed projects being considered for grant/loans under the national scenic area economic development program are consistent with the Scenic Act, management plan and land use ordinances adopted pursuant to the act

STATEMENT OF NEED: The Columbia River Gorge National Scenic Area Act (16 U.S.C. § 544 et seq.) authorizes

es funds for economic development grants and loans. Funds have been appropriated for this program and are now available in both Oregon and Washington. Without the proposed rule, which governs the commission's certification process required by the Scenic Act, the states are unable to award any grants/loans.

STATUTORY AUTHORITY: Authority to adopt the proposed rule derives from the Scenic Area Act (16 U.S.C. § 544 et seq.) and the Columbia River Compact, Article I, Section a (4)(g), at ORS 196.150 and RCW 43.97.01 [43.97.015]. The proposed rule is necessary as a result of federal law, 16 U.S.C. § 544 et. seq. as well as state law.

DOCUMENTS RELIED UPON: Columbia River Gorge National Scenic Area Act (16 U.S.C. § 544 et seq.), ORS 196.150, RCW 43.97.015, *Management Plan for the Columbia River Gorge National Scenic Area, Economic Development Plan - Columbia River Gorge National Scenic Area* (January 1992). All documents are available for inspection at the Columbia River Gorge Commission, 288 East Jewett Boulevard, White Salmon, WA.

STATEMENT OF ANTICIPATED EFFECTS: The proposed rule will allow both states to award grants and loans through the scenic area economic development program once the projects are certified by the commission.

FISCAL IMPACT STATEMENT: The procedures set forth in the rule are substantially similar to what the commission uses in its land use ordinances therefore the time required for the review of the projects is minimal. Without adoption of the proposed rule, the states will not be able to award grants and loans through the scenic area economic development program. Because application requirements are kept at a minimal and most of the information must also be made available to the states for their application process, the requirements of the proposed rule will have little or no financial effect on businesses or proposed businesses.

AVAILABILITY OF RULE: The proposed rule is available on request from Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

PUBLIC COMMENT: Interested persons may comment orally or in writing at the hearing. Written comment received at the commission's office by September 16, 1994, will also be considered. Comment may be made to Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

COLUMBIA RIVER GORGE COMMISSION
PROPOSED PERMANENT RULE

Chapter 350
 Division 120

Economic Development Certification Process

350-120-000. Purpose.

This division specifies the process of the Columbia River Gorge Commission (Commission) to certify activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of

the Scenic Area Act, the management plan, and land use ordinances adopted pursuant to the Act.

350-120-010. Authority.

Section 11 (c)(1) of the Scenic Area Act requires the Commission to certify all activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to the Act.

The Scenic Area Act states as follows:

§ 544i. Economic development

(a) **Economic development plan.** Based on the Economic Opportunity Study and other appropriate information, each State, in consultation with the counties and the Commission, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with this Act.

(b) **Funds provided to States for grants.** Upon certification of the management plan, and receipt of a plan referred to in subsection (a) of this section, the Secretary shall provide \$5,000,000 to each State which each State shall use to make grants and loans for economic development projects that further the purposes of this Act.

(c) **Conditions of grants.** Each State making grants under this section shall require as a condition of a grant that—

(1) all activities undertaken under the grant are certified by the Commission as being consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to this Act;

(2) grants and loans are not used to relocate a business from one community to another;

(3) grants and loans are not used for program administration; and

(4) grants and loans are used only in counties which have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary pursuant to section 8 of this Act [16 USCS § 544f].

(d) **Report.** Each State shall—

(1) prepare and provide the Secretary with an annual report to the Secretary on the use of the funds made available under this section;

(2) make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and

(3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

16 USCS § 544i.

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.

350-120-020. Application for certification.

(1) The applicant shall submit one complete application to the Executive Director of the Commission.

(2) A complete application shall include:

(a) One complete copy of the application materials required by the state agency administering the grant or loan program, excluding confidential financial information;

(b) If the proposed project will be located entirely or partially within the general management area or special management area one complete copy of a Scenic Area land use ordinance development review decision, issued by the applicable county planning director, approving the proposed project as consistent with the ordinance requirements, or a copy of a letter from the applicable county planning director stating why the proposed project does not require review under the county's Scenic Area land use ordinance;

(c) One completed application for certification form, available from the Gorge Commission and/or the state agencies administering the grant or loan program. The form shall include the following information:

(A) applicant's name and business address;

(B) description of proposed project for which a Scenic Area grant or loan is sought;

(C) legal description and map of the specific location of proposed project; if project has multiple or regional locations, these should be identified;

(D) description of the existing use of the property or properties on which the project will be located and/or used;

(E) a statement setting forth any local, state or federal permits required and a report on their status; and

(F) signature of applicant and property owner if, different from applicant.

(d) One copy of each of any state and federal environmental permits that have been issued for the proposed project. If permits have not been received, copies of permit applications shall be submitted instead.

(3) The Director shall review the application and determine if it is complete. If it is not complete, the applicant is required to submit the additional information requested by the Director. Once the Director determines the application is complete, the process of staff analysis shall begin.

350-120-030. Recommendation of the Director.

(1) In making a recommendation on a proposed grant or loan the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(2) The Director shall recommend a grant or loan for certification only if it is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(3) Within 15 working days of acceptance of the application as complete, the Director shall issue a report setting forth the recommendation and the basis for it.

(4) The Director shall mail a copy of the decision to the applicant, Gorge Commissioners, the Forest Service, the States of Oregon and Washington, the Indian Tribes with

treaty rights in the Scenic Area, and the planning director of the applicable county or city.

350-120-040. Review and decision by commission.

(1) The Commission shall review the recommendation and report of the Director at a scheduled meeting. Public comment shall be allowed.

(2) The Commission may request further information at the meeting if it is deemed relevant to its decision.

(3) At the first Commission meeting occurring five (5) or more working days of after issuance of the Director's report, the Commission shall make a decision on the grant or loan, as follows:

(a) approve the request, certifying the grant or loan is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act;

(b) approve the request contingent upon approval of certain required state and/or federal environmental permits;

(c) defer the decision, pending receipt of further information; or

(d) deny the request, stating that the grant or loan is not consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

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 94-16-108

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF FISHERIES**

(By the Code Reviser's Office)
[Filed August 2, 1994, 8:45 a.m.]

WAC 220-57-230, 220-57-235 and 220-57-370, proposed by the Department of Fisheries in WSR 94-03-105, appearing in issue 94-03 of the State Register, which was distributed on February 2, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 94-16-113

**PROPOSED RULES
BUILDING CODE COUNCIL**

[Filed August 2, 1994, 9:55 a.m.]

Original Notice.

Title of Rule: Chapter 51-34 WAC, Adoption and amendment of the 1994 Edition of the Uniform Fire Code and chapter 51-35 WAC, Adoption and amendment of the 1994 Edition of the Uniform Fire Code Standards.

Purpose: To consider whether to adopt, or amend and adopt the 1994 Uniform Fire Code and 1994 Uniform Fire

Code Standards, published by the International Fire Code Institute.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: Chapter 19.27 and 34.05 RCW.

Summary: The proposed rule includes adoption of the 1994 Uniform Fire Code, including Appendix II-F, Protected Above Ground Tanks for Motor Vehicle Fuel-Dispensing Stations Outside Buildings, with amendments and the 1994 Uniform Fire Code Standards, including new Standard 9-10, with amendments.

Reasons Supporting Proposal: Chapter 19.27 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-8999; and Enforcement: Local jurisdictions.

Name of Proponent: State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council especially seeks comments on the issues and options that are proposed in the rule.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will adopt by reference and amend the 1994 Editions of the Uniform Fire Code (U.F.C.) and the Uniform Fire Code Standards published by the International Fire Code Institute (IFCI). The purpose is to replace the 1991 U.F.C. and U.F.C. Standards and assign the 1994 U.F.C. and U.F.C. Standards new WAC numbers (chapters 51-34 and 51-35 WAC). The 1994 U.F.C. and U.F.C. Standards will be amended to provide greater safety and flexibility than the published versions for their application in Washington state. The 1994 U.F.C. has been updated as well as reformatted into the common code format established by the Council of American Building Officials (CABO). The new format establishes a common format of article designations for the model fire codes published in the United States. The 1994 U.F.C. reformatting is a major change in the document which necessitated assigning it a new WAC number. Topics and entire articles have been relocated within the code, resulting in a totally reorganized article and section numbering scheme. Within the articles, sections are no longer subdivided using an alpha-numeric system, the 1994 U.F.C. having been changed to a decimal system for subdividing sections. The 1994 Edition of the U.F.C. has been metricated, with the Système International (SI) conversions following the inch-pound (IP) units in parenthesis. For the most part, the technical content of the U.F.C. has not changed, however, there has been a major rewrite of several articles. The articles which have been rewritten include: Article 26, Bowling Alleys; Article 29, Garages; Article 30, Lumber Yards and Woodworking Plants; Article 34, Automobile Wrecking Yards and Junk or Waste Material Handling Plants; Article 36, Dry Cleaning; Article 53, Motor Vehicle Fuel-Dispensing Stations; Article 63, Mechanical Refrigeration; Article 74, Compressed Gases; Article 79, Flammable and Combustible Liquids; Article 80, Hazardous Materials; Article 81, High-piled Combustible Storage; and Appendix II-F, Aboveground Storage Tanks for Motor Vehicle Fuel-dispensing Stations. Forty-seven of the

state amendments to the 1991 U.F.C. have been deleted with the 1994 U.F.C. adoption proposal, forty-two of the deleted amendments being from Article 80, Hazardous Materials. The technical advisory group which reviewed the code felt that these deleted amendments were no longer necessary due to changes between the 1991 and 1994 codes and an improved and enlightened understanding of the hazardous materials regulations contained in Article 80.

Proposal Changes the Following Existing Rules: WAC 51-34-0206 Definition: ELECTRICAL CODE, this amendment was in the 1991 U.F.C. The revised definition gives recognition to the Washington State Electrical Code; WAC 51-34-0216 Definition: GROUP E OCCUPANCIES, this amendment was in the 1991 U.F.C. The additional amendment to the definition of Group E Occupancy is for consistency with the Uniform Building Code (U.B.C.) definition; WAC 51-34-0216 Definition: GROUP LC OCCUPANCIES, defines a new occupancy group proposed for the U.B.C. to include licensed care facilities; WAC 51-34-0216 Definition: GROUP R OCCUPANCIES, this amendment, which was in the 1991 U.F.C., has been revised for consistency with the U.B.C. definition; WAC 51-34-0216 Definition: OPEN BURNING, reference is given to Department of Ecology regulations for burning; WAC 51-34-0219 Definition: RECREATIONAL FIRE, reference is given to Department of Ecology regulations for burning; WAC 51-34-0223 Definition: VEHICLE FUELING APPLIANCE, a new definition to go along with the proposed amendment of Section 5204.5.3; WAC 51-34-0901 Section 901.4.4, Option 1: Maintains the code as published with no changes. Option 2: Would give the fire chief the ability to require the installation of flashing visual identification devices (VIDs) on residential occupancies as an aid to premises identification for emergency personnel. Option 2 also includes the adoption of WAC 51-35-09000, new U.F.C. Standard 9-10, Visual Identification Devices, to regulate the installation of VIDs; WAC 51-34-0901 Sections 901.2.2.1 and 901.4.2; also WAC 51-34-0902, this amendment, which was in the 1991 U.F.C., meets the provisions of RCW 19.27.060(5), which states: "No provision of the Uniform Fire Code concerning roadways shall be part of the state building code: Provided, that this subsection shall not limit the authority of a county or city to adopt street, road, or access standards"; WAC 51-34-1003 Section 1003.2.4.1, an amendment, which was in the 1991 U.F.C., that has been revised to meet the requirements of SSB 5261 requiring all new buildings classified as Group E-1 Occupancies to be provided with automatic fire-extinguishing systems. Revised language provides for a minimum water supply, allows for reduced fire flow requirements and allows building value to be determined by a more reasonable means; WAC 51-34-1003 Section 1003.2.6, requires quick-response sprinkler heads in hospitals and nursing homes to provide patients the same level of life safety as is already required in apartments, hotels, motels, and residential group care facilities with occupant loads of 16 or less. This requirement is contained in chapter 212-12 WAC, Fire marshal standards; WAC 51-34-1003 Section 1003.2.8, Option 1: Maintains the code as published with no changes. Option 2: Increases the automatic fire sprinkler system requirement for Group R, Division 1 Occupancies and does not allow area separation walls to delete the sprinkler requirement; WAC 51-34-1007 Sections 1007.1.5

and 1007.2.12.9, these are new subsections which collect the numerous references to fire alarm systems contained in WAC 51-30-1100, Accessibility, into one location so that the authority having jurisdiction who administers the provisions of U.F.C. Article 10 will have them readily available, thus improving the uniform application of these requirements; WAC 51-34-2501 Section 2501.9.5 and 2501.9.6.2, this amendment was in the 1991 U.F.C. and is consistent with a similar amendment to U.B.C. Section 1014.5. The amendment allows an exception to ramp slope requirements for theaters with fixed seating; WAC 51-34-5201 Section 5201.1, Option 1: Deletes existing amendments to the 1991 U.F.C. and maintains the code as published with no changes. Option 2: Retains existing amendments to the 1991 U.F.C. which allows for fleet fueling operations; WAC 51-34-5201 Section 5201.4.1, requires that CNG (Compressed Natural Gas) refueling operations be in accordance with Section 5204, which contains specific regulations, and clarifies that CNG operations are completely subject to Section 5204 and Standard 52-1; WAC 51-34-5201 Section 5201.5.3, change approved at recent IFCI meeting but not yet in the published U.F.C.; WAC 51-34-5204 Section 5204.5, references the appropriate installation standard for CNG; WAC 51-34-5204 Section 5204.6, change approved at recent IFCI meeting but not yet published in the U.F.C.; WAC 51-34-6103, requires a permit to remove, abandon, place temporarily out of service or otherwise dispose of a combustible liquids tank, which includes residential fuel oil tanks; WAC 51-34-6106, clearly includes residential fuel oil tanks in the U.F.C. requirements for abandonment; WAC 51-34-6107 Section 6107.3 (these options are also proposed for the Uniform Mechanical Code, Section 327.6.), Option 1: Leaves the section as published with no changes. Option 2: Includes an existing 1991 Uniform Mechanical Code amendment which permits the use of unvented portable oil-fueled heaters as supplemental heat in any Group B, F-2, M, R, or U Occupancy provided such heaters shall not be located in sleeping rooms or bathrooms. This provision presently exists in chapter 19.27A RCW. Option 3: Adds language to option 2 which also allows the installation of unvented gas logs and fireplaces in any Group I or Group R Occupancy, except bathrooms and bedrooms; WAC 51-34-7802, this amendment was in the 1991 U.F.C. The U.F.C. fireworks requirements are deleted, this being consistent with chapter 70.77 RCW which supersedes the U.F.C. provisions. Local jurisdictions can adopt U.F.C. Article 78 so long as the local ordinance complies with the requirements of chapter 70.77 RCW; WAC 51-34-7901 Section 7901.1.1, includes residential fuel oil tanks in the U.F.C. requirements for abandonment; WAC 51-34-7902 Sections 7902.6.8, 7902.6.10 and 7902.6.15.2, this amendment was in the 1991 U.F.C. and provides for consistency with chapter 173-360 WAC on underground tank regulations, which supersede the U.F.C. provisions; WAC 51-34-7904 Section 7904.5.4.2.2, Option 1: Deletes existing amendments to the 1991 U.F.C. and maintains the code as published with no changes. Option 2: Retains existing amendments to the 1991 U.F.C. This amendment complements the amendment of Section 5201.1, which allows for fleet fueling operations; WAC 51-34-8001 Section 8001.3.2, an amendment proposed for consistency with an identical amendment being proposed for U.B.C. Section 307.1.6; WAC 51-34-8003 Section 8003.3.2.3, this

amendment was in the 1991 U.F.C. and provides an exception to fire sprinkler system requirements for anhydrous ammonia fertilizer storage canopies; WAC 51-34-9100 APPENDIX II-F, allows for the storage and dispensing of motor fuels from protected aboveground tanks located outside buildings while ensuring a similar level of physical and thermal protection achieved with underground tank installations; WAC 51-35-09000 UNIFORM FIRE CODE STANDARD 9-10, a proposed new U.F.C. standard, Visual Identification Devices, to regulate the installation of VIDs called for in proposed Section 901.4.5; and WAC 51-35-52000 UNIFORM FIRE CODE STANDARD 52-1, 4-4.1: Returns needed language to the standard. 4-4.2.2: Recognizes the CNG vehicle fueling appliance enclosure's limited purpose and makes the appropriate allowances. 4-11.5: This section is needed due to proposed changes to U.F.C. Standard 52-1, Chapter 5. 4-17.2: Change approved at recent IFCI meeting but not yet in the U.F.C. Reinserts exemption from Chapter 4 requirements because of proposed new Chapter 5 regulations. Chapter 5: Chapter has been rewritten to provide appropriate regulations for CNG Vehicle Fueling Appliances.

REGULATORY ANALYSIS (per Executive Order 94-07):

Objective of Rule: RCW 19.27.074 directs the council to adopt and maintain the codes listed in RCW 19.27.031, which includes the Uniform Fire Code and Uniform Fire Code Standards. New editions of the Uniform Fire Code and Standards are published every three years. The objective of this rule is to adopt and amend the Uniform Fire Code and Uniform Fire Code Standards, 1994 Edition, for statewide application and enforcement by each city and county of the state.

Alternative Methods to Achieve Same Objective: The mission of the State Building Code Council is to adopt building codes for uniform application throughout the state. This is best achieved through a single building code. Amending the regulations of other agencies, or directing local governments to adopt building codes independently have been historically counterproductive to the purpose of the State Building Code Act (chapter 19.27 RCW).

Coordination with Other Agencies: The Building Code Council rulemaking process has included participation by local building, fire, mechanical and plumbing officials, and state agency representatives from the Departments of Ecology and Health, Fire Protection Services and the Superintendent of Public Instruction. Statute requires local governments to enforce the codes adopted by the council. Technical assistance to local governments is an ongoing activity of council staff. The Departments of Social and Health Services, Health, Public Instruction, Labor and Industries, Washington State Energy Office and Fire Protection Services are among the state agencies who no longer write their individual construction standards, but rely on the codes adopted by the Building Code Council.

Cost Effectiveness: Changes to other rules or statutes will not achieve the objective mandated by RCW 19.27.074, therefore, this proposal is the most cost-effective manner of achieving that regulatory objective.

Anticipated Environmental and Fiscal Consequences: Environmentally, an important result of adopting the latest edition of the Uniform Fire Code will come through applica-

tion of new regulations for refrigerants and refrigeration. These new regulations are intended to reduce damage to Earth's ozone layer. The fiscal consequences to state government of adopting or not adopting the proposed rule is difficult to quantify. Since the building codes do apply to state facilities, any benefits derived through use of the latest code editions will be enjoyed by the state. Adopting the most current editions of the codes will allow the state's building industry to utilize current construction trends, materials and technology. The codes foster development of buildings which are safe for the health and safety of the citizens of the state. The latest edition of the Uniform Fire Code incorporates changes made since the last edition which are intended to improve fire safety, and thus, it is hoped the result will be reduced life and property loss.

Interaction with Federal Laws: Federal requirements have resulted in the advent of new refrigerants and new standards and practices for refrigeration which are reflected in the latest edition of the Fire Code. Also, the U.F.C. has been metricated, with metric equivalents being provided in parenthesis following the English measurements, as a result of federal regulations moving the nation toward use of the metric system.

Differences in Application to Public and Private Entities: All regulations adopted by the State Building Code Council apply equally to both public and private entities.

Has a Small Business Economic Impact Statement been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Kermit Robinsom, Unit Manager, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (206) 753-5927, or FAX (206) 586-5880.

Hearing Location: Federal Way City Hall, City Council Chambers, 33530 First Way South, Federal Way, WA 98003, on September 8, 1994, at 9 a.m.; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on September 9, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma, (206) 753-5927 by August 24, 1994, TDD (206) 753-2200.

Submit Written Comments to: Gene Colin, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (206) 586-5880, by September 7, 1994.

July 8, 1994
Gene Colin
Chair

**Chapter 51-34 WAC
STATE BUILDING CODE ADOPTION AND
AMENDMENT OF THE 1994 EDITION OF THE
UNIFORM FIRE CODE**

NEW SECTION

WAC 51-34-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-34-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the State Building Code Council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the Council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the Council.

NEW SECTION

WAC 51-34-003 Uniform Fire Code. The 1994 edition of the Uniform Fire Code, including Appendix II-F, Protected Aboveground Tanks For Motor Vehicle Fuel-Dispensing Stations Outside Buildings, published by the International Fire Code Institute is hereby adopted by reference with the following additions, deletions, and exceptions.

NEW SECTION

WAC 51-34-007 Exceptions. The exceptions and amendments to the Uniform Fire Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-34-008 Implementation. The Uniform Fire Code adopted by chapter 51-34 Washington Administrative Code (WAC) shall become effective in all counties and cities of this state on June 30, 1995, unless local government residential amendments have been approved by the State Building Code Council.

NEW SECTION

WAC 51-34-0200 Article 2—Definitions and abbreviations.

NEW SECTION

WAC 51-34-0206 Section 206—E.

EARLY SUPPRESSION FAST-RESPONSE (ESFR) SPRINKLER is a sprinkler listed for early suppression fast-response performance.

ELECTRIC BLASTING CAP is a shell containing a charge of detonating compound designed to be fired by an electric current.

ELECTRICAL CODE is the National Electrical Code promulgated by the National Fire Protection Association, as adopted in WAC 296-46, or the locally adopted Electrical Code.

ELECTRICAL FIRING UNIT is the source of electrical current used to ignite electric matches. Generally, the firing unit will have switches to control the routing of the current to various firework items and will have a test circuit and warning indicators.

ELECTROSTATIC FLUIDIZED BED is a container holding powder coating material which is aerated from below so as to form an air-supported expanded cloud of such material which is electrically charged with a charge opposite to the charge of the object to be coated. Such object is transported through the container immediately above the charged and aerated materials in order to be coated.

ENCAPSULATED is a method of packaging consisting of a plastic sheet completely enclosing the sides and top of a pallet load. The term encapsulated does not apply to banding or individual plastic-enclosed items inside a large nonplastic-enclosed container.

EXCESS FLOW CONTROL is a fail-safe system designed to shut off flow due to a rupture in pressurized piping systems.

EXCESS FLOW VALVE is a valve inserted into a compressed gas cylinder, portable tank or stationary tank that is designed to positively shut off the flow of gas in the event that its predetermined flow is exceeded.

EXECUTIVE BODY is the governing body of the jurisdiction adopting this code.

EXHAUSTED ENCLOSURE is a noncombustible enclosure which consists of a top, a back and two sides. The enclosure provides a means of local exhaust, but lacks the isolated environment provided by gas cabinets or gas rooms. Such enclosures include laboratory hoods, exhaust fume hoods and similar appliances and equipment used to locally retain and exhaust the gases, fumes, vapors and mists that could be released. Rooms or areas provided with general ventilation, in themselves, do not constitute exhausted enclosures. See the definition of GAS ROOM.

EXIT is a continuous and unobstructed means of egress to a public way and shall include intervening aisles, doors, doorways, gates, corridors, exterior exit balconies, ramps, stairways, pressurized enclosures, horizontal exits, exit passageways, exit courts and yards.

EXIT COURT is a yard or court providing access to a public way for one or more required exits.

EXIT PASSAGEWAY is an enclosed exit connecting a required exit or exit court with a public way.

EXPANDED PLASTIC is a foamed or cellular plastic material having a reduced density based on the presence of numerous small cavities or cells dispersed throughout the material.

EXPLOSION is an effect produced by the sudden violent expansion of gases, which may be accompanied by a shock wave or disruption, or both, of enclosing materials or structures. An explosion could result from

1. Chemical changes such as rapid oxidation, deflagration or detonation, decomposition of molecules and runaway polymerization (usually detonations);
2. Physical changes such as pressure tank ruptures; or
3. Atomic changes (nuclear fission or fusion).

EXPLOSIVE is

1. A chemical that causes a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure, or high temperatures, or

2. A material or chemical, other than a blasting agent, that is commonly used or intended to be used for the purpose of producing an explosive effect and is regulated by Article 77.

EXPLOSIVE MATERIALS are explosives, blasting agents and detonators including, but not limited to, dynamite and other high explosives; slurries, emulsions and water gels; black powder and pellet powder; initiating explosives; detonators or blasting caps; safety fuses; squibs; detonating cord; igniter cord; igniters and Class B (Explosives, Division 1.3 and some Division 1.2—see Appendix VI-E) special fireworks.

EXTENSION CORD is a portable flexible cord of any length which has one male connector on one end and one or more female connectors on the other, and no built-in overcurrent protection.

EXTRAHIGH-RACK COMBUSTIBLE STORAGE is storage on racks of Class I, II, III or IV commodities which exceed 40 feet (121 920 mm) in height and storage on racks of high-hazard commodities which exceed 30 feet (9144 mm) in height.

NEW SECTION

WAC 51-34-0216 Section 216—O.

OCCUPANCY is the purpose for which a building or part thereof is used or intended to be used.

OCCUPANCY CLASSIFICATION. For the purpose of this code, certain occupancies are defined as follows:

Group A Occupancies:

Group A Occupancies include the use of a building or structure, or a portion thereof, for the gathering together of 50 or more persons for purposes such as civic, social or religious functions; recreation, education or instruction; food or drink consumption; or awaiting transportation. A room or space used for assembly purposes by less than 50 persons and accessory to another occupancy shall be included as a part of that major occupancy. Assembly occupancies shall include the following:

Division 1. A building or portion of a building having an assembly room with an occupant load of 1,000 or more and a legitimate stage.

Division 2. A building or portion of a building having an assembly room with an occupant load of less than 1,000 and a legitimate stage.

Division 2.1. A building or portion of a building having an assembly room with an occupant load of 300 or more without a legitimate stage, including such buildings used for educational purposes and not classed as Group B or E Occupancies.

Division 3. A building or portion of a building having an assembly room with an occupant load of less than 300 without a legitimate stage, including such buildings used for

educational purposes and not classed as Group B or E Occupancies.

Division 4. Stadiums, reviewing stands and amusement park structures not included within other Group A Occupancies.

Group B Occupancies:

Group B Occupancies shall include buildings, structures, or portions thereof, for office, professional or service-type transactions, which are not classified as Group H Occupancies. Such occupancies include occupancies for the storage of records and accounts, and eating and drinking establishments with an occupant load of less than 50. Business occupancies shall include, but not be limited to, the following:

1. Animal hospitals, kennels, pounds.
2. Automobile and other motor vehicle showrooms.
3. Banks.
4. Barber shops.
5. Beauty shops.
6. Car washes.
7. Civic administration.

8. Outpatient clinic and medical offices (where five or less patients in a tenant space are incapable of unassisted self-preservation).

9. Dry cleaning pick-up and delivery stations and self-service.

10. Educational occupancies above the 12th grade.

11. Electronic data processing.

12. Fire stations.

13. Florists and nurseries.

14. Laboratories—testing and research.

15. Laundry pick-up and delivery stations and self-service.

16. Police stations.

17. Post offices.

18. Print shops.

19. Professional services such as attorney, dentist, physician, engineer.

20. Radio and television stations.

21. Telephone exchanges.

Group E Occupancies:

Group E Occupancies shall be:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building or portion thereof used for day-care purposes for more than six persons.

EXCEPTION: Family child day care homes as defined in WAC 51-30, Uniform Building Code, shall be considered Group R, Division 3 Occupancies.

Group F Occupancies:

Group F Occupancies shall include the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as Group H Occupancies. Factory and industrial occupancies shall include the following:

Division 1. Moderate-hazard factory and industrial occupancies shall include factory and industrial uses which are not classified as Group F, Division 2 Occupancies, but are not limited to facilities producing the following:

1. Aircraft.
2. Appliances.
3. Athletic equipment.
4. Automobiles and other motor vehicles.
5. Bakeries.
6. Alcoholic beverages.
7. Bicycles.
8. Boats.
9. Brooms and brushes.
10. Business machines.
11. Canvas or similar fabric.
12. Cameras and photo equipment.
13. Carpets and rugs, including cleaning.
14. Clothing.
15. Construction and agricultural machinery.
16. Dry cleaning and dyeing.
17. Electronic assembly.
18. Engines, including rebuilding.
19. Photographic film.
20. Food processing.
21. Furniture.
22. Hemp products.
23. Jute products.
24. Laundries.
25. Leather products.
26. Machinery.
27. Metal.
28. Motion pictures and television filming and videotaping.
29. Musical instruments.
30. Optical goods.

31. Paper mills or products.
32. Plastic products.
33. Printing or publishing.
34. Recreational vehicles.
35. Refuse incineration.
36. Shoes.
37. Soaps and detergents.
38. Tobacco.
39. Trailers.
40. Wood, distillation.
41. Millwork (sash and door).
42. Woodworking, cabinet.

Division 2. Low-hazard factory and industrial occupancies shall include facilities producing noncombustible or nonexplosive materials which, during finishing, packing or processing, do not involve a significant fire hazard, including, but not limited to, the following:

1. Nonalcoholic beverages.
2. Brick and masonry.
3. Ceramic products.
4. Foundries.
5. Glass products.
6. Gypsum.
7. Ice.
8. Steel products—fabrication and assembly.

Group H Occupancies:

Group H Occupancies shall include buildings or structures, or portions thereof, that involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard. Group H Occupancies shall be:

Division 1. Occupancies with a quantity of material in the building in excess of those listed in Table 8001.13-A, which present a high explosion hazard, including, but not limited to:

1. Explosives, blasting agents, fireworks and black powder.

EXCEPTION: Storage and the use of pyrotechnic special effect materials in motion picture, television, theatrical and group entertainment production when under permit as required by Section 7801.3.2. The time period for storage shall not exceed 90 days.

2. Unclassified detonatable organic peroxides.
3. Class 4 oxidizers.
4. Class 4 or Class 3 detonatable unstable (reactive) materials.

Division 2. Occupancies where combustible dust is manufactured, used or generated in such a manner that concentrations and conditions create a fire or explosion

PROPOSED

potential; occupancies with a quantity of material in the building in excess of those listed in Table 8001.13-A, which present a moderate explosion hazard or a hazard from accelerated burning, including, but not limited to:

- 1. Class I organic peroxides.
- 2. Class 3 nondetonatable unstable (reactive) materials.
- 3. Pyrophoric gases.
- 4. Flammable or oxidizing gases.
- 5. Class I, II or III-A flammable or combustible liquids which are used or stored in normally open containers or systems, or in closed containers or systems pressurized at more than 15-pounds-per-square-inch (103.4 kPa) gage.

EXCEPTION: Aerosols.

- 6. Class 3 oxidizers.
- 7. Class 3 water-reactive materials.

Division 3. Occupancies where flammable solids, other than combustible dust, are manufactured, used or generated.

Division 3 Occupancies also include uses in which the quantity of material in the building in excess of those listed in Table 8001.13-A, presents a high physical hazard, including, but not limited to:

- 1. Class II, III or IV organic peroxides.
- 2. Class 1 or 2 oxidizers.
- 3. Class I, II or III-A flammable or combustible liquids which are used or stored in normally closed containers or systems and containers or systems pressurized at 15-pounds-per-square-inch (103.4 kPa) gage or less, and aerosols.
- 4. Class III-B combustible liquids.
- 5. Pyrophoric liquids or solids.
- 6. Class 1 or 2 water-reactive materials.
- 7. Flammable solids in storage.
- 8. Flammable or oxidizing cryogenic fluids (other than inert).
- 9. Class 1 unstable (reactive) gas or Class 2 unstable (reactive) materials.

Division 4. Repair garages not classified as Group S, Division 3 Occupancies.

Division 5. Aircraft repair hangars not classified as Group S, Division 5 Occupancies and heliports.

Division 6. Semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials (HPM) are used and the aggregate quantity or materials are in excess of those listed in Table 8001.13-A or 8001.13-B.

Division 7. Occupancies having quantities of materials in excess of those listed in Table 8001.13-B that are health hazards, including:

- 1. Corrosives.
- 2. Toxic and highly toxic materials.
- 3. Irritants.

- 4. Sensitizers.
- 5. Other health hazards.

Group I Occupancies:

Group I Occupancies shall be:

Division 1.1. Nurseries for the full-time care of children under the age of six (each accommodating more than five children).

Hospitals, sanitariums, nursing homes with nonambulatory patients and similar buildings (each accommodating more than five patients).

Division 1.2. Health-care centers for ambulatory patients receiving outpatient medical care which may render the patient incapable of unassisted self-preservation (each tenant space accommodating more than five such patients).

Division 2. Nursing homes for ambulatory patients, homes for children six years of age or over (each accommodating more than five patients or children).

Division 3. Mental hospitals, mental sanitariums, jails, prisons, reformatories and buildings where personal liberties of inmates are similarly restrained.

EXCEPTION: Group I Occupancies shall not include buildings used only for private residential purposes for a family group.

Add a New Definition for Group LC Occupancies:

Group LC Occupancies shall be:

Group LC Occupancies shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington Department of Health or the Department of Social and Health Services:

- 1. Adult family home.
- 2. Adult residential rehabilitation facility.
- 3. Alcoholism intensive inpatient treatment service.
- 4. Alcoholism detoxification service.
- 5. Alcoholism long term treatment service.
- 6. Alcoholism recovery house service.
- 7. Boarding home.
- 8. Group care facility.
- 9. Group care facility for severely and multiple handicapped children.
- 10. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I, Division 1.1 hospital.

Group M Occupancies:

Group M Occupancies shall include buildings, structures, or portions thereof, used for the display and sale of merchandise, and involving stocks of goods, wares or merchandise incidental to such purposes and accessible to

the public. Mercantile occupancies shall include, but are not limited to, the following:

1. Department stores.
2. Drug stores.
3. Markets.
4. Paint stores without bulk handling.
5. Shopping centers.
6. Sales rooms.
7. Wholesale and retail stores.

Group R Occupancies:

Group R Occupancies shall be:

Division 1. Hotels and apartment houses. Congregate residences (each accommodating more than 10 persons).

Division 2. Not used.

Division 3. Dwellings, family child day care homes as defined in WAC 51-30, Uniform Building Code, and lodging houses. Congregate residences (each accommodating 10 persons or less).

Group S Occupancies:

Group S Occupancies shall include the use of a building or structure, or a portion thereof, for storage not classified as a hazardous occupancy. Storage occupancies shall include the following:

Division 1. Moderate hazard storage occupancies shall include buildings or portions of buildings used for storage of combustible materials that are not classified as a Group S, Division 2 or as a Group H Occupancy.

Division 2. Low-hazard storage occupancies shall include buildings, structures, or portions thereof, used for storage of noncombustible materials, such as products on wood pallets or in paper cartons with or without single-thickness divisions, or in paper wrappings and shall include ice plants, power plants and pumping plants. Such products may have a negligible amount of plastic trim such as knobs, handles or film wrapping. Low-hazard storage occupancies shall include, but are not limited to, storage of the following items:

1. Beer or wine (in metal, glass or ceramic containers).
2. Cement in bags.
3. Cold storage and creameries.
4. Dairy products in nonwax-coated paper containers.
5. Dry-cell batteries.
6. Dryers.
7. Dry pesticides in a building not classified as a Group H Occupancy.
8. Electrical coils.
9. Electrical insulators.
10. Electrical motors.
11. Empty cans.

12. Foods in noncombustible containers.
13. Fresh fruits in nonplastic trays or containers.
14. Frozen foods.
15. Glass bottles (empty or filled with nonflammable liquids).
16. Gypsum board.
17. Inert pigments.
18. Meats.
19. Metal cabinets.
20. Metal furniture.
21. Oil-filled distribution transformers.
22. Stoves.
23. Washers.

Division 3. Division 3 Occupancies shall include repair garages where work is limited to exchange of parts and maintenance requiring no open flame or welding, motor vehicle fuel-dispensing stations, and parking garages not classified as Group S, Division 4 open parking garages or Group U private garages.

Division 4. Open parking garages as set forth in the Building Code. (See U.B.C. Section 311.)

Division 5. Aircraft hangars where work is limited to exchange of parts and maintenance requiring no open flame or welding and helistops.

Group U Occupancies:

Group U Occupancies shall include buildings or structures, or portions thereof, and shall be:

Division 1. Private garages, carports, sheds and agricultural buildings.

EXCEPTION: Where applicable in accordance with the Building Code (see U.B.C. Section 101.3 for agricultural buildings. See also U.B.C. Appendix Chapter 3).

Division 2. Fences over 6 feet (1829 mm) high, tanks and towers.

OIL-BURNING EQUIPMENT is an oil burner of any type together with its tank, piping, wiring, controls and related devices. Oil-burning equipment includes oil burners, oil-fired units and heating and cooking appliances but does not include equipment exempted by Section 6101.

OIL-FIRED UNIT is a heating appliance equipped with one or more oil burners and the necessary safety controls, electrical equipment and related equipment manufactured for assembly as a complete unit. Oil-fired unit does not include kerosene stoves or oil stoves.

OPEN BURNING is the burning of a bonfire, rubbish fire or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit. See WAC Chapter 173-425.

OPEN-AIR GRANDSTANDS and BLEACHERS are seating facilities which are located so that the side toward which the audience faces is unroofed and without an enclosing wall. See also Section 203 for BLEACHERS.

OPERATING LINE is a group of separated operating buildings of specific arrangement used in the assembly, modification, reconditioning, renovation, maintenance, inspection, surveillance, testing or manufacturing of explosives.

ORGANIC COATING is a liquid mixture of binders, such as alkyd, nitrocellulose, acrylic or oil and flammable and combustible solvents such as hydrocarbon, ester, ketone or alcohol, which when spread in a thin film converts to a durable protective and decorative finish.

ORGANIC PEROXIDE is an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms have been replaced by an organic radical. Organic peroxides can present an explosion hazard (detonation or deflagration) or they can be shock sensitive. They can also decompose into various unstable compounds over an extended period of time.

OSHA is the Occupational Safety and Health Administration.

OTHER HEALTH HAZARD MATERIAL is a hazardous material which affects target organs of the body, including, but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen, or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effects on fetuses).

OWNER includes persons having vested or contingent interest in the property in question and their duly authorized agents or attorneys, purchasers, devisees and fiduciaries.

OXIDIZER is a chemical other than a blasting agent or explosive that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

NEW SECTION

WAC 51-34-0219 Section 219—R.

RACK STORAGE is a combination of vertical, horizontal and diagonal members that support stored materials. Racks are allowed to be fixed or portable. See Article 81.

RADIATION SOURCE MATERIALS, COMMON, are radioisotopes, other than fissile materials, commonly used in various medical and industrial testing and measuring situations.

RADIOACTIVE MATERIAL is a material or combination of materials that spontaneously emits ionizing radiation.

RAILWAY is a steam, electric or other railroad which carries passengers for hire.

REACTIVE MATERIAL is a material which can enter into a hazardous chemical reaction with other stable or unstable materials.

READY BOX is a storage container for aerial shells at the site of a fireworks display.

RECEPTACLE is an electrical outlet designed for use with a plug or connector for the purpose of supplying electrical power to an appliance.

RECREATIONAL FIRE is the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking or similar purposes. See WAC Chapter 173-425.

REDUCED FLOW VALVE is a valve equipped with a restricted flow orifice and inserted into a compressed gas cylinder, portable tank or stationary tank that is designed to reduce the maximum flow from the valve under full flow conditions. The maximum flow rate from the valve is determined with the valve allowed to flow to atmosphere with no other piping or fittings attached.

REFINERY is a plant in which flammable or combustible liquids are produced on a commercial scale from crude petroleum, natural gasoline or other hydrocarbon sources.

REFRIGERANT is the fluid used for heat transfer in a refrigerating system; the refrigerant absorbs heat and transfers it at a higher temperature and a higher pressure, usually with a change of state.

REMOTE PUMPING SYSTEM. See **PRESSURE DELIVERY SYSTEM.**

REMOTE SOLVENT RESERVOIR is a liquid solvent container which is completely enclosed against evaporative losses to the atmosphere during nonuse periods, except for a solvent return opening not larger than 16 square inches (10 323 mm²). Such return allows pump-cycled used solvent to drain back into the reservoir from a separate solvent sink or work area.

The reservoir is allowed to be integral to the parts-cleaning machine it services or separate and connected by hoses, tubing, piping or similar devices.

REPAIR is the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

RETAIL DISPLAY AREA is the area of a Group M Occupancy open for the purpose of viewing or purchasing merchandise offered for sale. Individuals in such establishments are free to circulate among the items offered for sale which are typically displayed on shelves, racks or the floor.

RETAIL SALES OCCUPANCY is the occupancy or use of a building or structure or any portion thereof for displaying, selling or buying of goods, wares or merchandise.

REVIEWING STANDS are elevated platforms accommodating not more than 50 persons. Seating facilities, if provided, are normally in the nature of loose chairs. Reviewing stands accommodating more than 50 persons shall be regulated as grandstands.

ROOM. See **LIQUID STORAGE ROOM** and see Section 7903.2.3 for construction requirements for rooms where flammable or combustible liquids are used, dispensed or mixed in quantities exceeding exempt amounts.

RUBBISH is waste material including, but not limited to, garbage, waste paper and debris from construction or demolition.

NEW SECTION

WAC 51-34-0223 Section 223—V.

VAPOR AREA is an area containing flammable vapors. The chief is authorized to determine the extent of the vapor area, taking into consideration the characteristics of the liquid, the degree of sustained ventilation and the nature of operations.

VAPOR BALANCE SYSTEM is a system designed to capture and retain, without processing, vapors displaced during the filling of tanks and containers or during the fueling of vehicles.

VAPOR PRESSURE is the pressure exerted by a volatile fluid as determined by U.F.C. Standard 2-5.

VAPOR-PROCESSING SYSTEM is a system designed to capture and process vapors displaced during filling operations at motor vehicle fuel-dispensing stations, bulk plants or terminals by use of mechanical or chemical means. Examples include systems using blower-assist for capturing vapors and refrigeration absorption and combustion systems for processing vapors.

VAPOR-PROCESSING UNIT is the actual vapor-processing equipment in one contiguous unit in an isolated or separated area. Vapor-processing units do not include in-line flame arresters, in-line fire checks, pressure vacuum valves, in-line check valves or flow regulators at the dispenser.

VAPOR-RECOVERY SYSTEM is a system designed to capture and retain, without processing, vapors displaced during filling operations at motor vehicle fuel-dispensing stations, bulk plants or terminals. Examples include balanced-pressure vapor displacement systems and vacuum-assist systems without vapor processing.

VAPOR-TRANSFER EQUIPMENT is the components of a vapor-processing system, a vapor balance system, or other approved system which is designed to capture, transfer and prevent emissions of vapors or liquids displaced during filling of tanks or containers or during the fueling of vehicles. Examples include the vapor/liquid-dispensing nozzle, vapor-transfer lines and tank vents.

Add a New Definition as follows:

VEHICLE FUELING APPLIANCE is a listed natural gas compressor package, not containing storage, designed for the unattended dispensing of natural gas into the fuel tanks of motor vehicles.

VENT-RELEASE CONTAINER is an aerosol container which is designed to provide a controlled venting of the base product and propellant at a nominal hydrostatic pressure of less than 210 psig (1447 kPa).

NEW SECTION

WAC 51-34-0900 Article 9—Fire department access and water supply.

NEW SECTION

WAC 51-34-0901 Section 901—General.

901.1 Scope. Fire department access and water supply shall be in accordance with Article 9.

For fire safety during construction, alteration or demolition of a building, see Article 87.

901.2 Permits and Plans.

901.2.1 Permits. A permit is required to use or operate fire hydrants or valves intended for fire-suppression purposes which are installed on water systems and accessible to public highways, alleys or private ways open to or generally used by the public. See Section 105, Permit f.1.

EXCEPTION: A permit is not required for persons employed and authorized by the water company which supplies the system to use or operate fire hydrants or valves.

901.2.2 Plans.

901.2.2.1 Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

901.3 Timing of Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

EXCEPTION: When alternate methods of protection, as approved by the chief, are provided, the requirements of Section 901.3 may be modified or waived.

901.4 Required Marking of Fire Apparatus Access Roads, Addresses and Fire Protection Equipment.

901.4.1 General. Marking of fire apparatus access roads, addresses and fire protection equipment shall be in accordance with Section 901.4.

901.4.2 Reserved.

901.4.3 Fire protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the chief to prevent obstruction by parking and other obstructions.

When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

See also Section 1001.7.

OPTION 1: As published with no changes.

901.4.4 Premises identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

OPTION 2: As amended below. This option goes along with proposed U.F.C. Standard 9-10, Chapter 51-35-09000 WAC.

901.4.4 Premises identification.

901.4.4.1 Addresses. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

901.4.4.2 Visual identification devices. When required by the chief, visual identification devices complying with U.F.C. Standard 9-10 shall be installed on all Group R occupancies adjacent to the address number in such a position as to be plainly visible from the street or road fronting the property.

901.4.5 Street or Road Signs. When required by the chief, streets and roads shall be identified with approved signs.

901.5 Obstruction and Control of Fire Apparatus Access Roads and Fire Protection Equipment. See Sections 902.2.4 and 1001.7.

901.6 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing Parks, Sales Lots and Storage Lots. Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 902 and 903.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the chief.

NEW SECTION

WAC 51-34-0902 Section 902—Fire department access.

902.1 General. Fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards.

902.2 Fire Apparatus Access Roads.**902.2.4 Obstruction and control of fire apparatus access.**

902.2.4.1 General. Entrances to roads, trails or other accessways which have been closed with gates and barriers in accordance with Section 902.2.4.2 shall not be obstructed by parked vehicles.

902.2.4.2 Closure of accessways. The chief is authorized to require the installation and maintenance of gates or other approved barricades across roads, trails or other accessways, not including public streets, alleys or highways.

When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways which have been closed and obstructed in the manner prescribed by Section 902.2.4.2 shall not be trespassed upon or used unless authorized by the owner and the chief.

EXCEPTION: Public officers acting within their scope of duty.

Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner.

EXCEPTION: When authorized by the chief or performed by public officers acting within their scope of duty.

902.3 Access to Building Openings.

902.3.1 Required access. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the fire department.

An approved access walkway leading from fire apparatus access roads to exterior openings required by this code or the Building Code shall be provided when required by the chief.

902.3.2 Maintenance of exterior doors and openings. Exterior doors or their function shall not be eliminated without prior approval by the chief. Exterior doors which have been rendered nonfunctional and which retain a functional door exterior appearance shall have a sign affixed to the exterior side of such door stating THIS DOOR BLOCKED. The sign shall consist of letters having principal stroke of not less than 3/4 inch (19.1 mm) wide and at least 6 inches (152.4 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. See Section 1207 for exit doors.

For access doors for high-piled combustible storage, see Section 8102.5.2.

902.3.3 Shaftway marking. Exterior windows in buildings used for manufacturing or for storage purposes which open directly on shaftways or other vertical means of communication between two or more floors shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152.4 mm) high on a white background. Warning signs shall be easily discernible from the outside of the building. Door and window openings on such shaftways from the interior of the building shall be similarly marked with the word SHAFTWAY in a manner which is easily visible to anyone approaching the shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance.

902.4 Key boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the chief and shall contain keys to gain necessary access as required by the chief.

NEW SECTION

WAC 51-34-1000 Article 10—Fire-protection systems and equipment.

NEW SECTION

WAC 51-34-1003 Section 1003—Fire-extinguishing systems.

1003.1 Installation Requirements.

1003.1.1 General. Fire-extinguishing systems shall be installed in accordance with the Building Code and Section 1003.

Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the chief.

The location of fire department hose connections shall be approved by the chief.

In buildings used for high-piled combustible storage, fire protection shall be in accordance with Article 81.

1003.1.2 Standards. Fire-extinguishing systems shall comply with the Building Code. (See U.B.C. Standard 9-1.)

- EXCEPTIONS:**
1. Automatic fire-extinguishing systems not covered by the Building Code shall be approved and installed in accordance with approved standards.
 2. Automatic sprinkler systems may be connected to the domestic water-supply main when approved by the building official, provided the domestic water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. In such case, the sprinkler system connection shall be made between the public water main or meter and the building shutoff valve, and there shall not be intervening valves or connections. The fire department connection may be omitted when approved by the chief.
 3. Automatic sprinkler systems in Group R Occupancies four stories or less may be in accordance with the Building Code requirements for residential sprinkler systems. (See U.B.C. Standard 9-3.)

1003.1.3 Modifications. When residential sprinkler systems as set forth in the Building Code (see U.B.C. Standard 9-3) are provided, exceptions to, or reductions in, Building Code requirements based on the installation of an automatic fire-extinguishing system are not allowed.

1003.2 Required Installations.

1003.2.1 General. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in Section 1003.2.

For provisions on special hazards and hazardous materials, see Section 1001.9 and Articles 79, 80 and 81.

1003.2.2 All occupancies except Group R, Division 3 and Group U Occupancies. Except for Group R, Division 3 and Group U Occupancies, an automatic sprinkler system shall be installed:

1. In every story or basement of all buildings when the floor area exceeds 1,500 square feet (139.4 m²) and there is not provided at least 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15 240 mm) or fraction thereof or exterior wall in the story or basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

If any portion of a basement is located more than 75 feet (22 860 mm) from openings required in Section

1003.2.2, the basement shall be provided with an approved automatic sprinkler system.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

3. In rooms where nitrate film is stored or handled. See also Article 33.

4. In protected combustible fiber storage vaults as defined in Article 2. See also Article 28.

5. Throughout all buildings with a floor level with an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

- EXCEPTIONS:**
1. Airport control towers.
 2. Open parking structures.
 3. Group F, Division 2 Occupancies.

1003.2.3 Group A Occupancies.

1003.2.3.1 Drinking establishments. An automatic sprinkler system shall be installed in rooms used by the occupants for the consumption of alcoholic beverages and unseparated accessory uses where the total area of such unseparated rooms and assembly uses exceeds 5,000 square feet (465 m²). For uses to be considered as separated, the separation shall not be less than as required for a one-hour occupancy separation. The area of other uses shall be included unless separated by at least a one-hour occupancy separation.

1003.2.3.2 Basements. An automatic sprinkler system shall be installed in basements classified as a Group A Occupancy when the basement is larger than 1,500 square feet (139 m²) in floor area.

1003.2.3.3 Exhibition and display rooms. An automatic sprinkler system shall be installed in Group A Occupancies which have more than 12,000 square feet (112 m²) of floor area which can be used for exhibition or display purposes.

1003.2.3.4 Stairs. An automatic sprinkler system shall be installed in enclosed usable space below or over a stairway in Group A, Divisions 2, 2.1, 3 and 4 Occupancies.

1003.2.3.5 Multitheater complexes. An automatic sprinkler system shall be installed in every building containing a multitheater complex.

1003.2.3.6 Amusement buildings. An automatic sprinkler system shall be installed in all amusement buildings. The main water-flow switch shall be electrically supervised. The sprinkler main cutoff valve shall be supervised. When the amusement building is temporary, the sprinkler water-supply system may be of an approved temporary type.

- EXCEPTION:** An automatic sprinkler system need not be provided when the floor area of a temporary amusement building is less than 1,000 square feet (92.9 m²) and the exit travel distance from any point is less than 50 feet (15 240 mm).

1003.2.3.7 Stages. All stages shall be sprinklered. Such sprinklers shall be provided throughout the stage and in

dressing rooms, workshops, storerooms and other accessory spaces contiguous to such stages.

EXCEPTIONS: 1. Sprinklers are not required for stages 1,000 square feet (92.9 m²) or less in area and 50 feet (1542 mm) or less in height where curtains, scenery or other combustible hangings are not retractable vertically. Combustible hangings shall be limited to a single main curtain, borders, legs and a single backdrop.

2. Under stage areas less than 4 feet (1219 mm) in clear height used exclusively for chair or table storage and lined on the inside with 5/8-inch (16 mm) Type X gypsum wallboard or an approved equal.

1003.2.4 Group E Occupancies.

1003.2.4.1 General. An automatic fire-extinguishing system shall be installed in all newly constructed buildings classified as Group E, Division 1 Occupancy. A minimum water supply meeting the requirements of UBC Standard 9-1 shall be required. The Chief may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, area separation walls shall define separate buildings.

EXCEPTIONS: Portable school classrooms, provided:

1. Aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet (465 m²); and
2. Clusters of portable school classrooms separated as required in Chapter 5 of the Building Code.

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with UBC Standard 9-1 may be used for increases allowed in Chapter 5 of the Building Code.

1003.2.4.2 Basements. An automatic sprinkler system shall be installed in basements classified as Group E, Division 1 Occupancies.

1003.2.4.3 Stairs. An automatic fire sprinkler system shall be installed in enclosed usable space below or over a stairway in Group E, Division 1 Occupancies.

1003.2.5 Group H Occupancies.

1003.2.5.1 General. An automatic fire-extinguishing system shall be installed in Group H, Divisions 1, 2, 3 and 7 Occupancies.

1003.2.5.2 Group H, Division 4 Occupancies. An automatic fire-extinguishing system shall be installed in Group H, Division 4 Occupancies having a floor area of more than 3,000 square feet (279 m²).

1003.2.5.3 Group H, Division 6 Occupancies. An automatic fire-extinguishing system shall be installed throughout buildings containing Group H, Division 6 Occupancies. The design of the sprinkler system shall not be less than that required under the Building Code (see U.B.C. Standard 9-1) for the occupancy hazard classifications as follows:

LOCATION	OCCUPANCY HAZARD CLASSIFICATION
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Exit corridors	Ordinary Hazard Group 2 ¹

¹When the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers that needs to be calculated is 13.

1003.2.6 Group I Occupancies. An automatic sprinkler system shall be installed in Group I Occupancies. Listed quick response sprinklers shall be installed in accordance with their listing for light hazard areas.

EXCEPTION: In jails, prisons and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously monitored location. Opening of the valve will cause the piping system to be charged. Sprinkler heads in such systems shall be equipped with fusible elements or the system shall be designed as required for deluge systems in the Building Code (see U.B.C. Standard 9-1).

1003.2.7 Group M Occupancies. An automatic sprinkler system shall be installed in retail sales rooms classified as Group M Occupancies where the floor area exceeds 12,000 square feet (1114.8 m²) on any floor or 24,000 square feet (2229.7 m²) on all floors or in Group M retail sales occupancies more than three stories in height. The area of mezzanines shall be included in determining the areas where sprinklers are required.

OPTION 1 for Section 1003.2.8: As published with no changes

1003.2.8 Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing 16 or more dwelling units, every congregate residence three or more stories in height or having an occupant load of 20 or more, and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building.

OPTION 2 for Section 1003.2.8: As amended below

1003.2.8 Group R, Division 1 Occupancies An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing 5 or more dwelling units, every congregate residence three or more stories in height or having an occupant load of more than 10, and every hotel three or more stories in height or containing 10 or more guest rooms. Listed residential or quick-response sprinklers shall be used in the dwelling units and guest room portions of the building. Area separation walls as noted in Section 504.6 of the Uniform Building Code shall not be considered to separate a building to enable deletion of the required fire sprinkler system.

1003.3 Sprinkler System Monitoring and Alarms.

1003.3.1 Where required. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

1. Twenty or more in Group I, Divisions 1.1 and 1.2 Occupancies.

PROPOSED

2. One hundred or more in all other occupancies.

Valve monitoring and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station as defined by U.F.C. Standard 10-2 or, when approved by the building official with the concurrence of the chief, shall sound an audible signal at a constantly attended location.

EXCEPTION: Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be monitored.

1003.3.2 Alarms. An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Actuation of the alarm shall be as set forth in the Building Code. (See U.B.C. Standard 9-1.)

1003.4 Permissible Sprinkler Omissions. Subject to the approval of the building official and with the concurrence of the chief, sprinklers may be omitted in rooms or areas as follows:

1. When sprinklers are considered undesirable because of the nature of the contents or in rooms or areas which are of noncombustible construction with wholly noncombustible contents and which are not exposed by other areas. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistive construction or contains electrical equipment.

2. Sprinklers shall not be installed when the application of water or flame and water to the contents may constitute a serious life or fire hazard, as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium powder and sodium peroxide.

3. Safe deposit or other vaults of fire-resistive construction, when used for the storage of records, files and other documents, when stored in metal cabinets.

4. Communication equipment areas under the exclusive control of a public communication utility agency, provided:

4.1 The equipment areas are separated from the remainder of the building by one-hour fire-resistive occupancy separation; and

4.2 Such areas are used exclusively for such equipment; and

4.3 An approved automatic smoke-detection system is installed in such areas and is supervised by an approved central, proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location; and

4.4 Other approved fire-protection equipment such as portable fire extinguishers or Class II standpipes are installed in such areas.

5. Other approved automatic fire-extinguishing systems may be installed to protect special hazards or occupancies in lieu of automatic sprinklers.

NEW SECTION

WAC 51-34-1007 Section 1007—Fire alarm systems.

1007.1 General.

1007.1.1 Applicability. Installation and maintenance of fire alarm systems shall be in accordance with Section 1007.

1007.1.2 Testing. See Section 1001.4.

1007.1.3 Maintenance. See Section 1001.5.1.

1007.1.4 Problematic systems and systems out of service. In the event of temporary failure of the alarm system or an excessive number of accidental alarm activations, the chief is authorized to require the building owner or occupant to provide standby personnel as set forth in Section 2501.19 until the system is restored.

Add a New Section as follows:

1007.1.5 Where new construction or modification is to be in compliance with adopted WAC 51-30, Chapter 11, alarm modifications shall be designed to be compatible with the requirements of Article 10, U.F.C.

1007.2 Required Installations.

1007.2.1 General.

1007.2.1.1 When required. An approved manual, automatic or manual and automatic fire alarm system shall be provided in accordance with Section 1007.2.

1007.2.1.2 Use of area separation walls to define separate buildings. For the purposes of Section 1007, area separation walls shall not define separate buildings.

1007.2.2 Group A Occupancies.

1007.2.2.1 General. Group A, Divisions 1, 2 and 2.1 Occupancies shall be provided with a manual fire alarm system in accordance with Section 1007.2.2.

EXCEPTIONS:

1. Manual fire alarm boxes are not required when an approved automatic fire-extinguishing system is installed which will immediately activate the prerecorded announcement upon water flow.
2. Group A Occupancy portions of Group E Occupancies are allowed to have alarms as required for the Group E Occupancy.

See also Section 1007.2.12.

1007.2.2.2 System initiation. Activation of the fire alarm shall immediately initiate an approved prerecorded message announcement using an approved electrically supervised voice communication or public address system which is audible above the ambient noise level of the occupancy.

EXCEPTION: When approved by the chief, the prerecorded announcement is allowed to be manually deactivated for a period of time not to exceed 3 minutes for the sole purpose of allowing a live voice announcement from an approved, constantly attended station.

1007.2.2.3 Emergency power. Voice communication and public address systems shall be provided with an approved emergency power source.

1007.2.3 Group B Occupancies. See Section 1007.2.12.

1007.2.4 Group E Occupancies.

1007.2.4.1 General. Group E Occupancies shall be provided with fire alarm systems in accordance with Section 1007.2.4. Group E, Division 1 Occupancies and Group E, Division 3 Occupancies having an occupant load of 50 or more shall be provided with an approved manual fire alarm system. When automatic sprinkler systems or smoke detectors provided in accordance with Section 1007.2.4.2 are installed, such systems or detectors shall be connected to the building fire alarm system, and the building fire alarm system shall be both automatic and manual. See also Section 1007.2.12.

1007.2.4.2 Smoke detectors.

1007.2.4.2.1 Increased travel distance. Smoke detectors shall be installed when required by the Building Code for increased in travel distance to exits. (See U.B.C. Section 1017.3.)

1007.2.4.2.2 Exits through adjoining rooms. Smoke detectors shall be installed when required by the Building Code to allow the only means of egress from a room to be through adjoining or intervening rooms. (See U.B.C. Section 1017.4.)

1007.2.4.3 Exterior alarm-signaling device. A alarm-signaling device shall be mounted on the exterior of the building.

1007.2.5 Group F Occupancies. See Section 1007.2.12.

1007.2.6 Group H Occupancies.

1007.2.6.1 General. Group H Occupancies shall be provided with fire alarm systems in accordance with Section 1007.2.6. See also Section 1007.2.12.

1007.2.6.2 Organic coatings. Organic coating manufacturing uses shall be provided with a manual fire alarm system. See Article 50.

1007.2.6.3 Group H, Division 6 Occupancies. Group H, Division 6 Occupancies shall be provided with a manual fire alarm system. See Article 51.

1007.2.6.4 Rooms used for storage, dispensing, use and handling of hazardous materials. When required by Article 80, rooms or areas used for storage, dispensing, use or handling of highly toxic compressed gases, liquid and solid oxidizers, and Class I, II, III or IV organic peroxides shall be provided with an automatic smoke-detection system.

1007.2.7 Group I Occupancies.

1007.2.7.1 Divisions 1.1, 1.2 and 2 Occupancies.

1007.2.7.1.1 System requirements. Group I, Divisions 1.1, 1.2 and 2 Occupancies shall be provided with an approved manual and automatic fire alarm system in accordance with Section 1007.2.7.1. See also Section 1007.2.12. Smoke detectors shall be provided in accordance with the Building Code as follows:

1. At automatic-closing doors in smoke barriers and one-hour fire-resistive occupancy separations (see U.B.C. Sections 308.2.2.1 and 308.8),
2. In waiting areas which are open to corridors (see U.B.C. Section 1019.3).

When actuated, alarm-initiating devices shall activate an alarm signal which is audible throughout the building.

EXCEPTION: Visual alarm-signaling devices are allowed to substitute for audible devices in patient use areas.

1007.2.7.1.2 Patient room smoke detectors. Smoke detectors which receive their primary power from the building wiring shall be installed in patient sleeping rooms of hospital and nursing homes. Actuation of such detectors shall cause a visual display on the corridor side of the room in which the detector is located and shall cause an audible and visual alarm at the respective nurses' station. When single-station detectors and related devices are combined with a nursing call system, the nursing call system shall be listed for the intended combined use.

EXCEPTION: In rooms equipped with automatic door closers having integral smoke detectors on the room side, the integral detector may substitute for the room smoke detector, provided it performs the required alerting functions.

1007.2.7.2 Division 3 Occupancies.

1007.2.7.2.1 General. Group I, Division 3 Occupancies shall be provided with a manual and automatic fire alarm system installed for alerting staff in accordance with Section 1007.2.7.2. See also Section 1007.2.12.

1007.2.7.2.2 System initiation. Actuation of an automatic fire-extinguishing system, a manual fire alarm box or a fire detector shall initiate an approved fire alarm signal which automatically notifies staff. Presignal systems shall not be used.

1007.2.7.2.3 Manual fire alarm boxes.

1. General. Manual fire alarm boxes need not be located in accordance with Section 1007.3.3.1 when they are provided at staff-attended locations having direct supervision over areas where manual fire alarm boxes have been omitted.

2. Locking of manual fire alarm boxes. Manual fire alarm boxes are allowed to be locked in areas occupied by detainees, provided that staff members are present within the subject area and have keys readily available to operate the manual fire alarm boxes.

1007.2.7.2.4 Smoke detection. An approved automatic smoke-detection system shall be installed throughout resident housing areas, including sleeping areas and contiguous day rooms, group activity spaces and other common spaces normally accessible to residents.

EXCEPTION: Other approved smoke-detection arrangements providing equivalent protection, such as placing detectors in exhaust ducts from cells or behind protective grilles, are allowed when necessary to prevent damage or tampering.

1007.2.7.2.5 Zoning and annunciation. Alarm and trouble signals shall be annunciated at an approved constantly attended location. Such signals shall indicate the zone of origin.

Separate zones shall be provided for individual fire-protection systems, buildings, floors, cell complexes and sections of floors compartmented by smoke-stop partitions.

1007.2.7.2.6 Monitoring. The fire alarm system shall be monitored by an approved central, proprietary or remote

station service or by transmission of a local alarm which will give audible and visual signals at an approved constantly attended location.

1007.2.8 Group M Occupancies. See Section 1007.2.12.

1007.2.9 Group R, Division 1 Occupancies.

1007.2.9.1 System requirements.

1007.2.9.1.1 General. Group R Occupancies shall be provided with fire alarm systems in accordance with Section 1007.2.9. Group R, Division 1 Occupancies shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units, in hotels three or more stories in height or containing 20 or more guest rooms, and in congregate residences three or more stories in height or having an occupant load of 20 or more. See also Section 1007.2.12.

EXCEPTIONS:

1. A manual fire alarm system need not be provided in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit directly to a public way, exit court or yard.
2. A separate fire alarm system need not be provided in buildings which are protected throughout by an approved supervised fire sprinkler system conforming with the Building Code and having a local alarm to notify all occupants.

1007.2.9.1.2 Manual fire alarm boxes. Manual fire alarm boxes are not required for interior corridors having smoke detectors as specified in Section 1007.2.9.1.3.

1007.2.9.1.3 Smoke detectors. Smoke detectors shall be provided in all common areas and interior corridors serving as a required exit for an occupant load of 10 or more.

1007.2.9.1.4 Heat detectors. Heat detectors shall be provided in common areas such as recreational rooms, laundry rooms, furnace rooms, and similar areas in accordance with U.F.C. Standard 10-3.

1007.2.9.1.5 Visual signaling devices. Guest rooms for persons with hearing impairments shall be provided with visible and audible alarm-indicating appliances, activated by both the in-room smoke detector and the building fire alarm system.

1007.2.9.2 Single-station smoke detectors. Approved single-station smoke detectors shall be installed in dwelling units, congregate residences and hotel or lodging house guest rooms in accordance with the Building Code.

Single-station smoke detectors shall not be connected to a fire alarm system. See also Section 1007.2.9.1.5.

EXCEPTION: Connection of such detectors for annunciation only.

1007.2.10 Group S Occupancies. See Section 1007.2.12.

1007.2.11 Group U Occupancies. No requirements.

1007.2.12 Special uses and conditions.

1007.2.12.1 Amusement buildings.

1007.2.12.1.1 General. An approved smoke-detection system shall be provided in amusement buildings in accordance with Section 1007.2.12.1.

EXCEPTION: In areas where ambient conditions will cause a smoke-detection system to alarm, an approved alternate type of automatic detector shall be installed.

1007.2.12.1.2 Alarm system. Activation of any single smoke detector, the automatic sprinkler system or other automatic fire-detection device shall immediately sound an alarm in the building at a constantly supervised location from which the manual operation of systems noted in Section 1007.2.12.1.3 can be initiated.

1007.2.12.1.3 System response. The activation of two or more smoke detectors, a single smoke detector monitored by an alarm verification zone, the automatic sprinkler system or other approved fire-detection device shall automatically:

1. Stop confusing sounds and other visual effects,
2. Activate approved directional exit marking, and
3. Cause illumination of the exit path with light of not less than one footcandle at the walking surface.

1007.2.12.1.4 Public address system. The public address system is also allowed to serve as an alarm.

1007.2.12.2 High-rise buildings.

1007.2.12.2.1 General. Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access, shall be provided with an automatic fire alarm system and a communication system in accordance with Section 1007.2.12.2.

1007.2.12.2.2 Automatic fire alarm system. Smoke detectors shall be provided in accordance with Section 1007.2.12.2.2. Smoke detectors shall be connected to an automatic fire alarm system. The actuation of any detector required by Section 1007.2.12.2.2 shall operate the emergency voice alarm-signaling system and shall place into operation all equipment necessary to prevent the recirculation of smoke. Smoke detectors shall be located as follows:

1. In every mechanical equipment, electrical, transformer, telephone equipment, elevator machine or similar room, and in elevator lobbies. Elevator lobby detectors shall be connected to an alarm verification zone or be listed as a releasing device;

2. In the main return-air and exhaust-air plenum of each air-conditioning system. Such detectors shall be located in a serviceable area downstream of the last duct inlet;

3. At each connection to a vertical duct or riser serving two or more stories from a return-air duct or plenum of an air-conditioning system. In Group R, Division 1 Occupancies, an approved smoke detector is allowed to be used in each return-air riser carrying not more than 5,000 cubic feet per minute (2360 L/s) and serving not more than 10 air-inlet openings; and

4. For Group R, Division 1 Occupancies, in all interior corridors serving as a required exit for an occupant load of 10 or more.

1007.2.12.2.3 Emergency voice alarm-signaling system. The operation of any automatic fire detector, sprinkler or water-flow device shall automatically sound an alert tone

followed by voice instructions giving appropriate information and directions on a general or selective basis to the following terminal areas:

1. Elevators,
2. Elevator lobbies,
3. Corridors,
4. Exit stairways,
5. Rooms and tenant spaces exceeding 1,000 square feet (93 m²) in area,
6. Dwelling units in apartment houses, and
7. Hotel guest rooms or suites.

A manual override for emergency voice communication shall be provided for all paging zones.

The emergency voice alarm-signaling system shall be designed and installed in accordance with the Building Code and U.F.C. Standard 10-2.

1007.2.12.2.4 Fire department communication system. A two-way, approved fire department communication system shall be provided for fire department use. It shall operate between the central control station and elevators, elevator lobbies, emergency and standby power rooms and at entries into enclosed stairways.

1007.2.12.3 Buildings with atriums. Actuation of an atrium smoke-control system required by the Building Code shall initiate an audible fire alarm signal in designated portions of the building.

1007.2.12.4 High-piled combustible storage uses. When required by Article 81, high-piled combustible storage uses shall be provided with an automatic smoke-detection system throughout.

1007.2.12.5 Special egress-control devices. When special egress-control devices are installed on exit doors, an automatic smoke-detection system shall be installed throughout the building. (See U.B.C. Section 1004.5.)

1007.2.12.6 Corridors in office uses. When required by the Building Code for corridors in lieu of one-hour corridor construction, smoke detectors shall be installed within office corridors in accordance with their listing. The actuation of any detector shall activate alarm audible in all areas served by the corridor. (See U.B.C. Section 1005.7, Exception 5.)

1007.2.12.7 Aerosol storage uses. When required by Article 88, aerosol storage rooms and general purpose warehouses containing aerosols shall be provided with an approved manual alarm system.

1007.2.12.8 Smoke-control systems. An approved automatic smoke-detection system shall be provided when required by the Building Code for automatic control of a smoke-control system. (See U.B.C. Section 905.9.)

Add a New Section as follows:

1007.2.12.9 Accessible buildings.

1007.2.12.9.1 General. Alarm systems in buildings which are required to have accessible building facilities shall include both audible and visible alarms. All devices shall be

listed or approved. The alarm devices shall be located in all accessible sleeping accommodations and common use areas, including toilet rooms and bathing facilities, hallways, and lobbies.

- EXCEPTIONS:
1. Alarm systems in Group I, Division 1.1 and 1.2 Occupancies may be modified to suit standard health care design practice.
 2. Visible alarms are not required in Group R, Division 1 apartment buildings.

1007.2.12.9.2 Alarms.

1007.2.12.9.2.1 Audible alarms. Audible alarms shall produce a sound in accordance with UFC Standard 10-1. Audible alarms shall exceed the prevailing equivalent sound level in the room or space by at least 15 decibels, or shall exceed any maximum sound level with a duration of 30 seconds by decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

1007.2.12.9.2.2 Visible alarms. Visible alarm signal appliances shall be integrated into the building or facility alarm system. All devices shall be listed or approved. Where single-station audible alarms are provided, single-station visible alarm signals shall be provided.

- EXCEPTION: Visible alarms are not required in Group R, Division 1 apartment buildings.

Visible alarms shall be located per nationally recognized standards. NFPA 72, 1993 edition, and ANSI 117.1, 1992, shall be considered equivalent facilitation.

1007.2.12.9.2.3 Access to manual fire alarm systems. Manual fire alarm devices shall be mounted at least 36 inches (914.4 mm) and not more than 54 inches (1371.6 mm) above the floor where a parallel approach is provided. Where a parallel approach can not be provided the height shall not exceed 48 inches (1219.2 mm).

1007.3 General System Design and Installation Requirements.

1007.3.1 Design standards. Fire alarm systems, automatic fire detectors, emergency voice alarm communication systems and notification devices shall be designed, installed and maintained in accordance with U.F.C. Standards 10-2 and 10-3 and other nationally recognized standards.

1007.3.2 Equipment. Systems and components shall be listed and approved for the purpose for which they are installed.

1007.3.3 System layout and operation.

1007.3.3.1 Manual fire alarm boxes. When a manual fire alarm system is required, manual fire alarm boxes shall be distributed throughout so that they are readily accessible, unobstructed, and are located in the normal path of exit travel from the area and as follows:

1. At every exit from every level.
2. Additional fire alarm boxes shall be located so that travel distance to the nearest box does not exceed 200 feet (60 960 mm).

1007.3.3.2 Control units, annunciator panels and access keys. The alarm control unit, remote annunciator panel and

access keys to locked fire alarm equipment shall be installed and maintained in a location approved by the chief.

1007.3.3.3 Alarm initiation and signal.

1007.3.3.3.1 General. When actuated, fire alarm-initiating devices shall activate an alarm signal which is audible throughout the building or in designated portions of the building when approved by the chief.

EXCEPTION: Single-station detectors in dwelling units, rooms used for sleeping purposes in hotel and lodging houses, and patient sleeping rooms in hospitals and nursing homes.

1007.3.3.3.2 Alarm signal. The alarm signal shall be keyed to one half to one second "on" and one second "off" for three cycles, immediately after which, when a voice alarm is required by Section 1007.2, a voice announcement shall be broadcast. The alarm signal shall be repeated for the duration that the fire alarm system is activated.

EXCEPTIONS: This alarm signal is not required for:

1. Group A Occupancies having a fire alarm signal in accordance with Section 1007.2.2.
2. Patient and inmate areas of Group I Occupancies.

1007.3.3.3.3 Audibility. The alarm signal shall be a distinctive sound which is not used for any other purpose other than the fire alarm. Alarm-signaling devices shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by 15 decibels minimum, or exceeds any maximum sound level with a duration of 30 seconds minimum by 5 decibels minimum, whichever is louder. Sound levels for alarm signals shall be 120 decibels maximum.

1007.3.3.3.4 Visual alarms. Alarm systems shall include both audible and visual alarms. Alarm devices shall be located in hotel guest rooms as required by the Building Code (see U.B.C. Section 1105.4.6); accessible public- and common-use areas, including toilet rooms and bathing facilities; hallways; and lobbies. (See Council of American Building Officials/American National Standards Institute Standard A117.1-1992, Section 4-26.2, for additional information about visual signals.)

1007.3.3.4 Connections to other systems. A fire alarm system shall not be used for any purpose other than fire warning unless approved by the chief.

1007.3.3.5 Supervision. Means of interconnecting equipment, devices and appliances shall be supervised for the integrity of the interconnecting conductors or equivalent, as set forth in U.F.C. Standard 10-2.

1007.3.3.6 Monitoring.

1007.3.3.6.1 General. When required by the chief, fire alarm systems shall be monitored by an approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location.

1007.3.3.6.2 Automatic telephone dialing devices. Automatic telephone dialing devices used to transmit an emergency alarm shall not be connected to any fire department telephone number unless approved by the chief.

1007.3.3.7 Annunciation. Fire alarm systems shall be divided into alarm zones when required by the chief. When

two or more alarm zones are required, visible annunciation shall be provided in a location approved by the chief.

1007.3.4 Acceptance test and certification.

1007.3.4.1 Acceptance test. Upon completion of the installation, a satisfactory test of the entire system shall be made in the presence of the chief. All functions of the system or alteration shall be tested.

1007.3.4.2 Certification. The permittee shall provide written certification to the chief that the system has been installed in accordance with the approved plans and specifications.

1007.3.4.3 Instructions. When required by the chief, operating, testing and maintenance instructions and "as-built" drawings and equipment specifications shall be provided at an approved location.

NEW SECTION

WAC 51-34-2500 Article 25—Places of assembly.

NEW SECTION

WAC 51-34-2501 Section 2501—General.

2501.1 Scope. Places of assembly shall be in accordance with Article 25.

2501.2 Definitions. For definitions of ASSEMBLY; BLEACHERS; DISPERSAL AREA, SAFE; FOLDING AND TELESCOPING SEATING; FOOTBOARDS; GRANDSTANDS; OPEN-AIR GRANDSTANDS AND BLEACHERS; PERMANENT STANDS; REVIEWING STANDS; SMOKE-PROTECTED ASSEMBLY SEATING and TEMPORARY SEATING FACILITIES, see Article 2.

2501.3 Permits and Plans. For permits to operate a place of assembly, operate a carnival or fair, use liquid- or gas-fueled vehicles or equipment for competition or display inside an assembly occupancy, or use candles or other open-flame devices in assembly areas, see Section 105, Permits cl., c.2, 1.2 and p.2.

Plans of carnival and fair grounds shall be submitted when required by the chief.

2501.4 Supervision and Communication System.

2501.4.1 Supervision. Places of assembly shall be under the constant supervision of a competent adult on the premises during the time that the premises are open to the public.

2501.4.2 Communication. When required by the chief, places of assembly shall be provided with a method for notifying the fire department in the event of an emergency. Such method can consist of a telephone, an alarm system connected to the fire department or other approved agency, or other approved means. Methods of notifying the fire department shall be readily available to the public.

2501.5 Decorative Materials. Combustible decorative materials shall be in accordance with Section 1103.3.3.

2501.6 Pyroxylin-coated Fabrics. Pyroxylin-coated fabrics used as a decorative material in accordance with Section 2501.6 or a surface covering on fixed furnishing, shall be limited in amount to the following:

PROPOSED

1. Fabrics containing 1.4 ounces to 1.7 ounces of cellulose nitrate per square yard (47.59 g/m² to 57.6 g/m²) shall not be used in excess of a total amount equivalent to 1 square foot of fabric surface to 15 cubic feet of room volume (0.22 m²/m³).

2. Fabrics containing 1.7 ounces or more of cellulose nitrate per square yard (57.6 g/m²) shall not be used in excess of a total amount equivalent to 0.5 square feet of fabric surface to 15 cubic feet of room volume (0.11 m²/m³).

3. Measurement can be accomplished by folding a piece to five thicknesses and measuring to see if the thickness of five layers exceeds 1/8 inch (3.2 mm).

2501.7 Motion Picture Screens. In places of assembly, motion picture screens or screen masking shall be in accordance with Section 2501.5.

2501.8 Exit Doors.

2501.8.1 General. Exit doors shall comply with Sections 1207 and 2501.8.

2501.8.2 Panic hardware. Exit doors from Group A Occupancies having an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware.

- EXCEPTIONS:
1. In Group A, Division 3 Occupancies and in all churches, panic hardware may be omitted from the main exit when the main exit consists of a single door or pair of doors. A key-locking device may be used in place of the panic hardware, provided there is a readily visible durable sign adjacent to the doorway stating THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS. The sign shall be in letters not less than 1 inch (25.4 mm) high on a contrasting background. When unlocked, the single door or both leaves of a pair of doors must be free to swing without operation of any latching device. When a pair of doors is installed, one leaf shall have no locking devices whatsoever, and the second leaf shall be arranged to latch or lock into the frame and into the first leaf in such a manner that a single unlocking action will unlock both leaves simultaneously. Flush, edge or surface bolts or any other type of device that may be used to close or restrain the door other than by operation of the locking device is prohibited. The use of this exception may be revoked by the building official for due cause.
 2. Panic hardware may be waived on gates surrounding stadiums when the gates are under constant immediate supervision while the public is present and provided safe dispersal areas based on 3 square feet metric (0.28m²) per occupant are located between the stadium and the fence. Gates may be horizontal sliding or swinging and may exceed the 4-foot-width (1219 mm) limitation. The required dispersal area shall be located not less than 50 feet (15 240 mm) from the stadium.

2501.9 Aisles.

2501.9.1 General. Aisles leading to required exits shall be provided from all portions of buildings. Aisles located within an accessible route of travel shall also comply with the Building Code for accessibility (see U.B.C. Chapter 11).

2501.9.2 Width without fixed seats. The width of aisles in assembly occupancies without fixed seats shall comply with Section 2501.9.2. Aisle widths shall be provided in accordance with the following:

1. In areas serving employees only, the minimum aisle width may be 24 inches (610 mm) but not less than the width required by the number of employees served.

2. In assembly occupancies without fixed seats, the minimum clear aisle width shall be 36 inches (914 mm) where tables, counters, furnishings, merchandise or other similar obstructions are placed on one side of the aisle only and 44 inches (1118 mm) when such obstructions are placed on both sides of the aisle.

2501.9.3 Width with fixed seats. Aisles in assembly occupancies with fixed seats shall comply with Section 2501.9.3. The clear width of aisles shall be based on the number of occupants within the portion of the seating areas served by the aisle.

The minimum clear width of aisles and other means of egress shall be in accordance with Table 2501-A or, for buildings providing smoke-protected assembly seating and for which an approved life-safety evaluation is conducted, in accordance with Table 2501-B. For Table 2501-B, the number of seats specified must be within a single assembly place, and interpolation shall be permitted between the specified values shown. For both tables, the minimum clear widths shown shall be modified in accordance with the following:

1. **Factor A:** If risers exceed 7 inches (178 mm) in height, multiply the stair width in the tables by factor A, where:

$$A = 1 + \frac{\text{riser height} - 7.0 \text{ inches}}{5}$$

For SI: $A = 1 + \frac{\text{riser height} - 178 \text{ mm}}{127}$

2. **Factor B:** Stairs not having a handrail within a 30-inch (760 mm) horizontal distance shall be 25 percent wider than otherwise calculated. Multiply by factor B, where B = 1.25.

3. **Factor C:** Ramps steeper than 1 in 10 slope where used in ascent shall be 10 percent wider than otherwise calculated. Multiply by factor C, where C = 1.10.

Where exiting is possible in two directions, the width of such aisles shall be uniform throughout their length.

When aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisle.

In assembly rooms with fixed seats arranged in rows, the clear width of aisles shall not be less than set forth above and not less than the following:

Forty-eight inches (1219 mm) for stairs having seating on both sides.

Thirty-six inches (914 mm) for stairs having seating on one side.

Twenty-three inches (584 mm) between a stair handrail and seating when the aisles are subdivided by the handrail.

Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.

Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.

Twenty-three inches (584 mm) between a stair handrail and seating when an aisle does not serve more than five rows on one side.

2501.9.4 Aisle termination. Aisles shall terminate at a cross aisle, foyer, doorway or vomitory. Aisles shall not have a dead end greater than 20 feet (6096 mm) in length.

EXCEPTION: A longer dead-end aisle is permitted when seats served by the dead-end aisle are not more than 24 seats from another aisle measured along a row of seats having a minimum clear width of 12 inches (305 mm) plus 0.6 inch (15 mm) for each additional seat above seven in a row.

Each end of a cross aisle shall terminate at an aisle, foyer, doorway or vomitory.

2501.9.5 Ramp slope. The slope of ramped aisles shall not be more than 1 unit vertical in 8 units horizontal (12.5 percent slope). Ramped aisles shall have a slip-resistant surface.

EXCEPTION: When provided with fixed seating, theaters may have a slope not steeper than 1 unit vertical to 5 units horizontal (20 percent slope).

2501.9.6 Aisle steps.

2501.9.6.1 When prohibited. Steps shall not be used in aisles having a slope of 1 unit vertical to 8 units horizontal (12.5 percent slope) or less.

2501.9.6.2 When required. Aisles with a slope steeper than 1 unit vertical to 8 units horizontal (12.5 percent slope) shall consist of a series of risers and treads extending across the entire width of the aisle, except as provided in subsection 2501.9.5.

The height of risers shall not be more than 7 inches (178 mm) or less than 4 inches (102 mm) and the tread run shall not be less than 11 inches (279 mm). The riser height shall be uniform within each flight and the tread run shall be uniform throughout the aisle. Variations in run or height between adjacent treads or risers shall not exceed 3/16 inch (4.8 mm). A contrasting marking stripe or other approved marking shall be provided on each tread at the nosing or leading edge such that the location of each tread is readily apparent when viewed in descent. Such stripe shall be a minimum of 1 inch (25.4 mm) wide and a maximum of 2 inches (51 mm) wide.

EXCEPTION: When the slope of aisle steps and the adjoining seating area is the same, the riser heights may be increased to a maximum of 9 inches (229 mm) and may be nonuniform but only to the extent necessitated by changes in the slope of the adjoining seating area to maintain adequate sightlines. Variations may exceed 3/16 inch (4.8 mm) between adjacent risers provided the exact location of such variations is identified with a marking stripe on each tread at the nosing or leading edge adjacent to the nonuniform riser. The marking stripe shall be distinctively different from the contrasting marking stripe.

2501.9.7 Handrails. Handrails shall comply with the height, size and shape dimensions set forth in the Building Code (See U.B.C. Section 1006.9) and shall have rounded terminations or bends. Ramped aisles having a slope steeper than 1 unit vertical to 15 units horizontal (6.7 percent slope) and aisle stairs (two or more adjacent steps) shall have

handrails located either at the side or within the aisle width. Handrails may project into the required aisle width a distance of 3½ inches (89 mm).

EXCEPTIONS:

1. Handrails may be omitted on ramped aisles having a slope not greater than 1 unit vertical in 8 units horizontal (12.5 percent slope) when fixed seating is on both sides of the aisle.
2. Handrails may be omitted when a guardrail is at the side of an aisle which conforms to the size and shape requirements for handrails.

Handrails located within the aisle width shall be discontinuous with gaps or breaks at intervals not to exceed five rows. These gaps or breaks shall have a clear width of not less than 22 inches (559 mm) and not more than 36 inches (914 mm) measured horizontally. Such handrails shall have an additional intermediate handrail located 12 inches (305 mm) below the main handrail.

2501.10 Seating.

2501.10.1 Spacing. When seating rows have 14 or less seats, the minimum clear width between rows shall not be less than 12 inches (305 mm) measured as the clear horizontal distance from the back of the row ahead and the nearest projection of the row behind. Where seats are automatic or self-rising, measurement may be made with the seats in the raised position. Where seats are not automatic or self-rising, the minimum clear width shall be measured with the seat in the down position.

The clear width shall be increased as follows:

1. For rows of seating served by aisles or doorways at both ends, there shall be no more than 100 seats per row and the minimum clear width of 12 inches (305 mm) between rows shall be increased by 0.3 inch (7.62 mm) for every additional seat beyond 14, but the minimum clear width need not exceed 22 inches (559 mm). If the aisles are dead ended, see Section 2501.9.4 for further limitations.

2. For rows of seating served by an aisle or a doorway at one end only, the minimum clear width of 12 inches (305 mm) between rows shall be increased by 0.6 inch (15 mm) for every additional seat beyond seven, but the minimum clear width need not exceed 22 inches (559 mm). In addition, the distance to the point where the occupant has a choice of two directions of travel to an exit shall not exceed 30 feet (9144 mm) from the point where the occupant is seated.

2501.10.2 Bonding of chairs. Loose seats, folding chairs or similar seating facilities that are not fixed to the floor shall be bonded together in groups of three or more.

EXCEPTIONS:

1. When not more than 300 such seats, chairs or facilities are provided, bonding is not required.
2. The bonding of chairs is not required when tables are provided, as when the occupancy is used for dining or similar purposes.

When bonding of chairs is required, aisles and exits shall be provided as required by Section 2501.9.3.

2501.10.3 Bleacher seats and grandstands. Bleacher seats and reviewing stands shall be in accordance with Sections 2502 and 2503.

2501.11 Use of Exit Ways. Interior and exterior stairways, smokeproof enclosures, hallways, corridors, vestibules, balconies and bridges leading to a stairway or an exit shall not be used in any way that will obstruct their use as an exit or that will present a hazardous condition.

2501.12 Ashtrays. Where smoking is allowed, approved noncombustible ashtrays or match receivers shall be provided on each table and at other convenient places.

2501.13 Fire Appliances. Fire appliances shall be kept in proper working condition. Extinguishers and hose and similar appliances shall be visible and accessible at all times. It shall be the duty of the owner and the occupant of each building or part of a building occupied as a place of assembly to properly train sufficient regular employees in the use of fire appliances. See also Section 1303.5.

2501.14 Plan of Exit Ways and Aisles. When required by the chief, a plan indicating the seating arrangements, location and width of exit ways and aisles shall be submitted for approval, and an approved copy of the plan shall be kept on display on the premises.

2501.15 Marking and Lighting of Exits. Exits in places of assembly shall be identified and lighted in accordance with Sections 1211 and 1212.

2501.16 Maximum Occupant Load.

2501.16.1 Posting of room capacity. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room. Such sign shall be maintained legible by the owner or the owner's authorized agent and shall indicate the number of occupants permitted for each room use.

2501.16.2 Determination of occupant load. The number of persons in a building or portion thereof shall not exceed the amount determined as specified in the Building Code, except that where such additional exit facilities are provided the occupant load can be increased by not more than 10 percent, when approved by the chief, without being considered overcrowding.

2501.16.3 Overcrowding. Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited. The chief, upon finding overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding a condition which constitutes a serious menace to life, is authorized to cause the performance, presentation, spectacle or entertainment to be stopped until such condition or obstruction is corrected.

2501.17 Candles and other open-flame devices. Candles and other open-flame devices shall not be used in places of assembly or in drinking or dining establishments.

EXCEPTIONS: 1. When used in conjunction with approved heating or cooking appliances in areas not accessible to the public.
2. When used in conformance with Section 2501.18.

2501.18 Requirements for Use of Candles and Other Open-flame Devices.

2501.18.1 General. The use of candles and other open-flame devices shall be in accordance with Section 2501.18.

2501.18.2 Flaming foods and beverages. The preparation of flaming foods or beverages shall be in accordance with the following:

1. Flammable liquids used in the preparation of flaming foods and beverages shall be dispensed from one of the following:

1.1 A 1-ounce (29.6 mL) container, or

1.2 A container not to exceed 1 quart (946.4 mL) with a controlled pouring device that will limit the flow to 1 ounce (29.6 mL).

2. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being served. They shall not be transported or carried while burning.

3. The person preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smothering the flames in the event of an emergency.

4. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of 8 inches (203.2 mm) above the receiving receptacle, and

5. Containers shall be secured to prevent spillage when not in use.

2501.18.3 Candles and other open-flame decorative lighting. Candles and other open-flame decorative lighting shall be in accordance with the following:

1. Class I and II liquids and LP-gas shall not be used.

2. Liquid- or solid-fueled lighting devices containing more than 8 ounces (236.6 mL) must self-extinguish and not leak fuel at a rate of more than ¼ teaspoon per minute (1.26 mL per minute) if tipped over.

3. The device or holder shall be constructed to prevent the spilling of liquid fuel or wax at the rate of more than 1/4 teaspoon per minute (1.26 mL per minute) when the device or holder is not in an upright position.

4. The device or holder shall be designed so that it will return to the upright position after being tilted to an angle of 45 degrees from vertical.

EXCEPTION: Units that self-extinguish if tipped over and that do not spill fuel or wax at the rate of more than 1/4 teaspoon per minute (1.26 mL per minute) if tipped over.

5. The flame shall be enclosed, except as follows:

5.1 Openings on the sides shall not be more than 3/8 inch (9.5 mm) in diameter.

5.2 Openings on the top and the distance to the top shall be such that a single layer of tissue paper placed on the top will not ignite in 10 seconds.

6. Chimneys shall be made of noncombustible materials. Such chimneys shall be securely attached to the open-flame device.

EXCEPTION: The chimney need not be attached to any open-flame device that will self-extinguish if the device is tipped over.

7. Fuel canisters shall be safely sealed for storage.

8. Storage and handling of combustible liquid shall be in accordance with Article 79,

9. Shades, if used, shall be made of noncombustible materials and securely attached to the open-flame device holder or chimney,

10. Candelabra with flame-lighted candles shall be securely fastened in place to prevent overturning and located away from occupants using the area and away from possible contact of drapes, curtains or other combustibles, and

11. When, in the opinion of the chief, adequate safeguards have been taken, hand-held flame-lighted candles can be allowed. Hand-held candles shall not be passed from one person to another while lighted.

5201.18.4 Theatrical performances. When approved by the chief, open-flame devices used in conjunction with theatrical performances are allowed to be used when adequate safety precautions have been taken.

5201.19 Standby Personnel. When, in the opinion of the chief, it is essential for public safety in a place of assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved by the chief, to be on duty at such place. Such individuals shall be subject to the chief's orders at all times when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall inspect the required fire appliances provided to see that they are in proper place and in good working order, and shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures for extinguishment of fires that may occur. Such individuals shall not be required or permitted, while on duty, to perform any other duties than those herein specified.

NEW SECTION

WAC 51-34-5200 Article 52—Motor vehicle fuel-dispensing stations.

NEW SECTION

WAC 51-34-5201 Section 5201—General.

OPTION 1: As published with no changes

5201.1 Scope. Automotive, marine and aircraft motor vehicle fuel-dispensing stations shall be in accordance with Article 52 and U.F.C. Standard 52-1. Such operations shall include both public accessible and private operations. Flammable and combustible liquids and LP-gas shall also be in accordance with Articles 79 and 82.

OPTION 2: NOTE: This option goes together with Section 7904.5.4.2.2, Option 2.

5201.1 Scope. Automotive, marine and aircraft motor vehicle fuel-dispensing stations shall be in accordance with Article 52 and U.F.C. Standard 52-1. Such operations shall

include both public accessible and private operations. Flammable and combustible liquids and LP-gas shall also be in accordance with Articles 79 and 82.

EXCEPTIONS: Class II or III liquids may be transferred from tank vehicles into fuel tanks of motor vehicles when approved by the chief, and under the following conditions:

1. Only diesel fuel will be allowed and each premises shall require a separate permit issued in accordance with Section 105,
2. Tank vehicles shall meet the requirements of DOT and U.F.C. Standard 79-4 and as approved by the chief,
3. The tank vehicle, while in service, shall not be left unattended,
4. A fire extinguisher with a classification of 2A-20BC shall be readily available at the fueling site,
5. There shall be signs stating "NO SMOKING OR OPEN FLAME WITHIN 25 FEET (7620 mm)" readily visible at the fueling site,
6. There shall be adequate lighting for night time operations,
7. For other than marine motor vehicles, the fuel hose shall not exceed 50 feet (15 240 mm) in length,
8. Approved automatic closing nozzles without a latch open device shall be used,
9. Communication devices shall be available in accordance with Section 5201.6.3,
10. Tank vehicle's shall have emergency shut off valves as approved by the chief,
11. Dispensing shall be done in accordance with Section 7903.3.3,
12. At least 20 feet (6096 mm) from any source of ignition,
13. The applicant shall comply with all applicable federal, state and local environmental laws and regulations as a condition of permit,
14. The private fueling area shall be located on an area graded in a manner to direct the spill away from buildings, storage and property lines.

5201.2 Definitions. For definitions of CNG, COMBUSTIBLE LIQUID, FLAMMABLE LIQUID and MOTOR VEHICLE FUEL-DISPENSING STATION, see Article 2.

5201.3 Permits and Plans.

5201.3.1 Permits. Permits are required for motor vehicle fuel-dispensing stations. See Section 105, Permit m.4.

5201.3.2 Plans and specifications. Plans and specifications shall be submitted for review and approval prior to the installation or construction of a motor vehicle fuel-dispensing station. A site plan shall be submitted which illustrates the location of flammable liquid, LP-gas or CNG storage vessels, and their spatial relation to each other, property lines and building openings. Both aboveground and underground storage vessels shall be shown on plans. For each type of station, plans and specifications shall include, but not be limited to, the following:

1. **Flammable and Combustible Liquids:** the type and design of underground and aboveground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and venting components.

2. **Liquefied Petroleum Gas:** equipment and components as required in U.F.C. Standard 82-1; the location and design of the LP-gas dispensers and dispenser nozzles; the design, specifications and location for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and

specifications for fuel storage and pressure-relief components.

3. **Compressed Natural Gas:** when provided, the location of CNG compressors; the location and design of CNG dispensers and vehicle fueling connections; the design, specification and location for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components.

5201.4 Location of Dispensing Operations and Storage Vessels.

5201.4.1 Dispensing operations.

5201.4.1.1 General. Flammable and combustible liquids, CNG and LP-gas shall not be dispensed in buildings and dispensers for such products shall not be located in buildings.

- EXCEPTIONS:**
1. Dispensing of flammable and combustible liquids inside buildings in accordance with Section 5202.
 2. Dispensing of compressed natural gas (CNG) in accordance with Section 5204.

See Sections 5202, 5203 and 5204 for additional requirements.

5201.4.1.2 Dispensing devices. Dispensing devices shall be located as follows:

1. Ten feet (3048 mm) or more from property lines,
2. Ten feet (3048 mm) or more from buildings having combustible exterior wall surfaces or buildings having noncombustible exterior wall surfaces that are not part of a one-hour fire- resistive assembly,

EXCEPTION: Weather protection shelters constructed in accordance with Uniform Fire Code Standard 52-1.

3. Such that all portions of the vehicle being fueled will be on the premises of the motor vehicle fuel-dispensing station,

4. Such that the nozzle, when the hose is fully extended, will not reach within 5 feet (1524 mm) of building openings, and

5. Twenty feet (6096 mm) or more from fixed sources of ignition.

5201.4.1.3 Bulk plants. Motor vehicle fuel-dispensing stations located at bulk plants shall be separated by a fence or similar barrier from the area in which bulk operations are conducted. See also Section 5202.3.1.

5201.4.2 Storage Vessels. Storage vessels for LP-gas and CNG shall be located 20 feet (6096 mm) or more from aboveground tanks containing flammable or combustible liquids.

5201.5 Installation of Dispensing Devices.

5201.5.1 Protection of dispensers. Dispensing devices shall be protected against physical damage from vehicles by mounting on a concrete island 6 inches (152.4 mm) or more in height or by other approved methods.

5201.5.2 Dispenser installation. Dispensing devices shall be secured in an approved manner. Dispensers shall not be secured to the island using piping or conduit.

5201.5.3 Emergency shutdown devices. Emergency shutdown devices shall be provided for all fuel dispensers. Emergency shutdown devices for exterior fuel dispensers shall be located within 100 feet (30 480 mm) of, but not less than 20 feet (6096 mm) from, dispensers. For interior fuel-dispensing operations, the emergency shutdown devices shall be installed at approved locations. Activation of the emergency shutdown devices shall stop the transfer of fuel to the dispensers and close all valves which supply fuel to the dispensers. Such devices shall be distinctly labeled EMERGENCY FUEL SHUTDOWN DEVICE. Signs shall be provided in approved locations.

5201.5.4 Dispenser electrical disconnects. An electrical disconnect switch shall be provided for all dispensers in accordance with the Electrical Code. The disconnect shall be placed in the OFF position before repairing dispensers and before closing a motor vehicle fuel-dispensing station.

5201.6 Supervision of Dispensing Operations.

5201.6.1 General. The dispensing of fuel into the fuel tanks of automobile, marinecraft or aircraft, or portable containers shall be under the supervision of a qualified attendant at all times.

EXCEPTION: Unsupervised dispensing of flammable and combustible liquids, LP-gas and CNG as a motor fuel is allowed in accordance with Sections 5201.6.3, 5202, 5203 and 5204.

5201.6.2 Attendants. The attendant's primary function shall be to supervise, observe and control the dispensing of motor fuels. The attendant shall prevent the dispensing of flammable and combustible liquids and flammable gases into containers not in compliance with this code, control sources of ignition, give immediate attention to accidental spills or releases, and be prepared to use fire extinguishers. A method of communicating with the fire department shall be provided for the attendant.

5201.6.3 Unsupervised dispensing. Unsupervised dispensing is allowed when the owner or operator provides, and is accountable for, daily site visits, regular equipment inspection and maintenance, conspicuously posted instructions for the safe operation of dispensing equipment, and posted telephone numbers for the owner or operators. A sign, in addition to the signs required by Section 5201.8 shall be posted in a conspicuous location reading:

IN CASE OF FIRE, SPILL OR RELEASE

1. Use emergency pump shutoff!
2. Report the accident!

Fire Department TelephoneNo. _____

Facility address _____

During hours of operation, stations having unsupervised dispensing shall be provided with a fire alarm transmitting device. A telephone not requiring a coin to operate is acceptable.

5201.7 Sources of Ignition. Electrical equipment shall be in accordance with the Electrical Code.

PROPOSED

Smoking and open flames shall be prohibited in areas where fuel is dispensed. The engines of vehicles being fueled shall be stopped.

5201.8 Signs. Signs prohibiting smoking, prohibiting dispensing into unapproved containers and requiring vehicle engines to be stopped during fueling shall be conspicuously posted within sight of each dispenser.

5201.9 Fire Protection. Portable fire extinguishers shall be provided as set forth in U.F.C. Standard 10-1.

5201.10 Clearance from Combustible Materials. Weeds, grass, brush, trash and other combustible materials shall be kept not less than 10 feet (3048 mm) from fuel storage vessels and fuel-handling equipment.

5201.11 Maintenance. Fueling systems shall be maintained in proper operating condition.

NEW SECTION

WAC 51-34-5204 Section 5204—Compressed natural gas motor vehicle fuel-dispensing stations.

5204.1 General. Automotive, marine and aircraft motor vehicle fuel-dispensing stations utilizing CNG shall be in accordance with Section 5204.

5204.2 Standards. Compressed natural gas motor vehicle fuel-dispensing operations and facilities shall be in accordance with U.F.C. Standard 52-1.

5204.3 Approvals.

5204.3.1 General. Storage vessels and equipment used for the storage, compression or dispensing of CNG shall be approved or listed in accordance with Section 5204.3.

5204.3.2 Approved equipment. Containers; compressors; pressure-relief devices, including pressure-relief valves; and pressure regulators and piping used for CNG shall be approved.

5204.3.3 Listed equipment. Hoses, hose connections, dispensers, gas-detection systems and electrical equipment used for CNG shall be listed. Vehicle fueling connections shall be listed and labeled.

5204.4 Attendants. Motor vehicle fueling operations shall be conducted by qualified attendants or in accordance with Section 5204.6 by persons trained in the proper handling of CNG.

5204.5 Location of Dispensing Operations and Equipment.

5204.5.1 General. Compression, storage and dispensing equipment shall be located aboveground.

5204.5.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of CNG for the protection of heavily populated or congested commercial areas, the aggregate capacity of any one installation shall not exceed 183,000 cubic feet (5 181 974 L).

5204.5.3 Location on property. In addition to the requirements of Section 5201.4, compression, storage and dispensing equipment shall be installed as follows:

1. Not beneath power lines,

2. Ten feet (3048 mm) or more from the nearest building or property line which could be built on, public street, sidewalk, or source of ignition, and

3. Twenty-five feet (7620 mm) or more from the nearest rail of any railroad track and 50 feet (15 240 mm) or more from the nearest rail of any railroad main track or any railroad or transit line where power for train propulsion is provided by an outside electrical source such as third rail or overhead catenary.

4. Fifty feet (15 240 mm) or more from the vertical plane below the nearest overhead wire of a trolley bus line.

EXCEPTION: Vehicle Fueling Appliances located in accordance with Uniform Fire Code Standard 52-1.

5204.6 Private Fueling of Motor Vehicles. Self-service CNG-dispensing systems, including key, code and card lock dispensing systems, shall be limited to the filling of permanently mounted fuel containers on CNG-powered vehicles.

In addition to the requirements in Section 5201.6, self-service CNG-dispensing systems shall be in accordance with the following:

1. The system shall be provided an emergency shutoff switch located within 100 feet (30 480 mm) of, but not less than 20 feet (6096 mm) from dispensers, and

2. The owner of the dispensing facility shall ensure the safe operation of the system and the training of users.

5204.7 Pressure Regulators. Pressure regulators shall be designed, installed or protected so their operation will not be affected by the elements (freezing rain, sleet, snow or ice), mud or debris. This protection is allowed to be integral with the regulator.

5204.8 Valves. Gas piping to equipment shall be provided with a remote, readily accessible manual shutoff valve.

5204.9 Emergency Shutdown Equipment. An emergency shutdown device shall be located within 75 feet (22 860 mm) of, but not less than 25 feet (7620 mm) from, dispensers and shall also be provided in the compressor area. Upon activation, the emergency shutdown shall automatically shut off the power supply to the compressor and close valves between the main gas supply and the compressor and between the storage containers and dispensers.

5204.10 Discharge of CNG from Motor Vehicle Fuel Storage Containers.

5204.10.1 Applicability. The discharge of CNG from motor vehicle fuel cylinders for the purposes of maintenance, cylinder certification, calibration of dispensers or other activities shall be in accordance with Section 5204.10.

5204.10.2 Methods.

5204.10.2.1 General. The discharge of CNG from motor vehicle fuel cylinders shall be accomplished through a use-closed transfer system or an approved method of atmospheric venting.

5204.10.2.2 Use-closed transfer system. A documented procedure which explains the logical sequence for discharging the cylinder shall be provided to the chief for review and approval. The procedure shall include what actions the

operator will take in the event of a low-pressure or high-pressure natural gas release during the discharging activity. A drawing illustrating the arrangement of piping, regulators and equipment settings shall be provided to the chief for review and approval. The drawing shall illustrate the piping and regulator arrangement and shall be shown in spatial relation to the location of the compressor, storage vessels and emergency shutdown devices.

5204.10.2.3 Atmospheric venting.

5204.10.2.3.1 Plans and specifications. A drawing illustrating the location of the vessel support, piping, the method of grounding and bonding, and other requirements specified herein shall be provided to the chief for review and approval.

5204.10.2.3.2 Cylinder stability. A method of rigidly supporting the vessel during the venting of CNG shall be provided. The selected method shall provide not more than two points of support and shall prevent the horizontal and lateral movement of the vessel. The system shall be designed to prevent the movement of the vessel based on the highest gas-release velocity through valve orifices at the vessel's rated pressure and volume. The structure or appurtenance shall be constructed of noncombustible materials.

5204.10.2.3.3 Separation. The structure or appurtenance used for stabilizing the cylinder shall be separated from the site equipment, features and exposures and shall be located in accordance with Table 5204.10-A.

5204.10.2.3.4 Grounding and bonding. The structure or appurtenance used for supporting the cylinder shall be grounded in accordance with the Electrical Code. The cylinder valve shall be bonded prior to the commencement of venting operations.

5204.10.2.3.5 Vent tube. A vent tube which will divert the gas flow to atmosphere shall be installed on the cylinder prior to the commencement of venting and purging operation. The vent tube shall be constructed of pipe or tubing materials in accordance with Article 90, Standard No. a.1.5.

Piping materials specified in Section 2-8.4 of U.F.C. Standard 52-1 shall not be used. The vent tube shall be capable of dispersing the gas a minimum of 10 feet (3048 mm) above grade level. The vent tube shall not be provided with a rain cap or other feature which would limit or obstruct the gas flow.

At the connection fitting of the vent tube and the CNG cylinder, a listed bidirectional detonation flame arrester shall be provided.

5204.10.2.3.6 Signage. Approved NO SMOKING signs shall be posted within 10 feet (3048 mm) of the cylinder support structure or appurtenance. Approved CYLINDER SHALL BE BONDED signs shall be posted on the cylinder support structure or appurtenance.

NEW SECTION

WAC 51-34-6100 Article 61—Oil-burning equipment.

NEW SECTION

WAC 51-34-6103 Section 6103—Permits. See Section 105.8 for permits. A permit is required to remove, abandon, place temporarily out of service or otherwise dispose of a combustible liquids tank.

NEW SECTION

WAC 51-34-6104 Section 6104—Electrical wiring and equipment. Electrical wiring and equipment used in connection with oil-burning equipment shall be installed in accordance with the Electrical Code.

NEW SECTION

WAC 51-34-6105 Section 6105—Fuel oil. The fuel oil used in a burner shall be of a type approved for the burner and in accordance with the burner manufacturer's recommendations.

NEW SECTION

WAC 51-34-6106 Section 6106—Abandonment of tanks. Tanks and piping serving oil-burning equipment which have been out of service for a period of one year shall be removed from the ground or abandoned in place in accordance with Section 7902.1.7 of this code.

NEW SECTION

WAC 51-34-6107 Section 6107—Portable unvented oil-burning heating appliances.

6107.1 General. The design, construction and use of portable unvented oil-burning heating appliances shall be in accordance with Section 6107 and other applicable provisions of this code.

6107.2 Equipment. Portable unvented oil-burning heating appliances shall be listed and shall be limited to a fuel tank capacity of 2 gallons (7.6 L).

EXCEPTION: Appliances approved for temporary use during construction processes are allowed to have a greater fuel tank capacity, provided such capacity does not exceed the terms of the listing of the appliance.

6107.3 OPTION 1: As published with no changes

6107.3 Location. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in Group S, Divisions 3, 4, and 5 and Group U Occupancies.

EXCEPTION: When approved by the chief, portable unvented oil-burning heating appliances may be used in any occupancy during construction processes when such use is necessary for the construction and the use does not represent a hazard to life or property.

6107.3 OPTION 2

6107.3 Location. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental

heating in Groups S, Divisions 3, 4, and 5 and Group U Occupancies.

- EXCEPTIONS:
1. When approved by the chief, portable unvented oil-burning heating appliances may be used in any occupancy during construction processes when such use is necessary for the construction and the use does not represent a hazard to life or property.
 2. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source in any Group M, R, B-2, or B-4 Occupancy provided that such heaters shall not be located in any sleeping room or bathroom, and shall comply with RCW 19.27A.080, 19.27A.090, 19.27A.100, 19.27A.110, and 19.27A.120.

6107.3 OPTION 3

6107.3 Location. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in Groups S, Divisions 3, 4, and 5 and Group U Occupancies.

- EXCEPTIONS:
1. When approved by the chief, portable unvented oil-burning heating appliances may be used in any occupancy during construction processes when such use is necessary for the construction and the use does not represent a hazard to life or property.
 2. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source in any Group M, R, B-2, or B-4 Occupancy provided that such heaters shall not be located in any sleeping room or bathroom, and shall comply with RCW 19.27A.080, 19.27A.090, 19.27A.100, 19.27A.110, and 19.27A.120.
 3. Approved, unvented decorative gas logs and fireplaces may be installed, used, maintained and permitted to exist in any Group I or R Occupancy, except bathrooms and bedrooms. An unvented decorative gas log is a listed natural or liquefied petroleum gas burning log with an open flame consisting of a metal frame or base supporting simulated logs which is designed so that its primary function lies in the aesthetic effect of the logs and flame. An unvented fireplace is a listed unvented gas log permanently installed in a freestanding enclosure or zero clearance enclosure designed and approved for installation in walls or other building structures. Unvented gas logs and fireplaces shall:
 - 3.1 Be equipped with an approved oxygen-depletion sensor,
 - 3.2 Be listed,
 - 3.3 Not be installed in any room which does not have an alternative primary source of heat.
 4. Have free air volume of at least 50 cubic feet (1.4 m³) for each 1,000 Btu (2.2 mm²/W) of thermal output,
 5. Be permanently installed, and
 6. Not be equipped with or connected to any automatic ignition or shut-off device except the oxygen-depletion sensor.

6107.4 Fuel. The grade and type of fuel shall be in accordance with the listing for the appliance. Storage and handling of fuel shall be in accordance with Article 79.

NEW SECTION

WAC 51-34-7800 Article 78—Fireworks and pyrotechnic special effects material.

NEW SECTION

WAC 51-34-7802 Section 7802—Fireworks.

7802.1 General. Storage, use and handling of fireworks shall be in accordance with Chapter 70.77 RCW and local ordinances consistent with Chapter 70.77 RCW.

NEW SECTION

WAC 51-34-7900 Article 79—Flammable and combustible liquids.

NEW SECTION

WAC 51-34-7901 Section 7901—General.

7901.1 Scope.

7901.1.1 General. Storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with Article 79.

- EXCEPTIONS:
1. As otherwise provided in other laws or regulations.
 2. Transportation of flammable and combustible liquids when in accordance with DOT regulations on file with and approved by DOT.
 3. Alcoholic beverages in retail sales or storage uses, provided the liquids are packaged in individual containers not exceeding 4 liters.
 4. Medicines, foodstuffs and cosmetics, containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solution not being flammable, in retail sales or storage uses when packaged in individual containers not exceeding 4 liters.
 5. Storage and use of fuel-oil tanks and containers connected to oil-burning equipment. Such storage and use shall be in accordance with Article 61 and the Mechanical Code. For abandonment of tanks see Article 79.
 6. Refrigerant liquids and refrigerant oils within an approved closed-cycle refrigeration system complying with the Mechanical Code. See Article 63.
 7. Storage and display of aerosol products. See Article 88.
 8. Materials which are solid at 100°F. (37.8°C.) or above.
 9. Storage of liquids that have no fire point when tested in accordance with UFC Standard 2-6.
 10. Liquids without flash points that can be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons.

7901.1.2 Material classification. Flammable and combustible liquids shall be classified in accordance with Article 2 and as set forth in Table 7901.1-A.

7901.2 Definitions.

7901.2.1 General. For definitions of ATMOSPHERIC TANK; AUTOMATIC FIRE CHECK; BOILING POINT; BOILOVER; CLASSIFIED PRODUCT; CLOSED CONTAINER; COMBUSTIBLE LIQUID; CONDENSATE TANKS; DIP TANK; DISPENSING; DOT; FIRE POINT; FIXED ROOF TANK; FLAME ARRESTER; FLAMMABLE LIQUID; FLASH POINT; LABELED; LIQUID; LIQUID STORAGE ROOM; LIQUID STORAGE WAREHOUSE; LISTED; LOW-PRESSURE TANK; PORTABLE TANK; REMOTE SOLVENT RESERVOIR; RETAIL SALES OCCUPANCY; UNSTABLE (Reactive) LIQUID; USE (Material); USE, CLOSED SYSTEM; USE, OPEN SYSTEM; see Article 2.

7901.2.2 Limited application. For the purpose of Article 79, certain terms are defined as follows:

CONTAINER is a vessel of 60 U.S. gallons (227.1 L) or less capacity used for transporting or storing flammable or combustible liquids. Pipes, piping systems, engines and engine fuel tanks are not considered to be containers.

FLOATING ROOF TANK is a tank which incorporates either:

1. A pontoon or double-deck metal floating roof in an open-top tank, or

2. A fixed metal roof with ventilation at the top and roof eaves and containing a metal floating roof or cover meeting the following requirements:

2.1 A pontoon or double-deck metal floating roof, or

2.2 A metal floating cover supported by liquid-tight metal pontoons or floats which provide sufficient buoyancy to prevent sinking of the cover when one half of the pontoons or floats are punctured.

An internal metal floating pan, roof or cover which does not meet the requirements of Item 2, or one which uses plastic foam, except for seals, for flotation, even if encapsulated in metal or fiberglass, shall be treated as a fixed roof tank.

MIXING is the combining, blending or bringing together within the same container, tank or vessel flammable or combustible liquids or other materials whereby flammable vapors could be liberated to the atmosphere.

OUTDOOR AREA is a single, contiguous property exterior to buildings or without buildings thereon which is under the ownership or control of a single person. See also definition of **PERSON** in Section 217.

STORAGE is the keeping, retention or leaving of flammable or combustible liquids in closed containers, tanks or similar vessels.

7901.3 Permits and Plans.

7901.3.1 Permits. See also Section 105, permits f.3.1. through f.3.7. A permit is required to:

1. Install, operate, repair or modify pipelines, equipment or facilities where flammable or combustible liquids are produced, processed, dispensed, stored, handled or used.

2. Store, handle, transport, dispense, mix, blend or use flammable or combustible liquids in excess of quantities specified in Section 105.

3. Remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquids tank.

4. Install, construct, alter or operate tank vehicles, equipment, tanks, plants, terminals, wells, refineries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

5. Change the type of contents stored in a flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

7901.3.2 Plans. Plans shall be submitted with each application for a permit to store more than 5,000 gallons (18 925 L) of liquids outside of buildings in drums or tanks. The plans shall indicate the method of storage, quantities to be stored, distances from buildings and property lines, accessways, fire-protection facilities, and provisions for spill control, drainage control and secondary containment.

7901.4 Electrical.

7901.4.1 General. Electrical wiring and equipment shall be installed and maintained in accordance with the Electrical Code and as otherwise required by Article 79.

7901.4.2 Class I liquids. Areas where Class I liquids are stored, handled or dispensed shall have electrical installations in accordance with Article 79.

7901.4.3 Heated liquids. Areas where Class I, II or III liquids which are heated above their flash points are stored, handled or dispensed shall have electrical installations in accordance with Article 79. See also Table 7901.1-A, Footnote 1.

7901.4.4 Classification. Areas shall be delineated and classified for electrical equipment in accordance with Table 7901.4-A. A classified area shall not extend beyond an unpierced floor, wall, roof or other solid partition.

7901.4.5 Special hazards. Wiring and electrical equipment located within 25 feet (7620 mm) of any portion of a loading rack shall be designed, operated and installed such that it does not create an ignition hazard. The chief shall determine the extent of the Class I electrical equipment location when a condition is not covered by the Electrical Code.

7901.5 Fire Protection.

7901.5.1 General. Fire protection for the storage, use, dispensing, mixing, handling and onsite transportation of flammable and combustible liquids shall be in accordance with Articles 9, 10, 79 and the Building Code.

Fire protection in plants and portions of plants in which flammable liquids are produced on a commercial scale from crude petroleum, natural gasoline or other hydrocarbon sources shall be in accordance with nationally recognized standards. See Article 90, Standard a.3.12.

7901.5.2 Special fire-extinguishing equipment. Special fire-extinguishing equipment such as equipment utilizing foam, inert gas or dry chemical shall be provided as the need is indicated by the special hazards of operation, dispensing and storage. See Section 1001.9.

7901.5.3 Portable fire extinguishers. Portable fire extinguishers shall be provided in accordance with U.F.C. Standard 10-1 and as otherwise required by Article 79.

7901.5.4 Hose lines. Hose lines shall be provided in accordance with Section 1001.9, Article 79 and the Building Code.

7901.6 Construction and Site Requirements. Buildings, or portions thereof, in which flammable or combustible liquids are stored, dispensed, used, mixed or handled shall be constructed in accordance with the Building Code.

Fire apparatus access roads and water supply shall be provided for all portions of facilities and uses in accordance with Sections 902.2 and 903.

7901.7 Unauthorized Releases.

7901.7.1 General. Flammable and combustible liquids and petroleum waste products shall not be discharged or released on sidewalks, streets, highways, drainage canals, ditches, storm drains, sewers, flood-control channels, lakes, rivers, tidal waterways or the ground. Unauthorized discharge or

release of such products shall be handled as set forth in Section 8001.5.2.

- EXCEPTIONS:**
1. Materials and products intended for use in weed abatement, pest control, erosion control, paving and similar applications when applied in accordance with the manufacturer's instructions, label directions and nationally recognized standards.
 2. Materials released in accordance with federal, state or local government regulations or permits of the jurisdictional air quality management board with a national pollutant discharge elimination system permit, with waste discharge requirements established by the jurisdictional water quality control board, or with local sewer pretreatment requirements for publicly owned treatment works.

7901.7.2 Housekeeping. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

7901.7.3 Leaking containers. Where flammable or combustible liquids are stored in containers, provisions shall be made and maintained for the detection of leakage. Leaking containers shall be taken to a safe location in an area not accessible to the public and the contents transferred to a liquid-tight container.

7901.7.4 Site assessment. In the event of a spill, leak or discharge from a tank system, a site assessment shall be completed by the owner or operator of such tank system if the chief determines that a potential fire or explosion hazard exists. Such site assessments shall be conducted to ascertain potential fire hazards and shall be completed and submitted to the fire department within a time period established by the chief not to exceed 60 days. See Appendix II-H.

7901.7.5 Waste control. Waste liquids shall be kept in a sump, tank or receptacle approved for this purpose.

7901.8 Spill Control, Drainage Control and Secondary Containment.

7901.8.1 General. Buildings, rooms and areas shall be provided with a means to control spillage and to contain or drain spillage and fire-protection water as set forth in Section 7901.8.

7901.8.2 Spill control. When spill control is required, floors of rooms, buildings or areas containing flammable or combustible liquids shall be sloped; constructed with sumps and collection systems; recessed a minimum of 4 inches (101.6 mm); provided with a liquid-tight, raised sill to a minimum height of 4 inches (101.6 mm) to prevent the flow of liquids to adjoining areas; or otherwise constructed to contain a spill from the largest single container or tank. Except for surfacing, the sill shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material being stored. When raised sills are provided, they are not required at perimeter openings which are provided with an open-grate trench across the opening that connects to an approved drainage-control system.

7901.8.3 Drainage control.

7901.8.3.1 General. When drainage control is required, rooms, buildings or areas shall be provided with a drainage system to direct the flow of liquids to an approved location

or treatment system, or shall be provided with secondary containment for the flammable or combustible liquids and fire-protection water.

7901.8.3.2 Sizing. Drains shall be sized to carry the sprinkler system design flow rate over the sprinkler system design area. The slope of drains shall not be less than 1 percent. Materials used to construct drainage systems shall be compatible with the stored materials.

7901.8.3.3 Incompatible materials. Incompatible materials shall be separated from each other in drainage systems.

EXCEPTION: Incompatible materials are allowed to be combined when they have been rendered acceptable for discharge by an approved means into the public sewer.

7901.8.3.4 Neutralizers and treatment systems. Drainage systems for spillage and fire-protection water which are directed to a neutralizer or treatment system shall comply with the following:

1. The system shall be designed to handle the maximum worst-case spill from the single largest container plus the volume of fire-protection water from the system over the minimum design area for a water flow duration of 20 minutes, and

2. Overflow control from the neutralizer or treatment system shall be provided to direct liquid leakage and fire-protection water to a safe location away from buildings, material or fire-protection control valves, means of egress, adjoining properties or fire apparatus access roadways.

7901.8.4 Secondary containment.

7901.8.4.1 General. When secondary containment is required:

1. Drains shall be directed to a containment system or other location designed as secondary containment for flammable or combustible liquids and fire-protection water, or

2. The room, building or area shall be designed to provide secondary containment of flammable and combustible liquids and fire-protection water through the use of recessed floors or liquid-tight, raised sills.

7901.8.4.2 Sizing. Secondary containment shall be designed to retain the spill from the largest single container plus the design flow rate of the sprinkler system for the area of the room or area in which the storage is located or the sprinkler system design area, whichever is smaller. The containment capacity shall be capable of containing the water flow from a discharge having a duration of 20 minutes.

If the storage area is open to rainfall, the secondary containment shall be designed to accommodate the volume of a 24-hour rainfall as determined by a 25-year storm.

7901.8.4.3 Overflow. Overflow control from the secondary containment system shall be provided to direct liquid leakage and fire-protection water to a safe location away from buildings, material or fire-protection control valves, means of egress, fire apparatus access roadways, adjoining properties or storm drains.

7901.8.4.4 Monitoring.

7901.8.4.4.1 Method. A monitoring method capable of detecting hazardous material leakage from the primary containment into the secondary containment shall be provided. When visual inspection of the primary containment is not practical, other approved means of monitoring are allowed. When secondary containment is subject to the intrusion of water, a monitoring method for detecting such water shall be provided. When monitoring devices are provided, they shall be connected to distinct visual or audible alarms.

7901.8.4.4.2 Testing. Leak-detecting devices shall be tested annually be the owner or occupant of the property on which they are located. Test results shall be maintained on the premises and available to the chief on request.

7901.8.5 Containment pallets. When used as a substitute for spill control, drainage control and secondary containment as set forth in Section 7902.3.4, containment pallets shall comply with all of the following:

1. A liquid-tight sump, accessible for visual inspection, shall be provided,
2. The sump shall be designed to contain not less than 66 gallons (249.8 L),
3. Exposed surfaces shall be compatible with the material stored, and
4. Containment pallets shall be protected to prevent collection of rain water within the sump.

7901.9 Labeling and Signs.

7901.9.1 General. The chief is authorized to require warning signs for the purpose of identifying the hazards of storing or using flammable liquids.

7901.9.2 Style. Warning signs shall be of a durable material with red lettering on a white background and shall read DANGER—FLAMMABLE LIQUIDS. Letters shall not be less than 3 inches (76.2 mm) in height and ½ inch (12.7 mm) in stroke.

7901.9.3 Location. Signs shall be posted in locations as required by the chief. Piping containing liquids shall be identified in accordance with nationally recognized standards. See Article 90, Standard a.2.1.

7901.9.4 Warning labels. Warning labels shall be in accordance with the Federal Hazardous Substance Labeling Act and applicable state laws. Flammable liquids, and flammable and liquid compounds and mixtures manufactured, packaged or offered for sale shall be conspicuously marked or labeled in legible type which is in contrast by typography, layout or color with any other printed matter on the label.

EXCEPTION: Foods, drugs or cosmetics subject to the Federal Food, Drug and Cosmetic Act.

7901.10 Sources of Ignition. In locations where flammable vapors could be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Adequate grounding and bonding shall be provided to prevent the accumulation of static electricity wherever Class I or II liquids are transferred or dispensed. See also Section 1107.

Open flames and high-temperature devices shall not be used in a manner which creates a hazardous condition. Heating equipment shall be of a type approved for hazardous locations.

EXCEPTION: Energy-consuming equipment listed for use with the material stored.

Protection against ignitions arising out of static, lighting and stray currents in petroleum industry operations shall be in accordance with nationally recognized standards. See Article 90, Standard a.3.13.

7901.11 Piping, Valves and Fittings.

7901.11.1. Materials and design.

7901.11.1.1. General. Piping, valves, fittings and related components intended for use with flammable and combustible liquids shall be designed and fabricated from suitable materials having adequate strength and durability to withstand the pressures, structural stresses and exposures to which they can be subjected. Such equipment shall be in accordance with nationally recognized engineering standards, be listed for the application or be approved by the chief. See Article 90, Standards a.2.2, a.2.3, a.2.4, a.2.5, a.2.6, u.1.10, u.1.11. Nonmetallic piping, if used, shall be installed in accordance with the manufacturer's installation instructions.

7901.11.1.2 Low melting point materials. Low melting point materials, such as aluminum, copper and brass; materials which soften on fire exposure, such as nonmetallic materials; or nonductile materials, such as cast iron, used underground shall be within their pressure and temperature limitations. When such materials are used outdoors in aboveground piping systems or within buildings, they shall be either:

1. Suitably protected against fire exposure,
2. Located such that leakage resulting from failure would not unduly expose persons, buildings or structures, or
3. Located where leakage can readily be controlled by operation of accessible remotely located valves.

7901.11.2 Protection from vehicles. Guard posts or other approved means shall be provided to protect piping, valves or fittings subject to vehicular damage. When guard posts are installed, the posts shall be in accordance with Section 8001.9.3.

7901.11.3 Protection from corrosion and galvanic action. Piping, related fluid-handling components and supports for both underground and aboveground applications where subject to external corrosion shall be fabricated from noncorrosive materials, coated or provided with corrosion protection as specified in Section 7902.6.15. Dissimilar metallic parts which promote galvanic action shall not be joined.

7901.11.4 Valves. Piping systems shall contain a sufficient number of manual control valves and check valves to operate the system properly and to protect the plant under both normal and emergency conditions. Piping systems in connection with pumps shall contain a sufficient number of such valves to properly control the flow of liquid in normal

operation and in the event of physical damage or fire exposure.

Connections to pipelines, transmission pipelines, or piping by which equipment, such as tank cars, tank vehicles or marine vessels, discharges liquid into storage tanks shall be provided with check valves for automatic protection against backflow.

Manual drainage-control valves shall be located remote from the tanks, diked area, drainage system and impounding basin to assure their operation in a fire condition.

7901.11.5 Connections. Connections to an aboveground tank located below normal liquid level shall be provided with internal or external control valves located as close as practical to the shell of the tank. Except for liquids whose chemical characteristics are incompatible with steel, such valves, when external, and their connections to the tank shall be of steel.

7901.11.6 Piping supports. Piping systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion or contraction, or exposure to fire. The supports shall be protected against exposure to fire by:

1. Draining product away from the piping system at a minimum slope of not less than 1 percent,
2. Providing protection with a fire-resistive rating of not less than two hours, or
3. Other approved methods.

7901.11.7 Flexible joints.

7901.11.7.1 General. Flexible joints shall be listed and approved and shall be installed on underground liquid, vapor and vent piping at the following locations:

1. Where piping connects to underground tanks,
2. Where piping ends at pump islands and vent risers, and
3. At points where differential movement in the piping can occur.

7901.11.7.2 Fiberglass-reinforced plastic piping. Fiberglass-reinforced plastic (FRP) piping need not be provided with flexible joints in locations where both of the following conditions are present:

1. Piping does not exceed 4 inches (101.6 mm) in diameter, and
2. Piping has a straight run of not less than 4 feet (1219 mm) on one side of the connection when such connections result in a change of direction.

In lieu of the minimum 4-foot (1219 mm) straight run length, approved and listed flexible joints are allowed to be used under dispensers and suction pumps, at submerged pumps and tanks, and where vents extend aboveground.

7901.11.8 Pipe joints. Joints shall be liquid tight and shall either be welded, flanged or threaded. Threaded joints shall be made up tight with a suitable thread sealant or lubricant. Joints in piping systems used for Class I liquids shall be welded when located in concealed spaces within buildings.

Nonmetallic joints shall be approved and shall be installed in accordance with the manufacturer's instructions.

Pipe joints which are dependent on the friction characteristics or resiliency of combustible materials for mechanical continuity or liquid tightness of piping shall only be used outside of buildings aboveground or belowground. When used aboveground outside of buildings, the piping shall either be secured to prevent disengagement at the fitting, or controllable by remote valves.

7901.11.9 Bends. Pipe and tubing shall not be bent in excess of 90 degrees or at a radius less than five diameters of the nominal trade size of the pipe or tube when the radius is measured from the inside edge of the pipe or tube.

7901.11.10 Testing. Unless tested in accordance with the applicable sections of nationally recognized standards for pressure piping (see Article 90, Standard a.2.3), piping, before being covered, enclosed or placed in use, shall be hydrostatically tested to 150 percent of the maximum anticipated pressure of the system, or pneumatically tested to 110 percent of the maximum anticipated pressure of the system, but not less than 5 psig (34.47 kPa) at the highest point of the system. This test shall be maintained for a sufficient time period to complete visual inspection of all joints and connections. For a minimum of 10 minutes, there shall not be leakage or permanent distortion. Care shall be exercised to ensure that these pressures are not applied to vented storage tanks. Such storage tanks shall be tested independently from the piping.

Existing piping shall be tested in accordance with Section 7901.11.10 when the chief has reasonable cause to believe that a leak exists. Piping that could contain flammable or combustible liquids shall not be tested pneumatically. Such tests shall be at the expense of the owner or operator.

EXCEPTION: Vapor-recovery piping is allowed to be tested using an inert gas.

7901.12 Powered Industrial Truck Operation. Powered industrial trucks shall be listed and labeled for use in the environment intended and shall be in accordance with nationally recognized standards. See Article 90, Standard n.2.2.

NEW SECTION

WAC 51-34-7902 Section 7902—Storage.

7902.1 General.

7902.1.1 Applicability. Storage of flammable and combustible liquids in containers, cylinders and tanks shall be in accordance with Sections 7901 and 7902.

For motor vehicle fuel-dispensing stations, see Article 52.

7902.1.2 Change of tank contents. Tanks subject to change in contents shall be in accordance with Section 7902.1.8. Prior to a change in contents, the chief is authorized to require testing of a tank.

7902.1.3 Labeling and signs.

7902.1.3.1 Smoking and open flames. Signs shall be posted in storage areas prohibiting open flames and smoking. See also Section 7901.9.

7902.1.3.2 Label or placard. Tanks over 100 gallons (378.5 L) in capacity permanently installed or mounted and used for the storage of Class I, II or III-A liquids shall bear a label or placard identifying the material therein in accordance with U.F.C. Standard 79-3.

EXCEPTIONS:

1. Tanks of 300 gallons (1135.5 L) capacity or less located on private property and used for heating and cooking fuels in single-family dwellings.
2. Tanks located underground.

7902.1.4 Sources of ignition. Smoking and open flames are prohibited in storage areas. See also Section 7901.10.

7902.1.5 Explosion control. Explosion control, equivalent protection devices or suppression systems, or a barricade shall be provided in accordance with the Building Code when Class I liquids are stored inside buildings in excess of the exempt amounts, or where explosive vapor-air mixtures could develop under normal operating conditions.

EXCEPTION: Class I-B and I-C liquids when provided with continuous ventilation at the rate set forth in Section 8003.1.8.

See also Sections 7902.5.11.7, 7902.5.12.7, 7903.2.3.4.3 and 7903.2.3.5.3.

7902.1.6 Separation from incompatible materials and accumulation of combustibles. Storage of flammable and combustible liquids shall be separated from incompatible hazardous materials in accordance with Section 8001.9.8.

Grass; weeds; combustible materials; and waste Class I, II and III-A liquids shall not be accumulated in an unsafe manner at a storage site.

7902.1.7 Abandonment and status of tanks.

7902.1.7.1 General. Tanks taken out of service as a result of a property's being abandoned or its use being changed shall be removed or abandoned in place in accordance with Section 7902.1.7.2.3 or 7902.1.7.3.3. The time schedules stipulated shall not apply.

In other cases, tanks taken out of service shall be safeguarded or removed in accordance with Section 7902.1.7.

7902.1.7.2 Underground tanks.

7902.1.7.2.1 Temporarily out of service. Underground tanks temporarily out of service shall have the fill line, gage opening, vapor return and pump connection secure against tampering. Vent lines shall remain open and be maintained in accordance with Sections 7902.1.10 and 7902.2.6.

7902.1.7.2.2 Out of service 90 days. Underground tanks not used for a period of 90 days shall be safeguarded in accordance with the following or removed in accordance with Section 7902.1.7.4:

1. Flammable or combustible liquids shall be removed from the tank,

2. All piping, including fill line, gage opening, vapor return and pump connection, shall be capped or plugged and secured from tampering, and

3. Vent lines shall remain open and be maintained in accordance with Section 7902.1.10 and 7902.2.6.

7902.1.7.2.3 Underground tanks out of service for one year. Underground tanks which have been out of service for a period of one year shall be removed from the ground in accordance with Section 7902.1.7.4 and the site shall be restored in an approved manner. When the chief determines that the removal of the tank is not necessary, abandonment in place is allowed.

7902.1.7.2.4 Tanks abandoned in place. Tanks abandoned in place shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping,

2. The suction, inlet, gage, vapor return and vapor lines shall be disconnected,

3. The tank shall be filled completely with an inert solid material approved by the chief,

4. Remaining underground piping shall be capped or plugged, and

5. A record of tank size, location and date of abandonment shall be retained.

7902.1.7.2.5 Reinstallation of underground tanks. Tanks which are to be reinstalled for flammable or combustible liquid service shall comply with all of the provisions of Article 79 and shall be tested in a manner approved by the chief.

7902.1.7.3 Aboveground tanks.

7902.1.7.3.1 Temporarily out of service. Aboveground tanks temporarily out of service shall have all connecting lines isolated from the tank and secured against tampering.

7902.1.7.3.2 Out of service 90 days. Aboveground tanks not used for a period of 90 days shall be safeguarded in accordance with Section 7902.1.7.2.2 or removed in accordance with Section 7902.1.7.4.

7902.1.7.3.3 Aboveground tanks out of service one year. Aboveground tanks which have been out of service for a period of one year shall be removed in accordance with Section 7902.1.7.4.

EXCEPTION: Tanks located at refineries, bulk plants and terminals that are in operation.

7902.1.7.4 Removing tanks.

7902.1.7.4.1 General. Removal of aboveground and underground tanks shall be in accordance with all of the following:

1. Flammable and combustible liquids shall be removed from the tank and connecting piping,

2. Piping at tank openings which is not to be used further shall be disconnected,

3. Piping shall be removed from the ground,

EXCEPTION: Piping is allowed to be abandoned in place when the chief determines that removal is not practical. Abandoned piping shall be capped and safeguarded as required by the chief.

4. Tank openings shall be capped or plugged, leaving a 1/8-inch to 1/4-inch-diameter (3.2 mm to 6.4 mm) opening for pressure equalization, and

5. Tanks shall be purged of vapor and inerted prior to removal.

7902.1.7.4.2 Disposal. Tanks shall be disposed of in accordance with federal, state and local regulations.

7902.1.8 Design, construction and general installation requirements for tanks, containers and equipment.

7902.1.8.1 Portable tanks, containers and equipment.

7902.1.8.1.1 General. Portable tanks, containers and equipment used or intended to be used for the storage of flammable or combustible liquids shall be of an approved type. Containers and portable tanks shall be designed and constructed in accordance with nationally recognized standards. See Article 90, Standards u.1.2 and u.1.12 and U.F.C. Standard 79-5. The capacity of individual containers and portable tanks for liquids shall be in accordance with Table 7902.1-A.

EXCEPTION: Medicines, beverages, foodstuffs and cosmetics when packaged according to commonly accepted practices for retail sales.

7902.1.8.1.2 Use of tanks cars and tank vehicles as storage tanks. Tank cars and tank vehicles shall not be used as storage tanks.

7902.1.8.1.3 Plastic containers. Plastic containers shall not be used for storage of Class I or II liquids unless such containers are listed and approved for such storage or the containers are stored in liquid storage rooms or liquid storage warehouses. See Sections 7902.5.11 and 7902.5.12.

See also Section 7902.5.10.2.2 for additional limitations.

7902.1.8.2 Tanks.

7902.1.8.2.1 General. The design, fabrication and construction of tanks shall be in accordance with recognized good engineering practice and nationally recognized standards. See Article 90, Standards a.3.1, a.3.2, a.3.3, a.3.4, a.3.5, a.4.8, u.1.3, u.1.5, u.1.7 and u.1.13.

7902.1.8.2.2 Use of tanks cars and tank vehicles as storage tanks. Tank cars and tank vehicles shall not be used as storage tanks.

7902.1.8.2.3 Pressure limitations for tanks. Tanks shall be designed for the pressures to which they are subjected as follows:

1. Atmospheric tanks shall not exceed operating pressures of 1 psig (6.89 kPa) and shall not exceed 2.5 psig (17.2 kPa) under emergency venting conditions. Such tanks shall not be used for the storage of a liquid at a temperature at or above its boiling point,

2. Low-pressure tanks and pressure vessels are allowed to be used as atmospheric tanks,

3. Pressure vessels are allowed to be used as low-pressure tanks,

4. The normal operating pressure of any tanker pressure vessel shall not exceed the design pressure, and

5. Unless otherwise approved by the chief, fired and unfired pressure vessels shall be designed and constructed in accordance with nationally recognized standards. See Article 90, Standard a.3.4 and a.5.1.

7902.1.8.2.4 Locations subject to flooding. Where a tank is located in an area that is subject to flooding, uplift protection shall be provided. See Appendix II-B.

7902.1.8.2.5 Acceptance testing. Prior to being put into service, tanks shall be tested in accordance with nationally recognized standards.

7902.1.8.2.6 Product compatibility. Tank construction materials shall be compatible with the liquid to be stored. The chief is authorized to require that evidence be submitted to substantiate that the properties of the liquid are compatible with the tank.

7902.1.8.2.7 Use of combustible materials in tank construction. Tanks constructed of combustible materials shall be subject to the approval of the chief and limited to:

1. Installation underground,

2. Case where required by the properties of the liquid stored,

3. Storage of Class III-B liquids aboveground in areas not potentially exposed to a spill or leak of Class I or II liquid, or

4. Storage of Class III-B liquids inside a building protected by an approved automatic fire-extinguishing system.

7902.1.8.2.8 Use of concrete in tank construction. Unlined concrete tanks are allowed for storing liquids having a gravity of 40 degrees API or heavier. Concrete tanks with special linings are allowed for other services, provided the design is in accordance with approved engineering practices. See also Section 7902.1.8.2.11.

7902.1.8.2.9 Tank linings. Tanks are allowed to have combustible or noncombustible linings.

7902.1.8.2.10 Tanks containing liquids with high specific gravity and low temperature liquids. Special engineering consideration shall be used if the specific gravity of the liquid to be stored exceeds that of water or if the tank is designed to contain liquid temperature below 0°F. (-17.8°C).

7902.1.8.2.11 Existing oil storage reservoirs. Existing oil storage reservoirs with a concrete lining and with a combustible roof covering and built prior to the adoption of requirements set forth in Section 7902.1.8 are allowed to be continued for the storage of petroleum products with a flash point in excess of 150°F. (65.6°C).

7902.1.9 Seismic design. In areas subject to earthquakes, the tank supports and connections shall be designed to resist damage as a result of seismic activity in accordance with the Building Code.

7902.1.10 Tank vents for normal venting.

7902.1.10.1 General. Tank vents for normal venting shall be installed and maintained in accordance with Section 7902.1.10. See Section 7902.2.6 for emergency vents.

7902.1.10.2 Vent lines. Vent lines from tanks shall not be used for purposes other than venting unless approved by the chief.

7902.1.10.3 Vent line flame arresters and venting devices. Vent line flame arresters and venting devices shall be installed in accordance with their listings.

Use of flame arresters in piping systems shall be in accordance with nationally recognized standards. See Article 90, Standard a.3.17.

7902.1.10.4 Vent pipe outlets. Vent pipe outlets for tanks storing Class I, II, or III-A liquids shall be located such that the vapors are released at a safe point outside of buildings and not less than 12 feet (3658 mm) above the adjacent ground level. Vapors shall be discharged upward or horizontally away from closely adjacent walls to assist in vapor dispersion. Vent outlets shall be located such that flammable vapors will not be trapped by eaves or other obstructions and shall be at least 5 feet (1524 mm) from building openings or property lines of properties that can be built on.

7902.1.10.5 Installation of vent piping. Vent piping shall be constructed in accordance with Section 7901.11. Vent pipes shall be installed such that they will drain toward the tank without sags or traps in which liquid can collect. Vent pipes shall be installed in such a manner as to not be subject to physical damage or vibration.

7902.1.10.6 Manifolding. Tank vent piping shall not be manifolded unless required for special purposes such as vapor recovery, vapor conservation or air pollution control. Manifolded vent pipes shall be adequately sized to prevent system pressure limits from being exceeded when manifolded tanks are subject to the same fire exposure.

Vent piping for tanks storing Class I liquids shall not be manifolded with vent piping for tanks storing Class II or III liquids unless positive means are provided to prevent the vapors from Class I liquids from entering tanks storing Class II or III liquids, to prevent contamination and possible change in classification of the less volatile liquid.

7902.1.10.7 Vent sizing. Tank venting systems shall be provided with sufficient capacity to prevent blowback of vapor or liquid at the fill opening while the tank is being filled. Vent pipes shall not be less than 1 1/4-inch (31.8 mm) nominal inside diameter. The capacity of the vent shall be based on the filling or withdrawal rate, whichever is greater, and the vent line length. Unrestricted vent piping sized in accordance with Table 7902.1-B is acceptable to prevent back-pressure development in tanks from exceeding 2.5 psig (17.2 kPa). Where tank-venting devices are installed in vent lines, their flow capacities shall be determined in accordance with nationally recognized standards. See Article 90, Standard a.3.11.

7902.1.10.8 Additional requirements for aboveground tanks.

7902.1.10.8.1 General. Atmospheric storage tanks shall be adequately vented to prevent the development of vacuum or pressure sufficient to distort the roof of a cone roof tank or exceed the design pressure in the case of other atmospheric

tanks as a result of filling or emptying and atmospheric temperature changes:

Normal vents shall be sized in accordance with nationally recognized engineering standards or shall be at least as large as the filling or withdrawal connection, whichever is larger, but not less than 1 1/4-inch (31.8 mm) nominal inside diameter. See Article 90, Standard a.3.11.

If a tank or pressure vessel has more than one fill or withdrawal connection and simultaneous filling or withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.

7902.1.10.8.2 Low-pressure tanks and pressure vessels. Low-pressure tanks and pressure vessels shall be adequately vented to prevent pressure or vacuum from exceeding the design pressure of the tank or vessel as a result of filling or emptying and atmospheric temperature changes. Protection shall also be provided to prevent over pressure from pumps discharging into the tank or vessel when the pump discharge pressure can exceed the design pressure of the tank or vessel.

7902.1.10.8.3 Vent outlets and drains. For tanks designed to vent at pressures greater than 2.5 psig (17.2 kPa), vent outlets and drains shall discharge in a manner which prevents localized overheating of or flame impingement on any part of the tank.

7902.1.10.8.4 Tanks and pressure vessels containing Class I liquids. Tanks and pressure vessels storing Class I-A liquids shall be equipped with venting devices which shall normally be closed, except when venting under pressure or vacuum conditions. Tanks and pressure vessels storing Class I-B or I-C liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with listed flame arresters.

- EXCEPTIONS:
1. Tanks of 3,000-barrel (476 960 L) capacity or less containing crude petroleum in crude producing areas are allowed to have open vents.
 2. Outside aboveground atmospheric tanks under 1,000-gallon (3785 L) capacity are allowed to have open vents.
 3. Flame arresters or venting devices with integral flame arresters need not be provided for Class I-B and I-C liquids where conditions are such that their use could, in case of obstruction, result in tank damage.

Liquid properties justifying the omission of such devices include, but are not limited to, condensation, corrosiveness, crystallization, polymerization, freezing or plugging. When any of these conditions exist, consideration shall be given to heating, use of devices employing special materials of construction, the use of liquid seals or inerting in accordance with nationally recognized standards for explosion-prevention systems. See Section 101.3.

4. Vent pipes 2 inches (50.8 mm) or less in nominal inside diameter and longer than 10 feet (3048 mm) are allowed to have open vents.

5. Tanks storing gasoline are allowed to have open vents provided the vent pipes do not exceed a 3-inch (76.2 mm) nominal inside diameter.

7902.1.10.9 Additional requirements for underground tanks.

7902.1.10.9.1 General. Tank-venting systems located on underground tanks shall be in accordance with Section 7902.1.10.9.

7902.1.10.9.2 Vent pipes, outlets and devices. Vent pipes shall not be obstructed by devices provided for vapor recovery or other purposes unless the tank and associated piping and equipment are otherwise protected to limit back-pressure development to less than the maximum working pressure of the tank and equipment by providing pressure/vacuum vents, rupture discs or other tank-venting devices installed in the tank vent lines. Vent outlets and devices shall be protected to minimize the possibility of blockage from weather, snow, dirt or insect nests.

7902.1.10.9.3 Tanks containing Class I liquids. Tanks containing Class I-A liquids shall be equipped with pressure/vacuum venting devices with integral flame arresters which shall be normally closed except when venting under pressure or vacuum conditions. Tanks storing Class I-B or I-C liquids shall be equipped with pressure/vacuum venting devices or with listed flame arresters.

EXCEPTIONS:

1. Vent pipes 2 inches (50.8 mm) or less in nominal inside diameter and longer than 10 feet (3048 mm) shall not be obstructed by devices that will reduce their capacity and, thus, cause extensive back pressure.
2. Tanks storing gasoline are not required to have pressure/vacuum venting devices except as required for excessive back pressure, or flame arresters, provided the vent does not exceed a 3-inch (76.2 mm) nominal inside diameter.

7902.1.10.9.4 Condensate tanks. Condensate tanks, if utilized, shall be installed and maintained in a manner which will preclude the blocking of the vapor-return piping by liquid. Condensate tanks shall be located such that they will not be subjected to physical damage. The vent pipe shall enter the tank through the top of the tank. The lower end of vent pipes shall not extend into the tank more than 1 inch (25.4 mm).

7902.1.10.9.5 Manifolding. Manifolled vent pipes shall be adequately sized to prevent system pressure limits from being exceeded when manifolled tanks are filled simultaneously. Float-type check valves installed in tank openings connected to manifold vent piping to prevent product contamination are allowed, provided that the static head imposed at the bottom of the tank will not exceed 10 psig (68.9 kPa) if the fill or vent pipe is filled with liquid when the valves are closed.

EXCEPTION: For motor vehicle fuel-dispensing stations, the capacity of manifolled vent piping shall be sufficient to discharge vapors generated when two manifolled tanks are simultaneously filled.

7902.1.11 Tank vents for emergency venting.

7902.1.11.1 Stationary aboveground tanks. Stationary aboveground tanks shall be provided with emergency venting. For requirements see Section 7902.2.6.

7902.1.11.2 Portable tanks. Portable tanks shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire-exposure conditions to 10 psig (68.9 kPa) or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall not be less than that specified in Sections 7902.2.6.3.1 and 7902.2.6.3.3. At

least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet (169.9 m³) of free air per hour at 14.7 psia (101.3 kPa) and 60°F. (15.6°C.) shall be used. It shall be set to open at not less than 5 psig (34.5 kPa). If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F. (148.9°C.). When used for paints, drying oils and similar materials where plugging of the pressure-actuated vent can occur, fusible vents or vents of the type that soften to failure at a maximum of 300°F. (148.9°C.) under fire exposure are allowed for the entire emergency venting requirement.

7902.1.12 Tank openings other than vents.

7902.1.12.1 Inside buildings.

7902.1.12.1.1 General. Connections for tank openings shall be liquid tight. Openings to tanks shall be located outside of buildings at a location free from sources of ignition and not less than 10 feet (3048 mm) away from building openings or of lines of property that can be built on. Such openings shall be provided with a liquid-tight cap which shall be closed when not in use and shall be properly identified.

For top-loaded tanks, a metallic fill pipe shall be designed and installed in minimize the generation of static electricity by terminating the pipe within 6 inches (152.4 mm) of the bottom of the tank, and it shall be installed in a manner which avoids excessive vibration.

7902.1.12.1.2 Vapor recovery. Tank openings provided for the purposes of vapor recovery shall be protected against possible vapor release by means of a spring-loaded check valve or dry-break connections, or other approved device, unless the opening is pipe connected to a vapor-processing system. Openings designed for combined fill and vapor recovery shall also be protected against vapor release unless connection of the liquid delivery line to the fill pipe simultaneously connects the vapor-recovery line. Connections shall be vapor tight.

7902.1.12.1.3 Valves for tank connections. Connections to tanks inside of buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank.

For connections to tanks containing Class I or II liquids inside of buildings, such valve or an additional adjacent valve shall be either:

1. Normally closed and remotely activated,
2. Automatic-closing and heat-activated, or

3. As an alternate to valving an approved device on each liquid-transfer connection below the liquid level, except for connections used for emergency disposal, to provide for quick cutoff of flow in the event of fire in the vicinity of the tank is allowed.

7902.1.12.1.4 Overflow protection. Tanks storing Class I, II and III-A liquids inside buildings shall be equipped with a device or other means to prevent overflow into the building. Suitable devices include, but are not limited to, a float valve, a preset meter on the fill line, a valve actuated by the weight of the tank contents, a low head pump which is incapable of producing overflow or a liquid-tight overflow

pipe at least one pipe size larger than the fill pipe discharging by gravity back to the outside source of liquid or to an approved location.

7902.1.12.1.5 Piping, valves and fittings. Connections, fittings and other appurtenances shall be installed in accordance with Section 7901.11.

7902.1.12.1.6 Manual gaging. Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. Covers shall be kept closed when not gaging. If inside a building, such openings shall be protected against liquid overflow and possible vapor release by means of a spring-loaded check valve or other approved device.

7902.1.12.2 Underground.

7902.1.12.2.1 Piping, valves and fittings. Connections, fittings and other appurtenances shall be installed in accordance with Section 7901.11.

7902.1.12.2.2 Manual gaging. Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. Covers shall be kept closed when not gaging. If inside a building, such openings shall be protected against liquid overflow and possible vapor release by means of a spring-loaded check valve or other approved device.

7902.1.12.2.3 Fill pipe and discharge lines. Fill pipe and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank. Underground tanks for Class I liquids having a capacity of more than 1,000 gallons (3785 L) shall be equipped with a tight fill device for connecting the fill hose to the tank.

Overfill protection shall be provided in accordance with Section 7902.6.5.

For Class I liquids other than crude oil, gasoline and asphalt, the fill pipe shall be designed and installed in a manner which will minimize the possibility of generating static electricity by terminating within 6 inches (152.4 mm) of the bottom of the tank.

7902.1.12.2.4 Location of connections that are made or broken. Filling, withdrawal and vapor-recovery connections for Class I, II and III-A liquids which are made and broken shall be located outside of buildings at a location away from sources of ignition and not less than 5 feet (1524 mm) away from building openings. Such connections shall be closed and liquid tight when not in use and shall be properly identified.

7902.1.12.2.5 Protection against vapor release. Tank openings provided for purposes of vapor recovery shall be protected against possible vapor release by means of a spring-loaded check valve or drybreak connection, or other approved device, unless the opening is pipe-connected to a vapor-processing system. Openings designed for combined fill and vapor recovery shall also be protected against vapor release unless connection of the liquid delivery line to the fill pipe simultaneously connects the vapor-recovery line. Connections shall be vapor tight.

7902.1.12.3 Exterior aboveground. Openings for manual gaging on tanks storing Class I liquids shall be provided

with a vapor-tight cap or cover. Such covers shall be closed when not gaging. See also Section 7902.2.7.

7902.1.13 Supports, foundations and anchorage.

7902.1.13.1 General. Supports, foundations and anchorage for aboveground tanks shall be in accordance with Section 7902.1.13.

7902.1.13.2 Tanks at grade. Tanks shall rest on the ground or on foundations made of concrete, masonry, piling or steel. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation.

7902.1.13.3 Tanks above grade. Tanks shall be securely supported. Supports for tanks storing Class I, II or III-A liquids shall be of concrete, masonry or protected steel. Single wood timber supports, not cribbing, laid horizontally, are allowed for outside aboveground tanks when the bottom of the tank is not more than 12 inches (304.8 mm) above grade.

7902.1.13.4 Fire protection of steel supports. Steel supports or piling for aboveground tanks storing Class I, II or III-A liquids shall have a fire-resistance rating of not less than two hours, except that solid web steel saddles need not be protected if the bottom of the tank is less than 12 inches (304.8 mm) above grade. At the discretion of the chief, water-spray protection in accordance with U.F.C. Standard 79-2 or the Building Code or equivalent may be used. See U.B.C. Standard 9-1.

7902.1.13.5 Design of supports. The design of the supporting structure for tanks shall be in accordance with well-established engineering principles of mechanics and shall be in accordance with the Building Code.

7902.1.14 Stairs, platforms and walkways. Stairs, platforms and walkways shall be of noncombustible construction and shall be designed and constructed in accordance with the Building Code.

7902.2 Stationary Aboveground Tanks Outside of Buildings.

7902.2.1 General. Stationary aboveground tanks outside of buildings shall be in accordance with Sections 7902.1 and 7902.2.

7902.2.2 Tank locations.

7902.2.2.1 Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. (See sample adoption ordinance, Section 4.)

7902.2.2.2 Location of tanks with pressures 2.5 psig (17.2 kPa) or less. Aboveground tanks operating at pressures not exceeding 2.5 psig (17.2 kPa) for storage of Class I, II or III-A liquids, which are designed with a weak roof-to-shell seam or equipped with emergency venting devices limiting pressures to 2.5 psig (17.2 kPa), shall be located in accordance with Table 7902.2-A.

EXCEPTIONS: 1. Vertical tanks having a weak roof-to-shell seam and storing Class III-A liquids are allowed to be located at one

half the distances specified in Table 7902.2-A, provided that the tanks are not within a diked area or drainage path for a tank storing Class I or II liquids.

2. Liquids with boilover characteristics and unstable liquids. See Sections 7902.2.2.4 and 7902.2.2.5.

7902.2.2.3 Location of tanks with pressures exceeding 2.5 psig (17.2 kPa). Aboveground tanks for the storage of Class I, II or III-A liquids operating at pressures exceeding 2.5 psig (17.2 kPa) or equipped with emergency venting allowing pressures to exceed 2.5 psig (17.2 kPa) shall be located in accordance with Table 7902.2-B.

EXCEPTION: Liquids with boilover characteristics and unstable liquids. See Sections 7902.2.2.4 and 7902.2.2.5.

7902.2.2.4 Location of tanks for boilover liquids. Aboveground tanks for storage of liquids with boilover characteristics shall be located in accordance with Table 7902.2-C.

7902.2.2.5 Location of tanks for unstable liquids. Aboveground tanks for the storage of unstable liquids shall be located in accordance with Table 7902.2-D.

7902.2.2.6 Location of tanks for Class III-B liquids. Aboveground tanks for the storage of Class III-B liquids, excluding unstable liquids, shall be located in accordance with Table 7902.2-E, except when located within a diked area or drainage path for a tank or tanks storing Class I or II liquids. When a Class III-B liquid storage tank is within the diked area or drainage path for a Class I or II liquid, distances required by Section 7902.2.2.2 shall apply.

7902.2.2.7 Reduction of separation distances to adjacent property. Where two tank properties of diverse ownership have a common boundary, the chief is authorized to, with the written consent of the owners of the two properties, apply the distances in Sections 7902.2.2.2 through 7902.2.2.6 assuming a single property.

7902.2.3 Separation and orientation of tanks.

7902.2.3.1 Separation between adjacent tanks containing stable liquids. The separation between tanks containing stable liquids shall be in accordance with Table 7902.2-G. When tanks are in a diked area containing Class I or II liquids, or in the drainage path of Class I or II liquids, and are compacted in three or more rows or in an irregular pattern, the chief is authorized to require greater separation than that specified in Table 7902.2-G or other means to make tanks in the interior of the pattern accessible for firefighting purposes.

7902.2.3.2 Separation between adjacent tanks containing unstable liquids. The separation between tanks containing unstable liquids shall not be less than one half the sum of their diameters.

7902.2.3.3 Separation between adjacent tanks containing flammable or combustible liquids and LP-gas. The minimum horizontal separation between an LP-gas container and a Class I, II or III-A liquid storage tank shall be 20 feet (6096 mm) except in the case of Class I, II or III-A liquid tanks operating at pressures exceeding 2.5 psig (17.2 kPa) or equipped with emergency venting allowing pressures to exceed 2.5 psig (17.2 kPa), in which case the provisions of Section 7902.2.3.1 shall apply.

Suitable means shall be provided to prevent the accumulation of Class I, II or III-A liquids under adjacent LP-gas containers such as by dikes, diversion curbs or grading. When flammable or combustible liquid storage tanks are within a diked area, the LP-gas containers shall be outside the diked area and at least 10 feet (3048 mm) away from the center line of the wall of the diked area.

EXCEPTIONS:

1. Liquefied petroleum gas containers of 125-gallons (473 L) or less capacity installed adjacent to fuel-oil supply tanks of 660-gallons (2498 L) or less capacity.
2. Horizontal separation is not required between aboveground LP-gas containers and underground flammable and combustible liquid tanks.

7902.2.3.4 Orientation of horizontal pressure tanks. Where end failure of horizontal pressure tanks and vessels can expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.

7902.2.4 Foam fire protection.

7902.2.4.1 Required systems. When required by the chief, foam fire protection shall be provided for aboveground tanks, other than pressure tanks operating at or above 1 psig (6.89 kPa), when such tank, or group of tanks spaced less than 50 feet (15 240 mm) apart measured shell to shell, has a liquid surface area in excess of 1,500 square feet (139.4 m²), and is

1. Used for the storage of Class I or II liquids,
2. Used for storage of crude oil,
3. Used for in-process products and is located within 100 feet (30 480 mm) of a fired still, heater, related fractioning or processing apparatus or similar device at a processing plant or petroleum refinery as herein defined, or
4. Considered by the chief as presenting an unusual exposure hazard because of topographical conditions; nature of occupancy, proximity on the same or adjoining property, and height and character of liquids to be stored; and degree of private fire protection to be provided and facilities of the fire department to cope with flammable liquid fires.

7902.2.4.2 Installation. Where foam fire protection is required, installation shall be in accordance with U.F.C. Standard 79-1.

7902.2.4.3 Foam storage. Where foam fire protection is required, foam-producing materials shall be stored on the premises.

EXCEPTIONS: Storage of foam-producing materials off the premises is allowed as follows:

1. Such materials stored off the premises shall be of the proper type suitable for use with the equipment at the installation where required,
2. Such materials shall be immediately available at the storage location at all times,
3. Adequate loading and transportation facilities shall be provided,
4. The time required to deliver such materials to the required location in the event of fire shall not exceed two hours, and
5. At the time of a fire, these off-premises supplies shall be accumulated in sufficient quantities before placing the equipment in operation to ensure foam production at an adequate rate without interruption until extinguishment is accomplished.

7902.2.5 Inerting of tanks with boilover liquids. Liquids with boilover characteristics shall not be stored in fixed roof

tanks larger than 150 feet (45 720 mm) in diameter unless an approved inerting system is provided on the tank.

7902.2.6 Emergency relief venting for stationary tanks.

7902.2.6.1 General. Stationary tanks shall be equipped with adequate additional venting that will relieve excessive internal pressure caused by exposure to fires.

EXCEPTION: Tanks larger than 12,000-gallon (45 420 L) capacity storing Class III-B liquids and not within the diked area or the drainage path of Class I or II liquids do not require emergency relief venting.

7902.2.6.2 Type of venting device. Aboveground storage tanks shall be provided with construction or devices that will relieve excessive internal pressure caused by exposure fires.

In a vertical tank, construction methods such as floating roofs, lifter roofs, weak roof-to-shell seams or other approved pressure-relieving construction are allowed as methods providing emergency relief venting. Weak roof-to-shell seams shall be constructed to fail before any other seam.

Devices such as self-closing manhole covers, covers using long bolts that allow the cover to lift under internal pressure, and an additional or larger relief valve or valves are allowed for emergency relief venting. Such devices shall be approved relief- or pressure/vacuum-venting devices or other devices approved by the chief.

7902.2.6.3 Venting sizing.

7902.2.6.3.1 General. Where emergency relief venting is provided solely by pressure-relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank, if vertical, or of the shell or heads, if horizontal. If unstable liquids are stored, the effects of heat or gas resulting from polymerization, decomposition, condensation or self-reactivity shall be taken into account.

The total capacity of both normal and emergency venting devices shall not be less than that derived from Table 7902.2-H, except as provided in Sections 7902.2.6.3.3 and 7902.2.6.3.4. The wetted area of the tank shall be calculated on the basis of 55 percent of the total exposed area of a sphere or spheroid, 75 percent of the total exposed area of a horizontal tank and the first 30 feet (9144 mm) above grade of the exposed shell area of a vertical tank.

See Appendix VI-B for the square footage of typical tank sizes.

7902.2.6.3.2 Tanks and storage vessels over 1 psig (6.89 kPa). For tanks and storage vessels designed for pressures over 1 psig (6.89 kPa), the total rate of venting shall be determined in accordance with Table 7902.2-H, except that when the exposed wetted area of the surface is greater than 2,800 square feet (260.1 m²), the total rate of venting shall be in accordance with Table 7902.1-I or calculated by the following formula:

$$CFH = 1,107 A^{0.82}$$

$$\text{For SI: } CMH = 220 A^{0.82}$$

WHERE:

CFH = venting requirement, in cubic feet of free air per hour (CMH = m³/hr).

A = exposed wetted surface, in square feet (m²).

The foregoing formula is based on Q = 21,000 A^{0.82} (For SI: Q = 43,198 A^{0.82})

7902.2.6.3.3 Emergency relief vents. The total emergency relief venting capacity for a specific stable liquid can be determined by the following formula:

$$CFH = \frac{1,337 V}{L\sqrt{M}}$$

$$\text{For SI: } CHM = \frac{743.4 V}{L\sqrt{M}}$$

WHERE:

CFH = venting requirement, in cubic feet of free air per hour (CMH = m³/hr).

V = cubic feet (m³) of free air per hour from Table 7902.2-H.

L = latent heat of vaporization of specific liquid, in Btu per pound (cal /g).

M = molecular weight of specific liquids.

7902.2.6.3.4 Reductions in required venting for stable liquids. For tanks containing stable liquids, a reduction in the required airflow rate in Sections 7902.2.6.3.1 and 7902.2.6.3.3 is allowed. Such reduction shall be calculated by multiplying the required airflow rate in Sections 7902.2.6.3.1 or 7902.2.6.3.3 by the appropriate factor listed in the following schedule when protection is provided as indicated. Only one factor can be used for any one tank.

1. 0.5 For drainage in accordance with requirements for remote impounding in Section 7902.2.8.2 for tanks over 200 square feet (18.6 m²) of wetted area.

2. 0.3 For water spray in accordance with U.F.C. Standard 79-2 and drainage in accordance with requirements for remote impounding in Section 7902.2.8.2.

3. 0.3 For insulation in accordance with the following:

3.1 Remain in place under fire-exposure conditions,

3.2 Withstand dislodgment when subjected to hose stream impingement during fire exposure, and

EXCEPTION: The requirement may be waived by the chief where use of solid hose streams is not contemplated or would not be practical.

3.3 Maintain a maximum conductance value of 4.0 Btus per hour per square foot per degree Fahrenheit [81.8 kJ/(hr x m² x °C.)] when the outer insulation jacket or cover is at a temperature of 1,660°F. (904°C.) and when the mean temperature of the insulation is 1,000°F. (538°C.).

4. 0.15 For water spray with insulation in accordance with U.F.C. Standard 79-2 and drainage in accordance with requirements for remote impounding in Section 7902.2.8.2.

7902.2.6.4 Venting device capacity.

7902.2.6.4.1 Identification. Commercial tank venting devices shall bear a stamp indicating the opening pressure, the pressure at which the valve reaches the full-open position and the flow capacity at the latter pressure. If the start-to-

open pressure is less than 2.5 psig (17.2 kPa) and the pressure at full-open position is greater than 2.5 psig (17.2 kPa), the flow capacity at 2.5 psig (17.2 kPa) shall also be stamped on the venting device. The flow capacity shall be expressed in cubic feet per hour of air at 60°F. and 14.7 psia (m³ of air/hr at 15.6°C. and 101.3 kPa).

7902.2.6.4.2 Determination of capacity. The flow capacity of tank venting devices under 8 inches (203 mm) in nominal pipe size shall be determined by actual test of each type and size of vent. These flow tests shall be conducted by a qualified impartial outside agency or by the manufacturer when certified by a qualified impartial observer. Calculation of the flow capacity of tank venting devices 8 inches (203 mm) nominal pipe size and larger, including manhole covers with long bolts or equivalent, is allowed provided that the opening pressure is actually measured, the rating pressure and corresponding free orifice area are stated, the work "calculated" appears on the nameplate, and the computation is based on a flow coefficient of 0.5 applied to the rated orifice area.

Calculations shall be performed using the following formula:

$$CFH = 1,667 C_f A \sqrt{P_t - P_a}$$

$$\text{For SI: CMH} = 0.1467 C_f A \sqrt{P_t - P_a}$$

WHERE:

CFH = venting requirement in cubic feet of free air per hour (CMH = m³/hr).

C_f = 0.5 (the flow coefficient)

A = the orifice area in square inches (mm²).

P_t = the absolute pressure inside the tank in inches of water (kPa).

P_a = the absolute atmospheric pressure outside the tank in inches of water (kPa).

7902.2.6.5 Termination of vent outlets.

7902.2.6.5.1 General. Emergency vents shall not discharge inside a building.

7902.2.6.5.2 Tanks with pressures exceeding 2.5 psig (17.2 kPa). The outlets of vents and vent drains on tanks equipped with emergency venting that allows pressures to exceed 2.5 psig (17.2 kPa) shall be arranged to discharge in a manner which prevents localized overheating of, or flame impingement on, any part of the tank if vapors from such vents are ignited.

7902.2.7 Tank openings other than vents.

7902.2.7.1 General. Connections to aboveground tanks through which liquid can normally flow shall be provided with internal or external valves located as close as practical to the shell of the tank. See also Section 7902.1.12.

Connections below the liquid level through which liquid does not normally flow shall be provided with a liquid-tight closure, such as a valve, plug or blind, or a combination of these.

7902.2.7.2 Fill pipe openings. For top-loaded tanks, metallic fill pipes shall be designed and installed to minimize the generation of static electricity by terminating the pipe

within 6 inches (152.4 mm) of the bottom of the tank and shall be installed to avoid excessive vibration.

For Class I-B and I-C liquids, other than crude oils and asphalts, fill pipes shall be designed and installed in a manner which minimizes the possibility of generating static electricity.

Filling and withdrawal connections for Class I, II and III-A liquids which are made and broken shall be located outside of buildings at a location away from sources of ignition and not less than 5 feet (1524 mm) away from building openings. Such connections for any liquid shall be closed, liquid tight when not in use and properly identified.

7902.2.7.3 Openings for vapor recovery. Vapor-recovery systems shall be in accordance with Section 5202.12.

7902.2.7.4 Piping, valves and fittings. Connections, fittings or other appurtenances shall be installed in accordance with Section 7901.11.

7902.2.8 Drainage control and diking.

7902.2.8.1 General. The area surrounding a tank or group of tanks shall be provided with drainage control or shall be diked to prevent accidental discharge of liquid from endangering adjacent tanks, adjoining property or reaching waterways.

EXCEPTION: The chief is authorized to alter or waive these requirements when determined by the chief that such tank or group of tanks does not constitute a hazard to other tanks, waterways or adjoining property, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings on the same or adjacent property, capacity and construction of proposed tanks and character of liquids to be stored, and nature and quantity of private and public fire protection provided.

7902.2.8.2 Drainage system. Where protection of adjacent tanks, adjoining property or waterways is by means of a natural or constructed drainage system, such system shall comply with the following:

1. Drainage shall be provided at a slope of not less than 1 percent away from the tank toward an impounding basin or an approved means of disposal. This termination area and the route of the drainage system shall be so located that a fire occurring in the drainage system will not endanger pumps, manifolds, control valves, electrical equipment, public utilities, fire-protection equipment, tanks, adjoining property or fire apparatus access roads, and

2. Impounding basins and approved means of disposal shall be designed to retain a spill from the largest capacity tank draining into a basin plus the design discharge from fire protection systems including monitor nozzles, as specified in U.F.C. Standard 79-1, Chapter 3, which flow into a basin. Impounding basins and the route of a drainage system shall be located such that a fire occurring in a drainage system will not endanger pumps, manifolds, control valves, electrical equipment, public utilities, fire-protection equipment, tanks, adjoining properties or fire apparatus access roads.

7902.2.8.3 Diked areas.

7902.2.8.3.1 General. Where protection of adjacent tanks, adjoining property or waterways is accomplished by retain-

ing the liquid around the tank by means of a diked area, such diked areas shall comply with Section 7902.2.8.3.

7902.2.8.3.2 Volumetric capacity. The volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

7902.2.8.3.3 Walls. Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydrostatic head. Earthen walls 3 feet (914.4 mm) or more in height shall have a flat section at the top not less than 2 feet (609.6 mm) wide. The slope shall be consistent with the angle of repose of the material of which the walls are constructed.

The walls of the diked area shall be restricted to an average height of 6 feet (1828.8 mm) above the interior grade, except when dikes are higher than an average of 6 feet (1828.8 mm) above interior grade, provisions shall be made for normal and necessary emergency access to tanks, valves and other equipment and safe egress from the diked enclosure, as follows:

1. Where the average height of the dike containing Class I liquids is over 12 feet (3657.6 mm) measured from interior grade or where the distance between a tank and the top inside edge of the dike wall is less than the height of the dike wall, provisions shall be made for normal operation of valves and for access to tank roofs without entering below the top of the dike. These provisions are allowed to be met through the use of remotely operated valves, elevated walkways or similar arrangements,

2. Piping passing through dike walls shall be designed to prevent excessive stresses as a result of settlement or fire exposure, and

3. The minimum distance between tanks and the toe of the interior dike walls shall be 5 feet (1524 mm), and diked areas containing two or more tanks shall comply with Section 7902.2.8.3.4.

7902.2.8.3.4 Diked areas containing two or more tanks. Diked areas containing two or more tanks shall be subdivided by drainage channels leading to an impounding basin or by intermediate curbs or spill dikes in order to prevent spills from endangering adjacent tanks within the diked area. Intermediate curbs and spill dikes shall not be less than 18 inches (457.2 mm) in height.

7902.2.8.3.5 Protection of piping from exposure fires. Piping shall not pass through adjacent diked areas or impounding basins, unless provided with a sealed sleeve or otherwise protected from exposure to fire.

7902.2.8.3.6 Removing water from diked area. Provision shall be made for draining or removing excess water from a drainage system or diked area. Such drains shall not discharge to adjoining property, natural water courses, public sewers or public drainage channels unless the drain is designed to prevent the release of flammable or combustible liquids. A valve operable from outside the dike shall be

provided in the dike system and shall normally be kept closed. Control of drainage shall be accessible under fire conditions.

7902.2.8.3.7 Combustible materials in diked areas. Diked areas shall be kept free of combustible materials, drums and barrels.

7902.2.8.3.8 Equipment, controls and piping in diked areas. Pumps, manifolds, and fire-protection equipment or controls shall not be located within diked areas or drainage basins or in a location where such equipment and controls would be endangered by fire in the diked area or drainage basin. Piping aboveground shall be minimized and located as close as practical to the shell of the tank in diked areas or drainage basins.

7902.3 Container and Portable Tank Storage Outside of Buildings.

7902.3.1 General. Storage of flammable and combustible liquids in closed containers and portable tanks outside of buildings shall be in accordance with Sections 7902.1 and 7902.3. See also Section 7902.1.8.1 for capacity limits for containers and portable tanks.

7902.3.2 Plans. See Section 7901.3.2. Storage shall be in accordance with approved plans.

7902.3.3 Location on property.

7902.3.3.1 General. Outdoor storage of liquids in containers and portable tanks shall be in accordance with Table 7902.3-A. Storage of liquids near buildings located on the same property shall be in accordance Section 7902.3.3.

When two or more classes of materials are stored in a single pile, the quantity in the pile shall not exceed the smallest of maximum quantities for the classes of material stored.

Storage of containers or portable tanks shall be provided with fire apparatus access roads in accordance with Section 902.2.

The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible materials not necessary to the storage.

7902.3.3.2 Storage adjacent to buildings. A maximum of 1,100 gallons (4163.5 L) of liquids stored in closed containers and portable tanks is allowed adjacent to a building located on the same premises and under the same management, provided that:

1. The building does not exceed one story in height. Such building shall be of fire-resistive construction with noncombustible exterior surfaces or noncombustible construction and shall be devoted principally to the storage of liquids, or

2. The exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than two hours, having no openings to abovegrade areas within 10 feet (3048 mm) horizontally of such storage and no openings to belowgrade areas within 50 feet (15 240 mm) horizontally of such storage.

The quantity of liquids stored adjacent to a building protected in accordance with Item 2 is allowed to exceed 1,100 gallons (4163.5 L), provided that the maximum quantity per pile does not exceed 1,100 gallons (4163.5 L) and each pile is separated by a 10-foot-minimum (3048 mm) clear space along the common wall.

Where the quantity stored exceeds 1,100 gallons (4163.5 L) adjacent to a building complying with Item 1, or the provisions of Item 1 cannot be met, a minimum distance in accordance with the column for distance to property line that can be built on in Table 7902.3-A shall be maintained between buildings and the nearest container or portable tank.

7902.3.4 Spill control, drainage control and secondary containment. Storage areas shall be provided with spill control, drainage control and secondary containment as set forth in Section 7901.8.

EXCEPTION: Containers stored on approved containment pallets in accordance with Section 7901.8.5.

7902.3.5 Security. Storage areas shall be protected against tampering or trespassers by fencing or other control measures.

7902.3.6 Protection from vehicles. Guard posts or other means shall be provided to protect exterior storage tanks from vehicular damage. When guard posts are installed, the posts shall be installed in accordance with Section 8001.9.3.

7902.3.7 Clearance from combustibles. The storage area shall be kept free of weeds, debris and combustible materials not necessary to the storage. The area surrounding an exterior storage area shall be kept clear of such materials for a minimum distance of 15 feet (4572 mm).

7902.3.8 Weather protection. For weather protection for outdoor storage, see Section 8003.1.20.

7902.3.9 Empty containers and tank storage. The storage of empty tanks and containers previously used for the storage of flammable or combustible liquids, unless free from explosive vapors, shall be stored as required for filled containers and tanks. Tanks and containers when emptied shall have the covers or plugs immediately replaced in openings.

7902.4 Stationary Aboveground Tank Storage inside Buildings.

7902.4.1 General. Storage of flammable and combustible liquids in stationary aboveground tanks inside of buildings shall be in accordance with Sections 7902.1 and 7902.4.

7902.4.2 Where allowed. Stationary tanks for the storage of flammable and combustible liquids shall be in rooms or buildings complying with the Building Code.

Rooms or buildings used for storage of Class I, II or III liquids shall be in accordance with Section 7902.5.7.

Rooms or buildings used for dispensing, use, mixing and handling of Class I, II or III liquids shall be in accordance with Section 7903.2.1.6.

7902.4.3 Openings for manual gaging. Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cover. Covers shall be kept closed when not in use. Such openings shall be protected

against liquid overflow and possible vapor release by means of a spring-loaded check valve or other approved devices.

7902.5 Container and Portable Tank Storage inside Buildings.

7902.5.1 General.

7902.5.1.1 Applicability. Storage of flammable and combustible liquids inside buildings in drums or other containers and portable tanks shall be in accordance with Sections 7902.1 and 7902.5.

EXCEPTIONS:

1. Liquids in the fuel tanks of motor vehicles, aircraft, boats, or portable or stationary engines.
2. The storage of distilled spirits and wines in wooden barrels or casks.

7902.5.1.2 Fire protection.

7902.5.1.2.1 Portable fire extinguishers. Approved portable fire extinguishers shall be provided in accordance with U.F.C. Standard 10-1, except as specified in Section 7902.5.11.5.2.

7902.5.1.2.2 Water supply. The water supply shall be sufficient to deliver the specified fire-protection demand, including at least 500 gallons per minute (31.5 L/s) for inside and outside hose lines.

7902.5.2 Capacity limits for containers and portable tanks. Containers shall not exceed 60 gallons (227.1 L) capacity. Portable tanks shall not exceed 660 gallons (2498 L) capacity. See Section 7902.1.8.1. Tanks exceeding 660 gallons (2498 L) capacity shall be in accordance with Sections 7902.2, 7902.4 or 7902.6.

7902.5.3 Empty containers and portable tanks. Empty tanks and containers previously used for the storage of flammable or combustible liquids, unless free from explosive vapors, shall be stored as required for filled tanks and containers.

Tanks and containers, when emptied, shall have the covers or plugs immediately replaced in openings.

7902.5.4 Incompatible materials. Materials which will react with water or other liquids to produce a hazard shall not be stored in the same room with flammable or combustible liquids. See also Section 7902.1.6.

7902.5.5 Storage near exits. Class I, II or III-A liquids, including stock for sale, shall not be stored near exit doorways, stairways or in a location that would impede egress.

7902.5.6 Shelf storage.

7902.5.6.1 General. Shelving shall be of substantial construction, adequately braced and anchored. For seismic requirements, see the Building Code.

7902.5.6.2 Displacement protection. Shelves shall be of sufficient depth and provided with a lip or guard to prevent individual containers from being easily displaced.

EXCEPTION: Shelves in storage cabinets or on laboratory furniture specifically designed for such use.

7902.5.6.3 Manner of storage. Shelf storage of flammable and combustible liquids shall be maintained in an orderly manner.

7902.5.7 Quantity limits for storage.

7902.5.7.1 Exempt amounts for control areas. For occupancies other than Group M Occupancy wholesale and retail sales uses, indoor storage of flammable and combustible liquids shall not exceed the exempt amounts set forth in Table 7902.5-A and shall not exceed the additional limitations set forth in Section 7902.5.7.2.

For Group M Occupancy wholesale and retail sales uses, indoor storage of flammable and combustible liquids shall not exceed the exempt amounts set forth in Table 7902.5-B.

See Article 51 for storage of hazardous production material flammable and combustible liquids in Group H, Division 6 Occupancies.

7902.5.7.2 Occupancy quantity limits. The following limits for quantities of stored flammable or combustible liquids shall not be exceeded:

1. Group A Occupancies:

Quantities in Group A Occupancies shall not exceed amounts necessary for demonstration, treatment, laboratory work, maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

2. Group B Occupancies:

Quantities in drinking, dining, office and school uses within Group B Occupancies shall not exceed amounts necessary for demonstration, treatment, laboratory work, maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

3. Group E Occupancies:

Quantities in Group E Occupancies shall not exceed amounts necessary for demonstration, treatment, laboratory work, maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

4. Group F Occupancies:

Quantities in dining, office and school uses within Group F Occupancies shall not exceed amounts necessary for demonstration, laboratory work, maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

5. Group I Occupancies:

Quantities in Group I Occupancies shall not exceed amounts necessary for demonstration, treatment, laboratory work, maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

6. Group M Occupancies:

Quantities in dining, office and school uses within Group M Occupancies shall not exceed amounts necessary for demonstration, laboratory work, maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

See Section 7902.5.7.1 for exempt amounts for wholesale and retail sales uses.

7. Group R Occupancies:

Quantities in Group R Occupancies shall not exceed amounts necessary for maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

8. Group S Occupancies:

Quantities in dining and office uses within Group S Occupancies shall not exceed amounts necessary for demonstration, laboratory work, maintenance purposes and operation of equipment and shall not exceed quantities set forth in Table 7902.5-A.

7902.5.7.3 Quantities exceeding limits for control areas. Quantities exceeding quantities allowed in control areas set forth in Sections 7902.5.7.1 and 7902.5.7.2 shall be in liquid storage rooms or liquid storage warehouses in accordance with Sections 7902.5.11 and 7902.5.12.

7902.5.8 Special provisions for liquids used for maintenance and operation of equipment. In all occupancies, quantities of flammable and combustible liquids in excess of 10 gallons (37.85 L) used for maintenance purposes and the operation of equipment shall be stored in liquid storage cabinets in accordance with Section 7902.5.9. Quantities not exceeding 10 gallons (37.85 L) are allowed to be stored outside of a cabinet when in approved containers located in private garages or other approved locations.

In Groups A, B, E, F, I, M, R and S Occupancies, quantities of flammable and combustible liquids used for demonstration, treatment and laboratory work exceeding 10 gallons (37.85 L) shall be stored in liquid storage cabinets in accordance with Section 7902.5.9. Quantities not exceeding 10 gallons (37.85 L) shall be in approved locations.

7902.5.9 Liquid storage cabinets.

7902.5.9.1 General. When other sections of this code require that liquid containers are stored in storage cabinets, such cabinets and storage shall be in accordance with Section 7902.5.9.

7902.5.9.2 Quantities. The combined quantity of Class I and II liquids in a cabinet shall not exceed 60 gallons (227.1 L), and the total quantities of all liquids shall not exceed 120 gallons (454.2 L).

7902.5.9.3 Construction.

7902.5.9.3.1 Labeling. Cabinets shall be provided with a conspicuous label in red letters on contrasting background which reads FLAMMABLE—KEEP FIRE AWAY.

7902.5.9.3.2 Doors. Doors shall be well fitted, self-closing and equipped with a latch.

7902.5.9.3.3 Bottom. The bottom of the cabinet shall be liquid tight to a height of at least 2 inches (50.8 mm).

7902.5.9.3.4 Materials. Cabinets shall be constructed of wood or metal and approved by the chief. Cabinets shall be listed or constructed in accordance with the following:

1. Unlisted metal cabinets shall be constructed of steel having a thickness of not less than 0.044 inch (1.12 mm) (18 gage). The cabinet, including the door, shall be double walled with 1 1/2-inch (38.1 mm) airspace between the walls. Joints shall be riveted or welded and shall be tightfitting.

2. Unlisted wooden cabinets, including doors, shall be constructed of not less than 1-inch (25.4 mm) exterior grade plywood. Joints shall be rabbited and shall be fastened in two directions with wood screws. Door hinges shall be of steel or brass. Cabinets shall be painted with an intumescent-type paint.

7902.5.9.4 Number of cabinets.

7902.5.9.4.1 Group A Occupancies. Group A Occupancies shall not contain more than one cabinet.

7902.5.9.4.2 Other occupancies. In occupancies other than Group A Occupancies, a room shall not contain more than three cabinets.

EXCEPTION: Cabinets in groups not exceeding three are allowed in the same room, provided they are separated from other cabinets by not less than 100 feet (30 480 mm).

7902.5.10 Storage in control areas.

7902.5.10.1 General. Storage in control areas shall be in accordance with the following:

1. Class I liquids shall not be stored in basements,

2. Containers having less than 30-gallon (113.6 L) capacity shall not be stacked more than 3 feet (914.4 mm) or two containers high, whichever is greater, unless stacked on fixed shelving or otherwise satisfactorily secured. Containers having a capacity of 30 gallons (113.6 L) or more shall not be stored more than one container high. Containers shall be stored in an upright position,

3. Containers on shelves shall be stored in accordance with Table 7902.5-C. Combustible commodities shall not be stored above flammable or combustible liquids,

4. Piles shall not be closer than 3 feet (914.4 mm) to the nearest beam, chord, girder or other obstruction and shall be 3 feet (914.4 mm) below sprinkler deflectors or discharge orifices of water spray or other overhead fire-protection systems, and

5. In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities unless such materials are packaged together as kits.

7902.5.10.2 Group M Occupancy wholesale and retail sales uses.

7902.5.10.2.1 General. Flammable and combustible liquids in Group M Occupancy wholesale and retail sales uses shall be in accordance with Section 7902.5.10.2.

7902.5.10.2.2 Container type. Containers for Class I liquids shall be metal.

EXCEPTION: In sprinklered buildings an aggregate quantity of 120 gallons (454.2 L) of water miscible Class I-B and I-C liquids is allowed in nonmetallic containers, each having a capacity of 16 ounces (0.473 L) or less.

See also Section 7902.1.8.1.3.

7902.5.10.2.3 Container capacity. Containers for Class I liquids shall not exceed 5-gallon (18.9 L) capacity.

7902.5.10.2.4 Fire protection and storage arrangement. Fire protection and container storage arrangement shall be in accordance with Table 7902.5-C and the following:

1. Combustible commodities shall not be stored above flammable or combustible liquids,

2. Storage on shelves shall not exceed 6 feet (1828.8 mm) in height, and shelving shall be metal,

3. Storage on pallets or in piles greater than 4 feet 6 inches (1371.6 mm) in height, or where the ceiling exceeds 18 feet (5486.4 mm) in height, shall be protected in accordance with Table 7902.5-F, and the storage heights and arrangement shall be limited to those specified in Table 7902.5-D, and

4. Storage on racks greater than 4 feet 6 inches (1371.6 mm) in height, or where the ceiling exceeds 18 feet (5486.4 mm) in height, shall be protected in accordance with Tables 7902.5-H, 7902.5-I and 7902.5-J as appropriate, and the storage heights and arrangements shall be limited to those specified in Table 7902.5-E.

7902.5.10.2.5 Storage plan. When required by the chief, aisle and storage plans shall be submitted in accordance with Section 8003.1.6.

7902.5.11 Liquid storage rooms.

7902.5.11.1 General. Quantities of liquids exceeding those set forth in Section 7902.5.7 for storage in control areas shall be stored in a liquid storage room complying with Section 7902.5.11 and constructed and separated as required by the Building Code.

7902.5.11.2 Quantities and arrangement of storage.

7902.5.11.2.1 General. The quantity limits and arrangements of liquid storage in liquid storage rooms shall be in accordance with Table 7902.5-D or 7902.5-E and Section 7902.5.11.2.

7902.5.11.2.2 Mixed storage. When two or more classes of liquids are stored in a pile or rack section:

1. The quantity in that pile or rack shall not exceed the smallest of the maximum quantities for the classes of liquids stored in accordance with Table 7902.5-D or 7902.5-E, and

2. The height of storage in that pile or rack shall not exceed the smallest of the maximum heights for the classes of liquids stored in accordance with Table 7902.5-D or 7902.5-E.

7902.5.11.2.3 Separation and aisles. Piles shall be separated from each other by at least 4-foot (1219.2 mm) aisles. Aisles shall be provided so that all containers are 12 feet (3657.6 mm) or less from an aisle. Where the storage of liquids is on racks, a minimum 4-foot-wide (1219.2 mm) aisle shall be provided between adjacent rows of racks and adjacent storage of liquids. Main aisles shall be a minimum of 8 feet (2438.4 mm) wide.

Additional aisles shall be provided for access to doors, required windows and ventilation openings, standpipe connections, mechanical equipment, and switches. Such aisles shall be at least 3 feet (914.4 mm) in width, unless greater widths are required for separation of piles or racks, in which case the greater width shall be provided.

7902.5.11.2.4 Stabilizing and supports. Containers and piles shall be separated by pallets or dunnage to provide

stability and to prevent excessive stress to container walls. Portable tanks stored over one tier high shall be designed to nest securely without dunnage. See U.F.C. Standard 79-5 for requirements for portable tank design. Shelving, racks, dunnage, scuffboards, floor overlay and similar installations shall be of noncombustible construction or of wood not less than 1-inch (25.4 mm) nominal thickness. Adequate material-handling equipment shall be available to handle tanks safely at upper tier levels.

7902.5.11.3 Spill control, drainage control and secondary containment. Liquid storage rooms shall be provided with spill control, drainage control and secondary containment in accordance with Section 7901.8.

7902.5.11.4 Ventilation. Liquid storage rooms shall be ventilated in accordance with Section 8003.1.8.

7902.5.11.5 Fire protection.

7902.5.11.5.1 Fire-extinguishing systems. Liquid storage rooms shall be protected by automatic sprinkler systems installed in accordance with the Building Code (see U.B.C. Standard 9-1) and Table 7902.5-F, 7902.5-G, 7902.5-H, 7902.5-I or 7902.5-J. In-rack sprinklers shall also comply with U.F.C. Standard 81-2.

Automatic foam-water systems and automatic aqueous film forming foam (AFFF)-water sprinkler systems may be used only when approved by the chief.

7902.5.11.5.2 Portable fire extinguishers. One or more portable fire extinguisher having a rating of not less than 20-B shall be located not less than 10 feet (3048 mm) or more than 50 feet (15 240 mm) from any Class I or II liquid storage area located outside of a liquid storage room.

One or more portable fire extinguishers having a rating of not less than 20-B shall be located outside of, but not more than 10 feet (3048 mm) from, the door opening into a liquid storage room.

7902.5.11.6 Basement storage. Class I liquids shall not be stored in basements.

7902.5.11.7 Explosion control. See Section 7902.1.5.

7902.5.12 Liquid storage warehouses.

7902.5.12.1 General. Buildings used for storage of flammable or combustible liquids in quantities exceeding those set forth in Section 7902.5.7 for control areas and Section 7902.5.11.2 for liquid storage rooms shall comply with Section 7902.5.12 and shall be constructed and separated as required by the Building Code.

7902.5.12.2 Quantities and storage arrangement.

7902.5.12.2.1 General. The total quantities of liquids in a liquid storage warehouse are not limited. The arrangement of storage shall be in accordance with Table 7902.5-D or 7902.5-E.

7902.5.12.2.2 Mixed storage. Mixed storage shall be in accordance with Section 7902.5.11.2.2.

7902.5.12.2.3 Separation and aisles. Separation and aisles shall be in accordance with Section 7902.5.11.2.3.

7902.5.12.2.4 Stabilizing and supports. Stabilizing and supports shall be in accordance with Section 7902.5.11.2.4.

7902.5.12.3 Spill control, drainage control and secondary containment. Liquid storage warehouses shall be provided with spill control, drainage control and secondary containment as set forth in Section 7901.8.

7902.5.12.4 Ventilation. Liquid storage warehouses shall be ventilated in accordance with Section 8003.1.8.

7902.5.12.5 Fire protection.

7902.5.12.5.1 Fire-extinguishing systems. Liquid storage warehouses shall be protected by automatic sprinkler systems installed in accordance with the Building Code (see U.B.C. Standard 9-1) and Table 7902.5-F, 7902.5-G, 7902.5-H, 7902.5-I or 7902.5-J. In-rack sprinklers shall also comply with U.F.C. Standard 81-2.

Automatic foam-water systems and automatic aqueous film forming foam-water sprinkler systems may only be used when approved by the chief.

7902.5.12.5.2 Warehouse hose lines. In liquid storage warehouses, either 1½-inch (38.1 mm) lined or 1-inch (25.4 mm) hard rubber hand hose lines shall be provided in sufficient number to reach all liquid storage areas. See also Section 1001.9.

7902.5.12.6 Basement storage. Class I liquids shall not be stored in basements.

7902.5.12.7 Explosion control. See Section 7902.1.5.

7902.6 Underground Tank Storage.

7902.6.1 General. Underground storage of flammable and combustible liquids in tanks shall be in accordance with Sections 7902.1 and 7902.6.

7902.6.2 Contents. Underground tanks shall not contain petroleum products containing mixtures of a nonpetroleum nature, such as ethanol or methanol blends, without evidence of compatibility.

7902.6.3 Location. Flammable and combustible liquid storage tanks located underground, either outside or under buildings, shall be in accordance with the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads carried by the latter cannot be transmitted to the tank,

2. The distance from any part of a tank storing liquids to the nearest wall of a basement, pit, cellar or property line shall not be less than 3 feet (914.4 mm), and

3. A minimum distance of 1 foot (304.8 mm), shell to shell, shall be maintained between underground tanks.

7902.6.4 Depth and cover. Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks shall be set on firm foundations and surrounded with at least 6 inches (152.4 mm) of noncorrosive inert material such as clean sand or gravel well tamped in place or in accordance with the manufacturer's installation instructions. Tanks shall be covered with a minimum of 2 feet (609.6 mm) of earth or shall be covered by not less than 1 foot

(304.8 mm) of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches (101.6 mm) thick.

When underground tanks are, or are likely to be, subjected to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet (914.4 mm) of earth cover, or 18 inches (457.2 mm) of well-tamped earth plus 6 inches (152.4 mm) of reinforced concrete, or 8 inches (203.2 mm) of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot (304.8 mm) horizontally beyond the outline of the tank in all directions.

For tanks built in accordance with Section 7902.1.8, the burial depth and the height of the vent line shall be such that the static head imposed at the bottom of the tank will not exceed 10 psig (68.9 kPa) if the fill or vent pipe is filled with liquid.

If the depth of cover exceeds 7 feet (2133.6 mm) or the manufacturer's specifications, reinforcements shall be provided in accordance with the tank manufacturer's recommendations.

Nonmetallic underground tanks shall be installed in accordance with the manufacturer's instructions. The minimum depth of cover shall be as specified above in Section 7902.6.4.

7902.6.5 Overfill protection.

7902.6.5.1 General. Fill pipes shall be equipped with a spill container and an overfill prevention system as specified in Section 7902.6.5.

7902.6.5.2 Spill containers. A spill container shall be provided for each fill pipe to collect liquids spilled by overfilling during tank-filling operations. Containers are allowed to be constructed of single-wall construction. Containers shall have a capacity of not less than five gallons (18.9 L) and shall be equipped with a drain valve which drains a spill into the primary tank.

7902.6.5.3 Overfill prevention system. An overfill prevention system shall be provided for each tank. The system shall either:

1. Have an alarm which provides an audible and visual signal when the quantity of liquid in the tank reaches 90 percent of tank capacity,
2. Automatically shut off the flow when the quantity of liquid in the tank reaches 95 percent of tank capacity, or
3. Reduce the flow rate to not more than 15 gallons per minute (0.95 L/s) so that, at the reduced flow rate, the tank will not overfill for 30 minutes, and automatically shut-off flow into the tank so that none of the fittings on the top of the tank are exposed to product due to overfilling.

7902.6.6 Inventory control. Daily inventory records shall be maintained for underground storage tank systems in accordance with Section 5202.3.9.

7902.6.7 Locations subject to flooding. Where a tank could become buoyant due to a rise in the level of the water table or due to location in an area that is subject to flooding,

the tank shall be anchored in place. See Appendix II-B or manufacturer's installation instructions.

7902.6.8 Leaking tanks. Leaking tanks shall be handled in accordance with WAC 173-360-325.

7902.6.9 Used tanks. Reinstallation of used tanks is allowed when such tanks comply with the requirements of Sections 7902.1.8 and 7902.6.15. See also Section 7902.6.16.4.

7902.6.10 Tank lining. Steel tanks are allowed to be lined only for the purpose of protecting the interior from corrosion or providing compatibility with a material to be stored. Only those liquids tested for compatibility with the lining material are allowed to be stored in lined tanks. Lining of leaking underground storage tanks shall be done in accordance with the provisions of WAC 173-360-325.

Tank opening, cleaning, preparation, inspection, lining, closing and testing shall be in accordance with U.F.C. Standard 79-6.

For permits to alter a tank, see Section 105, Permit f.3.6.

Interior-lined underground tanks shall be protected from corrosion in accordance with Section 7902.6.15.

7902.6.11 Secondary containment. An approved method of secondary containment shall be provided for underground tank systems, including tanks, piping and related components, where a leak from such a system would pose an immediate hazard to persons or property, as determined by the chief. See Appendix II-G.

7902.6.12 Leak detection required. Underground storage tank systems shall be provided with an approved method of detecting leaks from any component of the system which normally contains liquid.

7902.6.13 Leak-detection installation and maintenance. Leak-detection devices and methods shall be in accordance with nationally recognized standards. See Article 90, Standard u.3.2. Such devices shall be inspected and tested at least annually, and the test results maintained for at least one year.

7902.6.14 Leak reporting. Any consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department.

7902.6.15 Corrosion protection.

7902.6.15.1 General. Underground tanks and piping shall be properly designed, installed and maintained, and protected from corrosion in accordance with Section 7902.6.15.2 or 7902.6.15.3.

EXCEPTION: If conditions, based on adequate proof, warrant the deletion of the corrosion-protection requirements, the chief may waive the corrosion-protection requirements.

See Article 90, Standards a.3.10, n.1.2, s.1.1, u.1.14 and u.2.1.

7902.6.15.2 Cathodic protection. Cathodic protection systems provided for corrosion protection shall be in accordance with recognized standards. See WAC 173-360-320.

7902.6.15.3 Corrosion-resistant materials. Corrosion-resistant materials of construction, such as special alloys; nonmetallic, reinforced plastic coatings; composites; or equivalent systems, may be used when approved.

7902.6.15.4 Testing of corrosion protection. New underground steel tanks and piping shall be tested by the structure-to-soil-potential method after the system is in operation. The tank manufacturer shall provide a structure lead and a test station. The criteria for adequate corrosion protection shall be in accordance with recognized standards. Testing shall be done at installation and not less than once every five years thereafter by qualified persons approved by the chief.

EXCEPTION: Approved and listed composite fiberglass-reinforced plastic tanks.

7902.6.16 Testing of underground tanks.

7902.6.16.1 General. Before being covered or placed in use, tanks and piping connected to underground tanks shall be tested for tightness in the presence of the chief. For pipe testing, see Section 7901.11.10. The system shall not be covered until it has been approved.

7902.6.16.2 New tanks. New underground tanks shall be tested for tightness hydrostatically or pneumatically at not less than 3 pounds per square inch (20.7 kPa) and not more than 5 pounds per square inch (34.5 kPa) for 30 minutes. Pneumatic testing shall not be used on a tank containing flammable or combustible liquids or vapors.

When secondary containment tanks are required in accordance with Section 7902.6.11, they shall be tested in accordance with the manufacturer's instructions. Both the primary and secondary containment shall be tested.

7902.6.16.3 Existing tanks and piping. Existing underground storage tanks and piping shall be tested for leakage at the owner's or operator's expense when the chief has reasonable cause to believe that a leak exists. Orders by the chief requiring testing on underground tanks or piping shall indicate that the test be completed by a specified date. Tanks shall be emptied of flammable or combustible liquids, and piping and other equipment shall not be used if required tests are not completed within the specified time.

When testing is required, owners or operators shall provide the chief with data setting forth the method of testing that is to be used and shall submit the name of a qualified individual who will conduct the test. The method of testing to be used shall consider the effects of temperature, pressure and other variables and shall establish conclusively whether the tank or piping is leaking. Pneumatic testing shall not be used for tanks.

Devices used for final testing of tanks shall be capable of detecting leaks as small as 0.05 gallon per hour (0.19 L/hr). Leaking piping and equipment shall not be used until repaired or replaced.

The chief is authorized to require that the test be conducted in the chief's presence.

7902.6.16.4 Used tanks. Used tanks intended for flammable or combustible liquid service shall be tested as required for new tanks.

NEW SECTION

WAC 51-34-7904 Section 7904—Special operations.

7904.1 General. The following special operations shall be in accordance with Sections 7901, 7902 and 7903 except as provided in Section 7904.

1. Storage and dispensing of flammable and combustible liquids on farms and construction sites.
2. Well drilling and operating.
3. Bulk plants or terminals.
4. Loading and unloading of tank vehicles and tank cars.
5. Tank vehicles and tank vehicle operation.
6. Refineries.

7904.2 Storage and Dispensing of Flammable and Combustible Liquids on Farms and Construction Sites.

7904.2.1 General. Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms and rural areas and at construction sites, earth-moving projects, gravel pits or borrow pits shall be in accordance with Section 7904.2.

EXCEPTION: Storage and use of fuel-oil and containers connected with oil-burning equipment regulated by Article 61 and the Mechanical Code.

7904.2.2 Combustibles and open flames near tanks. Storage areas shall be kept free of weeds and extraneous combustible material. Open flames and smoking are prohibited in flammable or combustible liquid storage areas.

7904.2.3 Marking of tanks and containers. Tanks and containers for the storage of liquids aboveground shall be conspicuously marked with the name of the product which they contain and **FLAMMABLE—KEEP FIRE AND FLAME AWAY**. Tanks shall bear the additional marking **KEEP 50 FEET (15.2 Meters) FROM BUILDINGS**.

7904.2.4 Containers for storage and use. Metal containers used for storage of Class I or II liquids shall be in accordance with DOT requirements or shall be of an approved design.

Discharge devices shall be of a type that does not develop an internal pressure on the container. Pumping devices or approved self-closing faucets used for dispensing liquids shall not leak and shall be well maintained. Individual containers shall not be interconnected and shall be kept closed when not in use.

Containers stored outside and inside of buildings shall be in accordance with Section 7902 and the Building Code.

7904.2.5 Permanent and temporary tanks for storage and use.

7904.2.5.1 General. The capacity of permanent aboveground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4163.9 L). The capacity of temporary aboveground tanks containing Class I or II liquids shall not exceed 10,000 gallons (37 854 L). Tanks shall be of single-

compartment design, constructed in accordance with Section 7902.1.2.

7904.2.5.2 Fill opening security. Fill openings shall be equipped with a locking closure device. Fill openings shall be separate from vent openings.

7904.2.5.3 Vents. Each tank shall be provided with a free-opening vent of a size not less than specified in Table 7904.2-A to relieve vacuum or pressure which could develop in normal operation or from a fire exposure. Venting shall be in accordance with Section 7902.1.10.

Vents shall be arranged to discharge in a manner which prevents localized overheating or flame impingement on any part of the tank in the event vapors from such vents are ignited.

7904.2.5.4 Location.

7904.2.5.4.1 General. Tanks containing Class I or II liquids shall be kept outside of and at least 50 feet (15 240 mm) from buildings and combustible storage. Additional distance shall be provided when necessary to ensure that vehicles, equipment and containers being filled directly from such tanks will not be less than 50 feet (15 240 mm) from structures, haystacks or other combustible storage.

7904.2.5.4.2 Locations where aboveground tanks are prohibited. The storage of Class I and II liquids in aboveground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. (See sample adoption ordinance, Section 4.)

7904.2.5.5 Type of tank.

7904.2.5.5.1 General. Tanks shall be provided with top openings only or shall be elevated for gravity discharge.

7904.2.5.5.2 Tanks with top openings only. Tanks with top openings only shall be mounted as follows:

1. On well-constructed metal legs connected to shoes or runners designed so that the tank is stabilized and the entire tank and its supports can be moved as a unit, or

2. For stationary tanks, on a stable base of timbers or blocks approximately 6 inches (152.4 mm) in height which prevents the tank from contacting the ground.

Tanks with top openings only shall be equipped with a tightly and permanently attached, approved pumping device having an approved hose of sufficient length for filling vehicles, equipment or containers to be served from the tank. Either the pump or the hose shall be equipped with a padlock to its hanger to prevent tampering. An effective antisiphoning device shall be included in the pump discharge unless a self-closing nozzle is provided. Siphons or internal pressure discharge devices shall not be used.

7904.2.5.5.3 Tanks for gravity discharge. Tanks with a connection in the bottom or the end for gravity dispensing liquids shall be mounted and equipped as follows:

1. Supports to elevate the tank for gravity discharge shall be of adequate strength and designed to provide stability, and

2. Bottom or end openings for gravity discharge shall be equipped with a valve located adjacent to the tank shell

which will close automatically in the event of fire through the operation of an effective heat-actuated releasing device. If this valve cannot be operated manually, it shall be supplemented by a second manually operated valve. The gravity discharge outlet shall be provided with an approved hose equipped with a self-closing valve at the discharge end of a type that can be padlocked to its hanger.

7904.2.6 Spill control, drainage control and diking. Indoor storage and dispensing areas shall be provided with spill control and drainage control as set forth in Section 7901.8. Outdoor storage areas shall be provided with drainage control or diking as set forth in Section 7902.2.8.

7904.2.7 Portable fire extinguishers. Portable fire extinguishers with a minimum rating of 20-B:C shall be provided when required by the chief.

7904.2.8 Dispensing from tank vehicles.

7904.2.8.1 General. When approved by the chief, liquids used as fuels may be transferred from tank vehicles into the tanks of motor vehicles or special equipment, provided:

1. The tank vehicle's specific function is that of supplying fuel to motor vehicle fuel tanks,

2. The dispensing line does not exceed 50 feet (15 240 mm) in length,

3. The dispensing nozzle is an approved type,

4. The dispensing hose is properly placed on the approved reel or in a compartment provided before the tank vehicle is moved,

5. Signs prohibiting smoking or open flame within 25 feet (7 620 mm) of a tank vehicle or the point of refueling are prominently posted on the tank vehicle,

6. Electrical devices and wiring in areas where fuel dispensing is conducted are in accordance with the Electrical Code,

7. Vapor-recovery systems are provided in accordance with Section 5202.12,

8. Tank vehicle dispensing equipment is operated only by designated personnel who are trained to handle and dispense motor fuels, and

9. Provisions are made for controlling and mitigating unauthorized discharges.

7904.2.8.2 Location. Dispensing from tank vehicles shall be conducted at least 50 feet (15 240 mm) from structures or combustible storage.

7904.3 Well Drilling and Operating.

7904.3.1 General. Wells for oil and natural gas shall be drilled and operated in accordance with Section 7904.3.

7904.3.2 Location.

7904.3.2.1 Storage tanks and sources of ignition. Well heads shall not be located within 25 feet (7 620 mm) of storage tanks or boilers, fired heaters, open-flame devices or other sources of ignition. Smoking is prohibited at wells or tank locations except as designated and in posted areas approved by the chief.

EXCEPTION: Engines used in the drilling, production and serving of wells.

7904.3.2.2 Streets and railways. Wells shall not be drilled within 75 feet (22 860 mm) of any dedicated public street, highway or nearest rail of an operating railway.

7904.3.2.3 Buildings. Wells shall not be drilled within 100 feet (30 480 mm) of buildings not necessary to the operation of the well.

Wells shall not be drilled within 300 feet (91 440 mm) of buildings used as a place of assembly, institution or school.

When wells are existing, buildings shall not be constructed within the distances set forth in Section 7904.3 for separation of wells and buildings.

7904.3.3 Waste Control.

7904.3.3.1 Discharge on a street or water channel. Liquids containing crude petroleum or its products shall not be discharged into or on streets, highways, drainage canals or ditches, storm drains, or flood-control channels.

7904.3.3.2 Discharge and combustible materials on ground. The surface of the ground under, around or near wells, pumps, boilers, oil storage tanks or buildings shall be kept free of oil, waste oil, refuse or waste material.

EXCEPTION: Material within an oil sump or tank.

7904.3.3.3 Clearing around wells and tanks. Land within 25 feet (7620 mm) of wells, flammable or combustible liquid tanks, or other appurtenances to such wells shall be kept free of dry weeds, grass, rubbish or other combustible material at all times. When, in the opinion of the chief, the distance is not sufficient to provide reasonable fire safety, a greater distance may be required, not to exceed the height of a derrick or greatest dimension of a tank.

7804.3.4 Sumps.

7904.3.4.1 Maximum width. Sumps or other basins for the retention of oil or petroleum products shall not exceed 12 feet (3658 mm) in width.

7904.3.4.2 Backfilling. Sumps or other basins for the retention of oil or petroleum products larger than 6 feet by 6 feet by 6 feet (1829 mm by 1829 mm by 1829 mm) shall not be maintained longer than 60 days after the cessation of drilling operations.

7904.3.4.3 Security. Sumps, diversion ditches and depressions used as sumps shall be securely fenced or covered.

7904.3.5 Prevention of blowouts. Adequate protection shall be provided to control and prevent the blowout of a well. Protection equipment shall meet federal, state and other applicable jurisdiction requirements.

7904.3.6 Storage tanks. Storage of flammable or combustible liquids in tanks shall be in accordance with Section 7902. Each oil storage tank or group of tanks shall have posted in a conspicuous place on or near such tank or tanks an approved sign with the name of the owner or operator, name or number of lease and the telephone number where a responsible person can be reached at any time.

7904.3.7 Soundproofing. Where soundproofing material is required during field operations, such material shall be noncombustible.

EXCEPTION: Fire-retardant treated material may be used and maintained when approved by the chief.

7904.3.8 Signs. Well locations shall have posted in a conspicuous place an approved sign with the name of the owner or operator, name or number of the lease, and number of the well. Such signs shall be maintained on the premises from the time materials are delivered for drilling purposes until the well is abandoned.

7904.3.9 Field loading racks. Field loading racks shall be in accordance with Section 7904.5.

7904.4 Bulk Plants or Terminals.

7904.4.1 General. Portions of properties where flammable and combustible liquids are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles or containers shall be in accordance with Section 7904.4.

7904.4.2 Buildings.

7904.4.2.1 Construction. Buildings shall be constructed in accordance with the Building Code.

7904.4.2.2 Exits. Rooms in which liquids are stored, used or transferred by pumps shall have exits arranged to prevent occupants from being trapped in the event of fire.

7904.4.2.3 Heating. Rooms in which Class I liquids are stored or used shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

7904.4.3 Ventilation.

7904.4.3.1 General. Ventilation shall be provided for rooms, buildings and enclosures in which Class I liquids are pumped, used or transferred. Design of ventilation systems shall consider the relatively high specific gravity of the vapors. When natural ventilation is used, adequate openings in outside walls at floor level, unobstructed except by louvers or coarse screens, shall be provided. Where natural ventilation is inadequate, mechanical ventilation shall be provided in accordance with the Mechanical Code.

7904.4.3.2 Basements and pits. Class I liquids shall not be stored or used within a building having a basement or pit into which flammable vapors can travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

7904.4.3.3 Dispensing of Class I liquids. Containers of Class I liquids shall not be drawn from or filled within buildings unless a provision is made to prevent the accumulation of flammable vapors in hazardous concentrations. Where mechanical ventilation is required, it shall be kept in operation while flammable vapors could be present.

7904.4.4 Storage. Storage of Class I, II and III-A liquids in bulk plants shall be in accordance with applicable provisions of Article 79.

7904.4.5 Wharves.

7904.4.5.1 General. Wharves, including piers, bulkheads and other structures over or contiguous to navigable water having a primary function of transferring liquid cargo in bulk between shore installations and tank vessels, ships, barges, lighter boats or other mobile floating craft, shall be in accordance with Section 7904.4.5.

EXCEPTION: Marine motor vehicle fuel-dispensing stations. See Section 5202.11.

7904.4.5.2 Transferring times. Package cargo of liquids, including full and empty drums, bulk fuel and stores, shall only be transported over a wharf during cargo transfer at such times and places as agreed on by the wharf superintendent and the senior deck officer on duty.

7904.4.5.3 Transferring locations. Wharves at which liquid cargoes are to be transferred in bulk quantities to or from tank vessels shall be at least 100 feet (30 480 mm) from bridges over a navigable waterway, or from an entrance to or superstructure of vehicular or railroad tunnels under a waterway. The termination of fixed piping used for loading or unloading at a wharf shall be at least 200 feet (60 960 mm) from bridges or from entrances to or superstructures of tunnels.

7904.4.5.4 Cargo vessels and transfer equipment. Substructure and decking shall be substantially designed for the use intended. Decking shall be constructed of materials which will afford the desired combination of flexibility, resistance to shock, durability, strength and fire resistance. Heavy timber construction is acceptable.

Installation of tanks used exclusively for ballast water or Class II or III liquids on suitably designed wharves is allowed.

Loading pumps capable of building up pressures in excess of the safe working pressure of cargo hose or loading arms shall be provided with bypasses, relief valves or other arrangements to protect the loading facilities against excessive pressure. Relief devices shall be tested at not more than yearly intervals to determine that they function satisfactorily at the pressure at which they are set.

Pressure hoses and couplings shall be inspected at intervals appropriate to the service. With the hose extended, hose and couplings shall be tested using in-service maximum operating pressures. Hoses showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

7904.4.5.5 Piping, valves and fittings. Piping, valves and fittings shall be in accordance with Section 7901.11, except as follows:

1. Flexibility of piping shall be assured by appropriate layout and arrangement of piping supports so that motion of the wharf structure resulting from wave action, currents, tides or the mooring of vessels will not subject the pipe to repeated strain above the elastic limit.

2. Pipe joints depending on the friction characteristics of combustible materials or grooving of pipe ends for mechanical continuity of piping shall not be used.

3. Swivel joints are allowed in piping to which hoses are connected and for articulated swivel-joint transfer systems. Swivel joints shall be designed such that the mechanical strength of the joint will not be impaired if the packing material were to fail.

4. Piping systems shall contain a sufficient number of valves to operate the system properly and to control the flow of liquid in normal operation and in the event of physical damage.

5. In addition to the requirements of Item 4, each line conveying Class I and II liquids leading to a wharf shall be provided with a readily accessible block valve located on shore near the approach to the wharf and outside of any diked area. Where more than one line is involved, the valves shall be grouped in one location.

6. Means of easy access shall be provided for cargo line valves located below the wharf deck.

7. Piping on wharves shall be adequately bonded and grounded if Class I and II liquids are transported. If excessive stray currents are encountered, insulating joints shall be installed. Bonding and grounding connections on all piping shall be located on the wharf side of hose riser insulating flanges, if used, and shall be accessible for inspection.

8. Hose or articulated swivel-joint pipe connections used for cargo transfer shall be capable of accommodating the combined effects of change in draft and maximum tidal range, and mooring lines shall be kept adjusted to prevent surge of the vessel from placing stress on the cargo transfer system.

9. Hoses shall be supported to avoid kinking and damage from chafing.

7904.4.5.6 Loading and unloading. Loading or discharging shall not commence until the wharf superintendent and officer in charge of the tank vessel agree that the tank vessel is properly moored and connections are properly made.

7904.4.5.7 Mechanical work. Mechanical work shall not be performed on the wharf during cargo transfer, except under special authorization by the chief based on a review of the area involved, methods to be employed and precautions necessary.

7904.4.6 Sources of ignition. Class I, II or III-A liquids shall not be used, drawn or dispensed where flammable vapors can reach a source of ignition. Smoking is prohibited except in designated locations. NO SMOKING signs shall be conspicuously posted where hazard from flammable vapors is normally present.

7904.4.7 Drainage control. Loading and unloading areas shall be provided with drainage control in accordance with Section 7901.8.

7904.4.8 Fire protection.

7904.4.8.1 General. Fire protection shall be in accordance with Articles 9 and 10 and Section 7904.4.8.

7904.4.8.2 Portable fire extinguishers. Suitable portable fire extinguishers with a rating of not less than 20-B shall be located within 75 feet (22 860 mm) of those portions of the

facility where fires are likely to occur, such as hose connections, pumps and separator tanks.

7904.4.8.3 Fire hoses. Where piped water is available, ready-connected fire hose in a size appropriate for the water supply shall be provided so that manifolds where connections are made and broken can be reached by at least one hose stream.

7904.4.8.4 Obstruction of equipment. Material shall not be placed on wharves in such a manner which would obstruct access to firefighting equipment or important pipeline control valves.

7904.4.8.5 Fire apparatus access. Where the wharf is accessible to vehicle traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access of firefighting apparatus. See Section 902.

7904.4.9 Overfill protection of Class I liquids. Manual and automatic systems shall be provided to prevent overfill during the transfer of Class I liquids from mainline pipelines and marine vessels in accordance with nationally recognized standards. See Article 90, Standard a.3.19.

7904.5 Loading and Unloading of Tank Vehicles and Tank Cars.

7904.5.1 General.

7904.5.1.1 Applicability. Tank vehicle and tank car loading and unloading shall be in accordance with Section 7904.5.

7904.5.1.2 Fire protection. Fire protection shall be provided in accordance with Article 10. Approved portable fire extinguishers shall be provided in accordance with U.F.C. Standard 10-1. Extinguishers having a minimum rating of 40-B shall be provided at each loading rack. Suitable fire-control devices, such as small hose or portable fire extinguishers, shall be available to protect locations where fires are likely to occur. The chief is authorized to require additional fire-control equipment where an unusual exposure hazard exists. Such additional fire-control equipment shall be sufficient to extinguish a fire in the largest tank. The design and amount of such equipment shall be in accordance with approved engineering standards.

7904.5.1.3 Spill control and drainage control. Areas where tank vehicle and tank car loading racks are located shall be provided with spill control and drainage control as set forth in Section 7901.8.

7904.5.2 Tank vehicle loading racks.

7904.5.2.1 Construction. Loading racks shall be constructed of noncombustible materials.

7904.5.2.2 Location. Loading racks dispensing Class I, II or III-A liquids shall be separated from tanks, warehouses or other plant buildings, and nearest property line of a property that can be built on by a clear distance of not less than 25 feet (7620 mm), measured from the nearest fill stem. Buildings for pumps or for shelter of loading personnel are allowed to be part of the loading rack.

7904.5.2.3 Static protection. Loading racks shall be equipped with protection to prevent the accumulation of static charges during truck-filling operations. Bonding

facilities shall be provided during the loading of tank vehicles through open domes where Class I liquids are loaded, or where Class II and III liquids are loaded into vehicles which could contain vapors from previous cargoes of Class I liquids.

Protection shall consist of a metallic bond wire permanently electrically connected to the fill stem or to some part of the rack structure in electrical contact with the fill stem. The fill stem pipe assembly shall form a continuous electrically conductive path downstream from the point of bonding. The free end of such bond wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle. Protection shall consist of a flexible bond wire of adequate strength for the intended service and the electrical resistance shall not exceed 1 megohm.

Such bonding connection shall be fastened to the vehicle or tank before dome covers are raised and shall remain in place until filling is completed and all dome covers have been closed and secured.

- EXCEPTIONS:**
1. Where vehicles are loaded exclusively with products not having a static-accumulating tendency, such as asphalts, cutback asphalts, most crude oils, residual oils and water-soluble liquids.
 2. When Class I liquids are not handled at the loading facility and the tank vehicles loaded are used exclusively for Class II and III liquids.
 3. Where vehicles are loaded or unloaded through closed top or bottom connections whether the hose or pipe is conductive or nonconductive.

Filling through open domes into the tanks of tank vehicles that contain vapor-air mixtures within the flammable range, or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends to near the bottom of the tank.

7904.5.2.4 Drag chains. Drag chains or similar devices on tank vehicles shall not be used to meet the requirement of Section 7904.5.2.3 for static protection.

7904.5.2.5 Smoking. Approved signs which read NO SMOKING shall be maintained at entrance gates of bulk plants and near each loading rack.

7904.5.2.6 Security. Loading rack or properties on which a loading rack is located shall be surrounded by a fence not less than 5 feet (1524 mm) in height, constructed of wire mesh, solid metal sheathing or masonry. Tank vehicles shall not be loaded or unloaded unless such vehicles are entirely within the fenced area. Tank vehicles shall not be backed into or from the premises of a bulk plant.

- EXCEPTION:** Existing installations where adequate public safety exists due to isolation, natural barriers or other factors as determined by the chief.

7904.5.2.7 Top loading. When top loading a tank vehicle with Class I and II liquids without vapor control, valves used for the final control of flow shall be of the self-closing type and shall be manually held open except where automatic means are provided for shutting off the flow when the vehicle is full. Self-closing valves shall not be tied or locked in the open position.

When top loading a tank vehicle with vapor control, flow control shall be in accordance with Section 7904.5.2.8.

7904.5.2.8 Bottom loading. When bottom loading a tank vehicle with or without vapor control, a positive means shall be provided for loading a predetermined quantity of liquid, together with an automatic secondary shutoff control to prevent overfilling. The connecting components between the loading rack and the tank vehicle required to operate the secondary control shall be functionally compatible.

When bottom loading a tank vehicle that is equipped for vapor control and vapor control is not used, the tank shall be vented to the atmosphere to prevent pressurization of the tank. Such venting shall be at a height equal to or greater than the top of the cargo tank on the vehicle.

When bottom loading a tank vehicle, the coupling between the liquid loading hose or pipe and the truck piping shall be a dry disconnect coupling.

Connections to the plant vapor-control system shall be designed to prevent the escape of vapor to the atmosphere when not connected to a tank vehicle.

Vapor-processing equipment shall be separated from aboveground tanks, warehouses, other plant buildings, loading and unloading facilities or nearest line of adjoining property that can be built on by a distance of at least 25 feet (7620 mm). Vapor-processing equipment shall be protected from physical damage by remote location, guardrails, curbs or fencing.

7904.5.2.9 Switch loading. Tanks which have previously contained Class I liquids shall not be loaded with Class II or III liquids until such tanks and all piping, pumps, hoses and meters connected thereto have been completely drained and flushed.

7904.5.2.10 Electrical. Wiring and electrical equipment located within 25 feet (7620 mm) of any portion of the loading rack shall be designed, operated and installed such that it does not create an ignition hazard.

7904.5.3 Tank Car Loading Racks.

7904.5.3.1 Construction. Construction shall be in accordance with Section 7904.5.2.1.

7904.5.3.2 Location. Location shall be in accordance with Section 7904.5.2.2.

7904.5.3.3 Static protection. Where the resistance of a tank car to ground through the rails is 25 ohms or greater, bonding shall be provided in accordance with Section 7904.5.2.3.

7904.5.3.4 Stray current protection. Tank car loading facilities where Class I, II or III-A liquids are loaded or unloaded through open domes shall be protected against stray currents by permanently bonding the pipe to at least one rail and to the rack structure. Multiple pipes entering the rack area shall be permanently electrically bonded together. In areas where excessive stray currents are known to exist, all pipes entering the rack area shall be provided with insulating sections to electrically isolate the rack piping from the pipe lines.

7904.5.3.5 Smoking. Smoking controls shall be in accordance with Section 7904.5.2.5.

7904.5.3.6 Security. Loading racks or properties on which a loading rack is located shall be surrounded by a fence not less than 5 feet (1524 mm) in height, constructed of wire mesh, solid metal sheathing or masonry. Tank cars shall not be loaded or unloaded unless such tank cars are entirely within such enclosure.

EXCEPTION: Existing installations where adequate public safety exists due to isolation, natural barriers or other factors as determined by the chief.

7904.5.3.7 Switch loading. Switch loading shall be in accordance with Section 7904.5.2.9.

7904.5.4 Liquid transfer.

7904.5.4.1 Transfer apparatus. Transfer apparatus shall be of an approved type.

7904.5.4.2 Destination of liquids off loaded from tank vehicles and tank cars.

7904.5.4.2.1 General. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank, except as provided in Sections 7904.5.4.2.2 through 7904.5.4.6.

7904.5.4.2.2 OPTION 1: As published with no changes

7904.5.4.2.2 Marine craft and special equipment. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment when approved by the chief, and when:

1. The tank vehicle's specific function is that of supplying fuel to fuel tanks,
2. The operation is not performed where the public has access or where there is unusual exposure to life and property,
3. The dispensing line does not exceed 50 feet (15 240 mm) in length, and
4. The dispensing nozzle is approved.

OPTION 2: 7904.5.4.2.2, Including New 7904.5.4.2.2.1 (This option goes together with Section 5201.1, Option 2)

7904.5.4.2.2 Marine craft and special equipment. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment under the following conditions and when approved by the chief, and when:

1. The tank vehicle's specific function is that of supplying fuel to fuel tanks and each premises shall require a separate permit issued in accordance with Section 105,
2. The operation shall be performed only where the general public has no access or where there is no unusual exposure to life and property,
3. The dispensing line shall not exceed 50 feet (15 240 mm) in length, and
4. The dispensing nozzle is approved.

Also, Add a New Section 7904.5.4.2.2.1:

7904.5.4.2.1 Vehicle fueling. When approved by the chief, dispensing of motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles is allowed in accordance with Article 52 and Sections 7904.2 and 7904.5.4.2.2.

7904.5.4.2.3 Emergency refueling. When approved by the chief, dispensing of motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles is allowed during emergencies. Dispensing from tank vehicles shall be in accordance with Sections 7904.2.8 and 7904.6.

7904.5.4.2.4 Aircraft fueling. Transfer of liquids from tank vehicles to the fuel tanks of aircraft is allowed in accordance with Section 2402.

7904.5.4.2.5 Fueling of vehicles at farms, construction sites and similar areas. Transfer of liquids from tank vehicles to motor vehicles for private use on farms and rural areas and at construction sites, earth moving projects, gravel pits and borrow pits is allowed in accordance with Section 7904.2.8.

7904.5.4.2.6 Disabled vehicles. When a tank vehicle or tank is disabled through accident or mechanical failure and it becomes necessary to remove the cargo at that location, such cargo is allowed to be transferred to another tank vehicle or tank car.

7904.5.4.3 Time limit for unloading. Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Tank cars shall be unloaded only on private sidings or railroad siding facilities equipped for transferring the liquid between tank cars and permanent storage tanks. Unless otherwise approved by the chief, a tank car shall not be allowed to remain on a siding at the point of delivery for more than 24 hours while connected for transfer operations.

7904.5.4.4 Unloading inside buildings. Tank vehicles or tank cars shall not be located inside of a building while unloading Class I, II or III-A liquids, unless approved by the chief.

EXCEPTION: Tank vehicles are allowed under canopies of automotive motor vehicle fuel-dispensing stations.

7904.5.4.5 Vehicle motor shut-down. See Section 7904.6.3.3.

7904.5.4.6 Attendant required. The operator or other competent person shall be in attendance at all times while a tank vehicle or tank car is discharging cargo. When practical, the tank vehicle or tank car shall be positioned such that the operating controls and the discharging end of the hoses are both in view of the operator or other competent person.

7904.5.4.7 Chock blocks. At least two chock blocks not less than 5 inches by 5 inches by 12 inches (127 mm by 127 mm by 304.8 mm) in size and dished to fit the contour of tires shall be used during unloading operations of tank vehicles.

7904.6 Tank Vehicles and Tank Vehicle Operation.

7904.6.1 General. Tank vehicles shall be designed, constructed, equipped and maintained in accordance with U.F.C. Standard 79-4 and Section 7904.6.

7904.6.2 Full trailers and semitrailers.

7904.6.2.1 Attachments. Trailers shall be firmly and securely attached to the vehicle drawing them in a manner conforming with accepted engineering practice.

7904.6.2.2 Brakes. Full trailers and semitrailers shall be equipped with reliable brakes on all wheels, and adequate provisions shall be made for their efficient operation from the driver's seat of the vehicle drawing the trailer or semitrailer.

7904.6.2.3 Trailer connections. Trailer connections shall prevent the towed vehicle from whipping or swerving from side to side dangerously or unreasonably and shall cause the trailer to follow substantially in the path of the towing vehicle.

7904.6.3 Operation of tank vehicles.

7904.6.3.1 Vehicle maintenance. Tank vehicles shall not be operated unless they are in proper repair and free of accumulation of grease, oil or other flammables, and leaks.

7904.6.3.2 Leaving vehicle unattended. The driver, operator or attendant of a tank vehicle shall not leave the vehicle while it is being filled or discharged. The delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle.

7904.6.3.3 Vehicle motor shutdown. Motors of tank vehicles or tractors shall be shut down during the making or breaking of hose connections. If loading or unloading is performed without the use of a power pump, the tank vehicles or tractor motor shall be shut down throughout such operations.

7904.6.3.4 Bonding. Bonding shall be in accordance with Section 7904.5.2.3.

7904.6.3.5 Outage. A cargo tank or compartment thereof used for the transportation of flammable or combustible liquids shall not be loaded to absolute capacity. The vacant space in a cargo tank or compartment thereof used in the transportation of flammable or combustible liquids shall not be less than 1 percent. Sufficient space shall be left vacant to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

7904.6.3.6 Overfill protection. The driver, operator or attendant of a tank vehicle shall, before making delivery to a tank, determine the unfilled capacity of such tank by a suitable gaging device. To prevent overfilling, the driver, operator or attendant shall not deliver in excess of that amount.

7904.6.3.7 Securing hatches. During loading, hatch covers shall be secured on all but the receiving compartments.

7904.6.3.8 Simultaneous delivery. Simultaneous delivery to underground tanks from two or more discharge hoses shall be made by means of mechanically tight connections between the hose and fill pipe.

7904.6.3.9 Covers closed in transit. Dome covers shall be closed and latched while the tank vehicle is in transit.

7904.6.3.10 Liquid temperature. Materials shall not be loaded into or transported in a tank vehicle at a temperature

above the material's ignition temperature unless safeguarded in an approved manner.

7904.6.3.11 Low vapor-pressure liquids. Flammable and combustible liquids with a vapor pressure of 40 psi (275.8 kPa) absolute or less at 100°F. (37.8°C.) shall be loaded into cargo tanks designed and constructed in accordance with Section 7904.6.1.

7904.6.3.12 Bonding of fill stem. Cargo tanks shall be bonded to the fill stem or some part of the rack structure which is electrically interconnected with the fill-stem piping.

EXCEPTIONS:

1. Tank vehicles used for asphalt.
2. Tank vehicles loading flammable or combustible liquids through bottom connections.
3. Tank vehicles used exclusively for transporting Class III liquids when loaded at locations where Class I and II liquids are not handled.

7904.6.3.13 Bonding to underground tanks. An external bond-wire connection or bond-wire integral with a hose shall be provided for the transferring of flammable liquids through open connections into underground tanks.

7904.6.4 Smoking. Smoking by tank vehicle drivers, helpers or other personnel is prohibited while they are driving, making deliveries, filling or making repairs to tank vehicles.

7904.6.5 Parking.

7904.6.5.1 General. Parking of tank vehicles shall be in accordance with Section 7904.6.5.

EXCEPTION: In cases of accident, breakdown or other emergencies, tank vehicles are allowed to be parked and left unattended at any location while the operator is obtaining assistance.

7904.6.5.2 Unattended parking.

7904.6.5.2.1 Parking near residential, educational and institutional occupancies and other high risk areas. Tank vehicles shall not be left unattended at any time on residential streets, or within 500 feet (152.4 m) of a residential area, apartment or hotel complex, educational facility, hospital, or care facility. Tank vehicles shall not be left unattended at any other place that would, in the opinion of the chief, present an extreme life hazard.

7904.6.5.2.2 Parking on thoroughfares. Tank vehicles shall not be left unattended on a street, highway, avenue or alley.

EXCEPTIONS:

1. The necessary absence in connection with loading or unloading the vehicle. During actual fuel transfer, Section 7904.6.3.2 shall apply. The vehicle location shall be in accordance with Section 7904.6.5.2.1.
2. Stops for meals during the day or night, if the street is well lighted at the point of parking. The vehicle location shall be in accordance with Section 7904.6.5.2.1.

7904.6.5.2.3 Durations exceeding one hour. Tank vehicles parked at any one point for longer than one hour shall be located off of streets, highways, avenues or alleys, and

1. Inside of a bulk plant and either 25 feet (7620 mm) or more from the nearest property line or within a building approved for such use, or

2. At other approved locations not less than 50 feet (15 240 mm) from buildings other than those approved for the storage or servicing of such vehicles.

7904.6.6 Garaging. Tank vehicles shall not be parked or garaged in buildings other than those specifically approved for such use by the chief.

7904.6.7 Fire protection. Tank vehicles shall be equipped with a fire extinguisher having a minimum rating of 2-A, 20-B:C.

During unloading of the tank vehicle, the fire extinguisher shall be out of the carrying device on the vehicle and shall be 15 feet (4572 mm) or more from the unloading valves.

7904.7 Refineries.

7904.7.1 General. Plants and portions of plants in which flammable liquids are produced on a commercial scale from crude petroleum, natural gasoline or other hydrocarbon source shall be in accordance with Section 7904.7.

7904.7.2 Corrosion protection. Aboveground tanks and piping systems shall be protected against corrosion. See Article 90, Standard a.3.6.

7904.7.3 Inspection, repair, alteration or reconstruction of tanks and piping. The inspection, repair, alteration or reconstruction, including welding, cutting and hot tapping, of aboveground storage tanks and piping that have been placed in service shall be in accordance with nationally recognized standards. See Article 90, Standards a.3.7, a.3.14 and a.3.18.

7904.7.4 Cleaning of tanks. The safe entry and cleaning of petroleum storage tanks shall be conducted in accordance with nationally recognized standards and practices. See Article 90, Standard a.3.15.

7904.7.5 Asphalt products and residua derived from crude petroleum products. When asphalt products and residua derived from crude petroleum products are stored in heated tanks at refineries and bulk storage facilities in tank vehicles, such products shall be handled in accordance with nationally recognized standards. See Article 90, Standard a.3.16.

NEW SECTION

WAC 51-34-8000 Article 80—Hazardous materials.

NEW SECTION

WAC 51-34-8001 Section 8001—General.

8001.1 Scope.

8001.1.1 General. Prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials and information needed by emergency response personnel shall be in accordance with Article 80.

EXCEPTIONS:

1. Off-site hazardous materials transportation in accordance with DOT requirements.
2. The quantities of alcoholic beverages, medicines, foodstuffs and cosmetics, containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solutions not being flammable, in retail sales occupancies are unlimited when packaged in individual containers not exceeding 4 liters.

8001.1.2 Material classification. Hazardous materials are those chemicals or substances defined as such in Article 2. See Appendix VI-A for the classification of hazard categories and hazard evaluations.

The classification system referenced in Section 8002 shall apply to all hazardous materials, including those materials regulated elsewhere in this code.

Mixtures shall be classified in accordance with hazards of the mixture as a whole. Mixtures shall be classified by a qualified organization, individual or testing laboratory approved by the chief.

8001.1.3 Application. Section 8001 shall apply to all hazardous materials, including those materials regulated elsewhere in this code, except that when specific requirements are provided in other articles, those specific requirements shall apply.

When a material has multiple hazards, all hazards shall be addressed.

The provisions of Article 80 related to health hazards as classified in Section 8002 are waived when the chief has determined that such enforcement is preempted by other codes, statutes or ordinances. The details of any action granting such a waiver shall be recorded and entered in the files of the code enforcement agency.

8001.1.4 Existing buildings. For existing buildings, see Section 102.

8001.1.5 Retail and wholesale storage and display. For retail and wholesale storage and display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group M retail sales occupancies, see Section 8001.12.

8001.2 Definitions.

8001.2.1 General. For definitions of BARRICADE; BULK OXYGEN SYSTEM; CARCINOGEN; CEILING LIMIT, CHEMICAL, C.F.R.; CHEMICAL NAME; COMMON RADIATION SOURCE MATERIAL; COMPRESSED GAS; COMPRESSED GAS CONTAINER; COMPRESSED GAS SYSTEM; CONTINUOUS GAS-DETECTION SYSTEM; CONTROL AREA; CYLINDER; CORROSIVE; DEFLAGRATION; DETACHED STORAGE; DETONATION; DOT; EXCESS FLOW CONTROL; EXCESS FLOW VALVE; EXPLOSION; EXPLOSIVE; FISSILE MATERIAL; FLAMMABLE GAS; FLAMMABLE LIQUEFIED GAS; FLAMMABLE SOLID; HANDLING; HAZARDOUS MATERIAL; HEALTH HAZARD; HIGHLY TOXIC MATERIAL; HIGHLY VOLATILE LIQUID; IDLH; INERT GAS; IRRITANT; MATERIAL SAFETY DATA SHEET; NESTING; NORMAL TEMPERATURE AND PRESSURE (NTP); ORGANIC PEROXIDE; OSHA; OXIDIZER; PERMISSIBLE EXPOSURE LIMIT (PEL); PEROXIDE-FORMING CHEMICAL; PHYSICAL HAZARD; PORTABLE TANKS; PRIMARY CONTAINMENT; PROPRIETARY INFORMATION; PYROPHORIC; REDUCED FLOW VALVE; RETAIL SALES OCCUPANCY; SCAVENGED GAS; SECONDARY CONTAINMENT; SEGREGATED; SENSITIZER; SEPARATE GAS STORAGE ROOM; SIMPLE ASPHYXIAN GAS; STATIONARY

TANK; STORAGE FACILITY; TOXIC MATERIAL; UNAUTHORIZED DISCHARGE; UNSTABLE MATERIAL, UNSTABLE (reactive) LIQUID; USE; USE, CLOSED SYSTEM; USE, OPEN SYSTEM; and WATER-REACTIVE MATERIAL, see Article 2.

8001.2.2 Limited application. For the purpose of Article 80, certain terms are defined as follows:

CONTAINER is any vessel of 60 United States gallons (227.1 L) or less capacity used for transporting or storing hazardous materials.

OUTDOOR AREA is a single, contiguous property exterior to buildings or without buildings thereon which is under the ownership or control of a single person. See also definition of PERSON in Section 217.

8001.3 Permits.

8001.3.1 General. Permits are required to store, dispense, use or handle hazardous material in excess of quantities specified in Section 105, Permit h.1.

A permit is required when a material is classified as having more than one hazard category if the quantity limits are exceeded in any category.

Permits are required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Article 80. See also Section 8001.11.

EXCEPTIONS:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

Permittee shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of hazardous materials. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 8001.11. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

8001.3.2 OPTION 1: As published with no changes

8001.3.2 Hazardous materials management plan. When required by the chief, each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

1. Storage and use areas,
2. Maximum amount of each material stored or used in each area,
3. Range of container sizes,
4. Locations of emergency isolation and mitigation valves and devices,
5. Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines, and
6. On and off positions of valves for valves which are of the self-indicating type.

The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

See also Appendix II-E.

8001.3.2 OPTION 2: *Adds an exception which is a state amendment to U.B.C. Section 307.1.6.*

8001.3.2 Hazardous materials management plan. When required by the chief, each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

1. Storage and use areas,
2. Maximum amount of each material stored or used in each area,
3. Range of container sizes,
4. Locations of emergency isolation and mitigation valves and devices,
5. Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines, and
6. On and off positions of valves for valves which are of the self-indicating type.

The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

See also Appendix II-E.

EXCEPTION: When an HMMP is required, the applicant may submit the report(s) used for compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

8001.3.3 Hazardous materials inventory statement. When required by the chief, each application for a permit shall include a hazardous materials inventory statement (HMIS). See also Appendix II-E.

8001.4 Systems, Equipment and Processes.

8001.4.1 General. Containers, cylinders and tanks utilized for storage, dispensing, use or handling of hazardous materials shall be in accordance with Section 8001.4.

8001.4.2 Design and construction of containers, cylinders and tanks. Containers, cylinders and tanks shall be designed and constructed in accordance with nationally recognized standards. See Article 90 and Section 101.3. Containers, cylinders, tanks and other means used for transporting hazardous materials shall be of an approved type.

8001.4.3 Piping, tubing, valves and fittings.

8001.4.3.1 General. Piping, tubing, valves and fittings conveying hazardous materials shall be installed in accordance with approved standards and shall be in accordance with Section 8001.4.3.

8001.4.3.2 Design and construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject,
2. Piping and tubing shall be identified in accordance with nationally recognized standards (see Article 90, Standard a.2.1) to indicate the material conveyed,
3. Emergency shutoff valves shall be identified and the location shall be clearly visible and indicated by means of a sign, and
4. Backflow-prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.

8001.4.3.3 Additional regulations for supply piping for health hazard materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 in accordance with U.F.C. Standard 79-3 shall also be in accordance with the following:

1. Piping and tubing utilized for the transmission of highly toxic or toxic material shall have welded or brazed connections throughout unless an exhausted enclosure is provided if the material is a gas, or the piping is provided with a receptor for containment if the material is a liquid,

EXCEPTION: Nonmetallic piping with approved connections.

2. Piping and tubing shall not be located within exit corridors, within any portion of an exit required to be enclosed in fire-resistive construction, or above areas not classified as Group H Occupancies,

EXCEPTION: Piping and tubing within the space defined by the walls of exit corridors and floor or roof above or in concealed space above other occupancies when installed in accordance with the Building Code as required for Group II, Division 6 Occupancies. See U.B.C. Section 307.11.6.2.

3. Where gases or liquids are carried in pressurized piping above 15 psig (103.4 kPa), excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical, and

4. Readily accessible manual or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:

- 4.1 The point of use, and
- 4.2 The tank, cylinder or bulk source.

8001.4.3.4 Flammable, oxidizing and pyrophoric gases. Low melting point materials, such as aluminum, copper and some brass alloys or materials which soften on fire exposure, such as nonmetallic materials, or nonductile materials, such

as cast iron, shall not be used for piping, valves or fittings conveying flammable, pyrophoric or oxidizing gases unless they are in accordance with one of the following:

1. Suitably protected against fire exposure by fire-resistive construction, gas cabinets, automatic fire sprinklers or other approved methods,
2. Located so that any release resulting from failure will not unduly expose persons, buildings or structures, or
3. Located where leakage can readily be controlled by operation of an accessible, remotely located valve or valves.

8001.4.4 Suitability of equipment, machinery and processes. Equipment, machinery and processes utilized for dispensing, use or handling of hazardous materials shall be approved, listed, or designed and constructed in accordance with approved standards for the intended use. Such equipment, machinery and processes shall be maintained in an operable condition.

8001.4.5 Installation of tanks.

8001.4.5.1 Underground tanks.

8001.4.5.1.1 General. Underground tanks used for the storage of liquid hazardous materials shall be located and protected in accordance with Section 7902.6.11.

8001.4.5.1.2 Secondary containment. Secondary containment shall be provided for new installations of underground tanks.

8001.4.5.2 Aboveground tanks. Aboveground stationary tanks used for the storage of hazardous materials shall be located and protected in accordance with the requirements for outdoor storage of the particular material involved and shall be marked as required by Section 8003.1.2.

8001.4.6 Empty containers and tanks. Empty containers and tanks previously used for the storage of hazardous materials shall be free from residual material and vapor as defined by DOT, the Resource Conservation and Recovery Act (RCRA) or other regulating authority or maintained as specified for the storage of the hazardous material.

8001.4.7 Maintenance.

8001.4.7.1 General. Defective containers, cylinders and tanks shall be removed from service, repaired or disposed of in an approved manner. Equipment, machinery and processes found to be defective shall be replaced, repaired or removed from service. See also Section 8001.4.4.

8001.4.7.2 Tanks out-of-service for 90 days. Stationary tanks not used for a period of 90 days shall be properly safeguarded or removed in a manner approved by the chief. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained.

Tanks which are to be placed back in service shall be tested in a manner approved by the chief.

8001.4.7.3 Defective containers and tanks. Defective containers and tanks shall be removed from service, repaired or disposed of in an approved manner.

8001.5 Release of Hazardous Materials.

8001.5.1 General. Hazardous materials shall not be released into a sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, or upon the ground, sidewalk, street, highway or into the atmosphere.

- EXCEPTIONS:
1. Pesticide products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instructions, label directions and in accordance with nationally recognized standards.
 2. Materials released in accordance with federal, state or local governing regulations or permits of the jurisdictional Air Quality Management Board with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the jurisdictional Water Quality Control Board or with local sewer pretreatment requirements for publicly owned treatment works.

8001.5.2 Unauthorized discharges.

8001.5.2.1 Records. Accurate records shall be kept of the unauthorized discharge of hazardous materials by the permittee.

8001.5.2.2 Notification. The chief shall be notified immediately when an unauthorized discharge becomes reportable under state, federal or local regulations.

8001.5.2.3 Preparation. Provisions shall be made for controlling and mitigating unauthorized discharges.

8001.5.2.4 Control. When an unauthorized discharge due to primary container failure is discovered, the involved primary container shall be repaired or removed from service.

8001.5.2.5 Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction.

When deemed necessary by the chief, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.

8001.6 Material Safety Data Sheets. Material safety data sheets (MSDS) shall be readily available on the premises for hazardous materials regulated by Article 80. See also Section 8001.3.2.

8001.7 Identification Signs. Visible hazard identification signs as specified in U.F.C. Standard 79-3 shall be placed at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit. Signs shall be provided at specific entrances designated by the chief.

- EXCEPTION: The chief may waive this requirement in special cases when consistent with safety if the owner or operator has submitted a hazardous materials management plan and hazardous materials inventory statement. See Appendix II-E and Sections 8001.3.2 and 8001.3.3.

Individual containers, cartons or packages shall be conspicuously marked or labeled in accordance with nationally recognized standards. See also Section 8003.1.2.

Rooms or cabinets containing compressed gases shall be conspicuously labeled COMPRESSED GAS.

8001.8 Construction Requirements.

8001.8.1 General. Buildings, or portions thereof, in which hazardous materials are stored, handled or used shall be constructed in accordance with the Building Code.

8001.8.2 Control areas.

8001.8.2.1 Construction requirements. Control areas shall be separated from each other by not less than a one-hour fire-resistive occupancy separation.

8001.8.2.2 Number. The number of control areas in buildings or portions of buildings used for retail or wholesale sales shall not exceed two. The number of control areas in buildings with other uses shall not exceed four.

8001.9 General Safety Precautions.**8001.9.1 Personnel training and written procedures.**

8001.9.1.1 General. Persons responsible for the operation of areas in which hazardous materials are stored, dispensed, handled or used shall be familiar with the chemical nature of the materials and the appropriate mitigating actions necessary in the event of fire, leak or spill.

8001.9.1.2 Fire department liaison. Responsible persons shall be designated and trained to be liaison personnel for the fire department. These persons shall aid the fire department in preplanning emergency responses and identification of the locations where hazardous materials are located and shall have access to material safety data sheets and be knowledgeable in the site emergency response procedures.

8001.9.2 Security. The storage, dispensing, use and handling areas shall be secured against unauthorized entry and safeguarded with such protective facilities as public safety requires.

8001.9.3 Protection from vehicles. Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

1. Constructed of steel not less than 4 inches (101.6 mm) in diameter and concrete filled,
2. Spaced not more than 4 feet (1219 mm) between posts on center,
3. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter,
4. Set with the top of the posts not less than 3 feet (914 mm) above ground, and
5. Located not less than 5 feet (1524 mm) from the tank.

8001.9.4 Electrical wiring and equipment. Electrical wiring and equipment shall be installed in accordance with the Electrical Code.

8001.9.5 Static accumulation. When processes or conditions exist where a flammable mixture could be ignited by static electricity, means shall be provided to prevent the accumulation of a static charge.

8001.9.6 Protection from light. Materials which are sensitive to light shall be stored in containers designed to protect them from such exposure.

8001.9.7 Shock padding. Materials which are shock sensitive shall be padded, suspended or otherwise protected against accidental dislodgment and dislodgment during seismic activity. For seismic requirements and the seismic zone in which the material is located, see the Building Code.

8001.9.8 Separation of incompatible materials. Incompatible materials in storage and storage of materials incompatible with materials in use shall be separated when the stored materials are in containers having a capacity of more than 5 pounds (2.268 kg) or ½ gallon (1.89 L). Separation shall be accomplished by:

1. Segregating incompatible materials storage by a distance of not less than 20 feet (6096 mm),
2. Isolating incompatible materials storage by a noncombustible partition extending not less than 18 inches (457.2 mm) above and to the sides of the stored material,
3. Storing liquid and solid materials in hazardous materials storage cabinets (see Section 8003.1.10), or
4. Storing compressed gases in gas cabinets or exhausted enclosures in accordance with Sections 8003.3.1.3.2 and 8003.3.1.3.3.

Materials which are incompatible shall not be stored within the same cabinet or exhausted enclosure.

8001.10 Handling and Transportation.

8001.10.1 General. Handling and transportation of hazardous materials in exit corridors or exit enclosures shall be in accordance with Section 8001.10. See also Section 8001.4.

Hazardous materials gas containers, cylinders and tanks in transit shall have their protective caps in place. Containers, cylinders and tanks of highly toxic or toxic compressed gases shall have their valve outlets capped or plugged with an approved closure device. See also Sections 7401.7 and 7403.3.

8001.10.2 Required use of carts and trucks. Liquids in containers exceeding 5 gallons (18.9 L) in an exit corridor or exit enclosure shall be transported on a cart or truck. Containers of hazardous materials having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard 79-3 transported within exit corridors or exit enclosures shall be on a cart or truck. When carts and trucks are required for transporting hazardous materials, they shall be in accordance with Section 8001.10.3.

- EXCEPTIONS:**
1. Two hazardous materials liquid containers, which are hand carried in acceptable safety carriers.
 2. Single drums not exceeding 55 gallons (208.2 L), which are transported by suitable drum trucks.
 3. Containers and cylinders of compressed gases, which are transported by approved hand trucks, and containers and cylinders not exceeding 25 pounds (11.3 kg), which are hand carried.
 4. Solid hazardous materials not exceeding 100 pounds (45.4 kg), which are transported by approved hand trucks, and a single container not exceeding 50 pounds (22.7 kg), which is hand carried.

8001.10.3 Carts and trucks.

8001.10.3.1 General. Carts and trucks required by Section 8001.10.2 to be used to transport hazardous materials shall be in accordance with Section 8001.10.3.

8001.10.3.2 Design. Carts and trucks used to transport hazardous materials shall be designed to provide a stable base for the commodities to be transported and shall have a means of restraining containers to prevent accidental dislodgment. Compressed gas cylinders placed on carts and trucks shall be individually restrained.

8001.10.3.3 Speed-control devices. Carts and trucks shall be provided with a device which will enable the operator to safely control movement by providing stops or speed-reduction devices.

8001.10.3.4 Construction. Construction materials for hazardous materials carts or trucks shall be compatible with the material transported. The cart or truck shall be of substantial construction.

8001.10.3.5 Spill control. Carts and trucks transporting liquids shall be capable of containing a spill from the largest single container transported.

8001.10.3.6 Attendance. Carts and trucks used to transport materials shall not obstruct or be left unattended within any part of an exit.

8001.10.3.7 Incompatible materials. Incompatible materials shall not be transported on the same cart or truck.

8001.11 Facility Closure.

8001.11.1 Temporarily out-of-service facilities. Facilities which are temporarily out of service shall continue to maintain a permit and be monitored and inspected.

8001.11.2 Permanently out-of-service facilities. Facilities for which a permit is not kept current or is not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in accordance with Section 8001.11.3.

8001.11.3 Plan. The permit holder or applicant shall submit a plan to the fire department to terminate storage, dispensing, handling or use of hazardous materials at least 30 days prior to facility closure. The plan shall demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility have been transported, disposed of or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety. Such plan shall be submitted in accordance with Section 8001.3.1.

8001.12 Retail and Wholesale Storage and Display.

8001.12.1 General. The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials within a single control area of a Group M retail or wholesale sales occupancy is allowed to exceed the exempt amounts specified in Section 8001.13 when in accordance with Section 8001.12. The maximum quantity allowed within a single control area of a retail or wholesale sales occupancy shall be the greater of the exempt amount derived from Section 8001.13 or the amount derived from the formula:

$$E_R = E \times R \times A$$

$$\text{For SI: } E_R = 10.8 \times E \times R \times A$$

WHERE:

E_R = exempt amount allowed in a single control area of a retail or wholesale occupancy.

E = exempt amount specified in Section 8001.13.

R = Multiplier for retail or wholesale sales occupancies from Table 8001.12-A.

A = area of the hazardous material retail display or storage in square feet (m²).

8001.12.2 Maximum area. The maximum aggregate floor area "A" for hazardous material retail or wholesale display or storage over which the multiplier is applied shall not exceed 1,500 square feet (139.4 m²) per control area.

8001.12.3 Storage and display areas.

8001.12.3.1 General. The area of storage or display shall also be in accordance with Section 8001.12.3.

8001.12.3.2 Density. Display of solids shall not exceed 200 pounds per square foot (976.4 kg/m²) of floor area actually occupied by solid merchandise. Display of liquids shall not exceed 20 gallons per square foot (76 L/m²) of floor area actually occupied by liquid merchandise.

8001.12.3.3 Height. Display height shall not exceed 6 feet (1829 mm).

8001.12.3.4 Container location. Individual containers less than 5 gallons (19 L) or less than 25 pounds (11.3 kg) shall be stored on pallets, racks or shelves.

8001.12.3.5 Racks and shelves. Storage racks and shelves shall be in accordance with Section 8003.1.4.

8001.12.3.6 Container type. Containers shall be approved for the use intended.

8001.12.3.7 Container size. Individual containers shall not exceed 100 pounds (45.4 kg) or a 5-gallon (19 L) capacity.

8001.12.3.8 Incompatible materials. Incompatible materials shall be separated in accordance with Section 8001.9.8.

8001.12.3.9 Floors. Floors shall be in accordance with Section 8003.1.18.

8001.12.3.10 Aisles. Aisles 4 feet (1219 mm) in width shall be maintained on three sides of the display area.

8001.12.3.11 Signs. Hazard identification signs shall be provided in accordance with Section 8001.7.

8001.13 Exempt Amounts.

8001.13.1 General. Exempt amounts shall be as specified in Section 8001.13.2 and Tables 8001.13-A through 8001.13-D. Storage, dispensing, use and handling of hazardous materials in quantities exceeding exempt amounts shall be in accordance with Sections 8001, 8003 and 8004.

Storage, dispensing, use and handling of hazardous materials in quantities not exceeding exempt amounts shall be in accordance with Section 8001.

Where exempt amounts are indicated in pounds (kilograms), a conversion of 10 pounds per gallon (1.2 kg/L) shall be used.

For retail and wholesale display, see Section 8001.12.

8001.13.2 Special limitations for indoor storage and use by occupancy.

8001.13.2.1 General. Quantities of hazardous materials shall be limited within occupancies in accordance with Sections 8001.13.2 and 8001.13.3.

8001.13.2.2 Group A Occupancies.

8001.13.2.2.1 Toxic and highly toxic compressed gases. Toxic and highly toxic compressed gases shall not be stored or used within Group A Occupancies.

EXCEPTION: Cylinders not exceeding 20 cubic feet (0.57 m³) at NTP are allowed within gas cabinets or fume hoods.

8001.13.2.2.2 Liquid and solid oxidizers. Class 4 liquid and solid oxidizers shall not be stored or used in Group A Occupancies.

EXCEPTION: Class 4 liquid and solid oxidizers are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.2.3 Organic peroxides. Unclassified detonatable and Class I organic peroxides shall not be stored or used in Group A Occupancies.

EXCEPTION: Unclassified detonatable and Class I organic peroxides are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.2.4 Unstable (reactive) materials. Class 3 and 4 unstable (reactive) materials shall not be stored or used in Group A Occupancies.

EXCEPTION: Class 3 and 4 unstable (reactive) materials are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.2.5 Flammable and oxidizing gases. Except for cylinders not exceeding 250 cubic feet (7.1 m³) at NTP used for maintenance purposes, patient care or operation of equipment, flammable and oxidizing gases shall not be stored or used in Group A Occupancies.

The aggregate quantities of gases used for maintenance purposes and operation of equipment shall not exceed the exempt amounts listed in Table 8001.13-A.

8001.13.2.3 Groups B, F, M and S Occupancies.

8001.13.2.3.1 Toxic and highly toxic compressed gases. Toxic and highly toxic compressed gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S Occupancies.

EXCEPTION: When within classrooms of Group B Occupancies, cylinders not exceeding 20 cubic feet (0.57 m³) at NTP are allowed in gas cabinets or fume hoods.

8001.13.2.3.2 Liquid and solid oxidizers. Class 4 liquid and solid oxidizers shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S Occupancies.

EXCEPTION: When within classrooms of Groups B, F and M Occupancies, Class 4 liquid and solid oxidizers are allowed when stored in hazardous materials storage cabinets. Hazardous

material storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.3.3 Organic peroxides. Unclassified detonatable and Class I organic peroxides shall not be stored or used in offices, classrooms and retail sales portions or Group B, F, M or S Occupancies.

EXCEPTION: When within classrooms of Groups B, F and M Occupancies, undetonatable and Class I organic peroxides are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.3.4 Unstable (reactive) materials.

8001.13.2.3.4.1 Offices. Class 3 and 4 unstable (reactive) materials shall not be stored or used in offices of Group B, F, M or S Occupancies.

8001.13.2.3.4.2 Classrooms. Class 3 and 4 unstable (reactive) materials shall not be stored or used in classrooms of Group B, F or M Occupancies.

EXCEPTION: Class 3 and 4 unstable (reactive) materials are allowed when stored within hazardous materials storage cabinets. Hazardous material storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.3.4.3 Retail sales. Class 4 unstable (reactive) materials shall not be stored or used in retail sales portions of Group M Occupancies.

8001.13.2.3.5 Flammable and oxidizing gases. Except for cylinders not exceeding 250 cubic feet (7.08 m³) at NTP used for maintenance purposes, patient care or operation of equipment, flammable and oxidizing gases shall not be stored or used in Group B, F, M or S Occupancies.

The aggregate quantities of gases used for maintenance purposes, patient care and operation of equipment shall not exceed the exempt amounts listed in Table 8001.13-A. Medical gas system supply cylinders shall be located in medical gas storage rooms in gas cabinets as set forth in Section 7404.2.

8001.13.2.4 Group E Occupancies.

8001.13.2.4.1 Toxic and highly toxic compressed gases. Toxic and highly toxic compressed gases shall not be stored or used in Group E Occupancies.

EXCEPTION: Cylinders not exceeding 20 cubic feet (0.57 m³) at NTP are allowed within gas cabinets or fume hoods.

8001.13.2.4.2 Liquid and solid oxidizers. Class 4 liquid and solid oxidizers shall not be stored or used in Group E Occupancies.

EXCEPTION: Class 4 liquid and solid oxidizers are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.4.3 Organic peroxides. Unclassified detonatable and Class I organic peroxides shall not be stored or used in Group E Occupancies.

EXCEPTION: Unclassified detonatable and Class I organic peroxides are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.4.4 Unstable (reactive) materials. Class 3 and 4 unstable (reactive) materials shall not be stored or used in Group E Occupancies.

EXCEPTION: Class 3 and 4 unstable (reactive) materials are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.4.5 Flammable and oxidizing gases. Except for cylinders not exceeding 250 cubic feet (7.08 m³) at NTP used for maintenance purposes or operation of equipment, flammable and oxidizing gases shall not be stored or used in Group E Occupancies.

The aggregate quantities of gases used for maintenance purposes and operation of equipment shall not exceed the exempt amounts listed in Table 8001.13-A.

8001.13.2.5 Group I Occupancies.

8001.13.2.5.1 Toxic and highly toxic compressed gases. Toxic and highly toxic compressed gases shall not be stored or used within Group I Occupancies.

EXCEPTION: Cylinders not exceeding 20 cubic feet (0.57 m³) at NTP are allowed within gas cabinets or fume hoods in quantities up to the exempt amount.

8001.13.2.5.2 Liquid and solid oxidizers.

8001.13.2.5.2.1 Class 4. Class 4 liquid and solid oxidizers shall not be stored or used in Group I Occupancies.

EXCEPTION: Class 4 liquid and solid oxidizers are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.5.2.2 Class 3. A maximum of 200 pounds (90.7 kg) of solid or 2 gallons (7.57 L) of liquid Class 3 oxidizer is allowed in Group I Occupancies when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the chief.

8001.13.2.5.3 Organic peroxides. Unclassified detonatable and Class I organic peroxides shall not be stored or used in Group I Occupancies.

EXCEPTION: Unclassified detonatable and Class I organic peroxides are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.5.4 Unstable (reactive) materials. Class 3 and 4 unstable (reactive) materials shall not be stored or used in Group I Occupancies.

EXCEPTION: Class 3 and 4 unstable (reactive) materials are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.5.5 Flammable and oxidizing gases. Except for cylinders not exceeding 250 cubic feet (7.08 m³) at NTP used for maintenance purposes, patient care or operation of equipment, flammable and oxidizing gases shall not be stored or used in Group I Occupancies.

The aggregate quantities of gases used for maintenance purposes, patient care and operation of equipment shall not exceed the exempt amounts listed in Table 8001.13-A.

Medical gas system supply cylinders shall be located in medical gas storage rooms or gas cabinets as set forth in Section 7404.2.

8001.13.2.6 Group R Occupancies.

8001.13.2.6.1 Toxic and highly toxic compressed gases. Toxic and highly toxic compressed gases shall not be stored or used in Group R Occupancies.

8001.13.2.6.2 Liquid and solid oxidizers.

8001.13.2.6.2.1 Class 4. Class 4 liquid and solid oxidizers shall not be stored or used within Group R Occupancies.

8001.13.2.6.2.2 Class 3. A maximum of 200 pounds (90.7 kg) of solid or 20 gallons (7.57 L) of liquid Class 3 oxidizers is allowed in Group R Occupancies when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the chief.

8001.13.2.6.3 Organic peroxides. Unclassified detonatable and Class I organic peroxides shall not be stored or used within Group R Occupancies.

8001.13.2.6.4 Unstable (reactive) materials. Class 3 and 4 unstable (reactive) materials shall not be stored or used within Group R Occupancies.

8001.13.2.6.5 Flammable and oxidizing gases. Except for cylinders not exceeding 250 cubic feet (7.08 m³) at NTP used for maintenance purposes or operation of equipment, flammable and oxidizing gases shall not be stored or used in Group R Occupancies.

The aggregate quantities of gases used for maintenance purposes and operation of equipment shall not exceed the exempt amounts listed in Table 8001.13-A.

8001.13.2.7 Group U Occupancies.

8001.13.2.7.1 Toxic and highly toxic compressed gases. Toxic and highly toxic compressed gases shall not be stored or used within Group U Occupancies.

EXCEPTION: Cylinders not exceeding 20 cubic feet (0.57 m³) at NTP are allowed within gas cabinets or fume hoods.

8001.13.2.7.2 Liquid and solid oxidizers.

8001.13.2.7.2.1 Class 4. Class 4 liquid and solid oxidizers shall not be stored or used in Group U Occupancies.

EXCEPTION: Class 4 liquid and solid oxidizers are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.7.2.2 Class 3. A maximum of 200 pounds (90.7 kg) of solid or 2 gallons (7.57 L) of liquid Class 3 oxidizer is allowed in Group U Occupancies when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the chief.

8001.13.2.7.3 Organic peroxides. Unclassified detonatable and Class I organic peroxides shall not be stored or used in Group U Occupancies.

EXCEPTION: Unclassified detonatable and Class I organic peroxides are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall

comply with Section 8003.1.10 and shall not contain other storage.

8001.13.2.7.4 Unstable (reactive) materials. Class 3 and 4 unstable (reactive) materials shall not be stored or used in Group U Occupancies.

EXCEPTION: Class 3 and 4 unstable (reactive) materials are allowed when stored within hazardous materials storage cabinets. Hazardous materials storage cabinets shall comply with Section 8003.1.10 and shall not contain other storage.

8001.13.3 Special requirements for toxic liquids. The exempt amount for toxic liquids with vapor pressures in excess of 1 psia (6.89 kPa) at 77°F. (25°C.) shall be the exempt amount listed for highly toxic liquids.

8001.14 Regulations for Specific Hazardous Materials in Quantities not Exceeding Exempt Amounts.

8001.14.1 General. Hazardous materials stored, dispensed, used or handled in quantities not exceeding exempt amounts set forth in Section 8001.13 shall be in accordance with Section 8001.14.

8001.14.2 Flammable gases.

8001.14.2.1 Emergency shutoff. Compressed gas systems conveying flammable gases shall be provided with emergency shutoff capability in accordance with Section 8004.1.14.

8001.14.2.2 Ignition source control. Ignition sources in areas containing flammable gases shall be controlled in accordance with Section 8003.1.3.

NO SMOKING signs shall be posted in areas containing flammable gases in accordance with Section 8003.1.2.

8001.14.2.3 Liquefied flammable gases and flammable gases in solution. Containers of liquefied flammable gases and flammable gases in solution shall be positioned in accordance with Section 8004.1.15.

8001.14.3 Oxidizing gases.

8001.14.3.1 Emergency shutoff. Compressed gas systems conveying oxidizing gases shall be provided with emergency shutoff capability in accordance with Section 8004.1.14.

8001.14.3.2 Ignition source control. Ignition sources in areas containing oxidizing gases shall be controlled in accordance with Section 8003.1.3.

8001.14.4 Pyrophoric gases.

8001.14.4.1 Emergency shutoff. Compressed gas systems conveying pyrophoric gases shall be provided with emergency shutoff capability in accordance with Section 8004.1.14.

NEW SECTION

WAC 51-34-8003 Section 8003—Storage.

8003.1 General.

8003.1.1 Applicability. Storage of hazardous materials where the aggregate quantity is in excess of the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8001 and 8003.

Storage of hazardous materials where the aggregate quantity does not exceed the exempt amounts set forth in Section 8001.13 shall be in accordance with Section 8001.

For display and storage in retail and wholesale sales occupancies, see Section 8001.12.

Hazardous materials regulated by other articles are not required to be in accordance with Section 8003 unless specifically indicated in Section 8003.

8003.1.2 Signs. In addition to the hazard identification signs required by Section 8001.7, stationary aboveground tanks shall be placarded with hazard identification signs as specified in U.F.C. Standard 79-3 for the specific material contained.

Signs prohibiting smoking shall be provided in storage areas and within 25 feet (7620 mm) of outdoor storage areas.

Signs shall not be obscured or removed.

Signs shall be in English as a primary language or in symbols allowed by this code.

Signs shall be durable. The size, color and lettering shall be in accordance with nationally recognized standards.

8003.1.3 Sources of ignition. Smoking shall be prohibited in rooms where hazardous materials are stored or within 25 feet (7620 mm) of outdoor storage areas.

Open flames and high-temperature devices shall not be used in a manner which creates a hazardous condition. Energy-consuming equipment listed for use with the hazardous material stored is allowed.

8003.1.4 Shelving. Shelving shall be of substantial construction, adequately braced and anchored. For seismic requirements and the seismic zone in which the shelving is located, see the Building Code.

Shelves shall be provided with a lip or guard when used for the storage of individual containers.

EXCEPTION: Shelving in hazardous materials storage cabinets or laboratory furniture specifically designed for such use.

Shelf storage of hazardous materials shall be maintained in an orderly manner.

8003.1.5 Maximum quantity on site. The storage of hazardous materials shall be in accordance with local zoning regulations.

8003.1.6 Storage plan. A storage plan shall be provided for all storage facilities. The plan shall indicate the intended storage arrangement, including the location and dimensions of aisles.

8003.1.7 Spill control, drainage control and secondary containment.

8003.1.7.1 General. Rooms, buildings or areas used for the storage of solid and liquid hazardous materials shall be provided with a means to control spillage and to contain or drain off spillage and fire-protection water discharged in the storage area in accordance with Section 8003.1.7.

EXCEPTIONS:

1. Liquids that are a gas at NTP.
2. Outdoor storage of containers on approved containment pallets in accordance with Section 8003.1.7.5 do not require spill control, drainage control or secondary containment.
3. Storage of flammable solids.

8003.1.7.2 Spill control. Floors shall be sloped; constructed with sumps and collection systems; recessed a minimum

of 4 inches (101.6 mm); provided with a liquid-tight raised sill to a minimum height of 4 inches (101.6 mm) to prevent the flow of liquids to adjoining areas; or otherwise constructed to contain a spill from the largest single container or tank. Except for surfacing, the sill shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills are provided, they are not required at door openings which are provided with an open-grate trench that connects to an approved drainage system.

8003.1.7.3 Drainage control.

8003.1.7.3.1 General. Rooms, buildings or areas shall be provided with a drainage system to direct the flow of liquids to an approved location, or the room, building or area shall be designed to provide secondary containment for the hazardous materials and fire-protection water.

8003.1.7.3.2 Slope. A slope to drain not less than 1 percent shall be provided.

8003.1.7.3.3 Capacity for fire-extinguishing water. Drains from the area shall be sized to carry the automatic fire-extinguishing system design flow rate over the system design area.

8003.1.7.3.4 Materials. Materials of construction for the drainage system shall be compatible with the stored materials.

8003.1.7.3.5 Incompatible materials. Incompatible materials shall be separated from each other in drain systems. Incompatible materials are allowed to be combined when they have been rendered acceptable by an approved means for discharge into the public sewer.

8003.1.7.3.6 Termination. Flow from the drainage system shall be directed to an approved location.

Drainage of spillage and fire-protection water is allowed to be directed to a neutralizer or treatment system which complies with the following:

1. The system shall be designed to handle the maximum worst case spill from the single largest container plus the volume of fire-protection water from the system over the minimum design area for a period of 20 minutes, and

2. The system shall be designed to overflow from the neutralizer or treatment system so that liquid leakage and fire-protection water is directed to a safe location away from the building, valves, means of egress, adjoining property and fire department access roadways.

8003.1.7.4 Secondary containment. Drains shall be directed to containment systems or other locations designed as secondary containment for the hazardous materials liquids and fire-protection water, or the building, room or area shall be designed to provide secondary containment of hazardous material liquids and fire-protection water through the use of recessed floors or liquid-tight raised sills.

- EXCEPTIONS:**
1. The provisions of Section 8003.1.7.4 may be waived when the chief has determined that such enforcement is preempted by other codes, statutes or ordinances. See Section 8001.1.3.
 2. Outdoor storage of oxidizers.
 3. Outdoor storage of organic peroxides.

4. Storage of pyrophoric solids.
5. Storage of corrosive solids.
6. Storage of carcinogen, irritant, sensitizer and other health hazard solids.

Secondary containment shall be designed to retain the spill from the largest single container plus the design flow rate of the automatic fire-extinguishing system for the area of the room or area in which the storage is located or the system design area, whichever is smaller. The containment capacity shall be capable of containing the flow for a period of 20 minutes.

Overflow from the secondary containment system shall be provided to direct liquid leakage and fire-protection water to a safe location away from the building, valves, means of egress, fire access roadway, adjoining property or storm drains.

If the storage area is open to rainfall, the secondary containment shall be designed to accommodate the volume of a 24-hour rainfall as determined by a 25-year storm. Where curbs are used, provisions shall be made for draining accumulations of groundwater or rainwater.

A monitoring method capable of detecting hazardous material leakage from the primary containment into the secondary containment shall be provided. Visual inspection of the primary containment shall be used unless other means of monitoring are approved by the chief. Where secondary containment is subject to the intrusion of water, a monitoring method for such water shall be provided. When monitoring devices are provided, they shall be connected to distinct visual or audible alarms.

8003.1.7.5 Containment pallets. When used as a substitute for spill control, drainage control and secondary containment for outdoor storage in accordance with Section 8003.1.7.1, Exception 2, containment pallets shall comply with the following:

1. A liquid-tight sump accessible for visual inspection shall be provided,
2. The sump shall be designed to contain not less than 66 gallons (249.8 L),
3. Exposed surfaces shall be compatible with material stored, and
4. Containment pallets shall be protected to prevent collection of rainwater within the sump.

8003.1.8 Ventilation.

8003.1.8.1 General. Indoor storage areas and storage buildings shall be provided with mechanical exhaust ventilation or natural ventilation where natural ventilation can be shown to be acceptable for the materials as stored.

EXCEPTION: Storage areas for flammable solids. See also Article 76.

8003.1.8.2 System requirements. Exhaust ventilation systems shall comply with all of the following:

1. Installation shall be in accordance with the Mechanical Code,
2. Mechanical ventilation shall be at a rate of not less than 1 cubic foot per minute per square foot (5.1 l/s per m²) of floor area over the storage area,

3. Systems shall operate continuously unless alternate designs are approved by the chief,

4. A manual shutoff control shall be provided outside of the room in a position adjacent to the access door to the room or in a location approved by the chief. The switch shall be of the break-glass type and shall be labeled VENTILATION SYSTEM EMERGENCY SHUTOFF,

5. Exhaust ventilation shall be arranged to consider the density of the potential fumes or vapors released. For fumes or vapors that are heavier than air, exhaust shall be taken from a point within 12 inches (304.8 mm) of the floor,

6. The location of both the exhaust and inlet air openings shall be arranged to provide air movement across all portions of the floor or room to prevent the accumulation of vapors, and

7. Exhaust ventilation shall not be recirculated within the room or building if the materials stored are capable of emitting hazardous vapors.

8003.1.9 Separation of incompatible hazardous materials. See Section 8001.9.8.

8003.1.10 Hazardous materials storage cabinets.

8003.1.10.1 General. When storage cabinets are used to comply with Article 80, such cabinets shall be in accordance with Section 8003.1.10.

EXCEPTION: Compressed gases shall be stored in cabinets or exhausted enclosures designed in accordance with Section 8003.3.1.3.2 or 8003.3.1.3.3.

Cabinets shall be conspicuously labeled in red letters on contrasting background HAZARDOUS—KEEP FIRE AWAY.

8003.1.10.2 Construction. Cabinets shall be constructed of metal. The interior of cabinets shall be treated, coated or constructed of materials that are nonreactive with the hazardous material stored. Such treatment, coating or construction shall include the entire interior of the cabinet. Cabinets shall either be listed as suitable for the intended storage or constructed in accordance with the following:

1. Cabinets shall be of steel having a thickness of not less than 0.044 inch (1.12 mm) (18 gage). The cabinet, including the door, shall be double walled with 1½-inch (38.1 mm) airspace between the walls. Joints shall be riveted or welded and shall be tightfitting. Doors shall be well fitted, self-closing and equipped with a self-latching device, and

2. The bottoms of cabinets utilized for the storage of liquids shall be liquid tight to a minimum height of 2 inches (50.8 mm).

For requirements regarding electrical equipment and devices within cabinets used for the storage of hazardous gases or liquids, see the Electrical Code.

8003.1.11 Fire-extinguishing systems. Indoor storage areas and storage buildings shall be protected by an automatic sprinkler system. The design of the sprinkler system shall not be less than that required by the Building Code for Ordinary Hazard Group 2 with a minimum design area of 3,000 square feet (278.7 m²). See U.B.C. Standard 9-1.

Where the materials or storage arrangement requires a higher level of sprinkler system protection in accordance with nationally recognized standards, the higher level of sprinkler system protection shall be provided.

EXCEPTION: Approved alternate automatic fire-extinguishing systems are allowed.

8003.1.12 Explosion control. Indoor storage rooms, areas and buildings containing the following materials shall be provided with explosion control in accordance with the Building Code:

1. Highly toxic flammable or toxic flammable gases when not stored in gas cabinets, exhausted enclosures or gas rooms (see Section 8003.1.3).

2. Combustible ducts. See Article 76.

3. Class 4 oxidizers.

4. Unclassified detonatable and Class I organic peroxides.

5. Pyrophoric gases.

6. Class 3 and 4 unstable (reactive) materials.

7. Class 2 and 3 water-reactive solids and liquids.

8003.1.13 Standby power. When mechanical ventilation, treatment systems, temperature control, alarm, detection or other electrically operated systems are required, such systems shall be connected to a secondary source of power to automatically supply electrical power in the event of loss of power from the primary source. See the Electrical Code.

EXCEPTIONS: Storage areas for:

1. Class 1 and 2 oxidizers.

2. Class III, IV and V organic peroxides.

8003.1.14 Limit controls.

8003.1.14.1 General. Limit controls shall be provided in accordance with Section 8003.1.14.

8003.1.14.2 Liquid-level limit control. Atmospheric tanks with a capacity exceeding 500 gallons (1893 L) used for the storage of hazardous materials liquids shall be equipped with a liquid-level limit control to prevent overfilling of the tank.

EXCEPTIONS: 1. Tanks monitored by a system which will limit net contents by weight.

2. Atmospheric tanks used for storage of Class II, III, IV and V organic peroxides.

8003.1.14.3 Temperature control. Materials which must be stored at temperatures other than normal ambient temperatures to prevent a hazardous reaction shall be stored in an area provided with a means to maintain the temperature within a safe range. Redundant temperature control equipment which will operate upon failure of the primary temperature control system shall be provided. Alternate means which prevent a hazardous reaction are allowed.

8003.1.14.4 Pressure control. Stationary tanks used for the storage of hazardous materials liquids which can generate pressures exceeding the tank design limits due to exposure fires or internal reaction shall have some form of construction or device that will relieve excessive internal pressure. Such relief devices shall vent to an approved location or to

an exhaust scrubber or treatment system when specified in Sections 8003.2 through 8003.15.

8003.1.15 Emergency alarm. An approved emergency alarm system shall be provided in buildings, rooms or areas used for storage of hazardous materials. Emergency alarm-initiating devices shall be installed outside of each interior exit door of storage buildings, rooms or areas. Activation of an emergency alarm-initiating device shall sound a local alarm to alert occupants of an emergency situation involving hazardous materials.

8003.1.16 Supervision. Emergency alarm, detection and automatic fire-extinguishing systems required by Section 8003 shall be supervised by an approved central, proprietary or remote station service or shall initiate an audible and visual signal at a constantly attended on-site location.

8003.1.17 Clearance from combustibles. The area surrounding an outdoor storage area or tank shall be kept clear of combustible materials and vegetation for a minimum distance of 30 feet (9144 mm).

8003.1.18 Noncombustible floor. Except for surfacing, floors of storage areas shall be of noncombustible construction.

8003.1.19 Professional engineer. The chief is authorized to require design submittals to bear the stamp of a professional engineer.

8003.1.20 Weather protection. When overhead noncombustible construction is provided for sheltering outdoor hazardous material storage areas, such storage shall not be considered indoor storage when all of the following conditions are met:

EXCEPTIONS: Storage of explosive, detonatable or pyrophoric materials shall be considered as indoor storage.

1. Supports shall be of noncombustible construction,
2. Supports and walls shall not obstruct more than 25 percent of the perimeter of the storage area, and
3. The distance to buildings, property lines, streets, alleys, public ways or exits to a public way shall not be less than the distance required for an outdoor hazardous material storage area without weather protection.

8003.1.21 Required detached storage. Group H Occupancies containing quantities of hazardous materials in excess of those set forth in Table 8003.1-A shall be in buildings used for no other purpose, shall not exceed one story in height and shall be without basements, crawl spaces or other under-floor spaces.

8003.2 Explosives and Blasting Agents. Storage of explosives and blasting agents shall be in accordance with Article 77. Storage of fireworks shall be in accordance with Article 78.

Storage of explosives, blasting agents, blackpowder and fireworks shall be in detached buildings in accordance with Section 8003.1.21 when required by Section 8003.1.21.

8003.3 Toxic and Highly Toxic Compressed Gases.

8003.3.1 Indoor storage.

8003.3.1.1 General. Indoor storage of toxic and highly toxic compressed gases in amounts exceeding the exempt

amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1, 8003.3.1 and 8003.3.3.

8003.3.1.2 Fire-extinguishing system. In addition to Section 8003.1.11, the following requirements shall apply:

1. Gas cabinets, exhausted enclosures and gas rooms for the storage of cylinders shall be internally sprinklered, and
2. Alternate fire-extinguishing systems shall not be used for storage areas, gas cabinets, exhausted enclosures or gas rooms.

8003.3.1.3 Ventilation and storage arrangement.

8003.3.1.3.1 Ventilated area. Cylinders shall be stored within gas cabinets, exhausted enclosures or gas rooms.

EXCEPTION: Toxic gas cylinders having an aggregate capacity not exceeding the exempt amounts set forth in Table 8001.13-B when Footnote 6 is not applied.

Portable and stationary tanks shall be stored within gas rooms or exhausted enclosures. The room or area in which gas cabinets or exhausted enclosures are located shall be provided with exhaust ventilation that is independent of the ventilation required for gas cabinets and exhausted enclosures.

8003.3.1.3.2 Gas cabinets. Gas cabinets shall comply with all of the following:

1. Operate at negative pressure in relation to the surrounding area,
2. Be provided with self-closing limited access ports or noncombustible windows to give access to equipment controls. The average velocity at the face of access ports or windows shall not be less than 200 feet per minute (1.02 m/s) with a minimum of 150 feet per minute (0.76 m/s) at any point of the access port or window,
3. Be connected to an exhaust system,
4. Be provided with self-closing doors, and
5. Be constructed of not less than 0.097-inch (2.46 mm) (12 gage) steel.

8003.3.1.3.3 Exhausted enclosures. Exhausted enclosures shall be designed to:

1. Operate at a negative pressure in relation to the surrounding area, and
2. Provide an average velocity at the face of the enclosure of not less than 200 feet per minute (1.02 m/s) with a minimum of 150 feet per minute (0.76 m/s) at any point.

8003.3.1.3.4 Gas rooms. Gas rooms shall be designed to:

1. Operate at a negative pressure in relation to the surrounding area, and
2. Direct the exhaust ventilation to an exhaust system.

8003.3.1.3.5 Treatment systems.

8003.3.1.3.5.1 General. Treatment systems shall be utilized to handle the accidental release of gas. Treatment systems shall be utilized to process all exhaust ventilation to be

discharged from gas cabinets, exhausted enclosures and gas rooms.

8003.3.1.3.5.2 Design. Treatment systems shall be capable of diluting, adsorbing, absorbing, containing, neutralizing, burning or otherwise processing the entire contents of the largest single tank or cylinder of gas stored or used. When a total containment system is utilized, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

8003.3.1.3.5.3 Performance. Treatment systems shall be designed to reduce the maximum allowable discharge concentration of the gas to one-half IDLH at the point of discharge to the atmosphere. When more than one gas is emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH for all the gases stored or used.

8003.3.1.3.5.4 Sizing. Treatment systems shall be sized to process the maximum worst-case release of gas based on the maximum flow rate of release from the largest cylinder or tank utilized. The entire contents of tanks and cylinders shall be considered.

8003.3.1.3.5.5 Stationary tanks. Stationary tanks shall be labeled with the maximum rate of release for the gas contained based on valves or fittings that are inserted directly into the tank. If multiple valves or fittings are provided, the maximum flow rate of release for the valve or fitting with the highest flow rate shall be indicated. If liquefied gases are in contact with valves or fittings, the liquid flow rate shall be utilized for purposes of computation. Flow rates indicated on the label shall be converted to cubic feet per minute (L/s) of gas at normal temperature and pressure.

8003.3.1.3.5.6 Portable tanks and cylinders. For portable tanks and cylinders, the maximum flow rate of release shall be calculated based on assuming the total release from the cylinder or tank within the time specified in Table 8003.3-A. When portable tanks or cylinders are equipped with approved excess flow or reduced flow valves, the worst-case release shall be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or the gas supplier. Reduced flow and excess flow valves shall be permanently marked by the manufacturer to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under standard conditions.

8003.3.1.4 Emergency power. Emergency power shall be provided in lieu of standby power for:

1. Exhaust ventilation, including the power supply for treatment systems,
2. Gas-detection systems,
3. Emergency alarm systems, and
4. Temperature-control systems.

8003.3.1.5 Limit controls. In addition to the limit controls required by Section 8003.1.14, excess flow control shall be provided for stationary tanks which are piped for filling or dispensing.

8003.3.1.6 Gas detection. A continuous gas-detection system shall be provided to detect the presence of gas at or below the permissible exposure limit or ceiling limit. The detection system shall initiate a local alarm and transmit a signal to a constantly attended control station.

The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the storage area. The audible alarm shall be distinct from all other alarms.

- EXCEPTIONS:**
1. Signal transmission to a constantly attended control station need not be provided when not more than one cylinder is stored.
 2. A continuous gas-detection system need not be provided for toxic gases when the physiological warning properties for the gas are at a level below the accepted permissible exposure limit for the gas.

The gas-detection system shall be capable of monitoring the room or area in which the gas is stored at or below the permissible exposure limit or ceiling limit and the discharge from the treatment system at or below one-half the IDLH limit.

8003.3.1.7 Smoke detection. An approved supervised smoke-detection system shall be provided in rooms or areas where highly toxic compressed gases are stored indoors. Activation of the detection systems shall sound a local alarm.

8003.3.1.8 Maximum number of cylinders per gas cabinet. The number of cylinders contained in a single gas cabinet shall not exceed three.

- EXCEPTION:** Cabinets containing cylinders not exceeding 1 pound (0.4536 kg) net contents each shall be limited to a maximum of 100 cylinders.

8003.3.2 Outdoor storage.

8003.3.2.1 General. Outdoor storage of highly toxic or toxic compressed gases in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1, 8003.3.2 and 8003.3.3.

8003.3.2.2 Distance from storage to exposures.

8003.3.2.2.1 General. Outdoor storage of highly toxic or toxic compressed gases shall comply with the Building Code and Section 8003.3.2.2.

8003.3.2.2.2 Distance limitation to exposures. Outdoor storage of highly toxic or toxic compressed gases shall not be within 75 feet (22 860 mm) of a building, property line, street, alley, public way or exit to a public way unless the storage is shielded by a structure having a minimum fire-resistive rating of two hours and which interrupts the line of sight between the storage and the exposure. The protective structure shall be at least 5 feet (1524 mm) from exposures. The protective structure shall not have more than two sides at approximately 90-degree directions, or three sides with connecting angles of approximately 135 degrees.

- EXCEPTION:** Gases in gas cabinets complying with Section 8003.3.1.3.2 and located 5 feet (1524 mm) or more from buildings and 25 feet (7620 mm) from exits. Section 8003.3.2.2.3 shall not apply.

8003.3.2.2.3 Openings in exposed buildings. When the storage area is located closer than 75 feet (22 860 mm) to a building, openings into a building other than piping shall not

be above the height of the top of the shielding structure or within 50 feet (15 240 mm) horizontally from the storage area whether or not shielded by a protective structure.

8003.3.2.2.4 Air intakes. The storage area shall not be within 75 feet (22 860 mm) of air intakes.

8003.3.2.3 Canopies. Portable tanks and cylinders stored outside of buildings shall be stored under a canopy of noncombustible construction. Such storage shall not be considered indoor storage. See also Section 8003.1.20.

EXCEPTION: Portable tanks and cylinders used for storing anhydrous ammonia (fertilizer grade).

An automatic fire-sprinkler system shall be provided for canopies used for storage of highly toxic or toxic compressed gases.

EXCEPTION: Where water is incompatible with the hazardous material stored, the chief may approve alternate fire suppression methods to an automatic sprinkler system.

8003.3.2.4 Piping and controls. In addition to the requirements of Section 8001.4.3, piping and controls on stationary tanks shall be in accordance with all of the following:

1. Pressure-relief devices shall be vented to a treatment system designed in accordance with Section 8003.3.1.3.5,
2. Where filling or dispensing connections are provided, they shall have a means of local exhaust. Such exhaust shall be designed to capture fumes and vapors. The exhaust shall be directed to a treatment system designed in accordance with Section 8003.3.1.3.5, and
3. Stationary tanks shall be provided with a means of excess flow control on tank inlet and outlet connections.

EXCEPTIONS:

1. Inlet connections that are designed to preclude backflow.
2. Pressure-relief devices.

8003.3.3 Special provisions.

8003.3.3.1 Seismic protection. Stationary tanks and associated piping systems shall be seismically braced in accordance with the Building Code.

8003.3.3.2 Security. See Section 8001.9.2.

8003.3.3.3 Leaking cylinders. One or more gas cabinets or exhausted enclosures shall be provided to handle leaking cylinders.

EXCEPTIONS: A cabinet or exhausted enclosure need not be provided for leaking cylinders if:

1. All cylinders are stored within gas cabinets or exhausted enclosures, or
2. Approved containment vessels are provided in accordance with all of the following:
 - 2.1 Containment vessels shall be capable of fully containing a release,
 - 2.2 Trained personnel shall be available at an approved location, and
 - 2.3 Containment vessels shall be capable of being transported to the leaking cylinder.

Gas cabinets or exhausted enclosures shall be located as follows:

1. Within or adjacent to outdoor storage areas, or
2. Within gas rooms.

Gas cabinets or exhausted enclosures shall be connected to an exhaust system. See Section 8003.3.1.3.5.

8003.3.3.4 Local exhaust for leaking portable tanks. A means of local exhaust shall be provided to capture leaks from portable tanks. Portable ducts or collection systems designed to be applied to the site of a leak in a valve or fitting on the tank are acceptable. The local exhaust system shall be connected to a treatment system as specified in Section 8003.3.1.3.5. The local exhaust system shall be provided:

1. Within or immediately adjacent to outdoor storage areas, or
2. Within gas rooms used for portable or stationary tanks.

8003.4 Flammable and Combustible Liquids. Storage of flammable and combustible liquids shall be in accordance with Article 79.

8003.5 Flammable Solids and Flammable Gases.

8003.5.1 Indoor storage.

8003.5.1.1 General. Indoor storage of flammable solids and flammable gases in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.5.1. Storage of combustible fibers shall be in accordance with Article 28. See also Section 8001.14.2 for storage of flammable gases in quantities not exceeding exempt amounts.

8003.5.1.2 Pile size limits and location for solids. Flammable solids stored in quantities greater than 1,000 cubic feet (28.3 m³) shall be separated into piles each not larger than 1,000 cubic feet (28.3 m³). Aisle widths between piles shall not be less than the height of the piles or 4 feet (1219 mm), whichever is greater.

Flammable solids shall not be stored in basements.

8003.5.1.3 Static-producing equipment. Static-producing equipment located in flammable gas storage areas shall be grounded.

8003.5.2 Outdoor storage.

8003.5.2.1 General. Outdoor storage of flammable solids and flammable gases in amounts exceeding exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.5.2. Storage of combustible fibers shall be in accordance with Article 28.

8003.5.2.2 Distance from storage to exposures. Outdoor storage of flammable solids shall not be located within 20 feet (6096 mm) of any building, property line, street, alley, public way, or exit to a public way. An unpierced two-hour fire-resistive wall extending not less than 30 inches (762 mm) above and to the sides of the storage area is allowed in lieu of such distance.

Outdoor storage of flammable gases shall be in accordance with Table 8003.5-A.

8003.5.2.3 Pile size limits for solids. Outdoor storage of flammable solids shall be separated into piles not larger than 5,000 cubic feet (141 m³) each. Aisle widths between piles

shall not be less than one-half the height of the piles or 10 feet (3048 mm), whichever is greater.

8003.5.2.4 Static-producing equipment. Static-producing equipment in flammable gas storage areas shall be grounded.

8003.6 Oxidizers.

8003.6.1 Indoor storage.

8003.6.1.1 General. Indoor storage of oxidizers in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.6.1. Retail display of oxidizers shall be in accordance with Section 8001.12.

See also Section 8001.14.3 for storage of oxidizing gases in quantities not exceeding exempt amounts.

8003.6.1.2 Detached storage. Storage of liquid and solid oxidizers shall be in detached buildings in accordance with Section 8003.1.21 when required by Section 8003.1.21.

8003.6.1.3 Distance from detached storage buildings to exposures. In addition to the requirements of the Building Code, detached storage buildings shall be located in accordance with Tables 8003.6-A and 8003.6-B.

8003.6.1.4 Liquid-tight floor. In addition to Section 8003.1.18, floors of storage areas for liquid and solid oxidizers shall be of liquid-tight construction.

8003.6.1.5 Smoke and heat venting. Smoke and heat venting shall be provided. The design criteria shall be as set forth in the Building Code.

8003.6.1.6 Smoke detection. An approved supervised smoke-detection system shall be installed in liquid and solid oxidizer storage areas. Activation of the detection systems shall sound a local alarm.

EXCEPTION: A smoke-detection system need not be provided in detached storage buildings protected by an automatic fire-extinguishing system.

8003.6.1.7 Storage conditions. The maximum quantities per building in detached storage buildings shall not exceed those set forth in Tables 8003.6-C through 8003.6-F.

The storage arrangement for liquid and solid oxidizers shall be as set forth in Tables 8003.6-C through 8003.6-F.

Class 2 oxidizers shall not be stored in basements except when such storage is in stationary tanks. Class 3 and 4 oxidizers in excess of the exempt amounts set forth in Section 8001.13 shall be stored on the ground floor only.

8003.6.1.8 Separation of Class 4 oxidizers from other materials. In addition to Section 8001.9.8, Class 4 oxidizer liquids and solids shall be separated from other hazardous materials by not less than one-hour fire-resistive construction or stored in hazardous materials storage cabinets. See Section 8003.1.10.

Detached storage buildings for Class 4 oxidizer liquids and solids shall be located a minimum of 50 feet (15 240 mm) from other hazardous materials storage.

8003.6.1.9 Contamination. Liquid and solid oxidizers shall not be stored on or against combustible surfaces. During storage, care shall be taken to prevent contamination.

8003.6.1.10 Static-producing equipment. Static-producing equipment in oxidizer gas storage areas shall be grounded.

8003.6.2 Outdoor storage.

8003.6.2.1 General. Outdoor storage of oxidizers in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Section 8003.1 and 8003.6.2.

8003.6.2.2 Distance from storage to exposures.

8003.6.2.2.1 Solids and liquids. Storage areas for liquid and solid oxidizers shall be located in accordance with Tables 8003.6-A and 8003.6-B.

8003.6.2.2.2 Gases. Storage areas for oxidizer gases shall be in accordance with Table 8003.6-G.

8003.6.2.3 Storage conditions.

8003.6.2.3.1 Solids and liquids. Storage arrangements for liquid and solid oxidizers shall be in accordance with Tables 8003.6-C through 8003.6-F.

8003.6.2.3.2 Gases. Storage arrangement for oxidizer gases shall be in accordance with Table 8003.6-G.

8003.7 Organic Peroxides.

8003.7.1 Indoor storage.

8003.7.1.1 General. Indoor storage of organic peroxides in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.7.1.

Unclassified detonatable organic peroxides that are capable of detonation in their normal shipping containers under conditions of fire exposure shall be stored in accordance with Article 77 as required for high explosives.

8003.7.1.2 Detached storage. Storage of organic peroxides shall be in detached buildings in accordance with Section 8003.1.21 when required by Section 8003.1.21.

8003.7.1.3 Distance from detached storage buildings to exposures. In addition to the requirements of the Building Code, detached storage buildings shall be located in accordance with Tables 8003.7-A and 8003.7-B.

8003.7.1.4 Liquid-tight floor. In addition to Section 8003.1.18, floors of storage areas shall be of liquid-tight construction.

8003.7.1.5 Smoke and heat venting. Smoke and heat venting shall be provided. The design criteria shall be as set forth in the Building Code.

8003.7.1.6 Electrical wiring and equipment. In addition to Section 8001.9.4, electrical wiring and equipment in storage areas for Class I or II organic peroxides shall comply with the requirements for electrical Class I, Division 2 locations.

8003.7.1.7 Smoke detection. An approved supervised smoke-detection system shall be provided in rooms or areas where Class I, II, III or IV organic peroxides are stored. Activation of the detection system shall sound a local alarm.

EXCEPTION: A smoke-detection system need not be provided in detached storage buildings protected by an automatic fire-extinguishing system.

8003.7.1.8 Storage conditions.

8003.7.1.8.1 Maximum quantities. Maximum quantity per building in a mixed-occupancy building shall not exceed the amounts set forth in Table 8003.1-A. Maximum quantity per building in a detached storage building shall not exceed the amounts specified in Tables 8003.7-A and 8003.7-B.

8003.7.1.8.2 Storage arrangement. Storage arrangement for organic peroxides shall be in accordance with Tables 8003.7-C through 8003.7-E and shall comply with all of the following:

1. Containers and packages in storage areas shall be closed,
2. Bulk storage shall not be in piles or bins,
3. A minimum 2-foot (609.6 mm) clear space shall be maintained between storage and uninsulated metal walls, and
4. Fifty-five-gallon (208.2 L) drums shall not be stored more than one drum high.

8003.7.1.8.3 Location in building. The storage of Class I and II organic peroxides shall be on the ground floor. Class III organic peroxides shall not be stored in basements.

8003.7.1.9 Contamination. Organic peroxides shall be stored in their original DOT shipping containers. During storage, care shall be taken to prevent contamination.

8003.7.2 Outdoor storage.

8003.7.2.1 General. Outdoor storage of organic peroxides in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.7.2.

EXCEPTION: Unclassified detonatable organic peroxides that are capable of detonation in their normal shipping containers under fire conditions shall be stored in accordance with Article 77 as required for high explosives.

8003.7.2.2 Distance from storage to exposures. Storage areas for organic peroxides shall be located in accordance with Tables 8003.7-A and 8003.7-B.

8003.7.2.3 Electrical wiring and equipment. In addition to Section 8001.9.4, electrical wiring and equipment in outdoor storage areas containing Class I, II or III organic peroxides shall comply with the requirements for electrical Class I, Division 2 locations.

8003.7.2.4 Storage conditions.

8003.7.2.4.1 Maximum quantities. Maximum quantities of organic peroxides shall be in accordance with Tables 8003.7-A and 8003.7-B.

8003.7.2.4.2 Storage arrangement. Storage arrangement shall be in accordance with Tables 8003.7-C, 8003.7-D and 8003.7-E.

8003.7.2.5 Separation. In addition to Section 8001.9.8, storage areas for organic peroxides exceeding the amounts specified in Table 8003.1-A shall be located a minimum distance of 50 feet (15 240 mm) from other hazardous material storage.

8003.8 Pyrophoric Materials.

8003.8.1 Indoor storage.

8003.8.1.1 General. Indoor storage of pyrophoric solids, liquids and gases in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.8.1. See also Section 8001.14.4.

Indoor storage of silane and mixtures of silane greater than 2 percent by volume shall be in accordance with U.F.C. Standard 80-1.

8003.8.1.2 Liquid-tight floor. In addition to Section 8003.1.18, floors of storage areas containing pyrophoric liquids shall be of liquid-tight construction.

8003.8.1.3 Electrical wiring and equipment. In addition to Section 8001.9.4, electrical wiring and equipment in storage areas for pyrophoric gases shall comply with the requirements for electrical Class I, Division 2 locations.

8003.8.1.4 Storage conditions.

8003.8.1.4.1 Pyrophoric solids and liquids. Storage of pyrophoric liquids and solids shall be limited to a maximum area of 100 square feet (9.29 m²) per pile. Storage shall not exceed 5 feet (1524 mm) in height. Individual containers shall not be stacked.

Aisles between storage piles shall be a minimum of 10 feet (3048 mm) in width.

Individual tanks or containers shall not exceed 500 gallons (1893 L) capacity.

8003.8.1.4.2 Pyrophoric gases. Storage of pyrophoric gases shall be in detached buildings in accordance with Section 8003.1.21 when required by Section 8003.1.21.

8003.8.1.5 Separation. In addition to Section 8001.9.8, indoor storage of pyrophoric solids, liquids and gases shall be isolated from incompatible hazardous materials by one-hour fire-resistive walls with openings protected in accordance with the Building Code.

EXCEPTION: Storage in approved hazardous materials storage cabinets constructed in accordance with Section 8003.1.10.

8003.8.2 Outdoor storage.

8003.8.2.1 General. Outdoor storage of pyrophoric solids, liquids and gases in quantities exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.8.2.

Outdoor storage of silane and mixtures of silane greater than 2 percent by volume shall be in accordance with U.F.C. Standard 80-1.

8003.8.2.2 Distance from storage to exposures. The separation of pyrophoric solids, liquids and gases from buildings, property lines, streets, alleys, public ways or exits to a public way shall be in accordance with the following:

1. **Solids and liquids.** Twice the separation required by Article 79 for Class I-B flammable liquids.

2. **Gases.** The location and maximum amount of pyrophoric gas per storage area shall be in accordance with Table 8003.8-A.

8003.8.2.3 Storage conditions. Quantities, arrangement and spacing for pyrophoric liquids and solids in tanks, portable tanks and containers shall be in accordance with Article 79 as required for Class I-B flammable liquids.

8003.8.2.4 Separation of incompatible materials. In addition to Section 8001.9.8, separation of pyrophoric liquids and solids from other hazardous materials shall be in accordance with Article 79 as required for Class I-B flammable liquids.

8003.9 Unstable (Reactive) Materials.

8003.9.1 Indoor storage.

8003.9.1.1 General. Indoor storage of unstable (reactive) materials in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.9.1.

In addition, Class 3 and 4 unstable (reactive) detonatable materials shall be stored in accordance with the Building Code requirements for explosives.

Retail display of unstable (reactive) materials shall be in accordance with Section 8001.12.

8003.9.1.2 Detached storage. Storage of unstable (reactive) materials shall be in detached buildings in accordance with Section 8003.1.21 when required by Section 8003.1.21.

8003.9.1.3 Liquid-tight floor. In addition to Section 8003.1.18, floors of storage areas for liquids and solids shall be of liquid-tight construction.

8003.9.1.4 Smoke and heat venting. Smoke and heat venting shall be provided. The design criteria shall be as set forth in the Building Code.

8003.9.1.5 Storage conditions. Unstable (reactive) materials stored in quantities greater than 500 cubic feet (14.16 m³) shall be separated into piles, each not larger than 500 cubic feet (14.16 m³). Aisle width shall not be less than the height of the piles or 4 feet (1219 mm), whichever is greater.

EXCEPTION: Materials stored in tanks.

Unstable (reactive) materials shall not be stored in basements.

8003.9.2 Outdoor storage.

8003.9.2.1 General. Outdoor storage of unstable (reactive) materials in quantities exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.9.2.

8003.9.2.2 Distance from storage to exposures. Outdoor storage of unstable (reactive) material which can deflagrate shall not be within 75 feet (22 860 mm) of buildings, property lines, streets, alleys, public ways or exits to a public way.

Outdoor storage of nondeflagrating unstable (reactive) materials shall not be within 20 feet (6096 mm) of buildings, property lines, streets, alleys, public ways or exits to a public way. An unpierced two-hour fire-resistive wall extending not less than 30 inches (762 mm) above and to the sides of the storage is allowed in lieu of such distance.

8003.9.2.3 Storage conditions. Piles of unstable (reactive) materials shall not exceed 1,000 cubic feet (28.3 m³).

Aisle widths between piles shall not be less than one-half the height of the pile or 10 feet (3048 mm), whichever is greater.

8003.10 Water-reactive Solids and Liquids.

8003.10.1 Indoor storage.

8003.10.1.1 General. Indoor storage of water-reactive solids and liquids in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.10.1.

Retail display of water-reactive solids and liquids shall be in accordance with Section 8001.12.

8003.10.1.2 Detached storage. Storage of water-reactive materials shall be in detached buildings in accordance with Section 8003.1.21 when required by Section 8003.1.21.

8003.10.1.3 Liquid-tight floor. In addition to Section 8003.1.18, floors of storage areas shall be of liquid-tight construction.

8003.10.1.4 Waterproof room. Rooms or areas used for the storage of water-reactive solids or liquids shall be constructed in a manner which resists the penetration of water through the use of waterproof materials. Piping carrying water for other than approved automatic fire-sprinkler systems shall not be within such rooms or areas.

8003.10.1.5 Smoke and heat venting. Smoke and heat venting shall be provided. The design criteria shall be as set forth in the Building Code.

8003.10.1.6 Fire-extinguishing systems. When Class 3 solids or liquids are stored in areas protected by an automatic fire-sprinkler system, the materials shall be stored in closed watertight containers.

8003.10.1.7 Storage conditions. Water-reactive solids and liquids stored in quantities greater than 500 cubic feet (14.16 m³) shall be separated into piles, each not larger than 500 cubic feet (14.16 m³). Aisle widths between piles shall not be less than the height of the pile or 4 feet (1219 mm), whichever is greater.

EXCEPTION: Water-reactive solids and liquids stored in tanks.

Class 2 water-reactive solids and liquids shall not be stored in basements unless such materials are stored in closed watertight containers or tanks.

Class 3 water-reactive solids and liquids shall not be stored in basements.

For storage with flammable liquids, see Section 7902.5.4.

8003.10.2 Outdoor storage.

8003.10.2.1 General. Outdoor storage of water-reactive solids and liquids shall be within tanks or closed watertight containers, and in quantities exceeding the exempt amounts set forth in Section 8001.13, shall be in accordance with Sections 8003.1 and 8003.10.2.

8003.10.2.2 Distance from storage to exposures. Outdoor storage of Class 3 water-reactive solids and liquids shall not

be within 75 feet (22 860 mm) of buildings, property lines, streets, alleys, public ways or exits to a public way.

Outdoor storage of Class 1 and 2 water-reactive solids and liquids shall not be within 20 feet (6096 mm) of buildings, property lines, streets, alleys, public ways or exits to a public way. An unpierced two-hour fire-resistive wall extending not less than 30 inches (762 mm) above and to the sides of the storage area is allowed in lieu of such distance.

8003.10.2.3 Storage conditions. Class 3 water-reactive solids and liquids shall be limited to piles not greater than 100 cubic feet (2.83 m³).

Class 1 or 2 water-reactive solids and liquids shall be limited to piles not greater than 1,000 cubic feet (28.3 m³).

Aisle widths between piles shall not be less than one-half the height of the pile of 10 feet (3048 mm), whichever is greater.

8003.11 Cryogenic Fluids. Storage of cryogenic fluids shall be in accordance with Article 75.

Cryogenic fluids in individual cylinders, containers or tanks which exceed a water capacity of 1,000 pounds (453.6 kg) shall not be stored inside of buildings.

8003.12 Highly Toxic and Toxic Solids and Liquids.

8003.12.1 Indoor storage.

8003.12.1.1 General. Indoor storage of highly toxic and toxic solids and liquids in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.12.1.

Retail display of highly toxic or toxic materials shall be in accordance with Section 8001.12.

8003.12.1.2 Liquid-tight floors. In addition to Section 8003.1.18, floors of storage rooms shall be of liquid-tight construction.

8003.12.1.3 Exhaust scrubber. Exhaust scrubbers or other systems for the processing of highly toxic liquid vapors shall be provided for storage areas where a spill or other accidental release of such liquids can be expected to release highly toxic vapors. Exhaust scrubbers and other processing systems shall be installed in accordance with the Mechanical Code. Emission control shall conform to the requirements of the local air quality authority.

8003.12.1.4 Separation. In addition to Section 8001.9.8, storage of highly toxic liquids and solids shall be isolated from other hazardous materials by one-hour fire-resistive construction or stored in approved hazardous material storage cabinets. See Section 8003.1.10.

8003.12.2 Outdoor storage.

8003.12.2.1 General. Outdoor storage of highly toxic and toxic solids and liquids in quantities exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.12.2.

8003.12.2.2 Distance from storage to exposures. Outdoor storage of highly toxic or toxic solids and liquids shall not be within 20 feet (6096 mm) of buildings, property lines, streets, alleys, public ways or exits to a public way. An

unpierced two-hour fire-resistive wall extending not less than 30 inches (762 mm) above and to the sides of the storage area is allowed in lieu of such distance.

8003.12.2.3 Fire-extinguishing systems. Outdoor storage of highly toxic solids and liquids shall be in fire-resistive containers or shall comply with one of the following:

1. The storage area shall be protected by an automatic, open head, deluge fire-sprinkler system of the type and density specified in the Building Code (see U.B.C. Standard 9-1), or

2. Storage shall be located under a canopy of noncombustible construction, with the canopied area protected by an automatic fire-sprinkler system of the type and density specified in the Building Code. See U.B.C. Standard 9-1. Such storage shall not be considered indoor storage. See Section 8003.1.20.

8003.12.2.4 Storage conditions. Outdoor storage piles of highly toxic solids and liquids shall be separated into piles, each not larger than 2,500 cubic feet (70.79 m³). Aisle widths between piles shall not be less than one-half the height of the pile or 10 feet (3048 mm), whichever is greater.

The storage of highly toxic liquids which liberate highly toxic vapors in the event of a spill or other accidental discharge shall not be outside of a building unless effective collection and treatment systems are provided. The treatment system shall comply with the Mechanical Code.

8003.13 Radioactive Materials.

8003.13.1 Indoor storage.

8003.13.1.1 General. Indoor storage of radioactive materials in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.13.1.

8003.13.1.2 Liquid-tight floor. In addition to Section 8003.1.18, floors of storage areas shall be of liquid-tight construction.

8003.13.1.3 Detection. Areas used for the storage of radioactive materials shall be provided with detection equipment suitable for determining surface level contamination at levels that would present a short-term hazard condition. Such detection equipment is allowed to be maintained at a location other than the storage area but shall be on the premises.

8003.13.1.4 Storage conditions. The maximum quantity and storage arrangement of radioactive materials to be stored in buildings or rooms designed for such purposes shall be in accordance with the requirements of the Nuclear Regulatory Commission and state and local requirements.

Storage of contaminated combustible materials shall be in tightly closed noncombustible containers which do not contain other waste. Special attention shall be given to prompt disposal of combustible wastes contaminated with oxidizing materials that are subject to spontaneous heating.

8003.13.1.5 Container quantity limits. The quantity of material in any individual container shall not exceed 2 millicuries (7.4 x 10⁷ becquerels) for alpha emitters, 200

curies (7.4×10^{12} becquerels) for beta emitters or 0.1 curies (3.7×10^4 becquerels) for gamma emitters.

EXCEPTION: Licensed, sealed sources for instruments, calibration devices and equipment. Licensing requirements and determination of whether a source is sealed or nonsealed shall be as set forth in Nuclear Regulatory Commission regulations.

8003.13.2 Outdoor storage.

8003.13.2.1 General. Outdoor storage of radioactive materials in quantities exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.13.2.

8003.13.2.2 Distance from storage to exposures. Outdoor storage shall not be within 20 feet (6096 mm) of property lines, streets, alleys, public ways or exits to a public way. An unpierced two-hour fire-resistive wall extending not less than 30 inches (762 mm) above and to the sides of the storage area is allowed in lieu of such distance.

Outdoor storage shall not be within 20 feet (6096 mm) of buildings unless the building exterior walls are not less than one-hour fire-resistive construction. Storage shall not be within 10 feet (3048 mm) from building openings. Building openings less than 20 feet (6096 mm) from outdoor storage shall be protected by a fire assembly having a 45-minute fire-resistive rating.

8003.13.2.3 Fire-extinguishing systems. Outdoor storage of radioactive materials shall be in fire-resistive containers or shall comply with one of the following:

1. The storage area shall be protected by an automatic, open head, deluge fire-sprinkler system of the type and density specified in the Building Code (see U.B.C. Standard 9-1), or

2. Storage shall be located under a canopy of noncombustible construction, with the canopied area protected by an approved automatic fire-extinguishing system. Such storage shall not be considered to be indoor storage. See Section 8003.1.20.

8003.13.2.4 Storage conditions. Storage shall be arranged in accordance with Nuclear Regulatory Commission, state and local requirements.

8003.14 Corrosives.

8003.14.1 Indoor storage.

8003.14.1.1 General. Indoor storage of corrosive materials in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.14.1.

Retail display of corrosive materials shall be in accordance with Section 8001.12.

8003.14.1.2 Liquid-tight floor. In addition to Section 8003.1.18, floors in storage areas for corrosive liquids shall be of liquid-tight construction.

8003.14.2 Outdoor storage.

8003.14.2.1 General. Outdoor storage of corrosive materials in quantities exceeding the exempt amounts set forth in

Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.14.2.

8003.14.2.2 Distance from storage to exposures. Outdoor storage of corrosive liquids shall not be within 20 feet (6096 mm) of buildings, property lines, streets, alleys, public ways or exits to a public way. An unpierced two-hour fire-resistive wall extending not less than 30 inches (762 mm) above and to the side of the storage area is allowed in lieu of such distance.

8003.15 Carcinogens, Irritants, Sensitizers and Other Health Hazard Solids, Liquids and Gases.

8003.15.1 Indoor storage.

8003.15.1.1 General. Indoor storage of carcinogens, irritants, sensitizers and other health hazard solids, liquids and gases in amounts exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.15.1.

Retail display of carcinogens, irritants, sensitizers and other health hazard materials shall be in accordance with Section 8001.12.

8003.15.1.2 Liquid-tight floor. In addition to Section 8003.1.18, floors in storage areas for carcinogens, irritants, sensitizers or other health hazard liquids shall be of liquid-tight construction.

8003.15.2 Outdoor storage.

8003.15.2.1 General. Outdoor storage of carcinogens, irritants, sensitizers and other health hazard solids, liquids and gases in quantities exceeding the exempt amounts set forth in Section 8001.13 shall be in accordance with Sections 8003.1 and 8003.15.2.

8003.15.2.2 Distance from storage to exposures. Outdoor storage of carcinogens, irritants, sensitizers or other health hazard solids, liquids and gases shall not be within 20 feet (6096 mm) of buildings, property lines, streets, alleys, public ways or exits to a public way. An unpierced two-hour fire-resistive wall extending not less than 30 inches (762 mm) above and to the sides of the storage area is allowed in lieu of such distance.

8003.15.2.3 Storage conditions. Outdoor storage of carcinogens, irritants, sensitizers and other health hazard solids and liquids shall be separated into piles not larger than 2,500 cubic feet (70.79 m³). Aisle widths between piles shall not be less than one-half the height of the piles or 10 feet (3048 mm), whichever is greater.

Adopt Appendix II-F per WAC 51-34-003:

NEW SECTION

WAC 51-34-9100 Appendix II-F—Protected above-ground tanks for motor vehicle fuel-dispensing stations outside buildings.

NEW SECTION

WAC 51-34-9101 Section 1—Scope. Storage and dispensing of motor fuels into the fuel tanks of motor vehicles from protected aboveground tanks located outside buildings shall be in accordance with Appendix II-F.

NEW SECTION

WAC 51-34-9102 Section 2—Definitions. For the purpose of Appendix II-F, certain terms are defined as follows:

FUEL-DELIVERY SYSTEM is a system which consists of a tank vehicle containing a pump, fill hose with appropriate connections, and a person who performs the tank filling operation of transferring fuel from the tank vehicle to an aboveground tank. The two types of fuel-delivery systems for aboveground tanks are as follows:

2.1 PRECONNECTED FLEXIBLE HOSE SYSTEM is a fuel-delivery system containing a reel-mounted preconnected flexible hose having a maximum nominal diameter of 2 inches (50.8 mm) and a manually controlled fuel-delivery nozzle at the downstream end of the hose.

2.2 RIGID HOSE SYSTEM is a fuel-delivery system utilizing one or more sections of large diameter rigid hose [usually 3 to 4 inches (76.2 to 101.6 mm) in nominal diameter] which does not contain a nozzle but which contains interlocking connections for manually connecting the hose from the tank vehicle to the tank.

PRIMARY TANK is a listed aboveground atmospheric tank used to store liquid. See definition of **PRIMARY CONTAINMENT** in Section 217.

PROTECTED ABOVEGROUND TANK is a listed tank system consisting of a primary tank provided with protection from physical damage, and fire-resistive protection from a high-intensity liquid pool fire exposure. The tank system is allowed to provide these protection elements as a unit or is allowed to be an assembly of components, or a combination thereof.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 51-34-9103 Section 3—Permits and plans. A permit is required to install, operate, repair or modify protected aboveground tanks used for storage and dispensing of flammable or combustible liquid motor fuels.

The installation plans shall be submitted with permit applications. The plans shall include the design, details, and specifications of the following:

- 3.1 Quantities and types of liquids to be stored;
- 3.2 Distances from tanks and dispensers to property lines and buildings;
- 3.3 Vehicle access;
- 3.4 Fire appliances;
- 3.5 Vehicle impact protection;

- 3.6 Protected aboveground tanks and their supports;
- 3.7 Method of storage and dispensing;
- 3.8 Overfill prevention, spill containment, vents, vapor recovery, dispensers, and other equipment and accessories;
- 3.9 Seismic design in accordance with the Building Code;
- 3.10 Secondary containment;
- 3.11 Venting;
- 3.12 Piping;
- 3.13 Electrical systems;
- 3.14 Emergency controls; and
- 3.15 Other information as required by the chief.

NEW SECTION

WAC 51-34-9104 Section 4—Tank design.

4.1 General. Protected aboveground tanks shall be listed and shall meet the requirements of U.F.C. Standard A-II-F-1.

4.2 Primary Tanks. Primary tanks shall be designed in accordance with Section 7902.1.8.2.1.

4.3 Size. Primary tanks shall not exceed a 10,000-gallon (37 854 L) individual or 40,000-gallon (151 416 L) aggregate capacity.

4.4 Vents.

4.4.1 Capacity. The vent capacity reduction factor as provided for in Section 7902.2.6.3.4 shall not be allowed.

4.4.2 Flame arresters. Approved flame arresters shall be installed in normal vents.

4.5 Projectile Protection. When a projectile test is required by the chief, the protected tank shall be tested in accordance with the requirements for bullet resistance as specified in Section 7702.3.4.3.

NEW SECTION

WAC 51-34-9105 Section 5—Installation of tanks.

The installation of protected aboveground tanks shall be in accordance with the following:

5.1 Separation Distances. A protected aboveground tank shall be separated from property lines, important buildings, public ways and other tanks in accordance with Table A-II-F-1.

TABLE A-II-F-1—MINIMUM SEPARATION REQUIREMENTS FOR PROTECTED ABOVEGROUND TANKS

INDIVIDUAL TANK CAPACITY gallons (liters)	MINIMUM DISTANCE FROM PROPERTY LINE WHICH IS OR CAN BE BUILT UPON, INCLUDING THE OPPOSITE SIDE OF A PUBLIC WAY feet (mm)	MINIMUM DISTANCE FROM THE NEAREST SIDE OF ANY PUBLIC WAY OR FROM THE NEAREST IMPORTANT BUILDING ON THE SAME PROPERTY feet (mm)	MINIMUM DISTANCE BETWEEN TANKS feet (mm)
≤ 6,000 ≤ (22 712)	15 (4572)	5 (4572)	3 (914)
> 6,000 > (22 712)	50 (15 240)	25 (7620)	3 (914)

5.2 Total Quantity. Protected aboveground tank installations shall not exceed 40,000 gallons (151 416 L) aggregate capacity of primary tanks. Tank installations having the maximum allowable aggregate capacity shall be

PROPOSED

separated from other installations of protected aboveground tanks by not less than 100 feet (30 480 mm).

5.3 Secondary Containment. Protected aboveground tanks shall be provided with drainage control or diking in accordance with Sections 7901.8.3 and 7902.2.8 or with secondary containment that is a component of the listed protected tank system. Secondary containment systems shall be monitored either visually or automatically. Enclosed secondary containment systems shall be provided with emergency venting.

5.4 Vehicle Impact Protection. Guard posts or other approved barrier protection shall be separately provided for each protected aboveground tank and for connected piping subject to vehicle impact. The design of guard posts shall be in accordance with Section 8001.9.3. Also see U.F.C. Standard A-II-F-1, Section 2.7.2.

5.5 Overfill Prevention. Protected aboveground tanks shall not be filled in excess of 90 percent of their capacity. An overfill prevention system shall be provided for each tank. During tank filling operation, the system shall:

1. Provide an independent means of notifying the person filling the tank that the fluid level has reached 85 percent of tank capacity by providing an audible or visual alarm signal, providing a tank level gage marked at 85 percent of tank capacity, or other approved means, and

2. Automatically shut off the flow of fuel to the tank when the quantity of liquid in the tank reaches 90 percent of tank capacity. For rigid hose fuel-delivery systems, an approved means shall be provided to empty the fill hose into the tank after the automatic shutoff device is activated.

A permanent sign shall be provided at the fill point for the tank documenting the filling procedure and the tank calibration chart. The filling procedure shall require the person filling the tank to determine the gallonage required to fill it to 90 percent of capacity before commencing the fill operation.

5.6 Fill Pipe Connections. The fill pipe shall be provided with a means for making a direct connection to the tank vehicle's fuel-delivery hose so that the delivery of fuel is not exposed to the open air during the filling operation. When any portion of the fill pipe exterior to the tank extends below the level of the top of the tank, a check valve shall be installed in the fill pipe not more than 12 inches (304.8 mm) from the fill hose connection. See Section 7902.1.12.1.3 for tank valves.

5.7 Spill Containers. A spill container having a capacity of not less than 5 gallons (18.9 L) shall be provided for each fill connection. For tanks with a top fill connection, spill containers shall be noncombustible and shall be fixed to the tank and equipped with a manual drain valve which drains into the primary tank. For tanks with a remote fill connection, a portable spill container shall be provided.

5.8 Signs. Warning signs and identification signs shall be installed to clearly identify hazards. The design of such signs shall be in accordance with Sections 5201.8 and 7901.9. Conspicuous signs prohibiting simultaneous tank filling and fuel dispensing shall be posted.

NEW SECTION

WAC 51-34-9106 Section 6—Installation of dispensing and piping systems.

6.1 General. Dispensing and piping systems and electrical controls shall be installed in accordance with Section 7901.11 and Article 52, except as provided in Appendix Sections 6.2, 6.3 and 6.4.

6.2 Tank Openings. Tank openings in protected aboveground tanks shall be through the top only.

6.3 Dispensing Devices. Dispensing devices are allowed to be installed on top of or immediately adjacent to protected aboveground tanks.

6.4 Antisiphon Devices. Approved antisiphon devices shall be installed in each external pipe connected to the tank when the pipe extends below the level of the top of the tank.

NEW SECTION

WAC 51-34-9107 Section 7—Parking of tank vehicles. Tank vehicles shall not be parked within 25 feet (7620 mm) of a protected aboveground tank.

EXCEPTION: When the tank is being filled from the tank vehicle.

NEW SECTION

WAC 51-34-9108 Section 8—Maintenance. Protected aboveground tanks, piping and dispensing systems shall be maintained in a safe operating condition. Protected aboveground tanks and components of dispensing systems shall be maintained in accordance with their listings.

Damage to protected aboveground tanks shall be repaired using materials having equal or greater strength and fire resistance.

Chapter 51-35 WAC STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 1994 EDITION OF THE UNIFORM FIRE CODE STANDARDS

NEW SECTION

WAC 51-35-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-35-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the State Building Code Council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the Council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the Council.

NEW SECTION

WAC 51-35-003 Uniform Fire Code Standards. The 1994 edition of the Uniform Fire Code Standards as published by the International Fire Code Institute is hereby adopted by reference with the following additions, deletions, and exceptions.

NEW SECTION

WAC 51-35-007 Exceptions. The exceptions and amendments to the Uniform Fire Codes Standards contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-35-008 Implementation. The Uniform Fire Code Standards adopted by chapter 51-35 Washington Administrative Code (WAC) shall become effective in all counties and cities of this state on June 30, 1995, unless local government residential amendments have been approved by the State Building Code Council.

The following proposed standard goes along with proposed U.F.C. Section 901.4.4, Option 2.

Add a New Uniform Fire Code Standard as follows:

NEW SECTION

WAC 51-35-09000 Uniform Fire Code Standard 9-10.

VISUAL IDENTIFICATION DEVICES

See Section 901.4.5, Uniform Fire Code and Section 502, Uniform Building Code

9.1001 Scope.

This standard applies to flashing visual identification devices designed and installed as an aid to premises identification for emergency personnel.

9.1002 Instructions.

Installation shall be in accordance with the manufacturer's instructions.

Operating instructions shall be left in a conspicuous location on the premises.

9.1003 General Design.

The signaling device shall be capable of flashing a minimum of two electric lamps of not less than 60 watts each.

The flashing visual identification device shall be equipped with an audible alarm inside the dwelling unit to indicate the device is operating.

All devices shall be listed.

9.1004 Light Pulse Characteristics.

The flash rate for the visual identification device shall be not less than one pulse per second nor more than two pulses per second.

A duty cycle of the pulse shall be more than 40 percent, but shall not exceed 60 percent.

9.1005 Audible Characteristics.

The audible alarm located inside the dwelling unit shall produce a sound level of not less than 60 dBA nor more than 120 dBA, measured at a distance of three feet.

The frequency range of the emitted sound shall be at least 1000 Hz, but shall not exceed 3000 Hz.

The audible alarm shall be intermittent at a duty cycle of more than 40 percent, but shall not exceed 60 percent.

NEW SECTION

WAC 51-35-52000 Uniform Fire Code Standard 52-1 compressed natural gas (CNG) vehicular fuel systems.

NEW SECTION

WAC 51-35-52400 Chapter 4—CNG compression, storage, and dispensing systems.

NEW SECTION

WAC 51-35-52404 Section 52404.

4-4 Siting.

4-4.1 CNG compression, storage, and dispensing shall be located and conducted outdoors or indoors in compliance with 4-4.2 and 4-4.3. Vehicle Fueling Appliances shall be installed per Section 4-17.

4-4.2 Outdoors.

4-4.2.1 CNG storage containers charged with CNG not connected for use shall be located outdoors.

4-4.2.2 Weather Protection Shelters. A facility in which CNG compression, storage and dispensing equipment is sheltered by an enclosure of noncombustible materials that has at least 50 percent of the total perimeter area substantially open and a roof designed for ventilation and dispersal of escaped gas shall be regarded as outdoors.

EXCEPTION: Compression equipment located in or under such weather protection shelters may be fully enclosed by noncombustible materials.

4-4.2.3 Compression, storage, and dispensing equipment outdoors shall be located aboveground, not beneath electric power lines or where exposed by their failure, and a minimum of 10 feet (3048 mm) from the nearest important building or line of adjoining property that may be built upon or source of ignition.

4-4.2.4 Compression, storage, and dispensing equipment outdoors shall be located not less than 10 feet (3048 mm) from the nearest public street or sidewalk line and at least 50 feet (15 240 mm) from the nearest rail of any railroad main track.

4-4.2.5 A clear space of at least 3 feet (914 mm) shall be provided for access to all valves and fittings of multiple groups of containers.

4-4.2.6 Readily ignitable material shall not be permitted within 10 feet (3048 mm) of any stationary container.

4-4.2.7 The minimum separation between containers and aboveground tanks containing flammable or combustible liquids shall be 20 feet (6096 mm).

4-4.2.8 During outdoor fueling operations, the point of transfer (see definition) shall be located at least 10 feet (3048 mm) from any important building, mobile home, public sidewalk, highway, street, or road and at least 3 feet (914 mm) from storage containers.

EXCEPTION: At the discretion of the authority having jurisdiction, the point of transfer may be located at a lesser distance from buildings or walls constructed of concrete or masonry materials, but at least 10 feet (3048 mm) from any building openings.

4-4.3 Indoors.

4-4.3.1 General. Compression, dispensing equipment, and storage containers connected for use may be located inside of buildings. The buildings be constructed in accordance with the requirements of the Uniform Fire Code Article 80 for flammable gases.

4-4.3.2 Explosion Control. Explosion control shall be provided in accordance with Uniform Fire Code Article 80 for flammable gases.

4-4.3.3 Automatic Fire-extinguishing System. Rooms or buildings used for the storage, compression or dispensing of CNG shall be protected throughout by an automatic sprinkler system. The automatic sprinkler system shall be in accordance with Uniform Fire Code Article 80 and Uniform Building Code Standard 9-1.

4-4.3.4. Mechanical Ventilation. Ventilation shall provided throughout for buildings or rooms used for the storage, compression or dispensing of CNG, Ventilation shall be by a continuous mechanical ventilation system or by a mechanical ventilation system activated by a supervised methane gas detection system when a gas concentration of not more than 20 percent of the lower flammable limit is present.

The mechanical ventilation system shall be in accordance with Uniform Fire Code Article 80 and the mechanical code. In addition, the mechanical ventilation system shall be designed for both lighter than air and heavier than air vapors.

EXCEPTION: When approved by the chief, the mechanical ventilation system may be designed for methane when the building or room is used exclusively for the dispensing of CNG.

4-4.3.5 Supervised Methane Gas-detection. A supervised methane gas-detection system shall be provided throughout the buildings or rooms used for the storage, compression or dispensing of CNG. The gas detection system shall sound a distinct alarm when a gas concentration of not more than 20 percent of the lower flammability limit is present. Activation of the gas detection system shall shut down the fuel compression and dispensing systems.

4-4.3.6 Electrical Service. Buildings and rooms used for the storage, compression or dispensing of CNG shall be classified in accordance with Table 4-12 of UFC Standard 52-1 for installation of electrical equipment. Electrical equipment shall be installed in accordance with the Electrical Code.

4-4.3.7 Emergency Shutdown Devices. Emergency shutdown devices shall be provided in rooms or buildings used for compression, storage, and dispensing of CNG. Such devices shall be provided at each dispenser, at each exit, and at the room or building used for the storage or compression of CNG. Activation of the emergency shutdown device shall shut down the compression and dispensing equipment.

4-4.3.8 Discharge of Relief Devices. Pressure-relief devices on storage and compression systems shall be provided with an approved means of discharging CNG outside of the building. The point of discharge shall be a minimum of 10 feet (3048 mm) from buildings and ventilation openings, property lines, public ways and paths of egress. The point of discharge shall not impinge on the building.

4-4.3.9 Signage. Rooms or buildings used for the storage, compression or dispensing of CNG shall be provided with warning signs with the words WARNING-NO SMOKING-FLAMMABLE GAS. The wording shall be plainly legible red letters on a white, retroreflective background, with letters no less than 1 inch (25 mm) high.

NEW SECTION

WAC 51-35-52411 Section 52411.

4-11 Installation of Emergency Shutdown Equipment.

4-11.1 Manually operated container valves shall be provided for each container.

4-11.2 The fill line on a storage container shall be equipped with a back-flow check valve to prevent discharge of natural gas from the container in case of line, hose, or fittings rupture.

4-11.3 A manually operated shutoff valve shall be installed in a manifold as close to a container or group of containers as practical. This valve shall be downstream of the back-flow check valve referred to in 4-11.2.

4-11.4 Where excess-flow check valves are used, the closing flow shall be less than the flow rating of the piping system that would result from a pipeline rupture between the excess-flow valve and the equipment downstream of the excess-flow check valve.

4-11.5 Gas piping from an outdoor compressor or storage system into a building shall be provided with shutoff valves located outside the building.

4-11.6 An emergency manual shutdown device shall be provided a the dispensing area and also at a location remote from the dispensing area. This device, when activated, shall shut off the power supply and gas supply to the compressor and the dispenser.

4-11.6.1 Emergency shutdown devices shall be distinctly marked for easy recognition with a permanently affixed legible sign.

4-11.7 Breakaway protection shall be provided in a manner such that, in the event of a pullaway, natural gas will cease to flow at any separation.

4-11.8 A breakaway device shall be installed at every dispensing point. Such a device shall be arranged to

separate by a force not greater than 44 lb. (20.0 kg) when applied in any horizontal direction.

4-11.9 Control circuits shall be arranged such that when an emergency shutdown device is activated or electric power is cut off, systems that shut down shall remain down until manually activated or reset after a safe situation is restored.

4-11.10 Each line between a gas storage facility and a dispenser at a fast-fill station shall have a valve that will close when:

- (a) The power supply to the dispenser is cut off, or
- (b) any emergency shutdown device at the refueling station is activated.

4-11.11 A fast closing, "quarter turn" manual shutoff valve shall be provided at a fast fill station upstream of the breakaway device referred to in 4-11.8, where it is readily accessible to a person dispensing natural gas unless:

- (a) The self-closing valve referred to in 4-11.10 is located immediately upstream of the dispenser, or
- (b) the dispenser is equipped with a self-closing valve that closes each time the control arm is turned to the "OFF" position or an emergency device is activated.

4-11.12 A self-closing valve shall be provided on the inlet of the compressor that will shut off the gas supply to the compressor when:

- (a) An emergency shutdown device is activated;
- (b) A power failure occurs; or
- (c) The power to the compressor is switched off.

NEW SECTION

WAC 51-35-52417 Section 52417.

4-17 Vehicle Fueling Appliances in Commercial Applications.

4-17.1 Vehicle fueling appliances (VFAs) shall not exceed a gas flow of 10 standard cubic feet per minute (4.7 L/s). VFAs shall be listed.

4-17.2 The installation of VFAs shall be exempt from the requirements of Sections 4-2, 4-3, 4-4, 4-6, and 4-8 through 4-16. The VFA shall be exempt from Sections 2-5 through 2-10.

4-17.3 A VFA installed with storage containers shall comply with the provisions of Chapters 2 and 4.

4-17.4 The installation of VFAs shall comply with the requirements of Chapter 5, other than those for gas flow.

4-17.5 Where more than one VFA are located in a common area, spacing between the VFAs shall not be less than 3 feet (914 mm) unless permitted in the installation instructions.

4-17.6 Unless specifically permitted in the installation instructions, multiple VFAs shall not be manifolded together on the discharge side.

4-17.7 VFAs shall not be installed within 10 feet (3048 mm) of any storage.

EXCEPTION: Storage in the vehicle fuel supply container.

Delete Chapters 5 and 6 and substitute New Chapters 5 and 6 as follows:

NEW SECTION

WAC 51-35-52500 Chapter 5—Vehicle fueling appliances.

NEW SECTION

WAC 51-35-52501 Section 52501.

5-1 General

5-1.1 Applicability. Vehicle fueling appliances shall be installed, operated and maintained in accordance with this chapter, Uniform Fire Code Article 52, the Mechanical Code and the Plumbing Code.

5-1.2 Permits. For commercial vehicle fueling permits, see Uniform Fire Code Section 105.8, permit m.3.

5-1.3 Maximum flow and pressure. Vehicle fueling appliances shall not exceed a flow rate of 10 standard cubic feet per minute (4.7 L/s) at a discharge pressure of 4,000 psi (27 579 kPa) at NTP. Vehicle fueling appliances used for residential service shall not exceed a flow rate of 5 standard cubic feet per minute (2.4 L/s) at a discharge pressure of 4,000 psi (27 579 kPa) at NTP.

NEW SECTION

WAC 51-35-52502 Section 52502.

5-2 Location and Installation

5-2.1 Residential and commercial vehicle fueling appliances shall be installed outside of buildings. The appliance shall be a minimum of 3 feet (914 mm) from property lines and building openings. When approved by the chief, commercial vehicle fueling appliances may be installed indoors when installed in accordance with Section 5-8.3 and Uniform Fire Code Article 52.

For the purposes of this section, residential shall mean a dwelling as defined in the Uniform Building Code but does not include congregate residences. For the purposes of this section commercial shall not include hotels, apartments, congregate residences and lodging houses.

5-2.2 Anchorage. Vehicle fueling appliances shall be anchored to resist loads in accordance with the Building Code.

5-2.3 Physical and impact protection. Equipment related to the vehicle fueling appliance shall be protected to minimize the possibility of physical damage. When subject to vehicle impact, vehicle fueling appliances shall be provided with vehicular impact protection. See Uniform Fire Code Section 8001.9.3.

5-2.4 Safe functioning of the appliance. The vehicle fueling appliance shall be located to prevent damage resulting from flooding, ice build-up or blockage of ventilation.

NEW SECTION**WAC 51-35-52503 Section 52503.****5-3 Appliance Vent Lines**

5-3.1 General. Vehicle fueling appliances shall be provided with an approved method to discharge methane outdoors as the result of the operation of a relief valve or device.

5-3.2 Arrangement. Relief valves or devices shall be provided with an approved means of safely discharging natural gas outside of buildings. The method employed shall be designed such that the design flow capacity of the relief valve or device is not restricted.

5-3.3 Location. Relief valves or devices shall be terminated in accordance with the following minimum requirements:

5-3.3.1 Sources of ignition. Relief valves or devices shall terminate a minimum of 36 inches (914 mm) from sources of ignition.

5-3.3.2 Building openings. Relief valves or devices shall terminate a minimum of 36 inches (914 mm) horizontally and 12 inches (305 mm) vertically above openings or vents into buildings or a space where flammable vapors are likely to accumulate.

5-3.3.3 Paths of egress. Relief valves or devices shall not terminate within 5 feet (1524 mm) of sidewalks or paths of egress.

5-3.4 Termination. Relief valves or devices shall be terminated so as to prevent the entry of water, insects, ice or other materials.

NEW SECTION**WAC 51-35-52504 Section 52504.****5-4 Hoses**

5-4.1 General. Hoses used for the supply of natural gas to the vehicle fueling appliances or the dispensing of natural gas into motor vehicles shall be in accordance with this section.

5-4.2 Supply hoses. A single hose having a maximum length of 3 feet (914 mm) is allowed to be used to terminate the natural gas supply into the intake of the vehicle fueling appliance. The hose shall be installed when it is necessary to prevent abrasion damage resulting from vibration at the compressor intake or discharge.

5-4.3 Dispensing hoses. The use of hoses for dispensing of natural gas from a vehicle fueling appliance into a motor vehicle shall be in accordance with the following minimum requirements:

5-4.3.1 Length. The maximum length of the hose shall not exceed 25 feet (7620 mm).

5-4.3.2 Protection. Hoses shall be protected from abrasion, mechanical damage and being driven over.

5-4.3.3 Number of hoses. The number of hoses which may be used for the dispensing of natural gas into motor vehicles shall be in accordance with the appliance's listing.

5-4.3.4 Breakaway protection. The vehicle dispensing hose shall be equipped with a breakaway connection. Operation of the breakaway connection shall stop the flow of natural gas from the vehicle fueling appliance. The maximum force necessary to effect breakaway shall be 40 (18.1 kg) pounds in any horizontal direction.

NEW SECTION**WAC 51-35-52505 Section 52505.****5-5 Signs**

5-5.1 General. Signs concerning the safe operation of vehicle fueling appliances shall be provided in accordance with this section.

5-5.2 No smoking. NO SMOKING WITHIN 3 FEET signs shall be provided at the vehicle fueling appliance.

5-5.3 Automobile ignition. TURN OFF IGNITION BEFORE FUELING signs shall be provided at the vehicle fueling appliance.

5-5.4 Electrical disconnect. Approved CNG COMPRESSOR EMERGENCY ELECTRICAL DISCONNECT signs shall be provided at the electrical disconnect switch.

NEW SECTION**WAC 51-35-52506 Section 52506.****5-6 Electrical Disconnect**

5-6.1 An emergency electrical disconnect switch shall be provided in an approved location not less than 5 feet (1524 mm) or more than 25 feet (7620 mm) away from the vehicle fueling appliance. The disconnect switch shall be in view of the vehicle fueling appliance.

NEW SECTION**WAC 51-35-52507 Section 52507.****5-7 Gas Supply**

5-7.1 Vehicle fueling appliances shall be provided with an approved method of shutting off the supply of natural gas.

NEW SECTION**WAC 51-35-52508 Section 52508.****5-8 Dispensing of CNG**

5-8.1 The exterior and interior dispensing of natural gas into motor vehicles shall be in accordance with this section.

5-8.2 Exterior dispensing. The exterior dispensing of natural gas into motor vehicles shall be in accordance with Chapter 5 of this Standard and Uniform Fire Code Article 52.

5-8.3 Interior dispensing. When approved by the chief, the fueling of vehicles inside of buildings shall be in accordance with this section and the following requirements:

5-8.3.1 Mechanical ventilation. The room or area where natural gas is dispensed shall be provided with mechanical ventilation which is designed to not recirculate air. The ventilation system shall terminate outside of the building.

The ventilation system shall be designed to provide a minimum ventilation rate of at least 10 times the maximum flow rate of the vehicle refueling appliance.

5-8.3.2 Gas detection. The room or area where natural gas is dispensed shall be provided with a listed gas-detection system. The detector shall be designed to activate an audible and visual alarm when the amount of natural gas exceeds 20 percent of the lower flammability limit for methane.

5-8.3.3 System failure. Failure of the mechanical ventilation system or the gas-detection system shall shut off power to the vehicle fueling appliance.

NEW SECTION

WAC 51-35-52509 Section 52509.

5-9 Maintenance and Inspection

5-9.1 General. Installation and maintenance of vehicle fueling appliances shall be in accordance with the manufacturer's instructions and listings.

5-9.2 Identification. A water-resistant tag, label or other approved means shall be affixed to the vehicle fueling appliance which identifies that the appliance has been serviced in accordance with manufacturer's instructions.

NEW SECTION

WAC 51-35-52600 Chapter 6—Reserved.

**WSR 94-16-114
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed August 2, 1994, 9:56 a.m.]**

Original Notice.

Title of Rule: Policies and procedures for consideration of statewide and local amendments to the State Building Code, chapter 51-04 WAC.

Purpose: To adopt revisions to chapter 51-04 WAC in order to modify the council's policies and procedures for consideration of statewide amendments to the State Building Codes.

Statutory Authority for Adoption: RCW 19.27.035.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: Amendments are proposed to the council's policies and procedures for consideration of statewide amendments to the State Building Code to clarify those local amendments which are administrative in nature and are exempt from council review.

Reasons Supporting Proposal: New editions of the uniform codes under consideration for council adoption have been reformatted, placing administrative provisions in new chapters.

Name of Agency Personnel Responsible for Drafting and Implementation: Kermit C. Robinson, P.O. Box 48300, Olympia, WA 98504, (206) 586-0486; and Enforcement: Local jurisdictions.

Name of Proponent: 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: As currently written, the rule delineates the process by which amendments to the State Building Code made by local governments are reviewed by the State Building Code Council. The process exempts local amendments of administrative provisions of the State Building Code provided such amendments do not affect construction standards. In 1994 the council is considering adoption of new editions of the model codes which are substantially reorganized from the existing codes. The administrative provisions are located in different chapters than those specifically listed in chapter 51-04 WAC as being exempt from council review. The Effect of this rule would be to coordinate those rules.

Proposal Changes the Following Existing Rules: The rule references new chapters in the adopted codes; however, there is no substantial effect on the intent of existing chapter 51-04 WAC.

Regulatory Analysis (per Executive Order 94-07)

Objective of Rule: RCW 19.27.035 directs the council to adopt a process for review of local and statewide amendments to the State Building Code. Three of the four model codes which RCW 19.27.031 directs the council to adopt were substantially reorganized affecting the provisions referenced in WAC 51.04.030. The objective of this rule is to coordinate references in chapter 51.04 WAC with the new codes proposed for adoption as part of the State Building Code.

Alternative Methods to Achieve Same Objective: The mission of the State Building Code Council is to adopt building codes for uniform application throughout the state. This is best achieved through a single building code. Amending other regulations of other agencies, or directing local governments to adopt the codes independently have been historically counterproductive to the purpose of the State Building Code Act (chapter 19.27 RCW). This is an editorial and regulatory coordination change, there are not alternatives to this action.

Coordination with Other Agencies: The Building Code Council rule-making process has included participation by local building, fire, mechanical and plumbing officials. This change clarifies which local government amendments to the State Building Code are exempt from review by the Building Code Council. Statute requires local governments to enforce the codes adopted by the council. Technical assistance to local governments is an ongoing activity of council staff. The Departments of Social and Health Services, Health, Public Instruction, Labor and Industries, Washington State Energy Office and Fire Protection Services are among the state agencies who no longer write their individual construction standards, but rely on the codes adopted by the Building Code Council.

Cost Effectiveness: Changes to other rules or statutes will not achieve this same objective, this proposal being the most cost-effective manner of achieving the regulatory objective.

Anticipated Environmental and Fiscal Consequences: This clarifying amendment will eliminate the possibility of the council performing a review and approval process on code changes technically exempt from council review. Adopting this correction saves the state money.

Interaction with Federal Laws: None.

Differences in Application to Public and Private Entities: All regulations adopted by the State Building Code Council apply equally to both public and private entities.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was prepared because the change is primarily editorial to coordinate chapter 51-04 WAC with the new edition of the State Building Code. The change maintains the current exemption from State Building Code Council review for local government amendments as is allowed in the existing chapter 51-04 WAC. There is no economic impact, direct or indirect, on small businesses.

Hearing Location: Federal Way City Hall, City Council Chambers, 33530 First Way South, Federal Way, WA 98003, on September 8, 1994, at 9 a.m.; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on September 9, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma, (206) 753-5927 by August 24, 1994, TDD (206) 753-2200.

Submit Written Comments to: Gene Colin, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (206) 586-5880, by September 7, 1994.

Date of Intended Adoption: November 18, 1994.

July 8, 1994

Gene Colin
Chair

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

WAC 51-04-030 Policies for consideration of proposed local government residential amendments. All amendments to the building code, as adopted by cities and counties for implementation and enforcement in their respective jurisdictions, that apply to single and multifamily buildings as defined by RCW 19.27.015, shall be submitted to the council for approval.

The council shall consider and approve or deny all proposed local government residential amendments to the building code within ninety days of receipt of a proposal, unless alternative scheduling is agreed to by the council and the proposing entity.

All local government residential amendments to the building code that require council approval shall be submitted in writing to the council, after the city or county legislative body has adopted the amendment and prior to implementation and enforcement of the amendment by the local jurisdiction.

It is the policy of the council to encourage joint proposals for local government residential amendments from more than one jurisdiction. Local government residential amendments submitted to the council for approval should be based on:

- (1) Climatic conditions that are unique to the jurisdiction.
- (2) Geologic or seismic conditions that are unique to the jurisdiction.
- (3) Environmental impacts such as noise, dust, etc., that are unique to the jurisdiction.

(4) Life, health, or safety conditions that are unique to the local jurisdiction.

(5) Other special conditions that are unique to the jurisdiction.

EXCEPTIONS: Appendices or portions thereof that have the effect of amending the uniform codes, that do not conflict with the building code for single and multifamily residential buildings as defined by RCW 19.27.015, may be adopted by local jurisdictions without council review or approval.

~~((Local government residential amendments to Chapters 1, 2, or 3 of the uniform building code need not be submitted to the council for review and approval provided that such amendments do not diminish the construction requirements of those chapters.))~~ Local government residential amendments to:

(1) Chapter 1, 17, or 34 of the Uniform Building Code;

(2) Chapter 1 of the Uniform Mechanical Code;

(3) Article 1, 2, 3 or 4 of the Uniform Fire Code;

(4) Part 1 of the Uniform Plumbing Code;

(5) Chapter 1 or 11 of the State Energy Code; or

(6) Chapter 1 of the Ventilation and Indoor Air Quality

Code

need not be submitted to the Council for review and approval provided that such amendments do not diminish the construction requirements of those chapters.

Those portions of the supplement or accumulative supplements that affect single and multifamily residential buildings as defined by RCW 19.27.015 that are not adopted by the council shall be submitted to the council for consideration as local government residential amendments to the building code.

Local government residential amendments shall conform to the limitations provided in RCW 19.27.040.

WSR 94-16-115
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed August 2, 1994, 9:57 a.m.]

Original Notice.

Title of Rule: Washington state amendments to the 1991 Edition of the Uniform Plumbing Code, chapter 51-26 WAC.

Purpose: To consider amendments to the 1991 Edition of the Uniform Plumbing Code, as adopted by the International Association of Plumbing and Mechanical Officials.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: See below.

Reasons Supporting Proposal: See below.

Name of Agency Personnel Responsible for Drafting and Implementation: David Scott, P.O. Box 48300, Olympia, WA 98504-8300, (206) 856-3423; and Enforcement: Local jurisdictions.

Name of Proponent: State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See below.

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

Explanation of Rule, its Purpose, and Anticipated Effects:

REGULATORY ANALYSIS (per Executive Order 94-07)

Objective of Rule: RCW 19.27.074 directs the council to adopt and maintain the Uniform Plumbing Code and Uniform Plumbing Code Standards. The objective of this rule is to amend the Uniform Plumbing Code and Uniform Plumbing Code Standards for statewide application and enforcement by each city and county of the state.

Alternative Methods to Achieve Same Objective: The mission of the State Building Code Council is to adopt a plumbing code for uniform application throughout the state. This is best achieved through a single code. Amending other regulations of other agencies, or directing local governments to adopt the codes independently have been historically counterproductive to the purpose of the State Building Code Act (chapter 19.27 RCW).

Coordination with Other Agencies: The State Building Code Council rule making process has included participation by local building, fire, mechanical and plumbing officials. Representatives from the Departments of Ecology and Health were active state participants in our Technical Advisory Group. The Seattle Water Department was also an active influence during this process. Statute requires local governments to enforce the codes adopted by the council. Technical assistance to local governments is an ongoing activity of council staff. The Departments of Social and Health Services, Health, Public Instruction, Labor and Industries, Washington State Energy Office and Fire Protection Services are among the state agencies who no longer write their individual construction standards, but rely on the codes adopted by the Building Code Council.

Cost Effectiveness: Changes to other rules or statutes will not achieve this same objective, this proposal being the most cost-effective manner of achieving the regulatory objective.

Anticipated Environmental and Fiscal Consequences: Adopting the most current editions of the codes will allow the state's building industry to utilize current construction trends, materials and technology. The codes foster development of buildings which are safe for the health and safety of the citizens of the state. The fiscal consequences to state government is minimized in that the Building Code Council adopts and maintains the uniform codes that are referenced or used by all other state agencies dealing with physical plants, rather than each agency or department attempting to develop and maintain their own building code. Enforcement of multiple plumbing codes, on a statewide basis, would be impossible. The cost of construction with multiple codes would also increase dramatically.

Interaction with Federal Laws: The Uniform Building Codes have traditionally been a state-level issue. Today there is movement towards a national uniform code format; however, each state, for the foreseeable future, will adopt the model code and amend it to meet the unique conditions of each state or municipality. Equivalent metric measurements have been added along side English measurements as a result of federal regulations continuing to ease the nation into metrification.

Differences in Application to Public and Private Entities: All regulations adopted by the State Building Code Council apply equally to both public and private entities.

The proposed rule will further amend the 1991 Edition of the Uniform Plumbing Code (UPC) published by the International Association of Plumbing and Mechanical Officials as adopted on November 8, 1991, and November 12, 1992, by the State Building Code Council.

Proposal Changes the Following Existing Rules: The State Building Code Council seeks comments on the issues and options that are proposed in the following proposed amendments: Amend WAC 51-26-1800, the ANSI/CSA Standards for labeling plumbing fixtures and fittings for water conservation performance standards.

Delete the Minimum Plumbing Facilities table from Appendix C. Amend Appendix C with the following: "Table 29-A Minimum Plumbing Fixtures table is located in Chapter 29 of the Uniform Building Code, 1994 Edition, as adopted in WAC 51-30-2900." Delete the Minimum Plumbing Facilities table from WAC 51-26-2200 Chapter 22. Amend WAC 51-26-2200 with the following: "Table 29-A Minimum Plumbing Fixtures table is located in Chapter 29 of the Uniform Building Code, 1994 Edition, as adopted in WAC 51-30-2900."

Amend the Uniform Plumbing Code with the following proposals: Section 909(g) Pressure Balancing or Thermostatic Mixing Valves, Section 1007(c) Temperature and Pressure Relief Valves, Section 1009(d) Parallel Water Distribution System, and Section 1301-General Pressure and Temperature Relief Valves.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Kermit Robinson, Unit Manager, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (206) 573-5927, or FAX (206) 586-5880.

Hearing Location: Federal Way City Hall, City Council Chambers, 33530 First Way South, Federal Way, WA 98003, on Thursday, September 8, 1994, at 9 a.m.; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on Friday, September 9, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma, (206) 753-5927 by August 25, 1994, TDD (206) 753-2200.

Submit Written Comments to: Gene Colin, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (206) 586-5880, by September 7, 1994.

Date of Intended Adoption: November 18, 1994.

July 8, 1994

Gene Colin
Chair

NEW SECTION

WAC 51-26-0909 Section 909—Floor drains and shower stalls. (a) Floor drains shall be considered plumbing fixtures and each such drain shall be provided with an approved type strainer having a waterway equivalent to the area of the tailpiece. Floor drains, floor receptors, and shower drains shall be of an approved type, suitably flanged to provide a watertight joint in the floor.

(b) Shower receptors are plumbing fixtures and shall conform to the general requirements therefore contained in Section 901 of this chapter. Each such shower receptor shall be constructed of vitrified china or earthenware, ceramic tile, porcelain enameled metal, or of such other material as may be acceptable to the Administrative Authority. No shower receptacle shall be installed unless it conforms to acceptable standards as required by Chapter 2 of this Code or until a specification or a prototype or both of such receptor has first been submitted to the Administrative Authority and his approval obtained.

(c) Each shower receptor shall be an approved type and be so constructed as to have a finished dam, curb, or threshold which is at least one (1) inch (25.4 mm) lower than the sides and back of such receptor. In no case shall any dam or threshold be less than two (2) inches (50.8 mm) or more than nine (9) inches (228.6 mm) in depth when measured from the top of the dam or threshold to the top of the drain. The finished floor of the receptor shall slope uniformly from the sides toward the drain not less than one-quarter (1/4) inch per foot (20.9 mm/m), nor more than one-half (1/2) inch per foot (41.8 mm/m). Thresholds shall be of sufficient width to accommodate a minimum 22 inch (558.8 mm) door.

Exception: Special use shower compartments for wheelchair use may eliminate the curb or threshold. The required slope and depth shall be maintained from the door entry to the drain opening. The minimum distance between the door or entry to the drain opening shall be 4 feet (1.2 m).

(d) All shower compartments, regardless of shape, shall have a minimum finished interior of one thousand twenty-four (1024) square inches (0.66 m²) and shall also be capable of encompassing a thirty (30) inch (762 mm) circle. The minimum required area and dimensions shall be measured at a height equal to the top of the threshold and at a point tangent to its centerline. The minimum area and dimensions shall be maintained to a point seventy (70) inches (1778 mm) above the shower drain outlet with no protrusions other than the fixture valve or valves, shower head and safety grab bars or rails.

(e) When the construction of on-site built-up shower receptors is permitted by the Administrative Authority, one of the following means shall be employed:

(1) Shower receptors built directly on the ground:

Shower receptors built directly on the ground shall be watertight and shall be constructed from approved type dense, non-absorbent and non-corrosive materials. Each such receptor shall be adequately reinforced, shall be provided with an approved flanged floor drain designed to make a watertight joint in the floor, and shall have smooth, impervious, and durable surfaces.

(2) Shower receptors built above ground:

When shower receptors are built above ground the sub-floor and rough side of walls to a height of not less than three (3) inches (76.2 mm) above the top of the finished dam or threshold shall be first lined with sheet lead or copper* or shall be lined with other durable and watertight materials. All lining materials shall be pitched one-quarter (1/4) inch per foot (20.9 mm/m) to weep holes in the subdrain of a

smooth and solidly formed sub-base. All such lining materials shall extend upward on the rough jambs of the shower opening to a point no less than three (3) inches (76.2 mm) above the top of the finished dam or threshold and shall extend outward over the top of the rough threshold and be turned over and fastened on the outside face of both the rough threshold and the jambs.

- * Lead and copper sub-pans or linings shall be insulated from all conducting substances other than their connecting drain by fifteen (15) pound (6.8 kg) asphalt felt or its equivalent and no lead pan or liner shall be constructed of material weighing less than four (4) pounds per square foot (19.6 kg/m²). Copper pans or liners shall be at least No. 24 B & S Gauge (0.2 inches) (.5 mm). Joints in lead pans or liners shall be burned. Joints in copper pans or liners shall be soldered or brazed.

Non-metallic shower sub-pans or linings may be built-up on the job site of not less than three (3) layers of standard grade fifteen (15) pound (6.8 kg) asphalt impregnated roofing felt. The bottom layer shall be fitted to the formed sub-base and each succeeding layer thoroughly hot mopped to that below. All corners shall be carefully fitted and shall be made strong and watertight by folding or lapping, and each corner shall be reinforced with suitable webbing hot-mopped in place. All folds, laps, and reinforcing webbing shall extend at least four (4) inches (101.6 mm) in all directions from the corner and all webbing shall be of approved type and mesh, producing a tensile strength of not less than fifty (50) pounds per inch (.9 kg/mm) in either direction. Non-metallic shower sub-pans or linings may also consist of multi-layers of other approved equivalent materials suitably reinforced and carefully fitted in place on the job site as elsewhere required in this section.

Linings shall be properly recessed and fastened to approved backing so as not to occupy the space required for the wall covering and shall not be nailed or perforated at any point which may be less than one (1) inch (25.4 mm) above the finished dam or threshold. An approved type sub-drain shall be installed with every shower sub-pan or lining. Each such sub-drain shall be of the type that sets flush with the sub-base and shall be equipped with a clamping ring or other device to make a tight connection between the lining and the drain. The sub-drain shall have weep holes into the waste line.

All shower lining materials shall conform to approved standards acceptable to the Administrative Authority.

(f) Floors of public shower rooms shall have a non-skid surface and shall be drained in such a manner that waste water from one bather will not pass over areas occupied by other bathers. Gutters in public or gang shower rooms shall have rounded corners for easy cleaning and shall be sloped not less than two (2) percent toward drains. Drains in gutters shall be spaced not more than eight (8) feet (2.4 m) from side walls nor more than sixteen (16) feet (4.9 m) apart.

OPTION 1: Maintain 1991 U.P.C. language for item (g)

(g) In the absence of local regulations, showers in all occupancies other than dwelling units served by individual water heaters shall be provided with individual shower control valves of the pressure balance or the thermostatic mixing valve type. Multiple or gang showers may be

controlled by a master thermostatic mixing valve in lieu of individually controlled pressure balance or thermostatic mixing valves. Limit stops shall be provided on such valves and shall be adjusted to deliver a maximum 120°F.

OPTION 2: Adopt amendment as shown below for item (g)

(g) Shower and tub-shower combinations shall be provided with individual control valves of the pressure balance or the thermostatic mixing valve type. Gang showers, when supplied with a single tempered water supply pipe, may be controlled by a master thermostatic mixing valve in lieu of individually controlled pressure balance or thermostatic mixing valves. Handle position stops shall be provided on such valves and shall be adjusted per manufacturer's instructions to deliver a maximum mixed water setting of 120°F. The water heater thermostat shall not be considered a suitable control for meeting this provision.

NEW SECTION

WAC 51-26-1007 Section 1007—Water pressure, pressure regulators, and pressure relief valves. (a) Inadequate Water Pressure - Whenever the water pressure in the main or other source of supply will not provide a water pressure of at least fifteen (15) pounds per square inch (103.4 kPa), after allowing for friction and other pressure losses, a tank and a pump or other means which will provide said fifteen (15) pounds per square inch (103.4 kPa) pressure shall be installed.

(b) Excessive Water Pressure - Where local water pressure is in excess of eighty (80) pounds per square inch (551.2 kPa), an approved type pressure regulator preceded by an adequate strainer shall be installed and the pressure reduced to eighty (80) pounds per square inch (551.2 kPa) or less. For potable water services up to and including one and one-half (1-1/2) inch (38.1 mm) regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approve regulators with integral by-passes are acceptable. Each such regulator and strainer shall be accessibly located and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty (80) percent of the reduced pressure when using Table 10-2.

OPTION 1: Maintain 1991 U.P.C. language for item (c)

(c) Any water system provided with a pressure regulating device or check valve at its source or any water system containing storage water heating equipment shall be provided with an approved, listed, adequately sized pressure relief valve, except for listed non-storage instantaneous heaters having an inside diameter of not more than three (3) inches.

In addition to the required pressure relief valve, an approved, listed expansion tank or other device designed for intermittent operation for thermal expansion control shall be installed whenever the building supply pressure is greater than the required relief valve pressure setting or when any device is installed that prevents pressure relief through the

building supply. The tank or device shall be sized in accordance with the manufacturer's recommendation.

OPTION 2: Adopt proposed amendment as shown below for item (c)

(c) Any water system provided with a pressure regulating device which does not have a bypass feature or check valve at its source shall be provided with an approved, listed, adequately sized pressure relief valve.

Any water system containing storage water heating equipment shall be provided with an approved, listed, adequately sized combination pressure and temperature relief valve, except for listed non-storage instantaneous heaters having an inside diameter of not more than three (3) inches. Each such approved combination pressure and temperature relief valve shall be installed on the water heating device in an approved location based on its listing requirements and the manufacturer's instructions. Each such combination temperature and pressure relief valve shall be provided with a drain as required in subsection (e) of this section.

In addition to the required pressure or combination pressure and temperature relief valve, an approved, listed expansion tank or other device designed for intermittent operation for thermal expansion control shall be installed whenever the building supply pressure is greater than the required relief pressure setting or when any device is installed that prevents pressure relief through the building supply. The tank or device shall be sized in accordance with the manufacturer's recommendations.

(d) Each pressure relief valve shall be an approved automatic type with drain, and each such relief valve shall be set at a pressure of not more than one hundred fifty (150) pounds per square inch (1033.5 kPa).

(e) Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC or PB with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (.6 m) nor less than six (6) inches (152.4 mm) above the ground and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped and the terminal end of the drain pipe shall not be threaded.

(f) Any water heating device connected to a separate storage tank and having valves between said heater and tank shall be provided with an approved water pressure relief valve.

(g) Nothing contained herein shall prevent the use of an approved combination temperature and pressure relief valve. Each such approved combination temperature and pressure relief valve shall be installed on the water heating device in an approved location based on its listing requirements and the manufacturer's instructions. Each such combination temperature and pressure relief valve shall be provided with a drain as required in subsection (e) of this section.

PROPOSED

NEW SECTION

WAC 51-26-1009 Section 1009—Size of potable water piping. (a) The size of each water meter and each potable water supply pipe from the meter or other source of supply to the fixture supply branches, risers, fixtures, connections, outlets, or other uses shall be based on the total demand and shall be determined according to the methods and procedures outlined in this section.

(b) Whenever a water filter, water softener or similar water treating device, backflow prevention device, or similar device is installed in any water supply line, the pressure loss through such devices must be included in the pressure loss calculations of the system, and the water supply pipe and meter shall be adequately sized to provide for any such pressure loss.

No water filter, water softener, backflow prevention device, or similar device regulated by this Code shall be installed in any potable water supply piping when the diameter of the inlet or outlet of any such device or its connecting piping is less than the diameter of such water supply piping, or when the installation of such device produces an excessive pressure drop in any such water supply piping.

All such devices shall be of a type approved by the Administrative Authority and shall be tested for flow rating and pressure loss by an approved laboratory or recognized testing agency to standards consistent with the intent of this chapter. The maximum rated flow and the pressure loss shall be stamped legibly on the device or on a metal label, permanently attached to the device, and shall be in the following form:

MAXIMUM PRESSURE DROP

Flow Gallons per minute	Liters per second	Pressure Drop Pounds per square inch
5	.32	- - (kPa)
10	.63	- - (kPa)
15	.95	- - (kPa)

NOTE: The final figure in the flow rate column shall be the maximum rated flow or capacity of the device.

(c) The quantity of water required to be supplied to every plumbing fixture shall be represented by fixture units, as shown in Table 10-1. Equivalent fixture values shown in Table 10-1 include both hot and cold water demand.

(d) Where the maximum length of supply piping is two hundred (200) feet (60.8 m) or less, each water piping system of fifty (50) fixture units or less shall be sized in accordance with the values set forth in Table 10-2 of this section. Other systems of more than fifty (50) fixture units and within the range of Table 10-2 may be sized from that table or by the method set forth in subsection (f) of this section.

(e) **Listed.** Engineered parallel water distribution systems may be installed in accordance with their listing.

(f) Except as provided in subsection (d) of this section, the size of each water piping system shall be determined in accordance with the procedure set forth in Appendix A of

this Code (Recommended Rules for Sizing the Water Supply System).

(g) Except where the type of pipe used and the water characteristics are such that no decrease in capacity due to length of service (age of system) may be expected, all friction loss data shall be obtained from the "Fairly Rough" or "Rough" charts in Appendix A of this Code. Friction or pressure losses in water meter, valve and fittings shall be obtained from the same sources. Pressure losses through water treating equipment, backflow prevention devices, or other flow restricting devices shall be computed as required by subsection (b) of this section.

(h) On any proposed water piping installation sized using Table 10-2, the following conditions shall be determined:

(1) Total number of fixture units as determined from the table of Equivalent Fixture Units (Table 10-1) for the fixtures to be installed.

(2) Developed length of supply pipe from meter to most remote outlet.

(3) Difference in elevation between the meter or other source of supply and the highest fixture or outlet.

(4) Pressure in the street main or other source of supply at the locality where the installation is to be made.

(5) In localities where there is a fluctuation of pressure in the main throughout the day, the water piping systems shall be designed on the basis of the minimum pressure available.

(i) **Size of Meter and Building Supply Pipe Using Table 10-2.** Knowing the available pressure at the water meter or other source of supply, and after subtracting one-half (1/2) pound per square inch pressure for each foot (11.3 kPa/m) of difference in elevation between such source of supply and highest water supply outlet in the building or on the premises, use the "Pressure Range" group within which this pressure will fall. Select the "length" column which is equal to or longer than the required length. Follow down the column to a fixture unit value equal to or greater than the total number of fixture units required by the installation. Having located the proper fixture unit value for the required length, sizes of meter and building supply pipe will be found in the two left-hand columns.

No building supply pipe shall be less than three-quarter (3/4) inch (919.1 mm) in diameter.

(j) **Size of Branches.** The size of each branch shall be determined by the number of fixture units to be served by that branch, following the methods outlined in subsection (i) of this section.

(k) **Sizing for Flushometer Valves.** Branches and mains serving water closet or similar flushometer valves may be sized from Table 10-2 when the following values are assigned to each flushometer valve beginning with the most remote valve on each branch.

For the first flushometer valve	40 fixture units
For the second flushometer valve	30 fixture units
For the third flushometer valve	20 fixture units
For the fourth flushometer valve	15 fixture units
For the fifth flushometer valve	10 fixture units

PROPOSED

Flushometer valves with an assigned value of five (5) fixture units given in Table 10-1 may be computed at half (1/2) the above values assigned, but in no case less than five (5) fixture units. After the fifth valve on any branch or main, subsequent fixture unit loading may be computed using the value of the fifth flushometer. Piping supplying a flushometer valve shall not be less in size than the valve inlet.

Note: Any system using flushometer valves may be sized by the procedures set forth in subsection (f) of this section.

(l) **Sizing Systems for Flushometer Tanks.** The size of branches and mains serving flushometer tanks shall be consistent with the sizing procedures for flush tank water closets.

(m) **Sizing Systems With Hot Water Piping.** In sizing a water piping system having a total demand of fifty (50) fixture units or less, the greatest developed length of the cold water supply piping may be used (from Table 10-2) and the length of the hot water piping ignored when the hot water piping friction loss is compensated for by the following method:

(1) Compute the total hot water fixture unit demand, using those values given in Table 10-1 for the combined hot and cold water use.

(2) Assign the total demand computed as required in (1) above, as the fixture unit demand at the hot water heater inlet.

(3) Starting at the most remote outlet on the cold water piping and working back toward the water meter, compute the pipe sizing for the system from the column originally selected in Table 10-2, using the fixture unit values given in Table 10-1, and adding in the fixture unit demand of the hot water heater supply inlet as computed in (1) above, at the point where it occurs. The final size of the cold water branch or main need not exceed the originally established size of the building supply.

(n) Except as provided in subsection (m), water piping systems may be designed by taking the total length of the supply piping from the source of cold water supply through the water heater, to the most remote hot water outlet and assessing flow values of seventy-five (75) percent of the combined hot and cold water demand as given in Table 10-1, to the piping supplying either hot or cold water to those fixtures served by both. Piping serving water heaters shall be sized to deliver the above required hot water demand, plus all required cold water demands, but in no case need the piping be larger in size than that required by Table 10-2 for the total building supply.

(o) **Exceptions.** The provisions of this section relative to size of water piping need not apply to the following:

(1) Water supply piping systems designed in accordance with recognized engineering procedures acceptable to the Administrative Authority.

(2) Alteration of or minor additions to existing installations, provided the Administrative Authority finds that there will be a reasonably adequate supply of water for all fixtures.

(3) Replacement of existing fixtures or appliances.

(4) Piping which is part of fixture equipment.

(5) Unusual conditions where, in the judgment of the Administrative Authority, a reasonably adequate supply of water is provided.

(6) Non-potable water lines as defined in subsection (r) of Section 1003.

(7) The size and material of irrigation water piping installed outside of any building or structure and separated from the potable water supply by means of an approved airgap or backflow prevention device is not regulated by this Code. The potable water piping system supplying each such irrigation system shall be adequately sized as required elsewhere in this chapter to deliver the full connected demand of both systems.

NEW SECTION

WAC 51-26-1020 Section 1020—Table 10-1.

TABLE 10-1
Equivalent Fixture Units
(Includes Combined Hot and Cold Water Demand)

Fixture	Number of Fixture Units	
	Private	Public
Bar sink	1	2
Bath tub (with or without shower over).....	2	4
Bidet.....	2	4
Dental unit or cuspidor.....	-	1
Drinking fountain (each head).....	1	2
Hose bibb or sill cock (standard type).....	3	5
Mobile home (each).....	6	6
Laundry tub or clotheswasher (each pair of faucets).....	2	4
Lavatory.....	1	2
Lavatory (dental).....	1	1
Lawn sprinklers (standard type, each head).....	1	1
Shower (each head).....	2	4
Sink (bar).....	1	2
Sink or dishwasher.....	2	4
Sink (flushing rim, clinic).....	-	10
Sink (washup, each set of faucets).....	-	2
Sink (washup, circular spray).....	-	4
Urinal (pedestal or similar type).....	-	10
Urinal (stall).....	-	5
Urinal (wall).....	-	5
Urinal (flush tank).....	-	3
Water closet (flush tank).....	3	5
Water closet (flushometer-tank).....	3	5
*Water closet (flushometer valve).....	*	*

Water supply outlets for items not listed above shall be computed at their maximum demand, but in no case less than:

3/8 inch (9.5 mm).....	1	2
1/2 inch (12.7 mm).....	2	4
3/4 inch (19.1 mm).....	3	6
1 inch (25.4 mm).....	6	10

* See subsection (k) of Section 1009 for method of sizing flushometer valve installations using Table 10-2.

Revise footnote to read as follows:

* See subsection (k) of Section 1009 for method of sizing flushometer valve installations using Table 10-2.

NEW SECTION

WAC 51-26-1301 General. Section 1301—General.

The regulation of this chapter shall govern the construction, location, and installation of all fuel burning and other water heaters heating potable water, together with all chimneys, vents, and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size

thereof approved by the Administrative Authority. (For the convenience of users of this Code, a list of generally accepted gas equipment standards is included at the end of Chapter 2 of this Code in Table A.)

Any water system containing storage water heating equipment shall be provided with an approved, listed, adequately sized combination pressure and temperature relief valve, except for listed non-storage instantaneous heaters having an inside diameter of not more than three (3) inches. Each such approved combination pressure and temperature relief valve shall be installed on the water heating device in an approved location based on its listing requirements and the manufacturer's instructions. Each such combination pressure and temperature relief valve shall be provided with a drain as required in Section 1007(e) of the U.P.C. A new listed and approved combination pressure and temperature relief valve shall be installed on all water storage heater equipment replacements.

AMENDATORY SECTION (Amending WSR 93-01-164, filed 12/23/92, effective 7/1/93)

WAC 51-26-1803 Water efficiency standards. Sec. 1803. (a) Standards for Vitreous China Plumbing Fixtures. 1. The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1990	Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1990	Hydraulic Requirements for Water Closets and Urinals
CSA B45	CSA Standards on Plumbing Fixtures ((with the provisions found in WAC 51-26-1810.))

2. The maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following water closets shall be the following:

Tank-type toilets	1.6 gpf/6.0 lpf
Flushometer-valve toilets	1.6 gpf/6.0 lpf
Flushometer-tank toilets	1.6 gpf/6.0 lpf
Electromechanical hydraulic toilets	1.6 gpf/6.0 lpf

- EXCEPTIONS:
1. Water closets located in day care centers, intended for use by young children, may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

3. The maximum water use allowed for any urinal shall be 1.0 gallons per flush or 3.78 liters per flush.
4. No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.
5. This section does not apply to fixtures installed before the effective date of this chapter, that are removed and relocated to another room or area of the same building after the effective date of this chapter.

(b) Standards for Plumbing Fixture Fittings. 1. The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower

heads shall meet either the ANSI/ASME standard or the CSA standard.

ANSI/ASME A112.18.1M-1989	Plumbing Fixture Fittings
CSA B125	Plumbing Fittings((-with the provisions of WAC 51-26-1820.))

2. The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

3. The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

AMENDATORY SECTION (Amending WSR 93-01-164, filed 12/23/92, effective 7/1/93)

WAC 51-26-1810 ((Marking requirements for vitreous china plumbing fixtures. See. 1810. (a) The marking requirements for vitreous china plumbing fixtures contained in this section shall apply to fixtures tested in accordance with CSA B45. These requirements are consistent with the marking requirements mandated in ANSI/ASME A112.19.2.

(b) General. 1. Permanent Marking. Each fixture meeting this Standard (or each fixture component, if fixture is comprised of 2 or more components) shall be marked with the manufacturer's name or registered trademark, or in the case of private labeling, of the customer for whom the unit was manufactured. This mark shall be legible, readily identified, and applied so as to be permanent. The mark shall be located so as to be visible after the fixture is installed, except for fixtures built into or for a counter or cabinet.

2. Compliance with Standard. Each fixture shall be marked at a location determined by the manufacturer with the designation CSA B45 to signify compliance with this Standard. This mark need not be permanent, but shall be visible after installation.

3. Other Markings. Markings for specific products shall be per subsections (c) through (e).

(e) Seconds. All second grade ware shall be indelibly marked by the manufacturer with 2 parallel lines cut through the glaze into the body of the ware at the locations shown in Fig. 39 of ANSI/ASME A112.19.2M-1990. These cuts shall be filled with a bright red permanent marking which is resistant to the action of hot water. No label shall be placed on seconds. Manufacturer's name, trademark, or private brand name or trademark shall be permanently placed on the fixture as described in subsection (b).

1. All packages containing seconds ("B" grade) shall be clearly identified with 2 red marks adjacent to fixture identification.

(d) Water Closets. 1. Permanent Markings. Tanks and bowls, when sold as a combination, shall be permanently marked both on the bowl and tank with the manufacturer's name or trademark, or private brand name or trademark.

PROPOSED

~~2. Compliance with Standard. Marking shall be per subsection (b) 2.~~

~~3. Water Consumption. Water closets, both box and product, shall be labeled in accordance with its consumption classification and the average water consumption in liters for that classification. The fixture label shall be intended for removal by the occupant only, and so state on the label. The minimum wording on the label shall be as follows:~~

~~"This fixture qualifies according to CSA test procedures as a low consumption water closet with an average consumption per flush of 6.0 liters or less."~~

~~4. Model Numbers. At the manufacturer's option, water closets may be marked with model numbers.~~

~~(e) Urinals. 1. Permanent Marking. See subsection (b) 1.~~

~~2. Compliance with Standard. See subsection (b) 2.~~

~~3. Water Consumption. Urinals, both box and product, shall be labeled in accordance with its consumption classification and the average water consumption in liters for that classification (See ANSI/ASME A112.19.2M 1990, paragraphs 5.3.3.1, 5.3.3.2, and 5.3.3.3). The fixture label shall be intended for removal by the occupant only, and so state on the label. The minimum wording on the label shall be as follows:~~

~~"This fixture qualifies according to CSA test procedures as a low consumption urinal with an average consumption per flush of 3.78 liters or less.") Reserved.~~

AMENDATORY SECTION (Amending WSR 93-01-164, filed 12/23/92, effective 7/1/93)

~~WAC 51-26-1820 ((Marking requirements for plumbing fixture fittings. Sec. 1820. (a) The marking requirements for plumbing fixture fittings contained in this section shall apply to fixtures tested in accordance with CSA B125. These requirements are consistent with the marking requirements mandated in ANSI/ASME A112.18.1.~~

~~(b) Product. 1. Each fitting shall bear permanent legible markings to identify the manufacturer. This marking shall be the trade name, trademark, or other mark known to identify the manufacturer. Such marking shall be located where it can be seen after installation.~~

~~2. Each shower head, sink faucet, and lavatory faucet shall be marked "CSA B125" to demonstrate compliance with this Standard. The marking shall be by means of either a permanent mark on the product, a label on the product, or a tag attached to the product.~~

~~(e) Package. 1. The package shall be marked with the manufacturer's name and model number.~~

~~2. The package or any label attached to the package for shower heads, sink faucets, and lavatory faucets shall contain at least the following: "CSA B125" and "9.5 lpm." The flow rate values shall be the actual flow rate or 9.5 lpm (2.5 gpm) in the case of shower heads, sink faucets, and lavatory faucets; or the actual flow rate or 1.9 lpm (0.5 gpm) in the case of public lavatory faucets (other than metering faucets).~~

~~3. For other products, it is recommended that the package or package label be marked with "CSA B125.") Reserved.~~

AMENDATORY SECTION (Amending WSR 93-01-164, filed 12/23/92, effective 7/1/93)

WAC 51-26-1830 Accepted plumbing fixtures and fixture fittings. Sec. 1830. Plumbing fixtures and fixture fittings which are tested in accordance with the standards listed herein and listed by either the International Association of Plumbing and Mechanical Officials or the Canadian Standards Association may be approved by the Administrative Authority for installation. Under Section 201, the Administrative Authority may approve plumbing fixtures and fixture fittings, not listed by either the International Association of Plumbing and Mechanical Officials or the Canadian Standards Association, PROVIDED the products meet the testing, and marking and labeling requirements listed in WAC 51-26-1803((, 1810, and 1820)).

The State Building Code Council will publish and distribute a current list of fixtures and fixture fittings that meet the standards listed within Chapter 18 and have been listed with either the International Association of Mechanical and Plumbing Officials or the Canadian Standards Association.

AMENDATORY SECTION (Amending WSR 92-01-066, filed 12/13/91, effective 7/1/92)

WAC 51-26-2200 Chapter 22—Minimum plumbing facilities. WAC 51-26-2200 MINIMUM PLUMBING FACILITIES Table 29-A -MINIMUM PLUMBING FIXTURES is located in Chapter 29 of the Uniform Building Code, as adopted in WAC 51-30-2900.

~~Each building shall be provided with sanitary facilities, including provisions for the physically handicapped as prescribed by the Department having jurisdiction. In the absence of such requirements, this Appendix which provides a guideline for the minimum facilities for the various types of occupancies (see Section 910, Plumbing Fixtures Required, of the Uniform Plumbing Code) may be used. For handicapped requirements ANSI A117.1-1961 (R1974), Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, may be used.~~

~~The number of occupants shall be that determined by minimum exiting requirements.~~

Type of Building or Occupancy	Water Closets (Fixtures per Person)	Urinals ¹⁰ (Fixtures per Person)	Lavatories (Fixtures per Person)	Bathtubs or Showers (Fixtures per Person)	Drinking Fountains ^{3, 13} (Fixtures per Person)
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Assembly Places Theaters, Auditoriums, Convention Halls, etc. for permanent employee use	Male Female ¹⁴		Male Female	
	1:1-45	1:1-45	0:1-9	1 per 40
2:16-35	3:16-35	1:10-50		
3:36-55	4:36-55			
Over 55, add 1 fixture for each additional 40 persons		Add one fixture for each additional 90 males.		

Assembly Places Theatres, Auditoriums, Convention Halls, etc. for public use	Male Female ¹⁴		Male Female		1 per 75 ¹²
	1:1-100	3:1-50	1:1-100	1:1-200	
2:101-200	4:51-100	2:101-200	2:201-400	2:201-400	
3:201-400	8:101-200	3:201-400	3:401-750	3:401-750	
Over 400, add one fixture for each additional 500 males and 2 for each 300 females.		Over 600, add 1 fixture for each additional 500 males.	Over 750, add one fixture for each additional 500 persons.		

Dormitories ⁹ School or Labor	Male Female ¹⁴		Male Female		1 per 75 ¹²
	1 per 10	1 per 8	1 per 25	1 per 12	
Add 1 fixture for each additional 25 males (over 10) and 1 for each additional 20 females (over 8).		Over 150, add 1 fixture for each additional 50 males.	Over 12, add one fixture for each additional 20 males and 1 for each 15 additional females.	For females, add 1 bathtub per 30. Over 150, add 1 per 20.	

Dormitories for staff use	Male Female ¹⁴		Male Female		1 per 8.
	1:1-15	1:1-15	1 per 40	1 per 40	
2:16-35	3:16-35				
3:36-55	4:36-55				
Over 55, add 1 fixture for each additional 40 persons					

Dwellings ⁴ Single Dwelling Multiple Dwelling or Apartment House	Male Female ¹⁴		Male Female	
	1 per dwelling		1 per dwelling	
1 per dwelling or apartment unit		1 per dwelling or apartment unit		1 per dwelling or apartment unit

PROPOSED

PROPOSED

Type of Building or Occupancy	Water-Closets (Fixtures per Person)	Urinals¹⁰ (Fixtures per Person)	Lavatories (Fixtures per Person)	Bathtubs or Showers (Fixtures per Person)	Drinking Fountains^{3, 13} (Fixtures per Person)
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~~Hospital Waiting rooms 1 per room~~ ~~1 per room~~ ~~1 per 75¹²~~

Hospital for employee use	Male 1:1-15	Female 1:1-15	0:1-9	Male 1 per 40	Female 1 per 40
	2:16-35	3:16-35	1:10-50		
	3:36-55	4:36-55			

~~Over 55, add 1 fixture for each additional 40 persons.~~ ~~Add one fixture for each additional 50 males.~~

~~Hospitals:~~
~~Individual Room 1 per room~~ ~~1 per room~~ ~~1 per room~~
~~Ward Room 1 per 8 patients~~ ~~1 per 10 patients~~ ~~1 per 20 patients~~ ~~1 per 75¹²~~

Industrial⁶	Male 1:1-10	Female 1:1-10	Up to 100, 1 per 10 persons	1 shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious, or irritating material	1 per 75¹²
Warehouses	2:11-25	2:11-25	Over 100, 1 per 15 persons¹⁸		
Workshops, foundries and similar establishments (for employee use)	3:26-50	3:26-50	4:51-75	5:76-100	
	Over 100, add 1 fixture for each additional 30 persons				

Institutional: Other than Hospitals or Penal Institutions (on each occupied floor)	Male 1 per 25	Female 1 per 30	0:1-9	1:10-50	Male 1 per 10	Female 1 per 10	1 per 8	1 per 75¹²

~~Add one fixture for each additional 50 males.~~

Institutional: Other than Hospitals or Penal Institutions (on each occupied floor) for employee use	Male 1:1-15	Female 1:1-15	0:1-9	1:10-50	Male 1 per 40	Female 1 per 40	1 per 8	1 per 75¹²
	2:16-35	3:16-35						
	3:36-55	4:36-55						

~~Over 55, add 1 fixture for each additional 40 persons.~~ ~~Add one fixture for each additional 50 males.~~

Office or Public Buildings	Male 1:1-100	Female 3:1-50	1:1-100	2:101-200	Male 1:1-200	Female 1:1-200	1 per 75¹²
	2:101-200	4:51-100	3:201-400	4:401-600	2:201-400	2:201-400	
	3:201-400	8:101-200	4:401-600	11:201-400	3:401-750	3:401-750	

~~Over 600, add 1 fixture for each additional 300 males and 2 for each 300 females.~~ ~~Over 750, add one fixture for each additional 500 persons.~~

Office or Public Buildings: For employee use	Male 1:1-15	Female 1:1-15	Over 55, add 1 fixture for each additional 40 persons.	0:1-9	1:10-50	Add one fixture for each additional 50 males.	Male 1 per 40	Female 1 per 40
	2:16-35	3:16-35						
	3:36-55	4:36-55						

PROPOSED

Type of Building or Occupancy	Water Closets	Urinals¹⁰	Lavatories	Bathtubs or Showers	Drinking Fountains^{3, 13}
	(Fixtures per Person)	(Fixtures per Person)	(Fixtures per Person)	(Fixtures per Person)	(Fixtures per Person)

Penal Institutions For employee use	Male	Female	0:1-9	Male	Female	1 per 75¹²
	1:1-15	1:1-15	1:10-50	1 per 40	1 per 40	
	2:16-35	3:16-35				
	3:36-55	4:36-55				
	Over 55, add 1 fixture for each additional 40 persons.	Add one fixture for each additional 50 males.				

Penal Institutions For prison use					1 per cell block floor
Cell	1 per cell		1 per cell		
Exercise room	1 per exercise room	1 per exercise room	1 per exercise room	1 per exercise room	1 per exercise room

Restaurants, Pubs and Lounges¹¹	Male	Female	1:1-150	Male	Female
	1:1-50	1:1-50	1:1-150	1:1-150	1:1-150
	2:51-150	2:51-150		2:151-200	2:151-200
	3:151-300	4:151-300		3:201-400	3:201-400
	Over 300, add 1 fixture for each additional 200 persons	Over 150, add 1 fixture for each additional 150 males	Over 400, add 1 fixture for each additional 400 persons		

Schools For staff use	Male	Female	1 per 50	Male	Female
	1:1-15	1:1-15		1 per 40	1 per 40
All schools	2:16-35	2:16-35			
	3:36-55	3:36-55			
	Over 55, add 1 fixture for each additional 40 persons				

Schools For student use	Male	Female		Male	Female	1 per 75¹²
	1:1-20	1:1-20		1:1-25	1:1-25	
Nursery	2:21-50	2:21-50		2:26-50	2:26-50	
	Over 50, add 1 fixture for each additional 50 persons			Over 50, add 1 fixture for each additional 50 persons		

Elementary	Male	Female	1 per 75	Male	Female	1 per 75¹²
	1 per 30	1 per 25		1 per 35	1 per 35	
Secondary	Male	Female	1 per 35	Male	Female	1 per 75¹²
	1 per 40	1 per 30		1 per 40	1 per 40	
Others (Colleges, Universities, Adult Centers, etc.)	Male	Female	1 per 35	Male	Female	1 per 75¹²
	1 per 40	1 per 30		1 per 40	1 per 40	

Worship Places Educational and Activities Unit	Male	Female¹⁴	1 per 125	1 per 2 water closets	1 per 75¹²
	1 per 125	1 per 75			
	2:126-250	2:76-125			
		3:126-250			

Worship Places Principal Assembly Place	Male	Female¹⁴	1 per 150	1 per 2 water closets	1 per 75¹²
	1 per 150	1 per 75			
	2:151-300	2:76-150			
		3:151-300			

- ~~Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than two-thirds (2/3) of the minimum specified.~~
- ~~1. The figures shown are based upon one (1) fixture being the minimum required for the number of persons indicated or any fraction thereof.~~
 - ~~2. Building categories not shown on this table shall be considered separately by the Administrative Authority.~~
 - ~~3. Drinking fountains shall not be installed in toilet rooms.~~
 - ~~4. Laundry trays, one (1) laundry tray or one (1) automatic washer standpipe for each dwelling unit or two (2) laundry trays or two (2) automatic washer standpipes, or combination thereof, for each ten (10) apartments. Kitchen sinks, one (1) for each dwelling or apartment unit.~~
 - ~~5. Deleted.~~
 - ~~6. As required by ANSI Z4.1 1968, Sanitation in Places of Employment.~~
 - ~~7. Where there is exposure to skin contamination with poisonous, infectious, or irritating materials, provide one (1) lavatory for each five (5) persons.~~
 - ~~8. Twenty-four (24) linear inches (609.6 mm) of wash sink or eighteen (18) inches (457.2 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one (1) lavatory.~~
 - ~~9. Laundry trays, one (1) for each fifty (50) persons. Stop sinks, one (1) for each hundred (100) persons.~~
 - ~~10. General. In applying this schedule of facilities, consideration must be given to the accessibility of fixtures. Conformity purely on a numerical basis may not result in an installation suited to the need of the individual establishment. For example, schools should be provided with toilet facilities on each floor having classrooms. Temporary workmen facilities, one (1) water closet and one (1) urinal for each thirty (30) workmen.~~
 - ~~a. Surrounding materials, wall and floor space to a point two (2) feet (0.6 m) in front of urinal lip and four (4) feet (1.2 m) above the floor, and at least two (2) feet (0.6 m) to each side of the urinal shall be lined with non-absorbent materials.~~
 - ~~b. Trough urinals are prohibited.~~
 - ~~11. A restaurant is defined as a business which sells food to be consumed on the premises.~~
 - ~~a. The number of occupants for a drive-in restaurant shall be considered as equal to the number of parking stalls.~~
 - ~~b. Employee toilet facilities are not to be included in the above restaurant requirements. Hand washing facilities must be available in the kitchen for employees.~~
 - ~~12. Where food is consumed indoors, water stations may be substituted for drinking fountains. Theatres, auditoriums, dormitories, offices or public buildings for use by more than six (6) persons shall have one (1) drinking fountain for the first seventy-five (75) persons and one (1) additional fountain for each one hundred and fifty (150) persons thereafter.~~
 - ~~13. There shall be a minimum of one (1) drinking fountain per occupied floor in schools, theatres, auditoriums, dormitories, offices or public building.~~
 - ~~14. The total number of water closets for females shall be at least equal to the total number of water closets and urinals required for males.~~

WSR 94-16-116
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 2, 1994, 9:59 a.m.]

Original Notice.

Title of Rule: Washington State Energy Code, chapter 51-11 WAC.

Purpose: To adopt an exemption for log or solid timber walls from the residential building envelope requirements, pursuant to RCW 19.27A.190(2) and chapter 226, Laws of 1994.

Statutory Authority for Adoption: RCW 19.27.035.

Statute Being Implemented: RCW 19.27A.190(2) and chapter 226, Laws of 1994.

Summary: The purpose of this rule is to adopt an exception to the residential building envelope requirements

for log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance, update section references to the Uniform Codes, and delete expired deemed to satisfy language for glazing U-values.

Reasons Supporting Proposal: RCW 19.27A.020 and chapter 226, Laws of 1994.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, 906 Columbia Street S.W., Olympia, WA 98504, (206) 586-2251; and Enforcement: Local jurisdictions.

Name of Proponent: State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council especially seeks comments on

the exception to the residential building envelope requirements for log or solid timber walls.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule exempts log and solid timber walls with a minimum average thickness of three and one-half inches in residential buildings with a space heat type of other than electric resistance, from the building envelope wall insulation requirements pursuant to RCW 19.27A.020 and chapter 226, Laws of 1994. Exempting log walls from the building envelope insulation requirement will effectively allow the log home to reduce the level of ceiling and floor insulation that must be installed. Generally, log walls cannot be insulated. In that past the log home builders were required to insulate other portions of the building envelope more to make up for the heat loss through the log walls. Excess insulation in the ceiling and floors does reach a point of diminishing returns. The proposed rule also revises uniform code references and deletes expired deemed to satisfy language for glazing U-values.

Proposal Changes the Following Existing Rules: Section 105: UBC reference 305(e) is changed to 108.5; Section 108: UBC reference chapters 51-20 and 51-21 WAC is changed to chapter 51-30 WAC, UMC reference 1005 is changed to Table 6D, UMC reference chapter 51-22 WAC is changed to chapter 51-32 WAC; Section 502: UBC references 1713 and 1714 are changed to 2602 and 707, UBC reference 3205(c) is changed to 1505.3, UMC reference 1008 is changed to 607, Delete Section 502.1.5 expired deemed to satisfy language, Insert log home wall insulation exemption; Table 5-1: Insert log home wall insulation exemption; Tables 6-1 through 6-6: Delete footnotes with expired deemed to satisfy language; Table 6-6: Update table to reflect log home wall insulation exemption; Section 900: UBC reference 1212 is changed to 310.11; and Section 1143: UBC reference 305(e) is changed to 108.5, UBC reference 306(b) and (c) is changed to 1701.

Objective of Rule: Chapter 19.27A RCW directs the council to adopt and maintain the Washington State Energy Code. Beginning in 1996 the council shall review the code every three years. The objective of this rule is to amend the Washington State Energy Code for statewide application and enforcement by each city and county of the state.

Alternative Methods to Achieve Same Objective: The mission of the State Building Code Council is to adopt building codes for uniform application throughout the state. This is best achieved through a single building code. Amending other regulations of other agencies, or directing local governments to adopt the codes independently have been historically counter productive to the purpose of the State Building Code Act (chapter 19.27 RCW).

Coordination with Other Agencies: The Building Code Council rule-making process has included participation by local governments, building departments, the State Energy Office, Bonneville Power Administration, the Northwest Power Planning Council, Labor and Industries and professional organizations including American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (ASHRAE), American Institute of Architects (AIA) and Illuminating Engineering Society of North America (IESNA). Statute requires local governments to enforce the

codes adopted by the council. Technical assistance to local governments is an ongoing activity of council staff. The Departments of Social and Health Services, Health, Public Instruction, Labor and Industries, Washington State Energy Office and Fire Protection Services are among the state agencies who no longer write their individual construction standards, but rely on the codes adopted by the Building Code Council.

Cost Effectiveness: Changes to other rules or statutes will not achieve this same objective, this proposal being the most cost-effective manner of achieving the regulatory objective.

Anticipated Environmental and fiscal Consequences: Amending the energy code every three years will allow the state's building industry to utilize current construction trends, materials and energy efficient technology. This code fosters development of buildings which are safe for the health and safety of the citizens of the state while conserving energy to protect the environment. There are no anticipated fiscal consequences to state government.

Interaction with Federal Laws: The State Building Code Council is in the process of complying with The National Energy Policy Act of 1992 (EPA 92). The EPA 92 directs that every state review their energy codes (residential and nonresidential) and determine equivalence with national model codes. The final determination for both the residential and nonresidential energy codes must be completed by October 1994. For the residential code, the EPA 92 directs each state to certify to the United States Secretary of Energy that it has reviewed the provisions of its residential building code regarding energy efficiency and to determine whether it is appropriate to revise the residential building code provisions to meet or exceed the Council of American Building Officials (CABO) 1992 Model Energy Code (MEC). For the nonresidential code, the EPA 92 also requires each state to certify to the Secretary that it has reviewed and updated the provisions of its commercial building code regarding energy efficiency. The certification must include a demonstration that the code provisions meet or exceed the requirements of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 90.1-1989.

Differences in Application to Public and Private Entities: All regulations adopted by the State Building Code Council apply equally to both public and private entities.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The majority of the proposed changes are clarification and corrective language which have no economic impact. There are no proposed reporting requirements for small businesses. The exemption for log walls will make the code easier to comply with and will reduce builders costs.

Hearing Location: Federal Way City Hall, City Council Chambers, 33530 First Way South, Federal Way, WA 98003, on Thursday, September 8, 1994, at 9 a.m.; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on Friday, September 9, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma, (206) 753-5927 by August 25, 1994, TDD (206) 753-2200.

Submit Written Comments to: Gene Colin, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (206) 586-5880, by September 7, 1994.

Date of Intended Adoption: Friday, November 18, 1994.

July 8, 1994
Gene Colin
Chair

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0105 Inspections and enforcement.

105.1 General: All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official.

105.2 Approvals Required: No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

105.2.1 Required Inspections: The building official, upon notification, shall make the following inspection in addition to those inspections required in section ~~((305(e)))~~ 108.5 of the Washington State Uniform Building Code:

1. Wall insulation inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

105.3 Reinspection: The building official may require a structure to be reinspected.

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0108 Conflicts with other codes. In addition to the requirements of this Code, all occupancies shall conform to the provisions included in the State Building Code (chapter 19.27 RCW) and Uniform Building Code and Standards Adoption and Amendment rules and (chapter ~~((51-16))~~ 51-30 WAC). In case of conflicts among codes enumerated in RCW 19.27.031 (1), (2), (3), and (4) and this Code, the first named code shall govern over the following. Provided, in the case of conflict between the duct insulation requirements of this Code and the duct insulation requirements of ~~((section 1005))~~ Table 6D of the Uniform Mechanical Code (chapter 51-32 WAC), the duct insulation requirements of this Code, or where applicable, a local jurisdiction's energy code shall govern.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Wherever in this Code reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted.

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

502.1.1: The stated U- or F-value of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-value for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-values specified in this Section.

The U-values for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters 19-27 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-value shall be determined by one of the following methods:

1. Results of laboratory or field measurements.
2. Standard RS-25, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter 22 of Standard RS-1, listed in Chapter 7.

4. Effective framing/cavity R-values as provided from the following table for metal stud walls:

WALL FRAMING	CAVITY INSULATION	
	R-11	R-19
2 x 4 @ 16" o.c.	5.50	-
2 x 4 @ 24" o.c.	6.60	-
2 x 6 @ 16" o.c.	-	7.60
2 x 6 @ 24" o.c.	-	8.55

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections ~~((1712 and/or 1713))~~ 2602 and/or 707 of the Uniform Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities ~~((7))~~ and maintain uniform R-values. To the maximum extent possible,

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insulation shall extend over the full component area to the intended R-value.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than ~~((twenty-five))~~ 25 and a smoke density not to exceed ~~((four-hundred-fifty))~~ 450 when tested in accordance with UBC Standard 42-1.

EXCEPTIONS:

1. Foam plastic insulation shall comply with section ~~((4742))~~ 2602 of the Uniform Building Code.

2. When such materials are installed in concealed spaces of Types III, IV~~(())~~ and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor~~(())~~ or wall finish.

3. Cellulose insulation shall comply with section ~~((4743))~~ 707 of the Uniform Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured ~~((loose-fill))~~ loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than ~~((three))~~ 3 feet in ~~((twelve))~~ 12 and there is at least ~~((thirty))~~ 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the Uniform Building Code section ~~((3205(e)))~~ 1505.3 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point ~~((six))~~ 6 inches vertically above the height of noncompressed insulation, and ~~((twelve))~~ 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire cavity. Exterior wall cavities isolated during framing shall be fully

insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than ~~((twenty-four))~~ 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages~~(())~~ or underfloor areas used as HVAC supply plenums. See Uniform Mechanical Code section ~~((4008))~~ 607 for underfloor supply plenum requirements. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of ~~((thirty degrees))~~ 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of ~~((twenty-four))~~ 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of ~~((twenty-four))~~ 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of ~~((twenty-four))~~ 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a ~~((soil-gas))~~ soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 ~~((Below-Grade))~~ Below Grade Walls: ~~((a-))~~ Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the ~~((below-grade))~~ below grade wall to the top of the footing and shall be approved for ~~((below-grade))~~ below grade use. Above grade insulation shall be protected.

~~((b-))~~ Insulation used on the interior (warm) side of the wall shall extend from the top of the ~~((below-grade))~~ below grade wall to the ~~((below-grade))~~ below grade floor level.

502.1.5 Glazing and Door U-Values: Glazing and door U-values shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-value. The labeled U-value shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

~~((EXCEPTIONS:))~~

1. Until December 31, 1994, the following products may be assigned a U-value of 0.40 for the purposes of determining compliance with the

~~electric resistance component performance path as determined by Equation 3 in WAC 51-11-0527:~~

~~A vinyl or wood double pane window, excluding sliding glass doors, constructed with a minimum 1/2 inch air space between glazings and either a low e glazing or an argon fill of no less than 90%.~~

~~The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the electric resistance path in the Washington State Energy Code."~~

~~2. Until December 31, 1994, the following products may be assigned a U-value of 0.65 for the purposes of determining compliance with the other fuels component performance path as determined by Equation 3 in WAC 51-11-0527:~~

~~An aluminum, double pane window, excluding sliding glass doors, constructed with a minimum 7/16 inch air space between glazings.~~

~~The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the other fuels path in the Washington State Energy Code."~~

~~3. Log homes, in addition to the exceptions above, may utilize the following: Until December 31, 1994, the following products may be assigned a U-value of 0.31 for the purposes of determining compliance with the electric resistance or other fuels component performance path as determined by Equation 3 in WAC 51-11-0527:~~

~~A vinyl or wood double pane window, excluding sliding glass doors, constructed with a minimum 1/2 inch air space between glazings and both a low e glazing and an argon fill of no less than 90%.~~

~~The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy either the electric resistance path or the other fuels path for log homes in the Washington State Energy Code.")~~

502.1.5.1 Standard Procedure for Determination of Glazing U-Values: U-values for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on Model Size AA. Product samples used for U-value determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

EXCEPTIONS:

1. Untested glazing products may be assigned default U-values from Table 10-6A.
2. Overhead glazing and units produced by a small business may be assigned default U-values from Table 10-6B.
3. Passive air inlets are not required to be part of the tested assembly.
4. Compliance for tested overhead glazing shall be based on NFRC Model Size BB.

502.1.5.2 Standard Procedure for Determination of Door U-Values: Half-lite and full-lite doors, including fire doors, shall be assigned default U-values from Table 10-6D. All other doors, including fire doors, shall be assigned default U-values from Table(⊕) 10-6C.

EXCEPTIONS:

1. U-values determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification

Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.

2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-value listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.

3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-value or glazing area calculation requirements.

502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

EXCEPTION: Vapor retarder installed with not more than ((~~one third~~) 1/3) of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil(⊖) [0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of ((~~twelve~~) 12) inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages ((~~twelve~~) 12) inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls ((Insulation)): Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped ((~~twelve~~) 12) inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of ((~~three and one half~~) 3-1/2) inches.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using figures in Table 5-1, and all the glazing shall be located in the wall area. The opaque door area shall be the same in the target UA and the proposed UA.

Exception: Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. Electric Resistance: Space heating systems which include baseboard units, radiant units(☞) and forced air units as either the primary or secondary heating system.

EXCEPTION: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft²) of the gross floor area.

2. Other: All gas, wood, oil(☞) and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems. (See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors(☞) and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 occupancy shall be sealed, caulked, gasketed(☞) or weatherstripped to limit air leakage.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim(☞) and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane(☞) or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity

and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC rated, installed inside a sealed box constructed from a minimum (~~one half~~) 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at (~~seventy five~~) 75 Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

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.

PROPOSED

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0530 Table 5-1.

**TABLE 5-1
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY**

Component	Electric Resistance		Other Fuels	
	Climate Zone		Climate Zone	
	1	2	1	2
Glazing % Floor Area	15%	15%	15%	15%
Glazing U Factor	U = 0.400	U = 0.400	U = 0.650	U = 0.600
Doors	U = 0.200 (R-5)	U = 0.200 (R-5)	U = 0.400 (R-2.5)	U = 0.400 (R-2.5)
Ceilings				
Attic	U = 0.031 (R-38)	U = 0.031 (R-38)	U = 0.036 (R-30)	U = 0.031 (R-38)
Single Rafter/ Joist Vaulted	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)
Walls	U = 0.058 (R-19A)	U = 0.044 (R-19+5A)	U = 0.062 (R-19)	U = 0.062 (R-19+5)
Floors	U = 0.029 (R-30)	U = 0.029 (R-30)	U = 0.041 (R-19)	U = 0.029 (R-30)
Slab on Grade Slab R Value	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)
Below Grade Interior				
Wall R Value	R-19	R-19	R-19	R-19
2' Depth: Walls	U = 0.043	U = 0.043	U = 0.043	U = 0.043
Slab	F = 0.69	F = 0.69	F = 0.69	F = 0.69
3.5' Depth: Walls	U = 0.041	U = 0.041	U = 0.041	U = 0.041
Slab	F = 0.64	F = 0.64	F = 0.64	F = 0.64
7' Depth: Walls	U = 0.037	U = 0.037	U = 0.037	U = 0.037
Slab	F = 0.57	F = 0.57	F = 0.57	F = 0.57
Below Grade Exterior				
Wall R Value	R-10	R-12	R-10	R-12
2' Depth: Walls	U = 0.070	U = 0.061	U = 0.070	U = 0.061
Slab	F = 0.60	F = 0.60	F = 0.60	F = 0.60
3.5' Depth: Walls	U = 0.064	U = 0.057	U = 0.064	U = 0.057
Slab	F = 0.57	F = 0.57	F = 0.57	F = 0.57
7' Depth: Walls	U = 0.056	U = 0.050	U = 0.056	U = 0.050
Slab	F = 0.42	F = 0.42	F = 0.42	F = 0.42

PROPOSED

**TABLE 5-1
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY**

Component	Electric Resistance		Other Fuels	
	Climate Zone		Climate Zone	
	1	2	1	2
Glazing % Floor Area	15%	15%	15%	15%
Glazing U-Factor	U = 0.400	U = 0.400	U = 0.650	U = 0.600
Doors	U = 0.200 (R-5)	U = 0.200 (R-5)	U = 0.400 (R-2.5)	U = 0.400 (R-2.5)
Ceilings				
Attic	U = 0.031 (R-38)	U = 0.031 (R-38)	U = 0.036 (R-30)	U = 0.031 (R-38)
Single Rafter/ Joist Vaulted	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)
Walls	U = 0.058 (R-19A)	U = 0.044 (R-19+5A)	U = 0.062 ¹ (R-19)	U = 0.062 ¹ (R-19)
Floors	U = 0.029 (R-30)	U = 0.029 (R-30)	U = 0.041 (R-19)	U = 0.029 (R-30)
Slab on Grade Slab R-Value	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)
Below Grade Interior				
Wall R-Value	R-19	R-19	R-19	R-19
2' Depth: Walls	U = 0.043	U = 0.043	U = 0.043	U = 0.043
Slab	F = 0.69	F = 0.69	F = 0.69	F = 0.69
3.5' Depth: Walls	U = 0.041	U = 0.041	U = 0.041	U = 0.041
Slab	F = 0.64	F = 0.64	F = 0.64	F = 0.64
7' Depth: Walls	U = 0.037	U = 0.037	U = 0.037	U = 0.037
Slab	F = 0.57	F = 0.57	F = 0.57	F = 0.57
Below Grade Exterior				
Wall R-Value	R-10	R-12	R-10	R-12
2' Depth: Walls	U = 0.070	U = 0.061	U = 0.070	U = 0.061
Slab	F = 0.60	F = 0.60	F = 0.60	F = 0.60
3.5' Depth: Walls	U = 0.064	U = 0.057	U = 0.064	U = 0.057
Slab	F = 0.57	F = 0.57	F = 0.57	F = 0.57
7' Depth: Walls	U = 0.056	U = 0.050	U = 0.056	U = 0.050
Slab	F = 0.42	F = 0.42	F = 0.42	F = 0.42

1. Log and Solid Timber walls that have a minimum average thickness of 3.5" are exempt from wall Target UA and Proposed UA calculations.

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0625 Table 6-1.

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 • HEATING BY ELECTRIC RESISTANCE**

Option	Glazing % Floor Area	Glazing U-Value	Doors ¹⁰ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ^{4-e} Grade
I.	10%	0.46	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
II.	12%	0.43	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
III.	12%	0.40 ⁹	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
IV.*	15%	0.40 ⁹	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
V.	18%	0.39	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VI.	21%	0.36	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VII. ⁷	25%	0.32 ⁷	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-10	R-30	R-10
VIII. ⁷	30%	0.29 ⁷	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-10	R-30	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.35 maximum for glazing areas of 25% or less; 0.32 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 Until December 31, 1994, a vinyl or wood double pane window, excluding sliding glass doors, constructed with a minimum 1/2 inch air space between glazings, and either a low e glazing or an argon fill of no less than 90%, shall be deemed to satisfy the glazing U value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the electric resistance path in the Washington State Energy Code."
- 10 Doors, including all fire doors, shall be assigned default U values from Table 10-6C or 10-6D.

PROPOSED

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 • HEATING BY ELECTRIC RESISTANCE**

Option	Glazing % Floor Area	Glazing U-Value	Doors ⁹ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁴ on Grade
I.	10%	0.46	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
II.	12%	0.43	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
III.	12%	0.40	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
IV.*	15%	0.40	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
V.	18%	0.39	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VI.	21%	0.36	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VII.⁷	25%	0.32 ⁷	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-10	R-30	R-10
VIII.⁷	30%	0.29 ⁷	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-10	R-30	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.35 maximum for glazing areas of 25% or less; 0.32 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0626 Table 6-2.

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 • HEATING BY OTHER FUELS**

Option	HVAC ⁹ Equip. Effie.	Glazing % Floor Area	Glazing U-Value	Doors ¹¹ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	Med.	10%	0.70	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
II.	Med.	12%	0.65 ¹⁰	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
III.	High	21%	0.75	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
IV.*	Med.	21%	0.65 ¹⁰	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
V.	Low	21%	0.60	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
VI. ⁷	Med.	25%	0.45 ⁷	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
VII. ⁷	Med.	30%	0.40 ⁷	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.50 maximum for glazing areas of 25% or less; 0.45 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.
- 10 Until December 31, 1994, an aluminum, double pane window, excluding sliding glass doors, constructed with a minimum 7/16 inch air space between glazings shall be deemed to satisfy the glazing U value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the other fuels path in the Washington State Energy Code."
- 11 Doors, including all fire doors, shall be assigned default U values from Table 10-6C or 10-6D.

PROPOSED

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 • HEATING BY OTHER FUELS**

Option	HVAC ⁹ Equip. Effic.	Glazing % Floor Area	Glazing U-Value	Doors ¹⁰ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	Med.	10%	0.70	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
II.	Med.	12%	0.65	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
III.	High	21%	0.75	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
IV.*	Med.	21%	0.65	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
V.	Low	21%	0.60	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
VI. ⁷	Med.	25%	0.45 ⁷	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
VII. ⁷	Med.	30%	0.40 ⁷	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.50 maximum for glazing areas of 25% or less; 0.45 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.
- 10 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.

PROPOSED

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0627 Table 6-3.

**TABLE 6-3
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 • HEATING BY ELECTRIC RESISTANCE**

Option	Glazing % Floor Area	Glazing U-Value	Doors ¹¹ U-value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	10%	0.38	0.20	R-38	R-30	R-21	R-21	R-12	R-30	R-10
II.	12%	0.40 ¹⁰	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-25	R-10
III.*	15%	0.40 ¹⁰	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
IV.	18%	0.38	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
V. ⁷	21%	0.35	0.20	R-38 ^{Adv}	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VI. ⁷	25%	0.30 ⁷	0.20	R-49 ^{Adv}	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VII. ⁷	30%	0.28 ⁷	0.20	R-60 ^{Adv}	R-38	R-21+R-7.5 ⁹	R-21	R-12	R-30	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below-grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below-grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.33 maximum for glazing areas of 25% or less; 0.31 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 This wall insulation requirement denotes R-21 wall cavity insulation plus R-7.5 foam sheathing.
- 10 Until December 31, 1994, a vinyl or wood double-pane window, excluding sliding glass doors, constructed with a minimum 1/2 inch air space between glazings, and either a low-e glazing or an argon fill of no less than 90%, shall be deemed to satisfy the glazing U-value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the electric resistance path in the Washington State Energy Code."
- 11 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.

PROPOSED

**TABLE 6-3
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 • HEATING BY ELECTRIC RESISTANCE**

Option	Glazing % Floor Area	Glazing U-Value	Doors ¹⁰ U-value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	10%	0.38	0.20	R-38	R-30	R-21	R-21	R-12	R-30	R-10
II.	12%	0.40	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-25	R-10
III.*	15%	0.40	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
IV.	18%	0.38	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
V. ⁷	21%	0.35	0.20	R-38 ^{Adv}	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VI. ⁷	25%	0.30 ⁷	0.20	R-49 ^{Adv}	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VII. ⁷	30%	0.28 ⁷	0.20	R-60 ^{Adv}	R-38	R-21+R-7.5 ⁹	R-21	R-12	R-30	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.33 maximum for glazing areas of 25% or less; 0.31 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 This wall insulation requirement denotes R-21 wall cavity insulation plus R-7.5 foam sheathing.
- 10 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.

PROPOSED

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0628 Table 6-4.

**TABLE 6-4
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 • HEATING BY OTHER FUELS**

Option	HVAC ⁹ Equip. Effie.	Glazing % Floor Area	Glazing U-Value	Doors ¹¹ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall ⁴ int ⁴ Below Grade	Wall ⁴ ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	Med.	10%	0.70	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
II.	Med.	12%	0.65 ¹⁰	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
III.	High	17%	0.65 ¹⁰	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
IV.*	Med.	17%	0.60	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
V.	Low	17%	0.50	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VI.	Med.	21%	0.50	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VII.	Med.	25%	0.40 ⁷	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VIII.	Med.	30%	0.40 ⁷	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.45 maximum for glazing areas of 25% or less; 0.40 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88.
- 10 Until December 31, 1994, an aluminum, double pane window, excluding sliding glass doors, constructed with a minimum 7/16 inch air space between glazings shall be deemed to satisfy the glazing U-value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the other fuels path in the Washington State Energy Code."
- 11 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.

PROPOSED

TABLE 6-4
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 • HEATING BY OTHER FUELS

Option	HVAC ⁹ Equip. Effic.	Glazing % Floor Area	Glazing U-Value	Doors ¹⁰ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	Med.	10%	0.70	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
II.	Med.	12%	0.65	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
III.	High	17%	0.65	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
IV.*	Med.	17%	0.60	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
V.	Low	17%	0.50	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VI.	Med.	21%	0.50	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VII.	Med.	25%	0.40 ⁷	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VIII.	Med.	30%	0.40 ⁷	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.45 maximum for glazing areas of 25% or less; 0.40 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.
- 10 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0629 Table 6-5.

**TABLE 6-5
LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY ELECTRIC RESISTANCE**

Option	Average ² Log Thickness	Glazing % Floor Area	Glazing U-Value	Doors ¹⁰ U-Value	Ceiling ³	Vaulted ⁴ Ceiling	Floor ⁵	Slab ⁶ on Grade
Climate Zone 1								
I. ⁷	5.5"	15%	0.31 ⁹	0.14	R-60 Adv	R-38	R-38	R-10
II. ⁷	7.5"	15%	0.40 ⁸	0.20	R-60 Adv	R-38	R-30	R-10
III.*	9.6"	15%	0.40 ⁸	0.20	R-38	R-30	R-30	R-10
Climate Zone 2								
IV. ⁷	6.7"	15%	0.31 ⁹	0.14	R-60 Adv	R-38	R-38	R-10
V. ⁷	8.7"	15%	0.40 ⁸	0.14	R-60 Adv	R-38	R-38	R-10
VI. ⁷	9.8"	15%	0.40 ⁸	0.20	R-60 Adv	R-38	R-30	R-10
VII. ⁷	10.5"	15%	0.40 ⁸	0.20	R-40 Adv	R-38	R-30	R-10
VIII.*	13.5"	15%	0.40 ⁸	0.20	R-38	R-30	R-30	R-10

* Reference Case

- 1 For Group R Occupancy use Table 6-5 for only the portion of floor area using log/solid timber walls. Use Tables 6-1 to 6-4 for all other portions of the floor area. Minimum requirements are for each option listed. Interpolations between options is not permitted. Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Required minimum average log thickness.
- 3 'Adv' denotes Advanced Framing. Requirement applies to all ceilings except single rafter joist vaulted ceilings.
- 4 Requirement applicable only to single rafter joist vaulted ceilings.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications.
- 7 These options shall be applicable to buildings less than three stories.
- 8 Until December 31, 1994, a vinyl or wood double pane window, excluding sliding glass doors, constructed with a minimum 1/2 inch air space between glazings, and either a low e glazing or an argon fill of no less than 90%, shall be deemed to satisfy the glazing U value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the electric resistance path in the Washington State Energy Code."
- 9 Until December 31, 1994, a vinyl or wood double pane window, excluding sliding glass doors, constructed with a minimum 1/2 inch air space between glazings and both a low e glazing and an argon fill of no less than 90%, shall be deemed to satisfy the glazing U value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy either the electric resistance path or the other fuels path for log homes in the Washington State Energy Code."
- 10 Doors, including all fire doors, shall be assigned default U values from Table 10-6C or 10-6D.

PROPOSED

**TABLE 6-5
LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY ELECTRIC RESISTANCE**

Option	Average ² Log Thickness	Glazing % Floor Area	Glazing U-Value	Doors ⁸ U-Value	Ceiling ³	Vaulted ⁴ Ceiling	Floor ⁵	Slab ⁶ on Grade
Climate Zone 1								
I.⁷	5.5"	15%	0.31	0.14	R-60 Adv	R-38	R-38	R-10
II.⁷	7.5"	15%	0.40	0.20	R-60 Adv	R-38	R-30	R-10
III.*	9.6"	15%	0.40	0.20	R-38	R-30	R-30	R-10
Climate Zone 2								
IV.⁷	6.7"	15%	0.31	0.14	R-60 Adv	R-38	R-38	R-10
V.⁷	8.7"	15%	0.40	0.14	R-60 Adv	R-38	R-38	R-10
VI.⁷	9.8"	15%	0.40	0.20	R-60 Adv	R-38	R-30	R-10
VII.⁷	10.5"	15%	0.40	0.20	R-49 Adv	R-38	R-30	R-10
VIII.*	13.5"	15%	0.40	0.20	R-38	R-30	R-30	R-10

* Reference Case

- 1 For Group R Occupancy use Table 6-5 for only the portion of floor area using log/solid timber walls. Use Tables 6-1 to 6-4 for all other portions of the floor area. Minimum requirements are for each option listed. Interpolations between options is not permitted. Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Required minimum average log thickness.
- 3 'Adv' denotes Advanced Framing. Requirement applies to all ceilings except single rafter joist vaulted ceilings.
- 4 Requirement applicable only to single rafter joist vaulted ceilings.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications.
- 7 These options shall be applicable to buildings less than three stories.
- 8 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0630 Table 6-6.

**TABLE 6-6
LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY OTHER FUELS**

Option	Average ² Log Thickness	Glazing % Floor Area	Glazing U-Value	Doors ¹¹ U-Value	Ceiling ³	Vaulted ⁴ Ceiling	Floor ⁵	Slab ⁶ on Grade
Climate Zone 1								
I. ⁷	3.5"	21%	0.40	0.39	R-49 Adv	R-38	R-30	R-10
H.	4.4"	21%	0.40	0.40	R-38	R-30	R-19	R-10
III.	5.2"	21%	0.50	0.40	R-38	R-30	R-19	R-10
IV.	6.5"	21%	0.60	0.40	R-38	R-30	R-19	R-10
V.	7.0"	21%	0.60	0.40	R-38	R-30	R-19	R-10
VI.*	8.2"	21%	0.65 ⁹	0.40	R-38	R-30	R-19	R-10
Climate Zone 2								
VII. ⁷	3.5"	17%	0.31 ¹⁰	0.14	R-60 Adv	R-38	R-38	R-10
VIII. ^{7,8}	3.5"	17%	0.40	0.40	R-60 Adv	R-38	R-30	R-10
IX. ⁷	4.6"	17%	0.40	0.40	R-60 Adv	R-38	R-30	R-10
X.	5.4"	17%	0.40	0.40	R-38	R-30	R-30	R-10
XI.	6.8"	17%	0.50	0.40	R-38	R-30	R-30	R-10
XII.*	9.0"	17%	0.60	0.40	R-38	R-30	R-30	R-10

* Reference Case

- 1 For Group R Occupancy use Table 6-6 for only the portion of floor area using log/solid timber walls. Use Tables 6-1 to 6-4 for all other portions of the floor area. Minimum requirements are for each option listed. Interpolations between options is not permitted. Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Required minimum average log thickness.
- 3 'Adv' denotes Advanced Framing. Requirement applies to all ceilings except single rafter joist vaulted ceilings.
- 4 Requirement applicable only to single rafter joist vaulted ceilings.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications.
- 7 These options shall be applicable to buildings less than three stories.
- 8 For this option, minimum HVAC system efficiency is an AFUE of 0.88.
- 9 Until December 31, 1994, an aluminum, double pane window, excluding sliding glass doors, constructed with a minimum 7/16 inch air space between glazings shall be deemed to satisfy the glazing U value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy the other fuels path in the Washington State Energy Code."
- 10 Until December 31, 1994, a vinyl or wood double pane window, excluding sliding glass doors, constructed with a minimum 1/2 inch air space between glazings and both a low e glazing and an argon fill of no less than 90%, shall be deemed to satisfy the glazing U value. The only labeling requirement for products using this exception shall be a description of the product, and a label stating: "This product is deemed to satisfy either the electric resistance path or the other fuels path for log homes in the Washington State Energy Code."
- 11 Doors, including all fire doors, shall be assigned default U values from Table 10-6C or 10-6D.

PROPOSED

**TABLE 6-6
LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY OTHER FUELS**

Climate Zone 1

Option	HVAC ⁹ Equip. Effic.	Glazing % Floor Area	Glazing U-Value	Doors ¹⁰ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade ¹¹	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	Med.	10%	0.70	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
II.	Med.	12%	0.65	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
III.	High	21%	0.75	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
IV.*	Med.	21%	0.65	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
V.	Low	21%	0.60	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
VI. ⁷	Med.	25%	0.45 ⁷	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
VII. ⁷	Med.	30%	0.40 ⁷	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10

Climate Zone 2

Option	HVAC ⁹ Equip. Effic.	Glazing % Floor Area	Glazing U-Value	Doors ¹⁰ U-Value	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade ¹¹	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
I.	Med.	10%	0.70	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
II.	Med.	12%	0.65	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
III.	High	17%	0.65	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
IV.*	Med.	17%	0.60	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
V.	Low	17%	0.50	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VI.	Med.	21%	0.50	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VII.	Med.	25%	0.40 ⁸	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VIII.	Med.	30%	0.40 ⁸	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10

* Reference Case

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.50 maximum for glazing areas of 25% or less; 0.45 maximum for glazing areas of 30% or less.
- 8 The following options shall be applicable to buildings less than three stories: 0.45 maximum for glazing areas of 25% or less; 0.40 maximum for glazing areas of 30% or less.
- 9 Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.
- 10 Doors, including all fire doors, shall be assigned default U-values from Table 10-6C or 10-6D.
- 11 Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

PROPOSED

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0900 Section 0900—Prescriptive heating system sizing. When using the prescriptive approach in Chapter 6, if approved by the building official, design heat load calculations are not required to show compliance to this Code if the heating system installed is equal to or less than the following:

Climate Zone ((H)) <u>1</u>	
Electric Resistance	21 ((btu/hr • ft ²) Btu/h•ft ²)
Electric Resistance (Forced Air)	24 ((btu/hr • ft ²) Btu/h•ft ²)
Other Fuels (Forced Air)	27 ((btu/hr • ft ²) Btu/h•ft ²)
Climate Zone ((H)) <u>2</u>	
Electric Resistance	29 ((btu/hr • ft ²) Btu/h•ft ²)
Electric Resistance (Forced Air)	32 ((btu/hr • ft ²) Btu/h•ft ²)
Other Fuels (Forced Air)	39 ((btu/hr • ft ²) Btu/h•ft ²)

Example: A 1500 ft² house in Zone ((H)) 1, heated with gas, would not have to submit a design heat load if the proposed furnace is 40,500 ((~~BTU~~)) Btu or less.

$$1500 \times 27 = 40,500$$

Disclaimer: All heating systems shall be designed and installed in accordance with Uniform Building Code Section ((~~424~~)) 310.11.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1143 Inspections.

1143.1 General: All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. No work shall be done on any part of the building or structure beyond the point indicated in each inspection without first obtaining the approval of the building official.

1143.2 Required Inspections: The building official, upon notification, shall make the inspection required in this Section, in addition to or as part of those inspections required in Section ((~~305(e)~~)) 108.5 of the Uniform Building Code. Inspections may be conducted by special inspection pursuant to Section ((~~306(b) and 306(e)~~)) 1701 of the Uniform Building Code. Where applicable, inspections shall include at least:

1143.2.1 Envelope

a. Wall Insulation Inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

b. Glazing Inspection: To be made after glazing materials are installed in the building.

c. Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.

d. Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

1143.2.2 Mechanical

a. Mechanical Equipment Efficiency and Economizer: To be made after all equipment and controls required by this Code are installed and prior to the concealment of such equipment or controls.

b. Mechanical Pipe and Duct Insulation: To be made after all pipe and duct insulation is in place, but before concealment.

1143.2.3 Lighting and Motors

a. Lighting Equipment and Controls: To be made after the installation of all lighting equipment and controls required by this Code, but before concealment of the lighting equipment.

b. Motor Inspections: To be made after installation of all equipment covered by this Code, but ((~~prior to~~)) before concealment.

1143.3 Re-inspection: The building official may require a structure to be re-inspected. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

WSR 94-16-117
PROPOSED RULES
BUILDING CODE COUNCIL
(Filed August 2, 1994, 9:58 a.m.)

Original Notice.

Title of Rule: Washington State Ventilation and Indoor Air Quality Code, chapter 51-13 WAC.

Purpose: To consider reclassifying the list of counties with a high risk of radon and update references to the uniform codes.

Statutory Authority for Adoption: RCW 19.27.190.

Statute Being Implemented: Chapter 19.27 RCW.

Summary: The purpose of this rule is to consider reclassifying the list of counties with a high risk of radon, update section references to the uniform codes, and delete expired radon monitoring requirements.

Reasons Supporting Proposal: Washington State Department of Health radon mapping project and petition to amend.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, 906 Columbia Street S.W., Olympia, WA 98504, (206) 585-2251; and Enforcement: Local jurisdictions.

Name of Proponent: State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council especially seeks comments on the three options for the list of counties with a high risk of radon.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule outlines three options for the list of counties with a high risk of radon. Any county that is listed in the high risk category is required to meet more stringent premitigation requirements the Ventilation and Indoor Air Quality Code. Due to recent information from the Washington State Department of Health, we are revisiting who should be included on the list of counties with a high risk of radon. The proposed rule also revised uniform code references and deletes expired radon monitoring requirements.

Proposal Changes the Following Existing Rules: Section 106: Uniform code reference 51-16 WAC is changed to 51-30, 51-32, 51-34, and 51-26 WAC; Section 201: UBC reference Chapter 4 is changed to Chapter 2, Webster's Dictionary Copyright 1981 is changed to 1986; Section 302: UBC reference 1205(c) is changed to 1203.3; Section 304: UBC reference 709(b) is changed to 311.9, UMC reference Chapter 6 is changed to Chapter 7, and UMC reference Chapter 15 is changed to Chapter 11; Section 402: UMC reference Chapter 803 is changed to Chapter 901; Section 501: OPTION 1 - Do not amend list of counties with a high risk of radon, OPTION 2 - Delete Grant and Wahkiakum, and OPTION 3 - Delete Grant and Wahkiakum and add Asotin, Columbia, Garfield, Walla Walla and Whitman; and Section 502: UBC reference 2516(c) is changed to 2317.7, UBC reference chapter 51-20 WAC is changed to chapter 51-30 WAC, and delete Section 502.2 expired radon monitoring requirements.

Objective of Rule: RCW 19.27.190 directs the council to adopt and maintain the Washington State Ventilation and Indoor Air Quality Code. The objective of this rule is to amend the Washington State Ventilation and Indoor Air Quality Code for statewide application and enforcement by each city and county of the state.

Alternative Methods to Achieve Same Objective: The mission of the State Building Code Council is to adopt building codes for uniform application throughout the state. This is best achieved through a single building code. Amending other regulations of other agencies, or directing local governments to adopt the codes independently have been historically counter productive to the purpose of the State Building Code Act (chapter 19.27 RCW).

Coordination with Other Agencies: The Building Code Council rule-making process has included participation by local governments, building departments, the State Energy Office, Bonneville Power Administration, the Northwest Power Planning Council, Labor and Industries and professional organizations including American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (ASHRAE) and American Institute of Architects (AIA). Statute requires local governments to enforce the codes adopted by the council. Technical assistance to local governments is an ongoing activity of council staff. The Departments of Social and Health Services, Health, Public Instruction, Labor and Industries, Washington State Energy Office and Fire Protection Services are among the state agencies who no longer write their individual construction standards, but rely on the codes adopted by the Building Code Council.

Cost Effectiveness: Changes to other rules or statutes will not achieve this same objective, this proposal being the

most cost-effective manner of achieving the regulatory objective.

Anticipated Environmental and Fiscal Consequences: Amending the ventilation and indoor air quality code every three years will allow the state's building industry to utilize current construction trends, materials and energy efficient technology. This code fosters development of buildings which are safe for the health and safety of the citizens of the state. There are no anticipated fiscal consequences to state government.

Interaction with Federal Laws: There are two federal indoor air quality regulation proposals that the council is tracking this year. The first is the United States Occupational Safety and Health Administration (OSHA) proposal that would regulate the indoor air quality of all nonindustrial work environments. This proposed regulation defines tolerances, outlines the operation and maintenance of the heating, ventilation and air conditioning (HVAC) equipment and specifies record-keeping requirements. Also, this proposed regulation cites the Washington State Ventilation and Indoor Air Quality Code as a data source. The second is HR 2919, the Indoor Air Act of 1993. This act amends the Public Health Service Act to direct the Administrator of the Environmental Protection Agency to promulgate a national strategy to reduce the threat to human health posed by exposure to contaminants in the air indoors.

Differences in Application to Public and Private Entities: All regulations adopted by the State Building Code Council apply equally to both public and private entities.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Kermit Robinson, Unit Manager, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (206) 753-5927, or FAX (206) 586-5880.

Hearing Location: Federal Way City Hall, City Council Chambers, 33530 First Way South, Federal Way, WA 98003, on Thursday, September 8, 1994, at 9 a.m.; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on Friday, September 9, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma by August 25, 1994, TDD (206) 753-2200.

Submit Written Comments to: Gene Colin, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (206) 586-5880, by September 7, 1994.

Date of Intended Adoption: Friday, November 18, 1994.

July 8, 1994
Gene Colin
Chair

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-106 Conflicts with other codes.

106.1 Conflicts with Other Codes: In addition to the requirements of this Code, buildings must conform to the provisions of the State Building Code (Chapter 19.27 RCW and Chapters ~~((51-16 WAC))~~ 51-30, 51-32, 51-34 and 51-26 Washington Administrative Code). In case of conflicts between the Uniform Building, Uniform Plumbing, Uniform

Mechanical, and Uniform Fire Codes as adopted and amended in Chapters ~~((51-16))~~ 51-30, 51-32, 51-34 and 51-26 Washington Administrative Code, the provisions of Chapter 51-13 shall govern. This Code is not intended to abridge any safety or health requirements under any other applicable codes or ordinances.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Wherever in this Code reference is made to the appendix, the provisions of the appendix shall not apply unless specifically adopted.

106.2 Authority: Local legislative authorities are authorized and directed to enforce this Code. Local legislative authorities are authorized to promulgate, adopt, and issue those rules and regulations necessary for the effective and efficient administration of this Code.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-201 General.

201.1 General: For the purposes of this Code, certain terms, phrases, words, and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural, the singular. Words used in the masculine gender include the feminine and feminine, the masculine.

Where terms are not defined in this section, the definitions shall be taken from Chapter ~~((4))~~ 2 of the Uniform Building Code.

Where terms are not defined in either this section or Chapter ~~((4))~~ 2 of the Uniform Building Code, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, copyrighted ~~((1981))~~ 1986, shall be considered as providing ordinarily accepted meanings.

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-302 Minimum ventilation criteria for all Group R occupancies four stories and less.

302.1 General: This section shall apply to all Group R occupancies ~~((4))~~ four (4) stories ~~((or))~~ and less as defined by the Washington State Building Code. Residential structures greater than ~~((4))~~ four (4) stories in height shall comply with Section 304, for outdoor air supply requirements. For source specific ventilation requirements, see Section 302.2.1. Compliance with this section shall be demonstrated through engineering calculations or performance testing. Documentation of calculations shall be submitted to the building official where required. Performance testing shall be conducted in accordance with recognized test methods.

302.1.2 Testing: At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this section. Flow testing may be performed using flow hoods measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official.

302.2 Minimum Ventilation Performance: Each dwelling unit or guest room shall be equipped with source specific and whole house ventilation systems designed and installed to satisfy the ventilation requirements of this chapter.

Exception: All public corridors shall meet the ventilation requirements in section ~~((+205-(e)))~~ 1203.3 of the Uniform Building Code.

302.2.1 Source Specific Ventilation: Source specific exhaust ventilation shall be required in each kitchen, bathroom, water closet, laundry room, indoor swimming pool, spa, and other rooms where excess water vapor or cooking odor is produced.

The minimum source specific ventilation effective exhaust capacity shall be not less than levels specified in Table 3-1.

302.2.2 Whole House Ventilation Systems: Each dwelling unit shall be equipped with a whole house ventilation system which shall be capable of providing at least 0.35 air changes per hour, but not less than fifteen cubic feet per minute per bedroom plus an additional fifteen cubic feet per minute. Whole house ventilation systems shall be designed to limit ventilation to a level no greater than 0.5 air changes per hour under normal operation conditions. Whole house ventilation systems shall supply outdoor air to all habitable rooms through individual outdoor air inlets, forced-air heating system, ducting or equivalent means. Doors and operable lites in windows are deemed not to meet the outdoor air supply intake requirements.

Exception: For dwelling units of no more than 1,400 square feet, the maximum ventilation rate shall be 0.65 air changes per hour.

302.3 Controls: All ventilation system controls shall be readily accessible. Controls for whole house ventilation systems shall be capable of operating the ventilation system without energizing other energy-consuming appliances.

Exception: Continuously operated whole house ventilation systems switch shall not be readily accessible by the occupant.

302.3.1 Source Specific Ventilation Systems: Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

302.3.2 Intermittently Operated Whole House Ventilation Systems: The intermittently operated whole house ventilation systems shall be constructed to have the capability for continuous operation, and shall have a manual control and an automatic control, such as a clock timer. At the time of final inspection, the automatic control timer shall be set to operate the whole house fan for a minimum of eight hours a day.

PROPOSED

302.4 Noise: Whole house fans located four feet or less from the interior grille shall have a sone rating of 1.5 or less measured at 0.1 inches water gauge. Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

Exception: Whole house ventilation systems which are integrated with forced-air heating systems or heat-recovery ventilation systems are exempt from the sone rating requirements of this section.

302.5 Ventilation Ducts: All ducts shall terminate outside the building. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

302.6 Outdoor Air: A mechanical system shall supply outdoor air as required in section 302.2.2. The mechanical system may consist of exhaust fans, supply fans, or both.

302.6.1 Outdoor Air Inlets: Inlets shall be screened or otherwise protected from entry by insects, leaves, or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

- a) Closer than ten feet from an appliance vent outlet, unless such vent outlet is three feet above the outdoor air inlet.
- b) Where it will pick up objectionable odors, fumes, or flammable vapors.
- c) A hazardous or unsanitary location.
- d) A room or space having any fuel-burning appliances therein.
- e) Closer than ten feet from a vent opening of a plumbing drainage system unless the vent opening is at least three feet above the air inlet.
- f) Attic, crawl spaces, garages.

302.6.2 Individual Room Outdoor Air Inlets: Individual room outdoor air inlets shall:

- a) have controllable and secure openings;
- b) be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed;
- c) provide not less than four square inches of net free area of opening for each habitable space. Any inlet or combination of inlets which provide 10 (~~(CFM)~~) cfm at 10 Pascals as determined by the Home Ventilating Institute Air Flow Test Standard are deemed equivalent to four square inches net free area.

302.6.3 Ventilation Integrated with Forced-Air Systems: The outdoor air connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger.

302.6.4 Distribution: Outdoor air shall be distributed to each habitable room by individual inlets, separate duct systems, or a forced-air system. Where outdoor air supplies

are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code. Doors shall be undercut to a minimum of one-half inch above the surface of the finish floor covering.

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-304 Mechanical ventilation criteria and minimum ventilation performance for all other occupancies not covered in sections 302 and 303.

304.1 Ventilation: The minimum requirements for operable area to provide natural ventilation are specified in the Uniform Building Code (UBC) as adopted by the state of Washington.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying ventilation air to each zone with the minimum outdoor air quantities specified in Table 3-4.

Exception: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 3-4 estimated maximum occupancy values.

The outdoor air shall be ducted in a fully enclosed path directly to every air handling unit in each zone not provided with sufficient operable area for natural ventilation.

Exception: Ducts may terminate within 12 inches of the intake to ~~((a))~~ an HVAC unit provided they are physically fastened so that the outside air duct is directed into the unit intake.

In all parking garages, other than open parking garages as defined in UBC ~~((709-(b)))~~ 311.9, used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided at 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum fourteen thousand cfm for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic carbon monoxide sensing systems may be submitted for approval.

In all buildings used for the repair of automobiles, each repair stall shall be equipped with an exhaust extension duct, extending to the outside of the building, which if over ten feet in length, shall mechanically exhaust three hundred cfm. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

Combustion air requirements shall conform to the requirements of Chapter ~~((6))~~ 7 of the UMC.

Mechanical refrigerating equipment and rooms storing refrigerates shall conform to the requirements of Chapter ~~((15))~~ 11 of the UMC.

MINIMUM SOURCE SPECIFIC VENTILATION CAPACITY REQUIREMENTS
TABLE 3-1

	Bathrooms	Kitchens
Intermittently operating	50 cfm	100 cfm
Continuous operation	20 cfm	25 cfm

TABLE 3-2
Whole House Ventilation Flow Requirements¹

Bedrooms	CFM	
	Minimum	Maximum
2 or less	50	75
3	80	120
4	100	150
5	120	180

1. This table shall not be used for dwelling units containing more than 5 bedrooms.

TABLE 3-3
Prescriptive Exhaust Duct Sizing

Fan Tested CFM @0.25 W.G.	Minimum Flex Diameter	Maximum Length Feet	Minimum Smooth Diameter	Maximum Length Feet	Maximum Elbows ¹
50	4 inch	25	4 inch	70	3
50	5 inch	90	5 inch	100	3
50	6 inch	No Limit	6 inch	No Limit	3
80	4 inch ²	NA	4 inch	20	3
80	5 inch	15	5 inch	100	3
80	6 inch	90	6 inch	No Limit	3
100	5 inch ²	NA	5 inch	50	3
100	6 inch	45	6 inch	No Limit	3
125	6 inch	15	6 inch	No Limit	3
125	7 inch	70	7 inch	No Limit	3

1. For each additional elbow subtract 10 feet from length.
2. Flex ducts of this diameter are not permitted with fans of this size.

PROPOSED

TABLE 3-4
Outdoor Air Requirements for Ventilation¹
Occupancies not Subject to Sections 302 and 303

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Dry Cleaners, Laundries³		
Commercial laundry	10	25
Commercial dry cleaner	30	30
Storage, pick up	30	35
Coin-operated laundries	20	15
Coin-operated dry cleaner	20	15
Dwelling Units In Buildings Greater Than Four Stories or Attached to I-Occupancy Facilities		
Bedrooms & living areas ²⁴		15
Food and Beverage Service		
Dinning rooms	70	20
Cafeteria, fast food	100	20
Bars, cocktail lounges ⁴	100	30
Kitchens(cooking) ²³	20	15
Garages, Repair, Service Stations		
Enclosed parking garage ⁵		1.50 cfm/ft.sq.
Auto repair rooms		1.50 cfm/ft.sq.
Hotels, Motels, Resorts, Congregate Residences with More Than Four Stories⁶		
Bedrooms		30 cfm/room
Living Rooms		30 cfm/room
Bath ⁷		35 cfm/room
Lobbies	30	15
Conference rooms	50	20
Assembly rooms	120	15
Gambling casinos ⁴	120	30
Offices		
Office space ⁹	7	20
Reception area	60	15
Telecommunication centers and data entry areas	60	20
Conference rooms	50	20
Public Spaces		
Corridors and utilities		0.05 cfm/ft.sq.
Public restroom, cfm/wc or urinal ¹⁰		50
Lockers and dressing rooms		0.50 cfm/ft.sq.
Smoking lounge ¹¹	70	60
Elevators ¹²		1.0 cfm/ft.sq.

PROPOSED

TABLE 3-4 Cont.
 Outdoor Air Requirements for Ventilation¹
 Occupancies not Subject to Sections 302 and 303

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Retail Stores, Sales Floors, and Show Room Floors		
Basement and street	30	0.30 cfm/ft.sq.
Upper floors	20	0.20 cfm/ft.sq.
Storage rooms	15	0.15 cfm/ft.sq.
Dressing rooms		0.20 cfm/ft.sq.
Malls and arcades	20	0.20 cfm/ft.sq.
Shipping and receiving	10	0.15 cfm/ft.sq.
Smoking lounge ¹¹	70	60
Warehouses	5	0.05 cfm/ft.sq.
Specialty Shops		
Barber	25	15
Beauty	25	25
Reducing salons	20	15
Florists ¹³	8	15
Clothiers, furniture		0.30 cfm/ft.sq.
Hardware, drugs, fabric	8	15
Supermarkets	8	15
Pet shops		1.00 cfm/ft.sq.
Sports and Amusement¹⁴		
Spectator areas	150	15
Game rooms	70	25
Ice arenas(playing areas)		0.50 cfm/ft.sq.
Swimming Pools(pool and deck area) ¹⁵		0.50 cfm/ft.sq.
Playing floor(gymnasium)	30	20
Ballrooms and discos	100	25
Bowling alleys(seating areas)	70	25
Theaters¹⁶		
Ticket booths	60	20
Lobbies	150	20
Auditorium	150	15
Stages, studios	70	15
Transportation¹⁷		
Waiting rooms	100	15
Platforms	100	15
Vehicles	150	15
Workrooms		
Meat processing ¹⁸	10	15
Photo studios	10	15
Darkrooms	10	0.50 cfm/ft.sq.
Pharmacy	20	15
Bank vaults	5	15
Duplicating, printing ¹⁹		0.50 cfm/ft.sq.

PROPOSED

TABLE 3-4
Outdoor Air Requirements for Ventilation¹
Occupancies not Subject to Sections 302 and 303

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
INSTITUTIONAL FACILITIES		
Education		
Classroom	50	15
Laboratories ²⁰	30	20
Training shop	30	20
Music rooms	50	15
Libraries	20	15
Locker rooms		0.50 cfm/ft.sq.
Corridors		0.10 cfm/ft.sq.
Auditoriums	150	15
Smoking lounges ¹¹	70	60
Hospitals, Nursing and Convalescent Homes		
Patient rooms ²¹	10	25
Medical procedure	20	15
Operating rooms	20	30
Recovery and ICU	20	15
Autopsy rooms ²²		0.50 cfm/ft.sq.
Physical Therapy	20	15
Correctional Facilities		
Cells	20	20
Dining halls	100	15
Guard station	40	15

PROPOSED

Table 3-4 Cont.
Outdoor Air Requirements for Ventilation¹
Occupancies not Subject to Sections 302 and 303

1. Derived from ASHRAE Standard 62-1989.
2. Net occupiable space.
3. Dry-cleaning process may require more air.
4. Supplementary smoke-removal equipment may be required.
5. Distribution among people must consider worker location and concentration of running engine; stands where engines are run must incorporate systems for positive engine exhaust withdrawal. Contaminant sensors may be used to control ventilation.
6. Independent of room size.
7. Installed capacity for intermittent use.
8. See also food and beverage service, merchandising, barber and beauty shops, garages.
9. Some office equipment may require local exhaust.
10. Mechanical exhaust with no recirculation is recommended.
11. Normally supplied by transfer air, local mechanical exhaust; with no recirculation recommended.
12. Normally supplied by transfer air.
13. Ventilation to optimize plant growth may dictate requirements.
14. When internal combustion engines are operated for maintenance of playing surfaces, increased ventilation rates may be required.
15. Higher values may be required for humidity control.
16. Special ventilation will be needed to eliminate special stage effects.
17. Ventilation within vehicles may require special considerations.
18. Spaces maintained at low temperatures(-10°F. to +50°F.) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirements.
19. Installed equipment must incorporate positive exhaust and control of undesirable contaminants.
20. Special contamination control systems may be required for processes or functions including laboratory animal occupancy.
21. Special requirements or codes and pressure relationships may determine minimum ventilation rates and filter efficiency. Procedures generating contaminants may require higher rates.
22. Air shall not be recirculated into other spaces.
23. Makeup air for hood exhaust may require more ventilating air.
24. Occupant loading shall be based on the number of bedrooms as follows: first bedroom, two persons; each additional bedroom, one person. Where higher occupant loadings are known, they shall be used.

TABLE 3-5
Prescriptive Integrated Forced Air Supply Duct Sizing

Number of Bedrooms	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter	Maximum Length ¹	Maximum Number of Elbows ²
2 or less	6"	7"	20'	3
3	7"	8"	20'	3
4 or more	8"	9"	20'	3

1. For lengths over 20 feet increase duct diameter 1 inch.
2. For elbows numbering more than 3 increase duct diameter 1 inch.

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-402 Solid fuel burning appliances and fireplaces.

402.1 General: Solid fuel burning appliances and fireplaces shall satisfy one of the following criteria.

402.2 Solid Fuel Burning Appliances: Solid fuel burning appliances shall be provided with the following:

- a) Tight fitting metal or ceramic glass doors.
- b) 1. A source from outside the structure of primary combustion air, connected to the appliance as per manufacturer's specification. The air inlet shall originate at a point below the fire box. The duct shall be 4 inches or greater in diameter, not exceed 20 feet in length, and be installed as per manufacturer's instructions;

or

2. The appliance and manufacturer's recommended combustion air supply, as an installed unit, shall be certified by an independent testing laboratory to have passed Test No. 11 - Negative Pressure Test, Section 12.3, of ULC S627-M1984 "Space Heaters for Use with Solid Fuels," modified as follows:

A) Negative pressure of 8 Pascal shall be initially established with the chamber sealed and the air supply, if not directly connected to the appliance, closed off.

B) The air supply, if not directly connected to the appliance, shall then be opened.

C) The maximum allowable air exchange rate from chamber leakage and intentional air supply for the unit (appliance with combustion air supply) in the test chamber is 3.5 air changes per hour, or 28 cfm (cubic feet of air per minute), whichever is less.

Exception: Combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting, provided that one of the following conditions is met:

1) The solid fuel burning appliance is part of a central heating plant and installed in an unconditioned space in conformance with the Uniform Mechanical Code; or

2) The solid fuel burning appliance is installed in existing construction directly on a concrete floor or surrounded by masonry materials as in a fireplace.

The combustion air terminus shall be located as close to the solid fuel burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be specified by the manufacturer or no less than four (4) inches in diameter or the equivalent in area or as approved.

402.3 Fireplaces: Fireplaces shall be provided with each of the following:

a) Tightly fitting flue dampers, operated by a readily accessible manual or approved automatic control.

Exception: Fireplaces with gas logs shall be installed in accordance with the Uniform Mechanical Code (~~Chapter 803~~) section 901.

b) An outside source for combustion air ducted into the firebox. The duct shall be at least six (6) square inches, and shall be provided with an operable outside air duct damper.

c) Site built fireplaces shall have tight fitting glass or metal doors, or a flue draft induction fan, or as approved for minimizing back-drafting. Factory built fireplaces shall use doors listed for the installed appliance.

402.4 Masonry Heaters: Masonry heaters shall be approved by the department of ecology and shall contain both of the following:

a) Primary combustion air ducted from the outside of the structure to the appliance.

b) Tight fitting ceramic glass or metal doors. Flue damper, when provided, shall have an external control and when in the closed position shall have a net free area of not less than five percent of the flue cross sectional area.

PROPOSED

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-501 Scope.

501.1 General: The criteria of this chapter establishes minimum radon resistive construction requirements for all Group R Occupancies. These requirements are adopted pursuant to the ventilation requirements of Section 7, of Chapter 2 of the Session Laws of 1990.

501.2 Application: The requirements of this chapter shall be adopted and enforced by all jurisdictions of the state according to the following subsections:

501.2.1: All jurisdictions of the state shall comply with section 502.

OPTION 1 • LEAVE SECTION 501.2.2 AS IS

501.2.2: Ferry, Grant, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, and Wahkiakum counties shall also comply with section 503.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-501 Scope.

501.1 General: The criteria of this chapter establishes minimum radon resistive construction requirements for all Group R Occupancies. These requirements are adopted pursuant to the ventilation requirements of Section 7, of Chapter 2 of the Session Laws of 1990.

501.2 Application: The requirements of this chapter shall be adopted and enforced by all jurisdictions of the state according to the following subsections:

501.2.1: All jurisdictions of the state shall comply with section 502.

OPTION 2 • STRIKE GRANT AND WAHKIAKUM COUNTIES

501.2.2: Ferry, (~~Grant,~~) Okanogan, Pend Oreille, Skamania, Spokane, and Stevens (~~, and Wahkiakum~~) counties shall also comply with section 503.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-501 Scope.

501.1 General: The criteria of this chapter establishes minimum radon resistive construction requirements for all Group R Occupancies. These requirements are adopted pursuant to the ventilation requirements of Section 7, of Chapter 2 of the Session Laws of 1990.

501.2 Application: The requirements of this chapter shall be adopted and enforced by all jurisdictions of the state according to the following subsections:

501.2.1: All jurisdictions of the state shall comply with section 502.

OPTION 3 • STRIKE GRANT AND WAHKIAKUM COUNTIES AND ADD ASOTIN, COLUMBIA, GARFIELD, WALLA WALLA AND WHITMAN

501.2.2: Asotin, Columbia, Ferry, (~~Grant~~) Garfield, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, (~~and Wahkiakum~~) Walla Walla, and Whitman counties shall also comply with section 503.

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-502 State-wide radon requirements.

502.1(~~(e)~~) Crawlspace:

502.1.1 General: All crawlspaces shall comply with the requirements of this section.

502.1.2 Ventilation: All crawlspaces shall be ventilated as specified in section (~~(2516(e))~~) 2317.7 of the Washington State Uniform Building Code (chapter (~~(51-16)~~) 51-30 WAC).

If the installed ventilation in a crawlspace is less than one square foot for each three hundred square feet of crawlspace area, or if the crawlspace vents are equipped with operable louvers, a radon vent shall be installed to originate from a point between the ground cover and soil. The radon vent shall be installed in accordance with sections 503.2.6 and 503.2.7.

502.1.3 Crawlspace Plenum Systems: In crawlspace plenum systems used for providing supply air for an HVAC system, aggregate, a permanently sealed soil gas retarder membrane and a radon vent pipe shall be installed in accordance with section 503.2. Crawlspaces shall not be used for return air plenums.

In addition, an operable radon vent fan shall be installed. The fan shall be located as specified in section 503.2.7. The fan shall be capable of providing at least one hundred cfm at one inch water column static pressure. The fan shall be controlled by a readily accessible manual switch. The switch shall be labeled "RADON VENT FAN."

~~((502.2 Radon monitoring~~

~~502.2.1 Three month etched track radon monitors: Beginning July 1, 1992, and ending June 30, 1995, at the time of final inspection, the building official shall deliver the following to each new Group R, Division 3 Occupancy and to all ground floor dwelling units in new Group R, Division 1 apartment houses:~~

~~a) A three month etched track radon device that is listed on a current federal EPA radon measurement proficiency list, and includes prepaid fees for postage, test analysis and notification of the test results to the owner; and~~

~~b) Manufacturer's instructions for the device; and~~

~~e) Instructions prepared by the state building code council, posted in a conspicuous place.~~

~~The building official is not responsible for returning the radon measurement device to the testing laboratory. The owner of a new Group R, Division 3 Occupancy or Group R, Division 1 apartment houses shall be responsible for returning the radon measurement device left by the building inspector to the appropriate testing laboratory in accordance with the instructions provided.)~~

WSR 94-16-118
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 2, 1994, 10:00 a.m.]

Original Notice.

Title of Rule: Chapter 51-32 WAC, adoption and amendment of the 1994 Edition of the Uniform Mechanical Code.

Purpose: To consider whether to adopt, or amend and adopt the 1994 Uniform Mechanical Code, published by the International Conference of Building Officials.

Statutory Authority for Adoption: RCW 19.27.035.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule includes adoption of the 1994 Uniform Mechanical Code, including Chapter 13, Fuel Gas Piping, Appendix B, with amendments.

Reasons Supporting Proposal: Chapter 19.27 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-8999; and **Enforcement:** Local jurisdictions.

Name of Proponent: State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council especially seeks comments on the issues and options that are proposed in the rule.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will adopt by reference and amend the 1994 Edition of the Uniform Mechanical Code (U.M.C.) published by the International Conference of Building Officials (ICBO). The purpose is to replace the 1991 U.M.C. and assign the 1994 U.M.C. a new WAC number (chapter 51-32 WAC). The 1994 U.M.C. will be amended to provide greater safety and flexibility than the published version for its application in Washington state. The 1994 U.M.C. has been updated as well as reformatted into the common code format established by the Council of American Building Officials (CABO). The new format establishes a common format of chapter designations for the model mechanical codes published in the United States. The code reformatting is a major change in the document which necessitated assigning it a new WAC number. Topics and entire chapters have been relocated within the code, resulting in a totally reorganized chapter and section numbering scheme. Within the chapters, sections are no longer subdivided using an alpha-numeric system, the 1994 U.M.C. having been changed to a decimal system for subdividing sections. The 1994 Edition of the U.M.C. has been metricated, with the Systeme International (SI) conversions following the inch-pound (IP) units in parenthesis. For the most part, the technical content of the U.M.C. has not changed. A significant change has been made in the refrigeration requirements due to the advent of new refrigerants mandated by federal requirements and new standards and practices. Chapter 11, Refrigeration, consolidates 1991 U.M.C. Chapters 12, 14, 15 and 16 and is revised in its entirety.

Proposal Changes the Following Existing Rules: WAC 51-32-0223 Definition: UNUSUALLY TIGHT CONSTRUCTION, provides added language to clarify what unusually tight construction is by referencing codes unique to the state or the Northwest. This is a revision of an existing amendment to the 1991 U.M.C.; WAC 51-32-0327 Section 327.6 (these options are also proposed for the Uniform Fire Code, Section 6107.3), Option 1: Leaves the section as published with no changes. Option 2: Retains the existing 1991 U.M.C. amendment which permits the use of unvented portable oil-fueled heaters as supplemental heat in any Group B, F-2, M, R, or U Occupancy provided such heaters shall not be located in sleeping rooms or bathrooms. This provision presently exists in chapter 19.27A RCW. Option 3: Adds language to Option 2 which also allows the installation of unvented gas logs and fireplaces in any Group I or Group R Occupancy, except bathrooms and bedrooms; WAC 51-32-0504 Section 504.3.1, an existing amendment to the 1991 U.M.C. Added language requires clothes dryer exhaust ducts to be protected by steel plates or clips to prevent accidental penetration by nails or screws; WAC 51-32-0601 Section 601.1, an existing amendment to the 1991 U.M.C. which provides flexibility as to what materials can be used for air ducts; WAC 51-32-0601 Section 601.1.1, Option 1: Option 1 is an existing amendment to the 1991 U.M.C. Allows corridors to be used as part of air-conveying systems in fire-resistive construction if stringent requirements are met. Option 2: Option 2 is the same as Option 1, except that corridors in Group I Occupancies are not included among those which may be used as part of air-conveying systems; WAC 51-32-0601 Section 601.2, an existing amendment to the 1991 U.M.C. which allows exhaust ducts to extend into or through ducts or plenums when specific conditions are met; WAC 51-32-0605 Section 605.2, makes the code user aware of the Uniform Building Code allowance for the deletion of fire dampers in air ducts passing through the wall, floor, or ceiling separating a Group R, Division 3 Occupancy from a Group U Occupancy; WAC 51-32-1312 Section 1312.1, allows corrugated stainless steel tubing to be used for gas piping; and WAC 51-32-1313 Section 1313.15, a proposed new section which requires underground ferrous gas piping to be electrically isolated from the rest of the gas system.

REGULATORY ANALYSIS (per Executive Order 94-07):

Objective of Rule: RCW 19.27.074 directs the council to adopt and maintain the codes listed in RCW 19.27.031, which includes the Uniform Mechanical Code. A new edition of the Uniform Mechanical Code is published every three years. The objective of this rule is to adopt and amend the Uniform Mechanical Code, 1994 Edition, for statewide application and enforcement by each city and county of the state.

Alternative Methods to Achieve Same Objective: The mission of the State Building Code Council is to adopt building codes for uniform application throughout the state. This is best achieved through a single building code. Amending the regulations of other agencies, or directing local governments to adopt building codes independently have been historically counterproductive to the purpose of the State Building Code Act (chapter 19.27 RCW).

PROPOSED

Coordination with Other Agencies: The Building Code Council rule-making process has included participation by local building, fire, mechanical and plumbing officials, and state agency representatives from the Departments of Ecology and Health, Fire Protection Services and the Superintendent of Public Instruction. Statute requires local governments to enforce the codes adopted by the council. Technical assistance to local governments is an ongoing activity of council staff. The Departments of Social and Health Services, Health, Public Instruction, Labor and Industries, Washington State Energy Office and Fire Protection Services are among the state agencies who no longer write their individual construction standards, but rely on the codes adopted by the Building Code Council.

Cost Effectiveness: Changes to other rules or statutes will not achieve the objective mandated by RCW 19.27.074, therefore, this proposal is the most cost-effective manner of achieving that regulatory objective.

Anticipated Environmental and Fiscal Consequences: Environmentally, an important result of adopting the latest edition of the Uniform Mechanical Code will come through application of new regulations for refrigerants and refrigeration. These new regulations are intended to reduce damage to earth's ozone layer. The fiscal consequences to state government of adopting or not adopting the proposed rule is difficult to quantify. Since the building codes do apply to state facilities, any benefits derived through use of the latest code editions will be enjoyed by the state. Adopting the most current editions of the codes will allow the state's building industry to utilize current construction trends, materials and technology. The codes foster development of buildings which are safe for the health and safety of the citizens of the state. The latest edition of the Uniform Mechanical Code incorporates changes made since the last edition which are intended to keep the code abreast of current technology so that its users can take advantage of up-to-date methods and materials.

Interaction with Federal Laws: Federal requirements have resulted in the advent of new refrigerants and new standards and practices for refrigeration which are reflected in the latest edition of the Mechanical Code. Also, the U.M.C. has been metricated, with metric equivalents being provided in parenthesis following the English measurements, as a result of federal regulations moving the nation toward use of the metric system.

Differences in Application to Public and Private Entities: All regulations adopted by the State Building Code Council apply equally to both public and private entities.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Kermit Robinson, Unit Manager, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (206) 753-5927, or FAX (206) 586-5880.

Hearing Location: Federal Way City Hall, City Council Chambers, 33530 First Way South, Federal Way, WA 98003, on September 8, 1994, at 9 a.m.; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on September 9, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma, (206) 753-5927 by August 24, 1994, TDD (206) 753-2200.

Submit Written Comments to: Gene Colin, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (206) 586-5880, by September 7, 1994.

Date of Intended Adoption: November 18, 1994.

July 8, 1994

Gene Colin
Chair

**Chapter 51-32 WAC
STATE BUILDING CODE ADOPTION AND
AMENDMENT OF THE 1994 EDITION OF THE
UNIFORM MECHANICAL CODE**

NEW SECTION

WAC 51-32-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-32-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the State Building Code Council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the Council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the Council.

NEW SECTION

WAC 51-32-003 Uniform Mechanical Code. The 1994 edition of the Uniform Mechanical Code, including Chapter 13, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

NEW SECTION

WAC 51-32-004 Conflict between Uniform Mechanical Code and State Energy Code chapter 51-11 WAC. In the case of conflict between the duct sealing or insulation requirements of Section 601 or Section 604 of this code and the duct sealing or insulation requirements of chapter 51-11 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

NEW SECTION

WAC 51-32-005 Conflict between Uniform Mechanical Code and State Ventilation and Indoor Air Quality Code chapter 51-13 WAC. In the case of conflict between the Group R ventilation requirements of this code and the Group R ventilation requirements of chapter 51-13 WAC, the Washington State Ventilation and Indoor Air Quality Code, the provisions of the ventilation and indoor air quality code shall govern.

NEW SECTION

WAC 51-32-007 Exceptions. The exceptions and amendments to the Uniform Mechanical Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-32-008 Implementation. The Uniform Mechanical Code adopted by chapter 51-32 WAC shall become effective in all counties and cities of this state on June 30, 1995.

NEW SECTION

WAC 51-32-0200 Chapter 2—Definitions.

NEW SECTION

WAC 51-32-0223 Section 223—U.

U.B.C. STANDARDS are those standards published in Volume 3 of the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

UNCONFINED SPACE is a room or space having a volume equal to at least 50 cubic feet per 1,000 Btu/h (4.831 L/W) of the aggregate input rating of all fuel-burning appliances installed in that space. Rooms communicating directly with the space in which the appliances are installed, through openings not furnished with doors, are considered a part of the unconfined space.

UNIT HEATER is a heating appliance designed for nonresidential space heating and equipped with an integral means for circulation of air.

UNUSUALLY TIGHT CONSTRUCTION is construction where:

1. Walls and ceilings exposed to the outside atmosphere have a continuous water vapor retarder with a rating of one perm or less with any openings gasketed or sealed, and
2. Weatherstripping on openable windows and doors, and
3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels and at penetrations for plumbing, electrical and gas lines and at other openings, or
4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code (WAC 51-11), Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

NEW SECTION

WAC 51-32-0300 Chapter 3—General requirements for heating, ventilating and cooling.

Part III—Decorative Appliances, Floor Furnaces, Vented Wall Furnaces, Unit Heaters and Room Heaters

NEW SECTION

WAC 51-32-0327 Section 327—Room heaters.

327.1 Vented Freestanding. Vented freestanding room heaters shall be installed with clearances from combustible material as set forth in Table 3-A.

EXCEPTION: Heaters listed for reduced clearances may be installed at the clearances specified on the required manufacturer's label.

327.2 Door Swing. Vented freestanding room heaters shall not be located so that a door can swing within less than 12 inches (305 mm) of a warm-air outlet of the heater, measured at right angles to the outlet. Doorstops or door closers shall not be installed to obtain such clearance.

327.3 Clearance. Vented freestanding room heaters shall be located at least 36 inches (914 mm) below any part of a structure projecting over the heater. This projection shall include doors or windows that could project over the heater.

327.4 Installation. Vented freestanding room heaters shall be safely and securely installed to prevent accidental displacement.

327.5 Vented Overhead. Vented overhead room heaters shall be safely and securely supported with hangers and brackets of noncombustible material and shall be installed with clearances from combustible material as specified on the required manufacturer's label.

EXCEPTION: Installation of overhead heaters in aircraft storage or servicing areas of Group S, Division 5 Occupancies shall comply with requirements of Section 323.1.

327.6 OPTION 1: *As published with no changes*

327.6 Unvented. Unvented fuel-burning room heaters shall not be installed, used, maintained or permitted to exist in a Group I or R Occupancy nor shall an unvented heater be installed in any building, whether as a new or as a replacement installation, unless permitted by this section. This subsection shall not apply to portable oil-fired unvented heating appliances used as supplemental heating in Group S, Divisions 3, 4 and 5 Occupancies, and Group U Occupancies, and regulated by the Fire Code.

327.6 OPTION 2: *As amended below*

327.6 Unvented. Unvented fuel-burning room heaters shall not be installed, used, maintained or permitted to exist in a Group I or R Occupancy nor shall an unvented heater be installed in any building, whether as a new or as a replacement installation, unless permitted by this section. This subsection shall not apply to portable oil-fired unvented heating appliances used as supplemental heating in Group S, Divisions 3, 4 and 5 Occupancies, and Group U Occupancies, and regulated by the Fire Code.

Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source in any Group B, F-2, M, R or U Occupancy provided that such heaters shall not be located in any sleeping room or bathroom, and shall comply

with RCW 19.27A.080, 19.27A.090, 19.27A.100, 19.27A.110 and 19.27A.120.

327.6 OPTION 3: As amended below

327.6 Unvented. Unvented fuel-burning room heaters shall not be installed, used, maintained or permitted to exist in a Group I or R Occupancy nor shall an unvented heater be installed in any building, whether as a new or as a replacement installation, unless permitted by this section. This subsection shall not apply to portable oil-fired unvented heating appliances used as supplemental heating in Group S, Divisions 3, 4 and 5 Occupancies, and Group U Occupancies, and regulated by the Fire Code.

Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source in any Group B, F-2, M, R or U Occupancy provided that such heaters shall not be located in any sleeping room or bathroom, and shall comply with RCW 19.27A.080, 19.27A.090, 19.27A.100, 19.27A.110 and 19.27A.120.

Approved, unvented decorative gas logs and fireplaces may be installed, used, maintained and permitted to exist in any Group I or R Occupancy, except bathrooms and bedrooms. An unvented decorative gas log is a listed natural or liquefied petroleum gas burning log with an open flame consisting of a metal frame or base supporting simulated logs which is designed so that its primary function lies in the aesthetic effect of the logs and flame. An unvented fireplace is a listed unvented gas log permanently installed in a freestanding enclosure or zero clearance enclosure designed and approved for installation in walls or other building structures. Unvented gas logs and fireplaces shall:

1. Be equipped with an approved oxygen-depletion sensor,
2. Be listed,
3. Not be installed in any room which does not have an alternative primary source of heat,
4. Have free air volume of at least 50 cubic feet (1.4 m³) for each 1,000 Btu (2.2 mm²/W) of thermal output,
5. Be permanently installed, and
6. Not be equipped with or connected to any automatic ignition or shut-off device except the oxygen-depletion sensor.

327.7 Overhead Radiant Heaters. Listed or approved unvented overhead room heaters may be installed in Group A, Division 2, 2.1, 3 or 4; Groups B; H, Division 4; Group H, Division 5; or Group U Occupancy, provided the installation conforms to all of the following requirements:

1. All portions of the heater are located at least 8 feet (2438 mm) above the floor.
2. At least two unobstructed permanent openings are provided to the room or space containing such heaters. These openings shall open directly to the outside of the building through the floor, roof or wall. The minimum combined total area of these openings shall be at least 1 square inch for each 1,000 Btu/h (2.2 mm²/W) input of the heater or heaters, with a minimum total area of 100 square inches (0.0645 m²). One half of the required openings shall be above the heater or heaters and one half shall be located below the heater or heaters.

EXCEPTION: When approved by the building official, provisions may be made to exhaust the products of combustion to the exterior by mechanical means.

3. Heaters shall be safely and securely supported with hangers and brackets of noncombustible material and installed with clearances from combustible material as specified on the required manufacturer's label.

NEW SECTION

WAC 51-32-0500 Chapter 5—Exhaust systems.

NEW SECTION

WAC 51-32-0504 Section 504—Environmental air ducts.

504.1 Makeup and Exhaust Air Ducts. Environmental air ducts not regulated by other provisions of this code shall comply with this section. Ducts shall be substantially airtight and shall comply with the provisions of Chapter 6. Exhaust ducts shall terminate outside the building and shall be equipped with backdraft dampers. Environmental air ducts which have an alternate function as a part of an approved smoke-control system do not require design as Class I product-conveying ducts.

504.2 Domestic Range Vents. Ducts used for domestic kitchen range ventilation shall be of metal and shall have smooth interior surfaces.

EXCEPTION: Ducts for domestic kitchen downdraft grill-range ventilation installed under a concrete slab floor may be of approved Schedule 40 PVC provided:

1. The under-floor trench in which the duct is installed shall be completely backfilled with sand or gravel.
2. Not more than 1 inch (25 mm) of 6-inch-diameter (152 mm) PVC coupling may protrude above the concrete floor surface.
3. PVC pipe joints shall be solvent cemented to provide an air- and grease-tight duct.
4. The duct shall terminate above grade outside the building and shall be equipped with a backdraft damper.

504.3 Domestic Dryer Vent. Domestic clothes dryer moisture exhaust ducts shall be of metal and shall have smooth interior surfaces.

EXCEPTION: Approved flexible duct connectors not more than 6 feet in length may be used in connection with domestic dryer exhausts. Flexible duct connectors shall not be concealed within construction.

504.3.1 Moisture exhaust ducts. Moisture exhaust ducts for domestic clothes dryers shall terminate on the outside of the building and shall be equipped with a back-draft damper. Screens shall not be installed at the duct termination. Ducts for exhausting clothes dryers shall not be connected or installed with sheet metal screws or other fasteners which will obstruct the flow. Clothes dryer moisture exhaust ducts shall not be connected to a gas vent connector, gas vent or chimney. Clothes dryer moisture exhaust ducts shall not extend into or through ducts or plenums. Clothes dryer exhaust ducts shall be protected by a steel plate or clip not less than 1/16 inch (1.59 mm) in thickness and of sufficient width to fully protect the duct. Plates or clips shall be placed on the finish face of all framing members which the clothes dryer exhaust duct passes through when there is less than 1-1/4 inch (32 mm) of framing material between the duct and the finish face. Plates or clips shall also be placed

where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct.

504.3.2 Length limitation. Unless otherwise permitted or required by the dryer manufacturer's installation instructions and approved by the building official, domestic dryer moisture exhaust ducts shall not exceed a total combined horizontal and vertical length of 14 feet (4267 mm), including two 90-degree elbows. Two feet (610 mm) shall be deducted for each 90-degree elbow in excess of two.

504.4 Commercial Dryer Exhaust Systems. Commercial dryer moisture exhaust ducts shall be installed in accordance with their listing.

504.5 Gypsum Wallboard Ducts. Bathroom and laundry room exhaust ducts may be of gypsum wallboard subject to the limitations of Section 601.1.3.

NEW SECTION

WAC 51-32-0600 Chapter 6—Duct systems.

NEW SECTION

WAC 51-32-0601 Section 601—Scope. Ducts and plenums which are portions of a heating, cooling, absorption or evaporative cooling system shall comply with the requirements of this chapter.

601.1 Material. Supply air, return air and outside air for heating, cooling or evaporative cooling systems shall be conducted through duct systems constructed of metal as set forth in Tables 6-A, 6-B and 6-C; metal ducts complying with the U.M.C. Standard 6-2 with prior approval; or factory-made air ducts complying with U.M.C. Standard 6-1. Ducts, plenums and fittings may be constructed of concrete, clay, ceramics or other approved nonmetallic materials when installed in the ground or in a concrete slab, provided the joints are tightly sealed.

601.1.1 OPTION 1:

601.1.1 Use of corridor as plenum. Corridors shall not be used to convey air to or from rooms if the corridor is required to be of fire-resistive construction by Section 1005 of the Building Code.

EXCEPTIONS:

1. Where such air is part of an engineered smoke control system.
2. Corridors conforming to Section 1019.3 of the Uniform Building Code in Group I Occupancies.
3. Corridors serving residential occupancies may be supplied without specific mechanical exhaust subject to the following:
 - 3.1 The supply air is 100 percent outside air, and
 - 3.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor, and
 - 3.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than 30 feet (9144 mm) on center along the corridor, and
 - 3.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

601.1.1 OPTION 2:

601.1.1 Use of corridor as plenum. Corridors shall not be used to convey air to or from rooms if the corridor is

required to be of fire-resistive construction by Section 1005 of the Building Code.

EXCEPTIONS:

1. Where such air is part of an engineered smoke control system.
2. Corridors serving residential occupancies may be supplied without specific mechanical exhaust subject to the following:
 - 2.1 The supply air is 100 percent outside air, and
 - 2.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor, and
 - 2.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than 30 feet (9144 mm) on center along the corridor, and
 - 2.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

601.1.2 Use of concealed space as plenum. Concealed building spaces or independent construction within buildings may be used as ducts or plenums.

601.1.3 Gypsum products exposed in ducts. When gypsum products are exposed in ducts or plenums, the air temperature shall be restricted to a range from 50°F. to 125°F. (10°C. to 50°C.) and moisture content shall be controlled so that the material is not adversely affected. For the purpose of this section, gypsum products shall not be exposed in ducts serving as supply from evaporative coolers, and in other air-handling systems regulated by this chapter when the temperature of the gypsum product will be below the dew point temperature.

See Chapter 8 for limitations on combustion products venting systems extending into or through ducts or plenums.

See Chapter 5 for limitations on environmental air systems exhaust ducts extending into or through ducts or plenums.

601.2 Contamination Prevention. Exhaust ducts under positive pressure and venting systems shall not extend into or pass through ducts or plenums.

EXCEPTION: Exhaust ducts conveying environmental air may pass through a duct or plenum provided that:

1. The duct is maintained under sufficient negative pressure to prevent leakage of the exhaust air to the surrounding duct or plenum; or
2. If maintained under a positive pressure with respect to the surrounding duct or plenum, the exhaust duct will be sealed to prevent leakage; or
3. The surrounding air stream is an exhaust air stream not intended for recirculation to the building and cross contamination of the two air streams will not create a hazardous condition.

For appliance vents and chimneys, see Chapter 8.

601.3 Combustibles within Ducts or Plenums. Materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed rating of not more than 50 when tested in accordance with the test for Surface Burning Characteristics of Building Materials, U.B.C. Standard 8-1.

EXCEPTIONS:

1. Return-air and outside-air ducts, plenums or concealed spaces which serve a dwelling unit may be of combustible construction.
2. Air filters meeting the requirements of Section 403.
3. Water evaporation media in an evaporative cooler.
4. Charcoal filters when protected with an approved fire-suppression system.

5. Electrical wiring in plenums shall comply with the Electrical Code. Flame propagation and smoke production characteristics of exposed electric cables installed in concealed space used as air plenums shall:

- 5.1 Exhibit a flame travel of 5 feet or less, and
- 5.2 Produce smoke having an average optical density not greater than 0.15 and having a peak optical density of 0.5 or less when tested in accordance with U.M.C. Standard 6-3.
- 5.3 Wiring meeting these requirements shall be listed and labeled as plenum cable as required by the Electrical Code.
6. Nonmetallic fire sprinkler piping in plenums shall be listed and shall meet the following requirements:
 - 6.1 Exhibit flame travel of 5 feet (1524 mm) or less, and
 - 6.2 Produce smoke having an average optical density not greater than 0.15 and having a peak optical density of 0.5 or less when tested in accordance with U.M.C. Standard 6-3.

601.4 Factory-made Air Ducts. Factory-made air ducts shall be approved for the use intended or shall conform to the requirements of U.M.C. Standard 6-1. Each portion of a factory-made air duct system shall be identified by the manufacturer with a label or other suitable identification indicating compliance with U.M.C. Standard 6-1 and its class designation. These ducts shall be listed and shall be installed in accordance with the terms of their listing, and the requirements of U.M.C. Standard 6-1.

601.5 Joints and Seams of Ducts. Joints of duct systems shall be made substantially airtight by means of tapes, mastics, gasketing or other means.

601.5.1 Residential round ducts. Crimp joints for residential round ducts shall have a contact lap of at least 1-1/2 inches (38 mm) and shall be mechanically fastened by means of at least three sheet-metal screws equally spaced around the joint, or an equivalent fastening method.

601.5.2 Residential rectangular ducts. Joints and seams for 0.016-inch (0.41 mm) (No. 28 gage) and 0.013-inch (0.33 mm) (No. 30 gage) residential rectangular ducts shall be as specified in Table 6-A for 0.019-inch (0.48 mm) (No. 26 gage) material.

601.5.3 Rectangular ducts. Joints and seams for rectangular duct systems shall be as specified in Table 6-A.

601.5.4 Oval ducts. Joints and seams for flat oval ducts and round ducts in other than single dwelling units shall be as specified in Table 6-B.

601.5.5 Listed duct. Joints and seams and all reinforcements for factory-made air ducts and plenums shall meet with the conditions of prior approval in accordance with the installation instructions that shall accompany the product.

601.6 Metal. Every duct, plenum or fitting of metal shall comply with Table 6-A or Table 6-B.

- EXCEPTIONS:
1. Ducts, plenums and fittings for systems serving single-dwelling units may comply with Table 6-C.
 2. Duct systems complying with U.M.C. Standard 6-1.

601.7 Tinned Steel. Existing tinned steel ducts may be used when cooling coils are added to a heating system, provided the first 10 feet (3048 mm) of the duct or plenum measured from the cooling coil discharge are constructed of metal of the gage thickness set forth in Table 6-A, 6-B or 6-C of this chapter or are of approved material and construction. Tinned ducts completely enclosed in inaccessible concealed areas need not be replaced. All accessible ducts shall be insulated to comply with Table 6-D of this chapter.

For the purpose of this subsection, ducts shall be considered accessible if the access space is 30 inches (762 mm) or greater in height.

601.8 Vibration Isolators. Vibration isolators installed between mechanical equipment and metal ducts (or casings) shall be made of an approved material and shall not exceed 10 inches (254 mm) in length.

NEW SECTION

WAC 51-32-0605 Section 605—Dampers in duct systems.

605.1 Smoke Dampers. Smoke dampers complying with recognized standards in Chapter 16, Part III, shall be installed in accordance with approved manufacturer's installation instructions when required by Chapters 7 and 9 of the Building Code. Smoke dampers shall be labeled by an approved agency.

605.2 Fire Dampers. Fire dampers complying with recognized standards in Chapter 16, Part III, shall be installed in accordance with approved manufacturer's installation instructions when required by Chapter 7 of the Building Code. Fire dampers shall have been tested for closure under airflow conditions and shall be labeled for both maximum airflow permitted and direction of flow. When more than one damper is installed at a point in a single air path, the entire airflow shall be assumed to be passing through the smallest damper area. Fire dampers shall be labeled by an approved agency. Only fire dampers labeled for use in dynamic systems shall be installed in heating, ventilation and air-conditioning systems which are intended to operate with fans "on" during a fire; see U.B.C. Section 713.12.

EXCEPTION: Fire dampers need not be installed in air ducts passing through the wall, floor or ceiling separating a Group R, Division 3 Occupancy from a Group U Occupancy, provided such ducts within the Group U Occupancy are constructed of steel having a thickness not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) and have no openings into the Group U Occupancy.

Ductwork shall be connected to damper sleeves or assemblies in such a way that collapse of the ductwork will not dislodge the damper or impair its proper operation.

605.3 Ceiling Dampers. Ceiling dampers complying with recognized standards in Chapter 16, Part III, shall be installed in accordance with manufacturer's approved installation instructions in the fire-resistive ceiling element of floor-ceiling and roof-ceiling assemblies when required by Chapter 7 of the Building Code. Fire dampers not meeting the temperature limitation of ceiling dampers shall not be used as substitutes. Ceiling dampers shall be labeled by an approved agency.

605.4 Multiple Arrangements. When size requires the use of multiple dampers, the installation shall be framed in an approved manner to ensure that the dampers remain in place.

605.5 Access and Identification. Dampers shall be provided with an approved means of access, large enough to permit inspection and maintenance of the damper and its operating parts. The access shall not impair fire-resistive construction. Access shall not require the use of tools, keys

or special knowledge. Access points shall be permanently identified on the exterior by a label with letters not less than 1/2 inch (13 mm) in height reading: SMOKE DAMPER or FIRE DAMPER. Access doors in ducts shall be tightfitting and suitable for the required duct construction.

605.6 Freedom from Interference. Dampers shall be installed in a manner to ensure positive closing or opening as required by function. Interior liners or insulation shall be held back from portions of a damper, its sleeve or an adjoining duct which would interfere with the damper's proper operation. Exterior materials shall be installed so as to avoid interference with the operation or maintenance of external operating devices needed for proper function.

605.7 Temperature Classification of Operating Elements. Fusible links, thermal sensors, and pneumatic or electric operators shall have a temperature rating or classification as required by the Building Code.

NEW SECTION

WAC 51-32-1300 Chapter 13—Fuel gas piping.

NEW SECTION

WAC 51-32-1312 Section 1312—Material for gas piping.

1312.1 General. Pipe used for the installation, extension, alteration or repair of gas piping shall be standard weight wrought iron or steel (galvanized or black), yellow brass containing not more than 75 percent copper, or internally tinned or equivalently treated copper of iron pipe size. Approved PE pipe may be used in exterior buried piping systems. Corrugated Stainless Steel Tubing (CSST) may be used for gas piping provided that it is part of a system that has been tested and listed to the ANSI/AGA Standard LC-1 and is installed in accordance with the manufacturer's installation instructions.

1312.2 Reused Pipe. Gas pipe shall be new or shall have been used previously for no purpose other than conveying gas; it shall be in good condition, clean and free from internal obstructions. Burred ends shall be reamed to the full bore of the pipe.

1312.3 Fittings. Fittings used in connection with the piping shall be of malleable iron, yellow brass containing not more than 75 percent copper or approved plastic fittings.

1312.4 Valves and Appurtenances. Valves and appurtenances for gas piping shall be of a type designed and approved for use with fuel gas.

NEW SECTION

WAC 51-32-1313 Section 1313—Installation of gas piping.

1313.1 Joints. Joints in the piping system, unless welded, shall be threaded joints having approved standard threads. Threaded joints shall be made with approved pipe joint material, insoluble in fuel gas and applied to the male threads only. Welded joints in a gas-supply system shall be made by a pipeline welder. See Section 1302.

1313.2 Location. Gas piping shall not be installed in or on the ground under any building or structure and exposed gas piping shall be kept at least 6 inches (152 mm) above grade or structure. The term "building or structure" shall include structures such as porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

Concealed unprotected gas piping may be installed above grade in approved recesses or channels.

EXCEPTION: When necessary due to structural conditions, approved-type gas piping may be installed in other locations when permission has first been obtained from the building official.

1313.3 Drip Pipes. When water vapor is present in the fuel gas served, accessible-drip pipes shall be provided at points where condensation will collect.

1313.4 Corrosion and Covering Protection. Ferrous gas piping installed underground in exterior locations shall be protected from corrosion by approved coatings or wrapping materials applied in an approved manner. Horizontal metallic piping shall have at least 12 inches (305 mm) of earth cover or equivalent protection. Plastic gas piping shall have at least 18 inches (457 mm) of earth cover or equivalent protection. Risers, including prefabricated risers inserted with plastic pipe, shall be metallic and shall be protected in an approved manner to a point at least 6 inches above grade. When a riser connects to plastic pipe underground the horizontal metallic portion underground shall be at least 30 inches (762 mm) in length before connecting to the plastic service pipe. An approved transition fitting or adaptor shall be used where the plastic joins the metallic riser.

EXCEPTION: Listed one-piece 90-degree transition fittings or risers may have less than 30 inches (762 mm) of horizontal metallic piping.

1313.5 Wrapping. Gas pipe protective coatings shall be approved types, machine applied, conforming to recognized standards. Field wrapping shall provide equivalent protection and is restricted to those fittings, short sections, and where the factory wrap has been damaged or necessarily stripped for threading or welding. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping below ground. Ferrous metals exposed in exterior locations shall be protected from corrosion in a manner satisfactory to the building official.

1313.6 Support and Fill. Gas piping shall be adequately supported by metal straps or hooks at intervals not to exceed those shown in Table B13-A. Gas piping installed below grade shall be effectively supported at all points on undisturbed or well-compacted soil or sand.

1313.7 Building Shutoff. Gas piping supplying more than one building on a premises shall be equipped with separate shutoff valves to each building, so arranged that the gas supply can be turned on or off to an individual or separate building. The shutoff valve shall be located outside the building it supplies and shall be readily accessible. Buildings accessory to single-family residences are exempt from the requirements of this section.

1313.8 Unions. Where unions are necessary, right and left nipples and couplings shall be used. Ground-joint unions may be used at exposed fixture, appliance or equipment connections and in exposed exterior locations immediately on the discharge side of a building shutoff valve. Heavy-duty flanged-type unions may be used in special cases, when approved by the building official. Bushings shall not be in concealed locations.

1313.9 Interjections. When air, oxygen or other special supplementary gas under pressure is introduced with the regularly supplied gas, either directly into the gas-piping system or at burners, a device approved by the building officials shall be installed to prevent backflow of the supplemental gas into the gas-piping system. The device shall be located between the source of the supplemental gas and meter and shall be on the gas line leading to the appliance using the special gas. This device may be either a spring-loaded or diaphragm-type check valve and shall be capable of withstanding the pressure imposed on it.

When liquefied petroleum or other standby gas is interconnected with the regular gas-piping system, an approved three-way two-port valve or other adequate safeguard acceptable to the building official shall be installed to prevent backflow into either supply system.

1313.10 Valves. Valves used in connection with gas piping shall be approved types, and shall be accessible.

1313.11 Barbecue or Fireplace Outlets. Gas outlets in a barbecue or fireplace shall be controlled by an approved operating valve located in the same room and outside the fireplace but not more than 4 feet (1219 mm) from the outlets. If piping on the discharge side of the control valve is standard weight brass or galvanized steel, the piping may be embedded in or surrounded by not less than 2 inches (51 mm) of concrete or masonry.

1313.12 Shutoff Valve. An accessible shutoff valve of a type set forth in Section 1313.10 shall be installed in the fuel-supply piping outside of each appliance and ahead of the union connection thereto, and in addition to any valve on the appliance. Shutoff valves shall be within 3 feet (914 mm) of the appliance.

Shutoff valves may be located immediately adjacent to and inside or under an appliance when placed in an accessible and protected location and when such appliance may be removed without removal of the valve.

Shutoff valves may be accessibly located inside wall heaters and wall furnaces listed for recessed installation where necessary maintenance can be performed without removal of the shutoff valve.

1313.13 Tracer for Nonmetallic Buried Piping. An electrically continuous insulated No. 18 [0.040 inch diameter (1 mm)] copper tracer wire or other approved conductor shall be installed with and attached to underground nonmetallic gas piping and shall terminate above grade at each end.

1313.14 Directional Changes. Changes in direction of gas piping shall be made by use of appropriate fitting, except that polyethylene gas piping and tubing may be bent to a

radius not less than 20 times the nominal diameter of the pipe or tube.

Add a New Section 1313.15 as follows:

1313.15 Corrosion Isolation. Underground ferrous gas piping shall be electrically isolated from the rest of the gas system with approved isolation fittings installed a minimum of 6 inches (153 mm) above grade.

WSR 94-16-121
PROPOSED RULES
LOTTERY COMMISSION
[Filed August 2, 1994, 11:54 a.m.]

Original Notice.

Title of Rule: New sections WAC 315-11A-131 Instant Game Number 131 ("Spin 'n Win") and 315-11A-132 Instant Game Number 132 ("Treasure Chest"); and amending WAC 315-11A-122 Instant Game Number 122 ("High Card").

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 131 (Spin 'n Win) and 132 (Treasure Chest); and to amend WAC 315-11A-122.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Rules Coordinator, Olympia, 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-131 and 315-11A-132, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: The proposal amends WAC 315-11A-122 to change the caption for the "JACK" play symbol and to remove one play symbol and add two others.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, proce-

sure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, East 10517 Sprague Avenue, Spokane, WA 99206, on September 9, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeff Burkhardt by August 31, 1994, (206) 586-6583.

Submit Written Comments to: Jeff Burkhardt, Lottery, FAX (206) 753-2602, by September 8, 1994.

Date of Intended Adoption: September 9, 1994.

August 1, 1994
Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11A-131 Instant Game Number 131 ("Spin 'n Win"). (1) Definitions for Instant Game Number 131.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "7." 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 131, 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
7	SVN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$6.00," "\$10.00," "\$12.00," "\$20.00," and "\$4,000." 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 131, 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
\$ 10.00	TEN DOL

\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
\$ 4,000	FORTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 13100001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 131 constitute the "pack number" which starts at 13100001; 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 \$600.00 or less. For Instant Game Number 131, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$2; \$1 AND \$1)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2 AND \$2)
EGT	\$ 8.00 (\$2, \$2, \$2 AND \$2; \$4, \$2 AND \$2)
TTF	\$ 24.00 (\$6, \$6, \$6 AND \$6; \$12 AND \$12)
FRY	\$ 40.00 (\$10, \$10, \$10 AND \$10; \$20 AND \$20)

(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 131.

(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 131 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.

PROPOSED

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

- (i) Vary the length of Instant Game Number 131; and/or
- (ii) Vary the number of tickets sold in Instant Game Number 131 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 131.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 131 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-132 Instant Game Number 132 ("Treasure Chest"). (1) Definitions for Instant Game Number 132.

(a) Play symbols: The following are the "play symbols": "2," "3," "4," "5," "6," "9," "10," 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 132, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
10	TEN
⊙	DLR

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$5.00," "\$10.00," "\$12.00," "\$50.00," and "\$500." 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 132, 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
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 50.00	\$FIFTY\$
\$ 500	FIVHUND

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 13200001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 132 constitute the "pack number" which starts at 13200001; 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 \$600.00 or less. For Instant Game Number 132, 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
THR	\$ 3.00 (\$1, \$1 AND \$1)

SIX	\$ 6.00	(\$2, \$2 AND \$2; \$3 AND \$3)
TLV	\$ 12.00	(\$3, \$3, \$3 AND \$3; \$12)
TWY	\$ 20.00	(\$5, \$5, \$5 AND \$5; \$10 AND \$10)
FTY	\$ 50.00	

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.

(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 132.

(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 a "⊙" play symbol shall be entitled to the prize shown below the "⊙" play 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 132 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 132; and/or

(ii) Vary the number of tickets sold in Instant Game Number 132 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 132.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 132 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

AMENDATORY SECTION (Amending WSR 94-11-027, filed 5/6/94, effective 6/6/94)

WAC 315-11A-122 Instant Game Number 122 ("High Card"). (1) **Definitions for Instant Game Number 122.**

(a) Play symbols: The following are the "play symbols": "7"; "8"; "9"; "10"; "J"; "Q"; (~~"K"~~) and (~~"A"~~) "K." One of these play symbols appears in each of the three play spots in the "your card" column and in each of the three play spots in the "dealer's card" column in the playfield on the front of the ticket.

(b) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The number 1, 2 or 3 precedes each play symbol caption to indicate the location of the play symbol in Game (row) 1, Game 2 or Game 3. For Instant Game Number 122, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
7	SVN
8	EGT
9	NIN
10	TEN
J	((JAE)) JCK
Q	QUE
K	KNG
((A	ACE))

(c) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$6.00"; "\$9.00"; "\$40.00"; and "\$4,000." One of these prize symbols appears for each game in the prize column on the front of the ticket.

(d) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. The number 1, 2 or 3 precedes each prize symbol caption to indicate the

PROPOSED

location of the prize symbol in Game 1, Game 2 or Game 3. For Instant Game Number 122, 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
\$ 6.00	SIX DOL
\$ 9.00	NIN DOL
\$ 40.00	\$FORTY\$
\$ 4,000	FORTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered with latex.

(f) Pack-ticket number: The twelve-digit number of the form 12200001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 122 constitute the "pack number" which starts at 12200001; 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 latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 and less. For Instant Game Number 122, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2 AND \$2; \$6)
TLV	\$ 12.00 (\$6 AND \$6; \$9, \$2 AND \$1)
EGN	\$ 18.00 (\$6, \$6 AND \$6; \$9 AND \$9)
FRY	\$ 40.00
ETY	\$ 80.00 (\$40 AND \$40)

(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 122.

(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: The bearer of a ticket having a play symbol in the "your card" column that is superior to the play symbol in the "dealer's card" column in the same game shall win the prize shown in the prize column for that game. The bearer of a ticket having winning play symbols in more than one game shall win the sum of the prizes in each winning game. Play symbols in different games may not be combined to win a prize.

(c) For purposes of this game, the ("A") "K" shall be the play symbol with the highest superiority followed by ("K," "Q," "J," "10," ("and") "9," "8," and "7" in that order.

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

(e) 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 122 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.

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

(i) Vary the length of Instant Game Number 122; and/or

(ii) Vary the number of tickets sold in Instant Game Number 122 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 122.

(a) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 122 shall comply with all of the following validation requirements.

(i) Exactly one play symbol must appear in each of the three play spots in the "your card" column and in each of the three play spots in the "dealer's card" column under the latex covering on the front of the ticket.

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

(iii) Exactly one prize symbol for each of the three games must appear under the latex covering in the prize column on the front of the ticket.

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

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

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

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

(vii) 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, 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 (a) of this subsection is invalid and ineligible for any prize.

PROPOSED

WSR 94-16-122
PROPOSED RULES
LOTTERY COMMISSION
 [Filed August 2, 1994, 11:56 a.m.]

Continuance of WSR 94-12-082.

Title of Rule: Amending WAC 315-06-120 Payment of prizes—General provisions and 315-06-130 Prizes payable after death or disability of individual winner.

Purpose: To amend WAC 315-06-120 and 315-06-130.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Rules Coordinator, Olympia, 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Proposal Changes the Following Existing Rules: The proposal amends WAC 315-06-120 to eliminate a section allowing for assignment of a prize for the purpose of paying taxes; and WAC 315-06-130 to require director's approval before a cashout is granted to an estate, and make changes to harmonize the rule with community property principals.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, East 10517 Sprague Avenue, Spokane, WA 99206-3631, on September 9, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeff Burkhardt, Lottery by August 31, 1994, (206) 586-6583.

Submit Written Comments to: J. Burkhardt, P.O. Box 43025, Olympia, WA 98504-3025, FAX (206) 753-2602, by September 8, 1994.

Date of Intended Adoption: September 9, 1994.

July 18, 1994
 Evelyn P. Yenson
 Director

WSR 94-16-125
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed August 2, 1994, 2:45 p.m.]

Original Notice.

Title of Rule: State environmental policy procedures.

Purpose: To establish state environmental policy procedures that comply with RCW 43.21C.120, the State Environmental Policy Act (SEPA) and are in accordance with WAC 197-11-904.

Statutory Authority for Adoption: RCW 43.21C.20, WAC 197-11-904.

Statute Being Implemented: Chapter 43.21C RCW, WAC 197-11-904.

Summary: To adopt by reference the 1984 SEPA procedures contained in the statewide SEPA rules and to provide rules for coordination, methods of public notice and other specifics particular to the Higher Education Coordinating Board.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, 586-6589.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislature has directed each agency to establish uniform requirements for compliance with SEPA. The adoption by reference of WAC 197-11-040 puts the Higher Education Coordinating Board in compliance with this directive and asserts this agency's commitment to carefully consider environmental issues when projects involving our natural resources are proposed.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, 3rd Floor Conference, Olympia, WA 98504-3430, on September 6, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Karen B. Moton-Tate by September 6, 1994, TDD (206) 753-2212, or (206) 753-2210.

Submit Written Comments to: Jim Reed, P.O. Box 43430, Olympia, WA 98504, FAX (206) 753-1784, by September 6, 1994.

Date of Intended Adoption: September 15, 1994.

August 1, 1994
 Karen B. Moton-Tate
 Rules Coordinator

NEW SECTION

WAC 250-14-020 Adoption by reference. The board hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 WAC:

General Requirements

WAC-

- 197-11-040 Definitions
- 197-11-050 Lead Agency
- 197-11-055 Timing of the SEPA process
- 197-11-060 Content of environmental review
- 197-11-070 Limitations on actions during SEPA process
- 197-11-080 Incomplete or unavailable information
- 197-11-090 Supporting documents
- 197-11-100 Information required of applicants

Categorical Exemptions and Threshold Determination

WAC

- 197-11-300 Purpose of this part
 197-11-305 Categorical exemptions
 197-11-310 Threshold determination required
 197-11-315 Environmental checklist
 197-11-330 Threshold determination process
 197-11-335 Additional information
 197-11-970 Determination of nonsignificance (DNS)
 197-11-980 Determination of significance and scoping notice (DS)
 197-11-985 Notice of assumption of lead agency status
 197-11-990 Notice of action

NEW SECTION

WAC 250-14-030 SEPA coordination and advisory activities. In order to coordinate and integrate other government reviews and approvals with the EIS process, to promote the participation of agencies with jurisdiction or expertise from various levels of government, and to encourage and assist public participation, the board may, as provided in WAC 197-11-410 Expanding scoping, utilize a coordinator or team from inside or outside the agency to serve in an advisory capacity to the board, its staff, and outside consultants retained by the board to assist in the preparation of the EIS.

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 250-14-040 Required methods of public notice. When these rules require notice to be given under WAC 197-11-510, the board shall:

- (1.) Post a notice on the property of a site-specific project;
- (2.) Publish notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (3.) Notify the news media and request that the notice be announced;
- (4.) Notify private and public groups with known interest in the proposal.

NEW SECTION

WAC 250-14-050 Board compliance with flexible thresholds. The board will use the flexible thresholds established by the particular jurisdiction in which an HECB project is located.

NEW SECTION

WAC 250-14-060 Use of existing environmental documents. As provided in WAC 197-11-600, the board may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different than, those analyzed in the existing documents.

NEW SECTION**WAC 250-14-070 Lead agency determination.**

Except as otherwise specifically provided herein, the board shall serve as lead agency for all proposals it initiates and for proposals directed by the legislature requiring board action. In the event one or more agencies share in the implementation of a proposal or action of the board, the board and the agencies may by agreement determine which agency will assume the status of lead agency.

NEW SECTION**WAC 250-14-080 Designation of responsible official.**

For the purpose of SEPA, the responsible agency official is:

Associate Director - Resource Planning
 Higher Education Coordinating Board
 917 Lakeridge Way
 Olympia, WA 98504-3430

WSR 94-16-126**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed August 2, 1994, 4:51 p.m.]

Original Notice.

Title of Rule: WAC 308-66-190 Transfer of certificate of title by dealer and 308-66-195 Possession of certificate of ownership by dealer.

Purpose: Increases time period for dealer to make application for title into the purchaser's name. Allows dealer to sell an inventory vehicle as soon as the lien on the acquired vehicle has been paid.

Statutory Authority for Adoption: RCW 46.70.160.

Statute Being Implemented: RCW 46.70.124.

Summary: Amendatory section WAC 308-66-190 extends the time period for the dealer to apply for title into a purchaser's name. Amendatory section WAC 308-66-195 implements those revisions made to RCW 46.70.124 requiring dealers to possess certificate of ownership rather than certificate of title.

Reasons Supporting Proposal: Dealers are experiencing increased time to acquire physical title with the paperless title process and from out-of-state lienholders holding the title on trade-in vehicles.

Name of Agency Personnel Responsible for Drafting and Implementation: Lynda S. Henriksen, P.O. Box 48071, Olympia, 98504, (206) 586-5373; and Enforcement: Robert E. Smith, P.O. Box 48071, Olympia, 98504, (206) 586-3986.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Dealers are experiencing an increased time to acquire physical title on trade-in vehicles with the paperless title from First Interstate Bank and other potential paperless title lienholder participants and from out-of-state lienholders holding the title on trade-in vehicles. The amendatory WAC rules will increase the time period for a dealer to make application for a certificate of title into the purchaser's name

from thirty days to forty-five days. It will also allow dealers to sell an inventory vehicle as soon as the lien on the acquired vehicle has been paid rather than waiting to receive title from the lienholder.

Proposal Changes the Following Existing Rules: The proposal extends the existing time period of thirty days for transfer of title by a dealer to forty-five calendar days. The proposal requires a dealer to possess a certificate of ownership on a vehicle before it can be added to the dealer's inventory rather than possession of a certificate of title.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The only economic impact to small businesses would be to their favor.

Hearing Location: Department of Licensing, 3rd Floor Executive Conference Room, General Administration Building, 11th and Columbia, Olympia, Washington 98504, on September 8, 1994, at 10:00.

Assistance for Persons with Disabilities: Contact Gail Saul by September 2, 1994, TDD (206) 664-8885.

Submit Written Comments to: Gail Saul, Department of Licensing, P.O. Box 48071, Olympia, WA 98504-8071, FAX (206) 586-6703, by September 2, 1994.

Date of Intended Adoption: September 22, 1994.

August 2, 1994
Robert E. Smith
Acting Administrator

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

WAC 308-66-190 Transfer of certificate of title by dealer. (1) When a vehicle displaying current Washington plates is sold by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within ~~((thirty))~~ forty-five calendar days following the sale of the vehicle.

(2) The dealer shall in every case sign or type his/her name on the certificate of title accompanying the transfer. If an authorized agent signs for the dealer, he/she shall give his/her title.

(3) The name and address of the previous registered owner shall be shown on the application for transfer of title.

(4) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

AMENDATORY SECTION (Amending Order MV 170, filed 7/16/73)

WAC 308-66-195 Possession of certificates of ~~((title))~~ ownership. (1) ~~((A vehicle dealer shall have possession of a separate certificate of ownership))~~ For each used vehicle kept in ~~((his possession))~~ the dealer's inventory unless ~~((that))~~ the certificate of ownership is in the possession of the person holding a security interest in the dealer's inventory, a vehicle dealer shall have possession of a separate certificate of ownership of either the following ownership documents:

(a) A separate certificate of title in the name of the dealer, or the dealer's immediate vendor, properly assigned;
or

(b) Evidence that the dealer owns the vehicle, such as a bill of sale, and evidence that the dealer has satisfied or paid off any legal owner on the vehicle.

~~((2))~~ ~~((Each title shall be in the dealer's own name or in the name of the dealer's immediate vendor properly assigned.~~

~~((3))~~ If there is a ~~((lienholder))~~ legal owner on any vehicle acquired by the dealer, the dealer shall obtain possession of the title by paying off any balance due to the ~~((lienholder))~~ legal owner no later than the close of the second business day following the date of acquisition of the vehicle by the dealer. For purposes of this section, a dealer acquires a vehicle when the dealer takes possession of the vehicle and an authorized representative of the dealer unconditionally accepts the written offer to purchase.

WSR 94-16-128
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 3, 1994, 8:17 a.m.]

Original Notice.

Title of Rule: WAC 180-16-222 Exceptions to classroom teachers assignment policy.

Purpose: To allow school districts increased flexibility to make the most use of personnel at the middle and junior high levels.

Statutory Authority for Adoption: RCW 28A.150.220(6).

Statute Being Implemented: RCW 28A.150.220(6).

Summary: Proposed amendment provides for the assignment of middle school and junior high teachers to subjects in which they have completed twenty-four quarter (sixteen semester) credits of course work.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Theodore E. Andrews, Office of Superintendent of Public Instruction, Olympia, (206) 753-3222.

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 Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: George Washington Bush Middle School, 2120 83rd Avenue S.W., Tumwater, WA 98501, on September 22, 1994, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 8, 1994, TDD (206) 664-3631, or (206) 753-6733.

PROPOSED

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by September 21, 1994.

Date of Intended Adoption: November 18, 1994.

August 3, 1994

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 93-07-102, filed 3/23/93, effective 4/23/93)

WAC 180-16-222 Exceptions to classroom teacher assignment policy. Exceptions to the classroom teacher assignment specified in WAC 180-16-221 shall be limited to the following:

(1) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(2) Any certificated person holding a limited certificate as specified in WAC 180-79-230 or a vocational education certificate as specified in chapter 180-77 WAC or any person holding a nonimmigrant alien permit issued pursuant to WAC 392-193-055, may be assigned as per the provisions of such section or chapter.

(3) Any certificated teacher may be assigned to courses offered in basic education subject areas not included within the list of endorsements specified in WAC 180-79-080.

(4) Any certificated teacher with at least two full school years of classroom teaching experience who has not been placed on probation pursuant to RCW 28A.405.100 during the past two years may be assigned for one year to an out-of-endorsement assignment under the following conditions:

(a) A designated representative of the district and the classroom teacher so assigned will mutually develop a written plan which would provide necessary assistance to the teacher so assigned, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment; and

(b) The following conditions apply regarding required observations and evaluations:

(i) Teachers cannot be assigned out-of-endorsement full-time if they would be subject to evaluation under RCW 28A.405.100(1) in such assignment. Teachers so assigned must be eligible for short form evaluation as provided in RCW 28A.405.100(5).

(ii) Any observation conducted in an out-of-endorsement part-time assignment will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.

(iii) Teachers who are assigned out-of-endorsement full or part-time, and who are eligible pursuant to state and district criteria, shall be encouraged to participate in the district's professional growth plan option.

(c) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-171-701, including the request for a waiver from the superintendent of public instruction required by subsection (5) of this section.

(5) School districts may assign classroom teachers out of their endorsement areas for two additional years if such assignment(s) complies with WAC 180-16-223.

(6) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(7) Any certificated teacher who holds one of the specific subject area endorsements (i.e., drama, English, journalism, and/or speech) related to the broad area of English/Language Arts, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(8) Any certificated teacher who holds one of the specific subject area endorsements (i.e., biology, chemistry, earth science, and/or physics) related to the broad area of science, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(9) Any certificated teacher who holds one of the specific subject area endorsements (i.e., anthropology, economics, geography, history, political science, psychology, and/or sociology) related to the broad area of social studies, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(10) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a specific content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

WSR 94-16-129

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 3, 1994, 8:18 a.m.]

Original Notice.

Title of Rule: WAC 180-75-016 Equivalency of standards, 180-75-061 Application for certification, and 180-79-115 Academic requirements for certification—Teachers.

Purpose: Changes will bring proposed amended sections into agreement with legislative enactments and previous WAC changes.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010.

Summary: Proposed amendments delete or clarify references to legislative enactments and other WACs.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Theodore Andrews, Office of Superintendent of Public Instruction, Olympia, (206) 753-3222.

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 Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: George Washington Bush Middle School, 2120 83rd Avenue S.W., Tumwater, WA 98501, on September 22, 1994, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 8, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by September 21, 1994.

Date of Intended Adoption: November 18, 1994.

August 3, 1994

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-75-016 Equivalency of standards. Reasonable flexibility in interpretation of the requirements contained in this chapter and in chapters 180-77, 180-78 and 180-79 WAC may be applied consistent with the intent and spirit of the requirements of the appropriate chapter. For example, advanced degrees in the same or related fields may be substituted for required lesser degrees. An annual report of the use of this rule shall be submitted to the state board of education by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 90-12-121, filed 6/6/90, effective 7/7/90)

WAC 180-75-061 Application for certification. An individual who applies for a Washington state certificate, unless seeking reinstatement pursuant to WAC 180-75-087 or renewal pursuant to WAC 180-75-088, must meet the standards in effect at the time of application. ~~((Effective August 31, 1993, unless the candidate is applying for a limited certificate pursuant to WAC 180-79-230, an initial~~

~~certificate pursuant to the out of state provisions of WAC 180-79-245, or a vocational certificate pursuant to WAC 180-77-040 or 180-77-095 or unless the candidate holds a valid initial or continuing Washington state certificate issued pursuant to chapter 180-79 WAC other than a limited certificate issued pursuant to WAC 180-79-230, the candidate must have passed the applicable parts of the admission to practice examination within one calendar year of the date of application.))~~

AMENDATORY SECTION (Amending WSR 94-01-101, filed 12/16/93, effective 1/16/94)

WAC 180-79-115 Academic requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC ~~((180-75-080 and))~~ 180-75-085.

(1) Initial.

~~((a) Candidates for the initial certificate who apply for such certificate on or before August 31, 1992, shall hold a baccalaureate degree from a regionally accredited college or university and shall have completed the degree major in an academic field or in the teaching specialization of early childhood, elementary, reading, or special education.~~

~~(b))~~ Candidates for the initial certificate ~~((who apply for such certificate after August 31, 1992.))~~ shall hold an approved baccalaureate degree from a regionally accredited college or university: *Provided*, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79-080 (3)(a) through (e) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate shall have at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed from a regionally accredited institution of higher education subsequent to the conferral of the baccalaureate degree: *Provided*, That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates for a continuing certificate shall have been granted at least two subject area endorsements.

(c) Candidates who apply for a continuing certificate ~~((after August 31, 1992.))~~ who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

WSR 94-16-130
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 3, 1994, 8:20 a.m.]

Original Notice.

Title of Rule: Various rules regarding certification for educational staff associates, amending WAC 180-78-025 Program approval, 180-78-065 Required professional education advisory board, 180-78-140 Program approval standards for approved preparation programs, 180-78-180 Program quality review, 180-78-270 Program approval requirement—General skills demonstration by all candidates for certification as ESAs, 180-78-275 Program approval requirement—Specific knowledge by all candidates for certification as ESAs, 180-78-280 Program approval requirement—Field experience for all candidates for certification as ESAs, 180-78-285 Program approval requirement—General knowledge required for all candidates for certification as ESAs, 180-79-049 Professional preparation program requirement for certification, 180-79-125 Academic requirements for certification—Educational staff associate (ESA), 180-79-128 Supervised experience requirement for continuing certification, 180-79-131 General knowledge required of all candidates for certification and 180-79-230 Limited certificates; repealing WAC 180-78-085 Professional education advisory board for ESA, CDS, 180-78-095 Professional education advisory board for ESA, reading resource specialist, 180-78-110 Professional education advisory board for ESA, school nurse, 180-78-115 Professional education advisory board for ESA, school physical therapist, 180-78-120 Professional education advisory board for ESA, school occupational therapist, 180-78-290 Program approval requirement—Specific knowledge and skills for ESA, CDS, 180-78-300 Program approval requirement—Specific knowledge and skills for ESA, school occupational therapist, 180-78-305 Program approval requirement—Specific knowledge and skills for ESA, school physical therapist, 180-78-315 Program approval requirement—Specific knowledge and skills for ESA, reading resource specialist and 180-78-320 Program approval requirement—Specific knowledge and skills for ESA, school nurse; and new sections WAC 180-78-141 Program completion deadline and 180-79-121 Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist.

Purpose: The proposed amended and new sections will contribute to providing an adequate supply of qualified certificated support service personnel to school children.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130 (1), (2), and (3).

Statute Being Implemented: RCW 28A.410.010, 28A.305.130 (1), (2), and (3).

Summary: The proposed amendments make changes to current certification rules for educational staff associates; the most significant change being the elimination of the requirement for completion of a state approved preparation program for certain ESA roles.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public

Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Ted Andrews, Office of Superintendent of Public Instruction, Olympia, (206) 753-3222.

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 Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: George Washington Bush Middle School, 2120 83rd Avenue S.W., Tumwater, WA 98501, on September 22, 1994, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 8, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by September 21, 1994.

Date of Intended Adoption: November 18, 1994.

August 3, 1994

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-025 Program approval. All programs leading to certification offered in Washington state to prepare teachers, ~~((administrators, and educational staff associates))~~ principals, program administrators, superintendents, school counselors, school psychologists, and school social workers shall be approved pursuant to the requirements of this chapter.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-065 Required professional education advisory board. Colleges and universities seeking approval by the state board of education as an approved professional preparation program and in order to maintain such approval status shall establish a professional education advisory board for each of the following program areas for which the college or university seeks approval or maintains an approved preparation program:

- (1) Teacher.
- (2) Administrator.
- (3) ~~((Educational staff associate, communication disorder specialist.~~
- ~~(4)))~~ Educational staff associate, school counselor.
- ~~((5) Educational staff associate, reading resource specialist.~~
- ~~(6)))~~ (4) Educational staff associate, school psychologist.

PROPOSED

~~((7))~~ (5) Educational staff associate, school social worker.

~~((8)) Educational staff associate, school nurse.~~

~~(9) Educational staff associate, school physical therapist.~~

~~(10) Educational staff associate, school occupational therapist.~~

~~((11))~~ (6) *Provided*, That a college or university may combine any or all professional education advisory boards for educational staff associate professional preparation programs as long as the membership thereof consists of the following:

(a) One or more educational staff associates appointed by the president of the respective professional association specified in WAC 180-78-085 through 180-78-120 for each professional preparation program within the college or university and that such membership by educational staff associates constitutes one-half or more of the membership on the combined educational staff associate professional education advisory board.

(b) One or more classroom teachers appointed by the president of the Washington education association.

(c) One or more principals appointed by the president of the association of Washington school principals.

(d) One or more administrators appointed by the president of the Washington association of school administrators.

(e) The chief administrator of each professional preparation program as designated by the college or university president. The college or university president also shall appoint one of such chief administrators as the executive officer of such combined board who shall be responsible for administering all combined board activities, including liaison with the faculty: *Provided*, That if the college or university elects to have such chief administrators serve as nonvoting members of the combined board, such membership shall not count for the purpose of compliance with (a) of this subsection.

~~((12))~~ (7) *Provided, Further*, That the failure of a designated organization, as specified in WAC 180-78-075 through 180-78-120 to make appointments to the designated board, or to make such appointments in a timely manner, shall not cause the approved professional preparation program to lose its approval status.

AMENDATORY SECTION (Amending Order 26-88, filed 12/14/88)

WAC 180-78-140 Program approval standards for approved preparation programs. The program approval standards for an approved preparation program are as follows: *Provided*, That the state board of education may allow the substitution of the Council for Accreditation of Counseling and Related Education Program's (CACREP) or the National Association of School Psychologists' (NASP) standards for program approval standards (subsections (2) through (7) of this section) for school counselor and school psychologist program approval:

(1) **Professional education advisory boards:** The college or university, in conformance with the provision of WAC 180-78-145, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the

development, implementation, and revision of each professional preparation program—i.e., teacher, administrator, and affected educational staff associates.

(2) **Separate administrative unit:** A separate college, school, department, or other administrative unit within the college or university, in conformance with the provision of WAC 180-78-150, has been established and maintained as responsible for professional preparation programs, including development of professional preparation programs, including curriculum, admission standards, and other matters related to the professional preparation programs.

(3) **Adequate resources:** Adequate resources, in conformance with the provision of WAC 180-78-155, have been committed and are available to the professional preparation program in the areas of personnel, finance, learning resources, physical facilities, equipment, materials, and supplies that permit the offering of quality professional preparation programs.

(4) **Candidate admission and retention policies:** Policies, in conformance with the provision of WAC 180-78-160, have been established and maintained for admission to and retention in the professional preparation program.

(5) **Candidate knowledge and skills policies:** Policies, in conformance with the provision of WAC 180-78-165, have been established and maintained requiring all candidates for certification to demonstrate knowledge and skills required for the particular certificate and areas of endorsement.

(6) **Candidate field experience policies:** Policies, in conformance with the provision of WAC 180-78-170, have been established and maintained requiring all candidates for certification to complete a field experience required for the particular certificate.

(7) **Program development:** The college or university, in conformance with the provision of WAC 180-78-175, has based the components of the professional preparation program on a theoretically sound and research-based framework, has established procedures for the review of such theory and research regularly, and has made a commitment to revise the professional preparation program based on evaluation of the program and relevant new knowledge in the field.

NEW SECTION

WAC 180-78-141 Program completion deadline. Individuals beginning approved preparation programs for communication disorders specialist, school occupational therapist, school physical therapist, and school nurse prior to December 1994 may, until August 31, 1996, obtain the initial certificate under program and certification requirements repealed by action of the state board of education on November 18, 1994.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-180 Program quality review. Each college or university authorized to conduct one or more approved professional preparation programs shall provide for a quality review of all professional preparation programs during the fourth year of initial authority to provide one or more such programs and every five years thereafter.

Colleges and universities currently operating one or more approved preparation programs shall conduct a quality review prior to 1993. The report of the quality review team shall address each of the mandatory items in WAC 180-78-190 and shall contain recommendations for the improvement of each approved professional preparation program within the college or university. The report of the quality review team shall be presented to the dean or director of the college, school, or other designation of the administrative unit required by WAC 180-78-140, the college or university president, and the governing board of the college or university. Members of the quality review team shall consist of the following:

- (1) The superintendent of public instruction or his or her designee who shall serve as chair of the quality review team.
- (2) The president of the state board of education or his or her designee from such board.
- (3) The chair of the higher education coordinating board or his or her designee from such board.
- (4) The chair of the professional education advisory committee, created by WAC 180-78-015, or his or her designee.
- (5) The president of the Washington education association or his or her designee.
- (6) The president of the Washington school directors' association or his or her designee.
- (7) The president of the Washington association of school administrators or his or her designee.
- (8) The president of the association of Washington school principals or his or her designee.
- (9) The president of the Washington federation of independent schools or his or her designee.
- (10) The president of the following organizations or his or her designee if the college or university has an educational staff associate professional preparation program in the respective professional field:
 - (a) ~~((Washington speech and hearing association.~~
 - ~~(b))~~ Washington school counselor association.
 - ~~((c) Washington chapter of the international reading association.~~
 - ~~(d))~~ (b) Washington association of school psychologists.
 - ~~((e))~~ (c) Washington association of school social workers.
 - ~~((f) School nurses organization of Washington.~~
 - ~~(g) Washington state physical therapy association.~~
 - ~~(h) Washington state occupational therapy association.)~~
- (11) The chair of the Washington council of deans and directors of education or his or her designee.
- (12) *Provided*, That the failure of a designated organization, as specified above, to make appointments, or to make such appointments in a timely manner, shall not cause the approved college or university to lose its approval status and shall not be a reason to impede the formation and operation of the quality review team.
- (13) *Provided further*, That the designated college or university official may request any of the above designated officials to reconsider serving or reconsider the designee appointed and such designated official shall reconsider and notify the college or university of his or her decision in writing.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-270 Program approval requirement—General skills demonstration by all school counselor, school psychologist, and school social worker candidates for certification ((~~as~~ ~~ESAs~~)). An approved professional preparation program shall require all school counselor, school psychologist, and school social worker candidates for certification as education staff associates to demonstrate in their field experience their skills in the following areas:

- (1) **Assessment.** Candidates must demonstrate their ability to select, administer, and interpret assessments of students in matters related to the specialized area of practice.
- (2) **Professional practice.** Candidates must demonstrate their ability to apply the knowledge of their specialized area of practice to students in need of their specialized services.
- (3) **Professional ethics.** Candidates must demonstrate their ability to recognize ethical problems related to their specialized practice and prescribe ethically acceptable solutions.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-275 Program approval requirement—Specific knowledge by all school counselor, school psychologist, and school social worker candidates for certification ((~~as~~ ~~ESAs~~)). An approved preparation program for ~~((educational staff associates))~~ school counselors, school psychologists, and school social workers shall require candidates to demonstrate their specific knowledge requirements as set forth in WAC ~~((180-78-290))~~ 180-78-295 through 180-78-325 in a comprehensive written examination as part of a masters or higher degree ~~((or as a separate examination, including the licensure examination by the state of Washington for nurses, physical therapists, or occupational therapists))~~.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-280 Program approval requirement—Field experience for all school counselor, school psychologist, and school social worker candidates for certification ((~~as~~ ~~ESAs~~)). An approved preparation program for ~~((educational staff associates))~~ school counselors, school psychologists, and school social workers shall require a field experience which includes observation and at least eight full weeks or equivalent practice under the direct supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. For the purpose of this section "eight full weeks" means two hundred forty hours of on-the-job professional service. The field experience requirement may be waived or reduced in length for any candidate who has served as a licensed practitioner or a comparable educational position if the college or university determines the previous experience was substantially equivalent in whole or part to the experience otherwise to be gained in the required field experience. Components of the required field experience shall include:

(1) Demonstration by the candidate that he or she has the general skills required by WAC 180-78-210 of all candidates for certification.

(2) Demonstration by the candidate that he or she has the general skills required by WAC 180-78-270 for all candidates for an endorsement as an educational staff associate.

(3) Demonstration by the candidate that he or she has the specific skills required for all candidates for an endorsement as a specialized educational staff associate as set forth in WAC ~~((180-78-290))~~ 180-78-295 through 180-78-325.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-285 Program approval requirement—General knowledge required for all school counselor, school psychologist and school social worker candidates for certification ~~((as ESAs)).~~ An approved preparation program for ~~((educational staff associates))~~ school counselors, school psychologists and school social workers shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC 180-79-131 for all candidates for certification: *Provided*, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work.

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-79-049 Professional preparation program requirement for certification. ~~((AH))~~ Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79-230 and 180-79-245, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must have completed a state approved college/university preparation program for certification as a teacher and candidates for superintendent's certificates must have completed a state approved college/university preparation program for certification as a teacher ~~((or))~~ educational staff associate, or program administrator.

AMENDATORY SECTION (Amending WSR 94-01-101, filed 12/16/93, effective 1/16/94)

WAC 180-79-125 Academic requirements for certification—~~((Educational staff associate (ESA)))~~ School counselors, school psychologists, and school social workers. Candidates for ~~((ESA))~~ school counselor, school psychologist and school social worker certification shall complete the following requirements in addition to those set forth in WAC 180-75-085 and 180-79-126: *Provided*, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's

degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required masters degree and has satisfactorily completed a comprehensive written examination required in such masters degree program: *Provided*, That if any candidate has been awarded a masters degree without a comprehensive written examination, the candidate, as a condition for certification, shall arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

~~(1) ((Communication disorders specialist.~~

~~(a) Initial. The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in speech pathology and/or audiology.~~

~~(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.~~

~~(2)) School counselor.~~

~~(a) Initial.~~

~~(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in counseling.~~

~~(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination of a regionally accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC).~~

~~(b) Continuing. The candidate shall hold a master's degree with a major in counseling.~~

~~((3) School occupational therapist.~~

~~(a) Initial.~~

~~(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy.~~

~~(ii) The candidate shall hold a valid license as an occupational therapist in Washington state.~~

~~(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences, or education.~~

~~(4) School physical therapist.~~

~~(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.~~

~~(i) The candidate shall hold a valid license as a physical therapist in Washington state.~~

~~(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school physical therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences, or education.~~

~~(5))~~ (2) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education or the National Certification of School Psychologist (NCSP) examination.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

~~((6) Reading resource specialist.~~

~~(a) Initial.~~

~~(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in reading.~~

~~(ii) The candidate shall hold or have held a teaching certificate.~~

~~(b) Continuing. The candidate shall have completed the requirements for an initial certificate as a reading resource specialist and shall hold a master's degree with a major or specialization in reading.~~

~~(7) School nurse.~~

~~(a) Initial.~~

~~(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.~~

~~(ii) The candidate shall hold a baccalaureate degree in nursing and have completed at least fifteen quarter hours (ten semester hours) of post baccalaureate upper division or graduate work in education, nursing, or other health sciences.~~

~~(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school nurse and have completed at least an additional thirty quarter hours (twenty semester hours) of graduate work in education, nursing or other health sciences.~~

~~(8))~~ (3) School social worker.

(a) Initial.

(i) The candidate shall have completed all requirements for a master's degree in social work except special projects or thesis.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education, the school social worker examination or the Academy of Certified Social Workers examination of the National Association of Social Workers.

(b) Continuing. The candidate shall hold a master's degree in social work.

NEW SECTION

WAC 180-79-121 Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist. Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist certification shall apply directly to the professional education and

certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 180-75-085, except state approved college/university professional preparation program:

(1) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing from a National League of Nursing accredited program.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed forty-five quarter hours (thirty semester hours) of post-baccalaureate course work in education, nursing, or other health sciences.

(2) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(3) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences or education.

(4) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination: *Provided*, That if any candidate has not completed a written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology or audiology.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-128 Supervised experience requirement for continuing certification. In order to obtain a continuing certificate, (~~educational staff associates~~) school counselors, school psychologists and school social workers who hold initial ESA certificates must demonstrate their respective knowledges and skills while employed in that role by

passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-79-131 General knowledge required of all teacher, administrator, school counselor, school psychologist, and school social worker candidates for certification. General knowledge required of all candidates for certification as teachers, administrators, school counselors, school psychologists, and school social workers includes the following: *Provided*, That effective August 31, 1997, candidates for certification as principals shall be exempted from this section:

(1) **Schools and society.** Topics to be included consist of the following:

(a) Development of education in public and private schools in the United States.

(b) The nature and foundation of the educational system, including the evolution of school curriculum in grades P-12.

(c) Public policy issues related to the role of schools in a democratic society, with particular emphasis on:

(i) Equity issues related to various populations—e.g., race, sex, handicapping conditions, gifted, migrant, poverty, aliens, etc.

(ii) Study of values in public schools.

(iii) Issues related to the funding of public and private schools.

(iv) Compulsory attendance, compulsory education, and parental rights and responsibilities.

(v) Federal, state, and community control of schools.

(vi) Resource personnel and public and private agencies, including professional associations, which offer services to teachers, children, parents, and schools.

(2) **Human growth, development, and learning.** Topics included consist of the following:

(a) Physical, psychomotor, cognitive, social, and emotional development of the normal and exceptional child, including those who are victims of abuse, children with handicapping conditions and the highly capable from birth to age twenty-one.

(b) Theories of learning, including:

(i) Behavioralism.

(ii) Social learning.

(iii) Information processing.

(iv) Cognitive development.

(c) Educational processes appropriate to normal and exceptional children, including those with handicapping conditions and the highly capable from birth through age twenty-one as to:

(i) Collection and interpretation of data.

(ii) Identification and assessment of individual students.

(iii) Impact of teaching and learning techniques on behavior.

(3) **American school law.** Topics include legal matters common to all education systems within the United States and consist of the following:

(a) Educational structure and governance, including the role of the courts.

(b) Students and the law, including First Amendment and due process rights, corporal punishment, grading, expulsion, suspension, discipline, and search and seizure and privacy rights.

(c) School professionals and the law, including nonrenewal, discharge, revocation, academic freedom, collective bargaining, professional ethics and legal responsibilities, and child abuse and other reporting requirements.

(d) Professional and school district liability, including negligence and tort liability.

(e) Federal law respecting the rights of the handicapped.

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-79-230 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) Such certificates are issued upon application by the local school district or educational service district superintendent to persons:

(i) Who meet the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and

(ii) Who are highly qualified and experienced in subject matter to be taught in the common or nonpublic schools; or

(iii) Who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(iv) Who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved program; or

(v) Who (~~possess a baccalaureate or higher degree or otherwise required in WAC 180-79-125 and who~~) possess a state of Washington license for a registered nurse (~~(or occupational therapist, or physical therapist)~~): *Provided*, That the district will be responsible for orienting and preparing individuals for their assignment as described in (c)(ii) of this subsection; or

(vi) Who have completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.

(b) The educational service district or local district superintendent will verify that the following criteria have been met when requesting the conditional certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field.

(c) When requesting the conditional certificate for persons who are highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools, the educational service district superintendent or

local district superintendent will verify that the following additional criteria will be met:

(i) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district mentor and will not be serving in a paraprofessional role which would not require certification;

(ii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iii) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district.

(d) The certificate is valid for two years or less and only for the activity specified. The certificate may be reissued for two years and for two year intervals thereafter upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate as approved by the employing school district.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:

(c) *Provided*, That if the district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: *Provided*, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: *Provided further*, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have

completed all course work for the required master's degree with the exception of the internship: *Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.*

(b) The emergency certificate is valid for one year.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-75-089 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-78-085	Professional education advisory board for ESA, CDS.
WAC 180-78-095	Professional education advisory board for ESA, reading resource specialist.
WAC 180-78-110	Professional education advisory board for ESA, school nurse.
WAC 180-78-115	Professional education advisory board for ESA, school physical therapist.
WAC 180-78-120	Professional education advisory board for ESA, school occupational therapist.
WAC 180-78-290	Program approval requirement—Specific knowledge and skills for ESA, CDS.
WAC 180-78-300	Program approval requirement—Specific knowledge and skills ESA, school occupational therapist.
WAC 180-78-305	Program approval requirement—Specific knowledge and skills for ESA, school physical therapist.
WAC 180-78-315	Program approval requirement—Specific knowledge and skills for ESA, reading resource specialist.
WAC 180-78-320	Program approval requirement—Specific knowledge and skills for ESA, school nurse.

WSR 94-16-131

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 3, 1994, 8:22 a.m.]

Original Notice.

Title of Rule: Various rules regarding principal certification, amending WAC 180-78-205 Program approval requirement—General knowledge required by all candidates for certification, 180-78-210 Program approval require-

ment—General skills demonstration by all candidates for certification, 180-78-235 Program approval requirement—General knowledge required by all candidates for certification as administrators, 180-78-245 Program approval requirement—General skills demonstration by all candidates for certification as administrators, 180-78-255 Program approval requirement—Specific knowledge and skills for principals, 180-78-265 Program approval requirement—Field experience for all administrators, 180-79-120 Academic requirements for certification—Administrators, 180-79-122 Experience requirement for initial endorsement—Principals, 180-79-123 Experience requirement for continuing certification—Administrators and 180-79-140 General knowledge required of all candidates for administrator certificates; and new section WAC 180-78-257 Program approval requirement—Specific performance domains for principals.

Purpose: The proposed amendments will improve and strengthen the quality and preparation of school principals. Statutory Authority for Adoption: RCW 28A.410.010. Statute Being Implemented: RCW 28A.410.010.

Summary: The proposed amendments change the rules for certification and approved preparation programs for principals most notably replacing the currently required knowledge and skills with performance domains and lengthening the internship.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Ted Andrews, Office of Superintendent of Public Instruction, Olympia, (206) 753-3222.

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 Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: George Washington Bush Middle School, 2120 83rd Avenue S.W., Tumwater, WA 98501, on September 22, 1994, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 8, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by September 21, 1994.

Date of Intended Adoption: November 18, 1994.

August 3, 1994

Larry Davis

Executive Director

PROPOSED

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-205 Program approval requirement—General knowledge required by all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker. An approved preparation program shall require all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker to complete course work that covers the general knowledge required in WAC 180-79-131 for all candidates for certification unless waived pursuant to WAC 180-78-215, 180-78-235, or 180-78-285: Provided, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require candidates for principal certification to complete course work that covers the performance domains required by WAC 180-78-257.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-210 Program approval requirement—General skills demonstration by all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker. An approved preparation program shall require all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker to demonstrate in their field experience their skills in the following areas: Provided, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require candidates for principal certification to demonstrate the performance domains required by WAC 180-78-257:

(1) **Diverse populations.** Candidate must demonstrate their ability to work effectively with students of various backgrounds, including:

(a) Students with exceptional needs, including those with handicapping conditions and the highly capable.

(b) Students from racial and/or ethnic population other than the candidates.

(2) **School, home, and community.** Candidates must demonstrate their ability to integrate education policies with the school, home, and community by:

(a) Participating in the designing of activities that involve parents in the learning process of their children.

(b) Using home and community resources to enhance the school program.

(c) Working cooperatively with students, parents, colleagues, and community members in a professional manner.

(d) Applying knowledge of school law to practices involving the school, home, and community.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-235 Program approval requirement—General knowledge required by all candidates for certification as administrators. An approved preparation program for administrators shall include course work, either separate or combination of courses, that cover the general

knowledge required in WAC 180-79-131 and 180-79-140 for all candidates for certification as administrators: Provided, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work: *Provided further, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require candidates for principal certification to complete course work that covers the performance domains required by WAC 180-78-257.*

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-245 Program approval requirement—General skills demonstration by all candidates for certification as administrators. An approved preparation program shall require all candidates for certification as administrators to demonstrate in their field experience their skills in the following areas: Provided, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require all candidates for certification as principals to demonstrate in their internship the skills included in the performance domains required by WAC 180-78-257:

(1) **Public policy analysis.** Candidates must demonstrate their ability to apply organizational theory to policy issues in program management in each of the following areas:

(a) Personnel management.

(b) Fiscal management.

(c) Community relations.

(2) **School law.** Candidates must demonstrate their ability to apply knowledge of the legal environment of education systems in each of the following areas:

(a) Student conduct, discipline, and rights.

(b) Personnel management.

(c) Fiscal management.

(d) Program management, including special education and other categorical programs.

(e) Public information and disclosure.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-255 Program approval requirement—Specific knowledge and skills for principals. Prior to August 31, 1997, an approved preparation program for principals shall require the candidate to demonstrate in their field experience knowledge and skills in the following specific areas:

(1) **Curriculum and instruction.** The candidate has the knowledge and skill to:

(a) Develop and integrate the scope and sequence of curriculum.

(b) Implement district policies pertaining to textbook and instruction material selection and challenges.

(c) Apply state and district rules and policies regarding mandatory and elective courses to curriculum decisions at the building level.

(d) Administer and supervise, in accordance with statutes, rules, and district policies, categorical programs, including chapter I and II, remediation, vocational education, special education, and gifted.

(2) **Student services.** The candidate has the knowledge and skill necessary to:

(a) Maintain attendance and student personnel records.

(b) Utilize support services inside and outside the educational setting.

(c) Implement effective principles of discipline, student control, and student management.

(3) **Building administration and management.** The candidate has the knowledge and skill necessary to administer accountably in the following areas of assignment:

(a) Alternate patterns of space, time and student/staff groupings.

(b) Policies and procedures that govern the school and develop master and class schedules.

(c) Care and maintenance of the physical environment.

(4) **Auxiliary services.** The candidate has knowledge and skill to coordinate auxiliary services, including:

(a) Computer services.

(b) Food services.

(c) Health services.

(d) Learning resources programs.

(e) Pupil personnel services.

(f) Transportation.

(5) **Student activities.** The candidate has the knowledge and skill to plan and develop governance policies and supervise and evaluate student activities.

possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(d) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(e) **Organizational oversight:** Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(f) **Implementation:** Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "midcourse" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(g) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(h) **Instructional program:** Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(i) **Curriculum design:** Interpreting school district curricula; planning and implementing with staff a framework for instruction; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(j) **Student guidance and development:** Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(k) **Staff development:** Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(l) **Measurement and evaluation:** Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(m) **Resource allocation:** Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(n) **Motivating others:** Building commitment to a course of action; creating and channeling the energy of self and

NEW SECTION

WAC 180-78-257 Program approval requirement—Principals. Effective August 31, 1997, an approved preparation program for principals shall include:

(1) Specific performance domains for principals. An approved preparation program for principals shall require the candidate to demonstrate in course work and the internship the following:

(a) **Leadership:** Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for: One's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(b) **Information collection:** Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(c) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing

others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(o) Sensitivity: Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensibilities.

(p) Oral expression: Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(q) Written expression: Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(r) Philosophical and cultural values: Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to education; recognizing global influences on students and society.

(s) Legal and regulatory applications: Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(t) Policy and political influences: Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(u) Public and media relationships: Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(2) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-265 Program approval requirement—Field experience for all administrators. An approved preparation program for ~~((administrators))~~ program administrators and superintendents, and prior to August 31, 1997, for principals shall require a field experience which includes observations and at least eight full weeks or equivalent of practice as an intern: *Provided, That effective August 31,*

1997, an approved preparation program for principals shall require an internship which requires practice as an intern during a full school year: *Provided further, That for a candidate seeking the P-12 principal endorsement, the internship shall include K-12 administrative experience. The field experience/internship shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. For the purpose of this section "eight full weeks" means three hundred twenty hours of on-the-job administrative experience: *Provided, That effective August 31, 1997, for the purpose of principal certification "internship" shall mean seven hundred twenty hours (in a minimum of half-day segments) of which at least one-half shall be during school hours, when students and staff are present and include the principal performance domains as stated in WAC 180-78-257. The field experience/internship requirement may be waived or reduced in length for any candidate who has served in a comparable administrative position or who has previously performed a comparable field experience if the college or university determines the previous experience was substantially equivalent in whole or part to the experience otherwise to be gained in the required field experience. Components of the required field experience/internship shall include:**

(1) Demonstration by the candidate that he or she has the general skills ~~((required in))~~ pursuant to WAC 180-78-210 ~~((of all candidates for certification)).~~

(2) Demonstration by the candidate that he or she has the general skills ~~((required in))~~ pursuant to WAC 180-78-245 ~~((for all candidates for certification as an administrator)).~~

(3) Demonstration by the candidate that he or she has the specific skills required in WAC 180-78-250, 180-78-255, and 180-78-260 for all candidates for an endorsement in the particular role for which an endorsement is sought: *Provided, That effective August 31, 1997, candidates for certification as principal shall demonstrate the performance domains pursuant to WAC 180-78-257.*

AMENDATORY SECTION (Amending WSR 94-01-101, filed 12/16/93, effective 1/16/94)

WAC 180-79-120 Academic requirements for certification—Administrators. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-75-085 and 180-79-124.

(1) Superintendent.

(a) Initial.

(i) ~~((The candidate who applies for an initial certificate on or before August 31, 1992, shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education related course work and shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate at the time he or she applies for the initial superintendent's certificate.~~

(ii) The candidate ~~((who applies for an initial certificate after August 31, 1992;))~~ shall hold an approved masters degree and have completed subsequent to the baccalaureate degree at least forty-five quarter hours (thirty semester hours) of graduate level course work in education.

~~((iii))~~ (ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79-049.

(b) Continuing.

~~(i) ((The candidate who applies for a continuing certificate on or before August 31, 1992, shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.~~

~~((ii)) The candidate ((who applies after August 31, 1992,)) shall hold an approved masters degree and have completed subsequent to the baccalaureate degree at least sixty quarter hours (forty semester hours) of graduate level course work in education or shall hold a doctorate in education.~~

~~((iii))~~ (ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79-049.

(2) Principal.

(a) Initial.

~~((i) The candidate who applies on or before August 31, 1992, shall hold or have held a Washington initial, continuing or comparable teaching certificate from another state at the time he or she applies for the initial principal's certificate and shall have completed an approved program for the preparation of principals.~~

~~((ii)) The candidate ((who applies after August 31, 1992,)) shall hold a masters degree and have completed an approved program for the preparation of principals.~~

(b) Continuing.

~~(i) ((The candidate who applies on or before August 31, 1992, shall hold a master's degree.~~

~~((ii)) The candidate who applies ((after)) prior to August 31, ((1992)) 1998, shall hold an approved masters degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.~~

~~((ii) The candidate who applies on or after August 31, 1998, shall have completed a program based on the state principal performance domains included in WAC 180-78-257. Such program shall consist of at least fifteen quarter (ten semester) hours of graduate (post-initial) course work offered by a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria, as determined in consultation with and approved by the employer.~~

~~((iii) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79-049.~~

(3) Program administrator.

(a) Initial.

~~((i) The candidate who applies on or before August 31, 1992, shall hold a valid initial or continuing teacher or educational staff associate certificate at the time he or she applies for the program administrator's initial certificate and shall hold a master's degree.~~

~~((ii)) The candidate ((who applies after August 31, 1992,)) shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy or physical therapy, or a masters degree in public, education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter hours (sixteen semester hours) of graduate level course work in education.~~

(b) Continuing.

~~((i) The candidate who applies on or before August 31, 1992, shall have completed at least fifteen quarter hours (ten semester hours) of graduate work subsequent to the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).~~

~~((ii)) The candidate ((who applies after August 31, 1992,)) shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy, physical therapy, or a masters degree in public, education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education or shall hold a doctorate in education.~~

AMENDATORY SECTION (Amending WSR 92-20-083, filed 10/6/92, effective 11/6/92)

WAC 180-79-122 Experience requirement for initial endorsement—Principals. In addition to the academic requirements specified in WAC 180-79-120(2), candidates applying for initial administrator's certificate with a principal's endorsement prior to August 31, 1998, as a condition for the issuance of such endorsement, shall present documentation of one hundred eighty days or full time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial principal's certificate on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full time or more teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.

AMENDATORY SECTION (Amending WSR 92-20-083, filed 10/6/92, effective 11/6/92)

WAC 180-79-123 Experience requirement for continuing certification—Administrators. In addition to the academic requirements specified in WAC 180-79-120, candidates applying for continuing administrator certificates prior to August 31, 1998, shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal, at least one year of which must be in the role of principal.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-140 General knowledge required of all candidates for administrator certificates. General knowledge of all candidates for administrator certificates include

the following: Provided, That candidates applying for principal certification on or after August 31, 1998, shall be exempted from this section:

(1) **School organization and management.** Topics to be included consist of the following:

(a) Social systems theory, including:

(i) Formal and informal organization structure and communications.

(ii) Rational and organic models of organization.

(b) Organizational behavior, including:

(i) Bureaucratization.

(ii) Individual and institutional behavior.

(iii) Power, authority, and delegation.

(c) Management behavior, including:

(i) Management systems, including planning by objectives—i.e., goal setting, implementation, and evaluation.

(ii) Administrative style, including leadership models, decision making, motivation and change strategies, and conflict resolution.

(2) **Program administration.** Topics to be included consist of the following:

(a) Personnel management, including:

(i) Recruitment and selection, including affirmative action, nondiscrimination, and interviews.

(ii) Employment, including job descriptions, salary surveys, comparable worth, collective bargaining, grievances, arbitration, wages and equal pay laws, entitlements, assignments, and working conditions.

(iii) Supervision, including managerial responsibilities, formative observation, summative evaluation, performance standards, discipline, nonrenewal, and discharge.

(b) Fiscal management, including:

(i) Budgeting procedures for public schools.

(ii) Accounting procedures for public schools.

(iii) Auditing procedures, both internal and external, for public schools.

(c) Community relations, including contact with media, community groups, advisory committees, and business and labor organizations.

(d) Curriculum development and evaluation, including:

(i) Theories and models for curriculum development in basic skills programs.

(ii) Remedial programs.

(iii) Articulation and sequencing between grade level and courses.

(iv) Interrelationship of specialized curriculum and courses—i.e., special education, gifted, chapter I, and vocational education.

(3) **Washington state school law.** Topics included consist of the following:

(a) Provisions of the Washington state Constitution affecting the operation of public schools, including:

(i) Sectarian control of public schools.

(ii) Gift of public funds.

(iii) School finance.

(iv) School organization.

(v) Sex equity.

(b) Provisions of Washington state law, including applicable rules and regulations, affecting the operation of public schools, including:

(i) Basic education and categorical funding of education programs.

(ii) Special levies, operational and capital.

(iii) Intergovernmental agreements, interdistrict cooperation and contracts, and student transfer law.

(iv) Qualifications, elections, and recall of board members.

(v) Public disclosure, campaign reporting, conflict of interest, and open meeting laws.

(vi) Equity and nondiscrimination.

(vii) Education of the handicapped.

(viii) Student conduct, discipline, rights, and responsibilities.

(ix) Health and safety, including communicable disease, child abuse, and corporal punishment.

(x) Certification laws, issuance, assignment, endorsements, and revocation.

(xi) Recruitment, nonrenewal, and discharge of certificated employees.

(xii) Collective bargaining laws, certificated and classified.

WSR 94-16-132

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 3, 1994, 8:25 a.m.]

Original Notice.

Title of Rule: New section and amendments regarding a new certification model for teachers, amending WAC 180-75-045 Certificate validity, 180-75-065 Fee for certification, 180-75-085 General requirements—Teachers, administrators, educational staff associates, 180-75-087 Reinstatement of certificates and 180-79-005 Purpose; and new chapter 180-82 WAC, Professional certification performance-based teacher education requirements.

Purpose: To provide highly qualified teachers for the emerging performance-based education system.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130(3).

Statute Being Implemented: RCW 28A.410.010, 28A.305.130(3).

Summary: The proposed amendments and new sections establish a performance-based certification model for teachers.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Theodore Andrews, Office of Superintendent of Public Instruction, Olympia, (206) 753-3222.

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 Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: George Washington Bush Middle School, 2120 83rd Avenue S.W., Tumwater, WA 98501, on September 22, 1994, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 8, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by September 21, 1994.

Date of Intended Adoption: November 18, 1994.

August 3, 1994

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-02-073, filed 1/2/90, effective 2/2/90)

WAC 180-75-045 Certificate validity. Any certificate issued pursuant to chapter ~~(s)~~ 180-77 ~~((or))~~, 180-79, or 180-82 WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-75-055, if such certification is required by statute or rules of the state board of education, unless such certificate is under suspension or until such certificate expires, lapses, or is revoked.

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-75-065 Fee for certification. (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The continuing and professional certificate is seventy dollars;

(b) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is fifteen dollars; and

(c) Any other certificate or credential or any renewal thereof shall be five dollars for each year of validity;

(d) *Provided*, That the fee for all vocational certificates shall be one dollar;

(e) *Provided further*, That there shall be no fee for the professional career certificate.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the

educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as a credit to a reapplication for the same or one or more other certificates if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional inservice training programs and evaluations thereof.

AMENDATORY SECTION (Amending WSR 92-20-083, filed 10/6/92, effective 11/6/92)

WAC 180-75-085 General requirements—Teachers, administrators, educational staff associates. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-75-082 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: *Provided*, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Academic. A candidate for certification shall have successfully completed a state approved college/university professional preparation program and hold appropriate degrees, licenses, and additional course work as prescribed in chapter 180-79 or 180-82 WAC or have qualified under WAC 180-79-245: *Provided*, That ~~((this section))~~ the requirement to have completed a state approved college/university professional preparation program shall not apply to vocational, limited, internship, or instructional specialists certificates.

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-75-087 Reinstatement of certificates. Only a continuing, professional, or professional career certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing, professional, or professional career certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 180-75-085(2) for candidates for certification.

(2) In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(3) *Provided*, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-75-061 for a new certificate under standards in effect at the time of application.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-005 Purpose. The purposes of this chapter are to establish the various certificates which must be held as a condition to employment in the Washington school system and establish the conditions and procedures governing issuance and retention of those and other certificates, including endorsements thereon: *Provided, That chapter 180-82 WAC establishes additional certificates for teachers, effective August 31, 1997.*

**Chapter 180-82 WAC
PROFESSIONAL CERTIFICATE—PERFORMANCE-
BASED TEACHER EDUCATION REQUIREMENTS**

NEW SECTION

WAC 180-82-001 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for the certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130(3) which authorizes the state board of education to specify the types and kinds of certificates necessary for the several departments within the common schools.

NEW SECTION

WAC 180-82-005 Purpose. The purpose of this chapter is to establish the teacher requirements for obtaining the residency certificate, the professional certificate, and the professional career certificate which will be implemented for candidates applying for certificates after August 31, 1997.

NEW SECTION

WAC 180-82-006 Public policy purposes of state board of education 1997 certification policy. The policy purposes of state board of education 1997 certification policy are:

(1) To provide qualified teachers for the emerging performance-based P-12 education system.

(2) To assure that practitioners are more directly involved in decisions related to professional practice.

(3) To recognize that there is a distinction between the level of competence of beginning teachers and the competency of teachers who have been able to demonstrate their competencies at a professional level.

(4) To assure that all teachers demonstrate their competencies before attaining the status of a professional educator.

(5) To establish a certificate level that recognizes service at a high level of achievement.

(6) To assure that all residency teachers have the support required to assist them through their induction and beginning teaching activities.

(7) To assure each educator has a professional development plan.

NEW SECTION

WAC 180-82-007 Definition of terms. The following definitions shall apply to terms used in this chapter.

(1) "The residency certificate" means a certificate that gives an educator the opportunity to participate in a developmental process culminating in an on-the-job demonstration of the required knowledge and skills expected of a successful educator in a performance-based education system.

(2) "The professional certificate" means a certificate that has been established in order to recognize teachers who have demonstrated their ability to function at a professional level of service.

(3) "The professional career certificate" means a certificate that is designed to recognize teachers of special merit. Only candidates who hold professional certificates or their equivalent (continuing or standard certificates) shall be eligible for the professional career certificate.

NEW SECTION

WAC 180-82-008 Washington advisory council for professional teaching standards. The Washington advisory council for professional teaching standards will consist of a majority of practicing teachers.

NEW SECTION

WAC 180-82-009 Selection of Washington advisory council for professional standards members. The state board of education shall solicit recommendations for persons to serve on the council. The board of education shall appoint the council members on the basis of the recommendations received with consideration being given to educator roles, geographic distribution, gender, race and ethnicity.

NEW SECTION

WAC 180-82-010 Duties of Washington advisory council for professional teaching standards. The Washington advisory council for professional teaching standards shall present initial recommendations to the state board of education, no later than January 1, 1996, for:

(1) Standards for demonstration of the ability to serve as a teacher in a performance-based education system;

(2) Standards for renewing the professional certificate;

(3) Standards for obtaining the professional career certificate; and

(4) The policies for implementing these standards.

In addition, the council shall submit recommendations for the future composition, term of membership, and duties and responsibilities of the council.

NEW SECTION

WAC 180-82-011 Levels of certificates. Three levels of certificates shall be issued:

(1) Residency certificate. The residency certificate shall be issued to teachers, is valid for two years and may be reissued pursuant to requirements in WAC 180-82-040.

(2) Professional certificate. The professional certificate shall be issued to teachers who meet the requirements in WAC 180-82-070 and shall be valid for life. Recommendations for maintaining the professional certificate on a continuing basis shall be made by the Washington advisory council for professional teaching standards to the state board of education for consideration and adoption.

(3) The professional career certificate. The professional career certificate is an optional certificate that may be issued to teachers on the basis of the requirements in WAC 180-82-110.

NEW SECTION

WAC 180-82-020 Residency certification—Requirements. In addition to those requirements set forth in WAC 180-75-085 in-state candidates for teacher residency certificates shall complete a state board of education approved program pursuant to the requirements of chapter 180-78 WAC.

NEW SECTION

WAC 180-82-030 Residency certification—Validity. The residency certificate is valid for two years during which time the teacher will be eligible to complete two years of contracted service in the respected role.

NEW SECTION

WAC 180-82-040 Residency certification—Reissuance. If a candidate has not completed two years of contracted service during the validity of the residency certificate, the residency certificate shall be reissued at any time for up to two additional years upon proof of an offer of employment in a public or state board of education approved private school.

NEW SECTION

WAC 180-82-050 Residency certificate—Appeals procedures. Teachers who have not completed two years of successful contracted service will have the right of appeal pursuant to chapter 180-86 WAC in order to present information as to mitigating circumstances that made it impossible for them to successfully complete two years of contracted service.

The reviewing agency shall consider the evidence presented and make one of the following findings:

- (1) The candidate's appeal is denied;
- (2) The candidate's appeal is accepted, and:

(a) The candidate shall be issued another residency certificate, valid for up to two years; or

(b) The candidate shall be issued a professional certificate.

NEW SECTION

WAC 180-82-065 Professional certificate—Validity. The professional certificate is valid on a continuing basis pursuant to the rules for maintaining the continuing certificate as specified in WAC 180-79-065(2).

NEW SECTION

WAC 180-82-070 Professional certification—Requirements. In order to obtain a professional certificate, the candidate shall:

(1) Be eligible for or hold a residency certificate or its equivalent;

(2) Present evidence that the candidate has two years of successful experience as a teacher in a P-12 public or state-approved private school. Less than full-time contracted service shall be accepted. Substitute service shall not be accepted unless under a contract;

(3) Verification that the candidate has met the standards established by the state board of education upon recommendation from the Washington advisory council for professional teaching standards, which demonstrate the ability to serve in a performance-based education system.

NEW SECTION

WAC 180-82-100 Professional career certificate—Validity. The professional career certificate shall be valid for life.

NEW SECTION

WAC 180-82-110 Professional career certification—Requirements. The Washington advisory council for professional teaching standards shall make recommendations to the state board of education for criteria that will be established for obtaining the professional career certificate.

NEW SECTION

WAC 180-82-115 Certificate endorsement. Certificates obtained under the provision of this chapter shall carry endorsements pursuant to provisions for endorsements as specified in chapter 180-79 WAC.

NEW SECTION

WAC 180-82-120 State board of education intention. No later than September 1, 2001, the state board of education shall review the implementation of these rules and make a determination as to whether or not the residency, the professional, and the professional career certification requirements should be adapted for application to administrators and educational staff associates.

NEW SECTION

WAC 180-82-130 Washington teachers who hold initial or continuing certificates. Washington teachers who gave valid initial or continuing certificates shall be governed by the rules in force at the time they obtained such certificates.

Washington teachers with continuing certificates shall be issued professional certificates at the time of the renewal of their continuing certificates.

NEW SECTION

WAC 180-82-140 Out-of-state applicants for Washington teaching certificates. Out-of-state teachers applicants who are eligible for Washington teaching certificates pursuant to WAC 180-79-245 shall be issued residency certificates unless the applicant demonstrates adequate attainment of the council's standards for a professional certificate or career professional certificate established pursuant to WAC 180-82-010.

WSR 94-16-134**PROPOSED RULES****PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed August 3, 1994, 9:55 a.m.]

Original Notice.

Title of Rule: Amending Regulation I - Sections 3.11, 5.07, 6.11, 7.07, 9.03 and Regulation III - Section 2.02.

Purpose: Adjust maximum civil penalty amount for inflation; adjust fees for registration and operating permits to cover program costs; update effective date for NSPS; allow for a surcharge to cover cost incurred by Washington Department of Health for operating permits; allow permitted fire training facilities to be exempt from the visual standard for air contaminant emission; update effective date for NESHAP.

Other Identifying Information: 3.11 Civil Penalties; 5.07 Registration and Operating Permit Fees; 6.11 New Source Performance Standards; 7.07 Fees; 9.03 Emission of Air Contaminant: Visual Standard; 2.02 National Emission Standards for Hazardous Air Pollutants.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: Increases maximum civil penalty amount for inflation and adjusts registration and operating permit fees to cover program costs; updates the effective dates for federal emission standards; allows a surcharge to cover cost incurred for operating permits by Washington Department of Health; and allows exemption from the visual standard for air contaminants by permitted fire training facilities.

Reasons Supporting Proposal: Maximum civil penalty amount needs to be adjusted for inflation; registration and operating permits fees need to cover program costs; effective dates for federal emission standards needs to be updated; costs incurred for operating permits by Washington Department of Health should be covered; and permitted fire training facilities should be exempt from the visual standard for air contaminants.

Name of Agency Personnel Responsible for Drafting: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, 98101, 689-4050; and Enforcement: Mario Miller, 110 Union Street, #500, Seattle, 98101, 689-4020.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would increase maximum civil penalty amount for inflation and adjust registration and operating permit fees to cover program costs; update the effective dates for federal emission standards; allow a surcharge to cover cost incurred for operating permits by Washington Department of Health; and allow exemption from the visual standard for air contaminants by permitted fire training facilities.

Proposal Changes the Following Existing Rules: Maximum civil penalty amount would increase for inflation; registration and operating permit fees would increase to cover program costs; effective dates for federal emission standards would be updated; a surcharge to cover cost incurred for operating permits by the Washington Department of Health would be allowed; and exemption from the visual standard for air contaminants by permitted fire training facilities would be allowed.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on September 8, 1994, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010 by September 5, 1994, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by August 29, 1994.

Date of Intended Adoption: September 8, 1994.

August 2, 1994

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$10,660.00)~~) \$11,000.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Air Pollution Control

Agency shall be liable for a civil penalty of not more than ~~(\$10,660.00)~~ \$11,000.00 for each day of continued non-compliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

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

(2) A copy of the Notice and Order of Civil Penalty appealed from;

(3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

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

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 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 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

AMENDATORY SECTION

REGULATION I SECTION 5.07 REGISTRATION AND OPERATING PERMIT FEES

(a) The Agency shall levy annual fees as set forth in the ~~((1994))~~ 1995 Registration and Operating Permit Fee Schedule for services provided in administering the registration or operating permit programs. Fees received under the registration or operating permit programs shall not exceed the cost of administering these programs.

(b) Upon assessment by the Agency, registration or operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days, and shall be subject to an additional fee equal to 3 times the original fee.

~~((1994))~~ 1995 REGISTRATION AND OPERATING PERMIT FEE SCHEDULE

(1) For all facilities, a fee of \$85.00 per facility except ~~(\$1,200.00)~~ \$2,085.00 per facility for those subject to ~~((4) below))~~ Article 7 of Regulation I; and

(2) For all facilities:

(i) \$35.00 for each item of air contaminant generating equipment; and

(ii) \$80.00 for each item of air contaminant control equipment; and

(iii) \$500.00 for each continuous emission monitor required under Article 12 of Regulation I; and

(iv) \$500.00 for each incinerator; and

(v) \$500.00 for each landfill; and

(3) For all facilities except those subject to (4) below, a ~~(\$20.00)~~ \$21.00 emission fee for each item of air contaminant generating equipment except for unvented dry cleaning machines; and

(4) For only those facilities which have permitted emissions or actual annual emissions of 25 tons or more of any of the following: PM₁₀, sulfur oxides, nitrogen oxides, or carbon monoxide; or annual emissions of 10 tons or more of toxic air contaminants or volatile organic compounds, including any negligibly reactive compound:

(i) ~~(\$20.00)~~ \$21.00 per ton for PM₁₀, sulfur oxides, nitrogen oxides, or volatile organic compounds, including any negligibly reactive compound; and

(ii) \$7.00 per ton for carbon monoxide or toxic air contaminants.

(5) The fees required by this section are for the calendar year ~~((1994))~~ 1995 and shall be based on Agency files showing equipment to be used during 1995 ~~((in place or permitted as of September 1, 1993))~~; and either ~~((permitted emissions or))~~ actual emissions during calendar year ~~((1992, whichever is greater))~~ 1993, or permitted emissions if the facility has a limit on the potential to emit.

AMENDATORY SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part

60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ((1993)) 1994 herein incorporated by reference.

AMENDATORY SECTION

REGULATION I SECTION 7.07 FEES

(a) The Agency shall levy annual operating permit fees as set forth in Article 5 of Regulation I to cover the cost of administering the operating permit program.

(b) The agency may, on a source-by-source basis, levy a surcharge to cover the cost of public involvement under WAC 173-401-800 or to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(c) The Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

AMENDATORY SECTION

REGULATION I SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03 (a)(1).

(b) 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 of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, motor vehicles when operated on public roads, or aircraft.

(e) Section 9.03(a) shall not apply to any source which meets the requirements of Section 9.09(c).

AMENDATORY SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ((1993)) 1994 herein incorporated by reference.

WSR 94-16-139

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed August 3, 1994, 10:19 a.m.]

Original Notice.

Title of Rule: WAC 356-56-015 Implementation of rules, 356-56-021 Washington management service—Transition of career executive program, and 356-56-050 Transition.

Purpose: WAC 356-56-015 specifies the implementation dates of chapter 356-56 WAC, 356-56-021 specifies the provisions for the transition of the career executive program to the Washington management service, and 356-56-050 specifies provisions for employees and positions transitioned into the Washington management service.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.500.

Summary: The proposed modifications and repealer make necessary housekeeping changes and make provisions for project positions which are transitioned into the Washington management service.

Reasons Supporting Proposal: The proposed modifications and repealer will clarify the rules.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (206) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment to WAC 356-56-015 removes language which will be no longer relevant. The proposal to repeal WAC 356-56-021 will delete a WAC section which will no longer be necessary. The proposed amendment to WAC 356-56-050 adds provisions for project positions which are transitioned into the Washington management service.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on September 15, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 8, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: FAX (206) 586-4694, by September 13, 1994.

Date of Intended Adoption: September 22, 1994.

August 3, 1994

Dennis Karras

Director

AMENDATORY SECTION (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94)

WAC 356-56-015 Implementation of rules. Chapter 356-56 WAC adopted by the director of personnel ~~((and effective July 1, 1994))~~ applies to all agencies ~~except the department of fish and wildlife and the department of~~

~~community, trade, and economic development. Chapter 356-56 WAC will apply to the department of fish and wildlife effective August 1, 1994 and the department of community, trade, and economic development effective September 1, 1994).~~

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-56-021 Washington management service—Transition of career executive program.

AMENDATORY SECTION (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94)

WAC 356-56-050 Transition. (1) Until such time that an agency completes the initial evaluation of the position (as described in WAC 356-56-105) or changes the position, the incumbent and position when initially placed in the Washington management service will:

- (a) Retain current salary;
- (b) Immediately assume permanent status in the Washington management service for permanent status employees;
- (c) Obtain permanent status upon completion of the probationary or trial service time period for employees in trial service or probationary status at the time of transition; and,
- (d) Continue in the current work period designation until changed by the agency.

(2) Until all positions in an agency are evaluated in accordance with WAC 356-56-105, employees shall be treated in accordance with WAC 356-30-330 should a reduction in force occur.

(3) Incumbents in positions transitioned into Washington management service will continue to receive periodic increments as specified in WAC 356-14-110 within the forty-five thousand dollar salary limit set by the 1993 legislature.

(4) Permanent status employees who are in project positions at the time their regular positions are placed in the Washington management service, have return rights to the same or similar Washington management service positions.

(5) Incumbents of project positions that are transitioned to the Washington management service will retain the return, reduction-in-force, voluntary demotion, transfer and promotion rights and requirements as provided in WAC 356-30-145.

WSR 94-16-143

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed August 3, 1994, 11:17 a.m.]

Original Notice.

Title of Rule: Chapter 51-30 WAC, Adoption and amendment of the 1994 Edition of the Uniform Building Code and Standards.

Purpose: To adopt and amend the 1994 Edition of the Uniform Building Codes and Standards, as published by the International Conference of Building Officials.

Other Identifying Information: Copies of the 1994 Uniform Building Codes are available from the International Conference of Building Officials, (206) 451-9541.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: Chapters 19.27 and 70.92 RCW.

Summary: The proposed rule will adopt by reference and amend the 1994 Edition of the Uniform Building Code (U.B.C.) published by the International Conference of Building Officials (ICBO).

The provisions of the 1994 Edition of the U.B.C. have been reformatted into the common code format established by the Council of American Building Officials. The new format establishes a common format of chapter designations for the three model building codes published in the United States. Apart from those changes approved by the conference membership, this reformatting has not changed the technical content of the code.

This reformatting is a major change in the organization of the document which has necessitated assigning it a new Washington Administrative Code (WAC) number. Topics and entire chapters have been relocated within the code, resulting in a totally reorganized chapter and section numbering scheme. Within the chapters, sections are no longer subdivided using an alpha-numeric system; the 1994 U.B.C. has been changed to a decimal system for subdividing sections. In addition to the English inch-pound (IP) unit system, the Système International (SI), or metric, has been added following the English units in parenthesis.

A major reorganization item was the Description of Occupancies by Group and Division. Occupancies that were split out into their own new groups include: F-factories; M-display or sale of merchandise; S-storage facilities, repair and parking garages, aircraft hangars and helistops; and U-private garages, carports, sheds, agricultural buildings, fences over 6 feet (182.9 mm) high, tanks and towers.

Smoke control was a new item addressed by ICBO during this code cycle. New engineered requirements were added to the code for smoke control in atrium and areas open to atriums, in high-rise buildings, and in covered malls.

The Technical Advisory Group (TAG), which held public meetings to discuss the proposed amendments that were submitted to the State Building Code Council (SBCC), is recommending that the council maintain twenty-six of the existing state amendments and to delete eleven of the existing amendments. The reason for the deletion of several of these amendments was that the new language in the 1994 code had changed to be compatible with the needs of Washington. The TAG also reviewed numerous new proposed amendments. Of those proposals, forty-five are being forwarded to Uniform Codes Committee for their consideration. Ten of these proposals have options proposed for consideration. An additional six proposed amendments were rejected.

A sub-TAG was formed to study the Group R, Division 4 and 5 Occupancies in conjunction with other long term

care facilities licensed by the Departments of Health and Social and Health Services. One of the major proposed amendments is the result of their labors. Several of the existing amendments and several of the proposed amendments were absorbed into this proposal. The outcome of this TAG's efforts is the new proposed LC Occupancy, Section 314.

In conjunction with the Uniform Plumbing Code TAG, it is proposed to amend and move the Minimum Plumbing Fixture Table from the U.P.C. to the main body of the U.B.C. The Department of Health also made valued input into the required numbers of fixtures required in hospitals based on their WACs. This was incorporated into the proposed changes in Table 29-A Minimum Plumbing Fixtures.

The Structural Engineering Association of Washington reviewed Volume 2 of the U.B.C., 1994 Edition, and found the following:

Many of the changes to the structural chapters are editorial or add clarification to the usage of the code. These changes mostly come from other recognized national standards such as the American Concrete Institute and the American Institute of Steel Construction. There are two areas of change that may have notable economic impact and are summarized below.

Every building code since 1973 has had significant changes to the earthquake design provisions. This is due to the increase in knowledge about earthquakes and building performance. The 1994 U.B.C. is possibly the first of these codes that has new seismic provisions that will actually produce construction cost savings. The design of concrete shear walls has been revised due to years of research and testing and is expected to save costs. The masonry section has a new optional method of wall design which also produce savings.

The most significant cost issue is in the wood design section. The U.B.C. has been revised according to the National Forest Product Association Standards. There are numerous revisions to the design methodologies which affect designers, but the construction cost of these is undetermined. There could be higher cost due to the reduction of allowable stresses (carrying capacity) of certain wood species, such as Douglas Fir, commonly used in Washington. The extent of how this will change wood construction is not known, but an increase in lumber for floor construction is expected.

In the 1994 U.B.C., Chapter 11 is the new location for accessibility requirements. However, compared to Chapter 31 in chapter 51-20 WAC, the design standards are not included in the code. For the 1994 U.B.C., accessibility design is based on the referenced standard Council of American Building Officials (CABO)/American National Standards Institute (ANSI) A117.1-1992 - Accessible and Usable Buildings and Facilities. In addition, Chapter 11 has many provisions which are revised when compared to its predecessor, Chapter 31 of the 1991 U.B.C. The council is considering two primary options for adoption.

The subject of accepting the ICBO code language, unless challenged by a proposed amendment, was discussed and agreed to by a unanimous vote of the Technical Advisory Group. With the same logic in mind, it is understood that an option to all of the following proposed amendments is to

accept the ICBO code language if a proposed amendment is not approved by the council.

Reasons Supporting Proposal: Chapter 19.27 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: David Scott, P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-3423; and Enforcement: Local jurisdictions.

Name of Proponent: State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The Council especially seeks comments on the issues and options that are proposed in the following proposed amendments:

ADOPTING AUTHORITY

WAC 51-30-001 through WAC 51-30-009. These sections are maintained to briefly describe the method and authority by which this code is adopted and reviewed by the State of Washington. Other general information is also contained in these sections.

WAC 51-30-003 At the request of ICBO, a correction is made to their address.

CHAPTER 1 ADMINISTRATION

WAC 51-30-0104 Section 104.2.8 Alternate materials, alternate design and methods of construction. Refines the language of this section by use of more appropriate English.

CHAPTER 2 DEFINITIONS AND ABBREVIATIONS

WAC 51-30-0204 Section 204-C (Definitions) Maintains WAC definitions for "CHILD DAY CARE" and "CHILD DAY CARE, FAMILY".

WAC 51-30-0207 Section 207-F (Definition) Maintains WAC definition for "FAMILY ABODE". In the definition of "FLOOR AREA", gridirons are excluded from being part of the area calculated as floor area.

WAC 51-30-0217 Section 217-F (Definition) Maintains WAC definition for "PORTABLE SCHOOL CLASSROOM".

WAC 51-30-0220 Section 220-S (Definitions) Maintains the WAC definition for "STRUCTURAL OBSERVATION" and "SURGICAL AREA".

CHAPTER 3 USE OR OCCUPANCY

WAC 51-30-0302 Section 302.1 General. Exception 2.6. Maintains the no occupancy separation requirement in R-3 occupancy for in-home office or some other specific uses, if the area is 500 square feet (46.4 m²) or less. Allows an entrepreneur to start his/her new business at home, and later, as the business expands move into rental space, or build a new facility.

WAC 51-30-0304 Section 304.2.2.1 Laboratories and vocational shops. Maintain the language that allows a group of laboratories and the accessory support areas to be separated from other portions of the building by a one hour fire-resistive occupancy separation. This can allow pass-throughs, view windows for better supervision/communication between laboratories, offices, supply

rooms, etc. Requires an occupant load of 10 before two exits are required.

WAC 51-30-0305 Section 305.1 Group E Occupancies Defined. Maintains WAC occupancy type for "family child day care homes".

Section 305.2.3 Special provisions. Maintains the WAC that requires that the two exits shall exit directly into separate exiting systems as defined in Section 1017. The intent is to not allow a single emergency to block all escape [escapes] from a day care facility. Also deletes the age restriction of the children who use these facilities.

WAC 51-30-0307 Section 307.1.6 Requirement for report. Maintains that an applicant may use a previously required report, if in fact it was submitted, to provide compliance with filing of a second report that may be required by the building official. This is an attempt to eliminate duplication of work and thus cost.

WAC 51-30-0310 Section 310.1 Group R Occupancies Defined. Maintains "family child day care" in R-3, Division III Occupancy.

Section 310.2.2 Special provisions. Requires in Group R, Division I Occupancies that individual storage locker rooms over 500 square feet (46.4 m²) be separated from the rest of structure unless sprinklered.

Section 310.9.1.6 Smoke Detectors and Sprinkler Systems. Maintains existing fire protection for "family child day care homes". Clarifies that Foster Family Care Homes licensed by DSHS shall be permitted, as an accessory use to a dwelling unit, for up to 6 children including those of the resident family. This proposal was driven, in part, by joint meetings with DSHS.

Section 310.13 Family Child Day Care Homes. Maintains WAC requirements for location within a structure and exiting for Family Child Day Care Homes.

WAC 51-30-0311

Option 1: New Section 311.2.3.6 Mini-storage warehouse. Requires in Group S Occupancies compartmentalization with one hour fire-resistive construction of mini-storage units over 1,500 square feet (140 m²) unless the area is sprinklered.

Option 2: To not amend the 1994 U.B.C. code language.

WAC 51-30-0313 Section 313 Requirements for Group LC Occupancy. A new Section for Licensed Care Occupancy (LC).

This section is proposed to replace existing WAC provisions for R-4 and R-5 occupancies. It is provided to allow better coordination between the building code and the wide variety of care providers licensed by the Departments of Health and Social and Health Services. Most standards are based on residential standards but provide additional requirements based on the clients' ability to respond to emergencies.

These provisions should improve the ability for small licensed care facilities to be established with lower construction costs when compared to WAC 51-20. This new section is intended to allow closer coordination between DSHS, DOH, and SBCC.

A technical Advisory Group to study this issue and help SBCC prepare this proposed amendment was established with participation from DSHS, DOH, King County Fire Marshall, City of Seattle DCLU, State Fire Protection Services, and facility providers.

CHAPTER 4 SPECIAL USE AND OCCUPANCY

WAC 51-30-0403 Section 403.6.1 General. Increases the flexibility for the approved authority in determining the size and configuration of fire departments' central control station room. This proposed amendment will allow the room to better fit the needs of the fire department and also to better fit within the building envelope, rather than a minimum 9 foot by 12 foot (2743 mm by 3658 mm) room.

WAC 51-30-0405 Section 405.1.2 Definitions. In the definition of "GRIDIRON" this proposal adds that a gridiron is not to be considered a floor. Clarifies the definitions of "FLY GALLERY", "PINRAIL" and "STAGE HEIGHT".

WAC 51-30-0417 Special Use And Occupancy. From Appendix Chapter 4, Division I - BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS

Option 1: Leave Appendix Chapter 4 as an appendix chapter.

Option 2: Adopt Appendix Chapter 4 into the body of the code making Barriers for Swimming Pools, Spas and Hot Tubs mandatory in Group R, Division 3 Occupancies.

CHAPTER 5 GENERAL BUILDING LIMITATIONS

WAC 51-30-502 Section 502.1 Premises Identification.

Option 1: Do not amend the 1994 U.B.C. language.

Option 2: Would require Visual Identification Devices to be installed on all new construction in Group R Occupancies.

WAC 51-30-0510 Section 510.1 Heating. Maintains WAC definitions for "DESIGNATED AREAS", and "SUBSTANTIALLY REMODELED".

Section 510.3 Solid Fuel Burning Devices. Allows the installation of antique wood cook and heat stoves.

CHAPTER 6 TYPES OF CONSTRUCTION

WAC 51-30-0601 Section 601.5.8 Walls within health-care suites. Allows non-combustible, non-load-bearing partitions within health-care suites. These suites are separated from other portions of the building by a one-hour fire-resistive separation.

CHAPTER 8 INTERIOR FINISHES

WAC 51-30-0804 Section 804.1 General. Exception 2. Exempts Group I, Divisions 1.1, 1.2 and 2 complying with Section 1019.7 from this exception (i.e., reducing the flame spread by one classification when a sprinkler system is installed).

CHAPTER 9 FIRE-PROTECTION SYSTEMS

WAC 51-30-0902 Section 902 Standards of Quality. Adds the NFPA Standard 13d to the list of recognized standards.

WAC 51-30-0904 Section 904.1.4

Option 1: Do not amend the 1994 U.B.C.

Option 2: Maintain the WAC 51-20-3801 as a portion of the new WAC 51-30-0904.

Requires minimum clearance around sprinklers in insulated ceiling cavities. The intent is insure the sprinklers can function as they are intended to suppress any fire in these spaces.

WAC 51-30-0904 Section 904.2.2 All occupancies except Group R, Division 3 and Group U Occupancies.

Option 1: Maintain the 1994 U.B.C. language. Number 5 is an added requirement in the 1994 U.B.C., requiring automatic sprinkler system in all portions of a buildings with an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department access.

Option 2: Deletes number 5. Deletes the exceptions.

Option 3: Changes number 5 by stating that the buildings is used for human occupancy, deleting occupant load requirement, and raising the 55 foot (16 764 mm) height level to 75 feet (22 860 mm). Maintains the exceptions.

Section 904.2.4.1 General. Clarifies language for determining value of E-1 Occupancies. Allows the Building Official and the Fire Chief more flexibility in determining the "value" of a structure when determining when a fire-extinguishing system is required. If not required by other provisions of this chapter, sprinklers may be used for area increases allowed in Chapter 5.

Section 904.2.6 Group I Occupancies 904.2.6, Clarifies type of sprinklers required in light hazard areas.

Section 904.2.8 Group R, Division 1 Occupancies.

Option 1: Maintain the 1994 U.B.C. language.

Option 2: Requires sprinklers in the following facilities:

Apartment houses - reduces the number of dwelling units from 16 to 5.

Congregate residence - reduces the occupant load from 20 to 10.

Hotels - reduces the guest rooms from 20 to 10.

Also, area separation walls will not be allowed to enable deletion of the required sprinklers.

CHAPTER 10 MEANS OF EGRESS

WAC 51-30-1001 Section 1001.2 Definitions. Uses the NFPA definition for "Smoke Protected Assembly Seating".

WAC 51-30-1004 Section 1004.1 General. Referencing exit doors on accessible route of travel to Section 1004.2 for clarification.

Section 1004.2 Swing and Opening Force. Describing swing and open force on doors for consistency with the State Regulation for Barrier-Free Facilities in Chapter 11 of this code.

Section 1004.5 Special Egress-Control Devices.

Option 1: Maintain the 1994 U.B.C. language.

Option 2: Adds I-1.1, I-1.2 and LC Occupancies to the list of Occupancies that may use egress-control devices at exit doors. Provides for use of key pad exit control devices at units caring for dementia patients.

Section 1004.8 Special Doors. Maintains accessibility by use of a secondary door or gate where a revolving or overhead door or turnstile is used and an accessible route is required.

Section 1004.9 Floor Level at Doors. Delineates a maximum allowable threshold height at sliding doors within accessible dwelling units, provided an additional accessible entry is provided.

WAC 51-30-1005 Section 1005.10 Elevators.

Option 1: Maintain the 1994 U.B.C. language.

Option 2: Adds an exception so that where an elevator shaft is pressurized, an elevator lobby need not be provided. This allows a design flexibility to fit the scope and scale of the facility.

WAC 51-30-1006 Section 1006.1 General. To allow a stair or a ladder access to specific rooms in an individual dwelling, if that space is 200 square feet or less. This exception allows a design option of accessing a loft by means of a ladder rather than a stairway. References Chapter 11 for stairways required to be accessible.

Section 1006.3 Rise and Run.

Option 1: Maintain the 1994 U.B.C. language.

Option 2: Would allow 7.5 inches and 10 inches for the maximum rise and minimum run in any stair other than residential buildings of four or fewer units, that do not exceed two stories, and less than five thousand square feet in area.

Section 1006.7 Landings. Maintains landings at top and bottom of stairways. Where the door swings into the landing a minimum landing area is required beyond the door swing.

Section 1006.9 Handrails. This proposed amendment disallows the concurrent use of the Exception in the first paragraph of Section 1103.2.2 and this Exception. Clarifies the distance beyond the bottom of a stairway that a handrail must extend.

Section 1006.16 Stairway Identification. Reiterates that all fixed use rooms require identification signage, specifically stairway doors, and that this signage shall comply with Chapter 11.

WAC 51-30-1007 Section 1007.4 Landings.

Option 1: References Chapter 11 for maneuvering clearances at ramp landings. Deletes the verbiage here covered in Chapter 11. Provides a reduction in length for landings with a slope of less than 1 in 12.

Option 2: References Chapter 11 for maneuvering clearances at ramp landings. Deletes the need for a 6 foot landing at the bottom of ramps.

Section 1007.5 Handrails. Requires handrails at ramps with a slope of 1 in 20, rather than 1 in 15. Adds language to extend at least one handrail beyond the top and bottom of the ramp, as is required in Chapter 11.

WAC 51-30-1009 Section 1009.1 General. Adds LC Occupancies to the Group H and I Occupancies where an enclosure needs to be provided for a stairway, ramp or escalator serving only one adjacent floor and not connected with corridors or stairways serving other floors.

Section 1009.8 Vestibules. Allows wheelchair Areas for Evacuation Assistance to be in areas other than vestibules that comply with Section 1104. Deletes duplicated language.

WAC 51-30-1014 Section 1014.3 Width in Assembly Occupancies with Fixed Seats. As this section now reads, small theaters are required to have inordinate aisle widths. This proposed amendment modifies the section to better serve both small theaters and large arenas for calculating aisle widths. Deletes Table 10-B.

Section 1014.5 Ramp Slope. Maintains exception for maximum ramp slope in theaters with fixed seating.

Section 1014.6 Aisle Steps. 1014.6.1 When prohibited. Maintains cross references for exception noted in 1014.5 (see above).

WAC 51-30-1019 Section 1019.7 Suites. Rewrites this section for patient suits [suites] in Group I, Division 1.1, 1.2 and 2 to make it logical and more understandable. Exiting from these suits [suites] is clarified. This rewrite and reorganization will make the code easier to understand and use.

WAC 51-30-1022 TABLE 10-A MINIMUM EGRESS REQUIREMENTS. Maintains state occupancy load for congregate residences (#8). Maintains state occupancy load for laboratories (#17) based on classroom use verses [versus] research occupancies.

CHAPTER 11 ACCESSIBILITY

In the 1994 U.B.C., Chapter 11 is the new location for accessibility requirements. However, compared to Chapter 31 in WAC 51-20, the design standards are not included in the code. For the 1994 U.B.C., accessibility design is based on the referenced standard Council of American Building Officials (CABO)/American National Standards Institute (ANSI) A117.1-1992 - Accessible and Usable Buildings and Facilities. In addition, Chapter 11 has many provisions which are revised when compared to its predecessor, Chapter 31 of the 1991 U.B.C. The Council is considering two primary options for adoption:

1. Chapter 31 of WAC 51-20, renumbered as Chapter 11 in the 1994 U.B.C. numbering style with a few minor amendments, and with metric equivalent measurements added.

2. Chapter 11 of the 1994 U.B.C. (including adopting ANSI by reference) with amendments to maintain most historic provisions of Washington's 18-year-old Barrier-Free Regulations, and to provide improved regulations based on that experience.

Contained within Primary Option 2 are options at numerous proposed regulations. Frequently, where there are two options, the basic distinction was either to adopt the 1994 U.B.C. language with or without limited amendments; or maintain or develop provisions that are as consistent as possible with federal accessibility guidelines [Americans with Disabilities Act (ADA), Fair Housing Act Amendments (FHAA)]. In most cases, Option 1 will recommend maintaining the U.B.C. language and will represent a change to existing state code; generally it will require less accessibility. In comparison, the options labeled Option 2 will recommend

maintaining provisions from Chapter 31 of WAC 51-20 and will not represent a change to existing state code. There is an occasional Option 3 which is generally an attempt to provide improved code language to clarify existing state code found in Chapter 31 of WAC 51-20.

Summary of Primary Option 1

Primary Option 1 is the existing Chapter 31 of WAC 51-20 re-numbered and configured to conform with Chapter 11 of the 1994 U.B.C. In addition to the new number system, there are three changes from the existing Chapter 31 of WAC 51-20, they are:

WAC 51-30-1100 Section 1106.10.4 (3106 (j) 4) An exception has been added to allow a 3/4 inch threshold on sliding glass doors in dwelling units, provided there is another accessible entrance to the unit.

WAC 51-30-1100 Section 1106.27.1 (3106 (aa)) An exception has been added to allow multi-story dwelling units, such as town houses, to qualify as Type A dwelling units provided that all features necessary to create a unit, for example one bathroom, one kitchen, one bedroom, one living room, are provided on the first story of the unit.

WAC 51-30-1100 Section 1112.2 (3112 (b)) An exception has been added to exempt the requirement for Type B dwelling units in substantially altered buildings.

Summary of Primary Option 2

Chapter 11 is comprised of four parts, as compared to the three parts in Chapter 31 of WAC 51-20. Part I of this chapter contains the scope of the chapter and all of the pertinent definitions, Part II of this chapter contains all scoping requirements for new construction, Part III of this chapter contains all scoping requirements for existing buildings including historic buildings, and Part IV contains the standards for accessible design which were contained in Part II of Chapter 31. The summary is organized based on Chapter 11 format, comparable sections of Chapter 31 of WAC 51-20 are in parentheses following the Chapter 11 citation.

PART I

WAC 51-30-1100 Section 1101 - Scope (3101). This section no longer states an intent to be consistent with federal standards. Depending on the options selected, the new chapter could be very consistent with federal standards, but there is not intent to pursue certification. In addition, sections which limited building official discretion in approving alternate methods and modifications have been eliminated.

WAC 51-30-1100 Section 1102 - Definitions (3102). The following definitions have been deleted: Automatic door, clear, clear floor space, cross slope, curb ramp, detectable warnings, landing, marked crossing, multistory dwelling unit, power-assisted door, primary entrance level, ramp, service entrance, single story dwelling unit, tactile, and vehicular way. Most are relocated to the ANSI standard and did not need to be repeated in the chapter. The following definitions have been added: Adaptability, CABO/ANSI A117.1, and facility. These changes have no substantive effect on the regulations.

PART II

WAC 51-30-1100 Section 1103 - Building Accessibility (3103).

Section 1103.1, Exception 1.

Option 1: Maintains the U.B.C. and existing state code.

Option 2: Amends existing code to not exempt machinery, mechanical and electrical equipment rooms from being accessible. This option brings the code closer to the intent of the ADA.

Section 1103.1, Exception 2.

Option 1: Maintains the U.B.C. and could be used to permit less accessibility. It relies on significant knowledge of disabilities and discretion of individual building officials to judge whether particular work could be done by a person with a disability. This may be judged as less stringent than ADA.

Option 2: Deletes this exception and maintains existing state code.

Section 1103.1, Exception 4. A new exception was added to the state code exempting employee portions of seasonal farm stands. This would reduce accessibility from that required under existing code. The size of the buildings is limited to those which typically are not required to get a building permit.

Section 1103.1, Exception 5.

Option 1: Maintains the U.B.C. and existing state code.

Option 2: Adds a new exception to state code exempting temporary structures such as fireworks stands, carnivals, winterfests and similar facilities when erected for a short period. This is a reduction from existing code and is not consistent with ADA.

Section 1103.1.2 Group A Occupancies. The majority of the provisions for assembly occupancies including those outlining the number of wheelchair spaces required, the location of wheelchair seating, and the requirements for assistive listening devices, have been moved to the Facility Accessibility Section 1105. A comparison of changes other than the location change can be found in 1105.5. Changes to provisions dealing with the general requirements for Group A occupancies are outlined below.

Option 1: Maintains the U.B.C. but reduces existing state code by not regulating edges of raised platforms. It would also not be consistent with ADA.

Option 2: Maintains existing state code.

Section 1103.1.3 (Group B Occupancies).

Option 1: Maintains the U.B.C. and existing state code.

Option 2: Adds an exception requiring only a percentage of exam rooms in doctors' offices to be accessible. 100% accessibility to all exam rooms is considered by some to be excessive. This would be inconsistent with ADA.

Section 1103.1.7 (Group I Occupancies). The two options for exam rooms, see above, occur here as well because some exam rooms fall into the institutional occupancy.

Section 1103.1.9 (Group R Occupancies).

Section 1103.1.9.1 General. The exception regarding common use facilities requires only 25% of repetitive recreational facilities at apartments to be accessible. This is

a reduction from the WAC 51-20 standards, but is consistent with FHAA.

Section 1103.1.9.2 Number and location of dwelling units. This provision was rewritten and reorganized without substantive change to the code.

Section 1103.1.9.3 Hotels/Lodging Houses.

Option 1: This option maintains the state code requirements for numbers and types of accessible hotel rooms, but completely exempts small facilities, such as bed and breakfasts. It would be slightly inconsistent with ADA.

Option 2: This option maintains the existing state code completely, including the ADA based provision that bed and breakfasts are only exempt when owner/proprietor occupied. This ADA provision is unenforceable by building officials who only judge building construction not building operation.

Section 1103.1.9.4 Congregate Residences.

Option 1: Maintains the U.B.C., but reduces existing state code, and might be judged as inconsistent with federal standards.

Option 2: Maintains existing state code for congregate residences.

Section 1103.1.10 Storage Occupancies. This is a new exception requiring only 5% of mini-storage units to be accessible rather than each one. This would reduce existing state code and would be inconsistent with ADA; however, many consider existing requirements to be excessive. A related sign requirement located in Section 1103.2.4.2 is part of this exception.

Section 1103.1.12 Licensed Care Occupancies. This adds accessibility requirements for the new occupancy category established in Chapter 3 of the code. The accessibility requirements are similar to those for congregate residences.

Section 1103.2.2 Accessible Route.

Section 1103.2.2.1 Interior Accessible Routes. Maintains the spirit and intent of existing state code for accessible route, however the provisions are completely reorganized. Provisions requiring elevators are now combined with the accessible route provisions. Certain provisions were reworded to clarify their intent.

Option 1: *3rd paragraph* Maintains the U.B.C. language requiring an accessible interior route where an inaccessible interior route is provided.

Option 2: *3rd paragraph* Maintains the existing WAC provision.

Note: Exception pertains to both options.

Section 1103.2.2.2 Exterior Accessible Routes. The exception for site terrain has been clarified to apply to any accessible route on a site, not just the route from a street to the building entrance. This provides greater flexibility than the existing state code, but reflects a commonly approved alternate.

Section 1103.2.3 Accessible Entrances.

Option 1: Maintains the U.B.C., but only requires 50% of entrances to be accessible, including the primary entrance. This is less stringent than the existing state code and ADA, but eliminates a confusing provision tying the number of accessible entrances to the number of exits.

Option 2: Revises the provisions on entrances to maintain the intent of the existing state code, and ADA, but tries to more clearly state the requirement.

Section 1103.2.4 Signs. Sign provisions in Chapter 31 of WAC 51-20 are scattered in many locations and have been difficult for users to fully understand. For Chapter 11 a concerted effort was made to consolidate and consistently express sign requirements. Substantive changes are limited to:

A sign including the International Symbol of Access is required to identify accessible dressing rooms.

There are two sets of options in this section.

Option 1: Maintains U.B.C. language exempting parking signs from lots with fewer than five parking spaces. This is related to options in 1107.3.

Option 2: Forces parking signs in all accessible parking spaces, regardless of the size of the lot. This is related to options in 1107.3.

The second options are related to provisions in Section 1105.5.2.2, Aisle seats

Option 1: Maintains the U.B.C. by not adding a sign provision for aisle seats.

Option 2: Adds a sign provision for aisle seats.

Other Signs.

Option 1: Primarily requires other signs which relate directly to fire and life safety issues. This has the fewest changes from the 1994 U.B.C. It reduces the number of signs regulated under the existing state code, and covers fewer signs than the ADA. Many of the signs required under Option 2 are difficult for building officials to enforce because signs are not typically included in plans submitted for permit review and often are not installed until after a Certificate of Occupancy is granted.

Option 2: Maintains the existing state code regarding other signs with some clarification provided by improved language. A sub-option would exempt spaces exempt from being accessible from being identified by a sign with tactile and Braille characters. An additional sub-option related to Sections 1105.4.10 Telephones and 1111.1.2 Existing elements, would require signage for text telephones. Also added is a sign at mini-storage warehouses rental offices which notifies customers of the availability of accessible lockers/units.

WAC 51-30-1100 Section 1104 - Means of Egress (3104). This provision was substantially reformatted in the 1994 U.B.C. from its counterpart in the 1991 code. There are very few changes of significance; however, there are a few options which address how best to organize the section. Generally, the term "Area of Refuge" is used in the 1994 code where the 1991 code called the same thing "area of rescue assistance".

Section 1104.1.1 General. The U.B.C. was amended to relocate the exception which waves areas of refuge in certain sprinklered buildings to this location in addition to being found in the provisions for stairways and elevators. It is the existing state code provision and there would be no substantive change.

Section 1104.1.2 Stairways, Exception 2. The U.B.C. was amended to maintain the WAC standard.

Section 1104.1.2 Stairways, Exception 5.

Option 1: Does not amend U.B.C.

Option 2: Adds an exception #5. This option would clearly exempt floors which don't have to have a vertical means of access (elevator or ramp) from having to provide areas of refuge. Many have felt that requiring the latter when the former was not required did not make sense. This is contrary to an informal, verbal interpretation Council staff received from ADA staff. Whether it is inconsistent with ADA is unclear.

Section 1104.1.3 Elevators, Exception 1. The U.B.C. was amended to maintain the WAC standard.

Section 1104.1.3 Elevators, Exception 3.

Option 1: Does not amend U.B.C.

Option 2: Amends U.B.C. to add an exception #3. This is a parallel exception for elevators as proposed as stairways, as exception #5, see above.

Section 1104.2.2 Pressurization. The new U.B.C. provisions on areas of refuge allows such areas in elevator lobbies when those lobbies and the elevators meet certain standards. The primary standard is pressurizing the elevator hoistway and thereby the lobbies. A similar approach was allowed as an alternative in WAC 51-20, so this only represents a minor change. However, WAC 51-20 is similar to the ADA and the 1994 U.B.C. might be viewed as a lessening of the standard. It could also be viewed as a reasonable alternative design.

In addition, the U.B.C. was amended to add the "highrise" exception. This would maintain an exception from WAC 51-20 which allows an alternative design for areas of refuge in buildings built to highrise standards. The exception is actually more stringent than the 1994 U.B.C. standards.

Section 1104.2.3 Size.

Option 1: Does not amend the U.B.C.

Option 2: Amends the second paragraph of the subsection. This paragraph is a new requirement which clarifies that the wheelchair spaces in an area of refuge can not block the exit path. The new provision allows up to two chairs to be accessed from the same point, allowing one to be blocked. This option would change the provision and not allow any to be blocked. It would probably result in larger areas of refuge depending on the building design. ADA doesn't address this issue.

Section 1104.2.5 Two-way communication.

Option 1: Maintains U.B.C. exception not requiring two-way communications in buildings less than four stories.

Option 2: Deletes the U.B.C. exception. This maintains the existing state code, and is also consistent with the ADA.

Section 1104.2.6 Instructions.

Option 1: Does not amend the U.B.C.

Option 2: Amends the U.B.C. to clarify the provisions. This is an enhanced provision in the new U.B.C. which specifies what the instructions at an area of refuge need to say. The amendments in Option 2 assure that the sign is

readable and increases the flexibility of the instructions format. The change would not be in conflict with ADA.

Section 1104.2.7 Identification.

Option 1: Editorially corrects the U.B.C.

Option 2: This option amends the U.B.C. by requiring additional signs directing people to accessible areas of refuge.

WAC 51-30-1100 Section 1105 - FACILITY ACCESSIBILITY (3105).

Section 1105.2 Bathing and Toilet Facilities.

Section 1105.2.1 Bathing facilities, Exception 1. This U.B.C. provision allows "private, single user" bathing facilities to be adaptable. This is consistent with ADA, however adaptable was not defined in either the ADA or U.B.C. This uses the provisions and standards adopted in Section 1105.2.4, below. It would lessen, slightly, existing state code.

Section 1105.2.1 Bathing facilities, Exception 2.

Option 1: Does not amend U.B.C.

Option 2: Amends U.B.C. to require only one accessible bathing facility in accessible dwelling units.

Section 1105.2.1 Bathing facilities, Exception 3. This exception was added to the U.B.C. to clarify the bathing requirement for those rooms, units or cells that are not required by the code to be accessible.

Section 1105.2.2 Toilet facilities. The proposed change requires an ambulatory accessible stall in men's rooms where there are four water closets rather than the current six. This would be more stringent than ADA, where the six threshold applies to facilities for either gender. But because of typical toilet facility design and new numbers for "potty parity", the change appears to make the requirement more equitable.

Section 1105.2.2 Toilet facilities, Exception 1.

Option 1: Amends U.B.C. to exempt certain toilets in dwellings.

Option 2: Amends U.B.C. to require only one accessible toilet in dwellings.

The first option only exempts toilet facilities located in parts of an accessible dwelling unit which are otherwise exempted from access. It is more stringent than existing state code. Option 2 maintains the existing state code. Both are compatible with FHAA.

Section 1105.2.2 Toilet facilities, Exception 2. This exception was added to the U.B.C. to clarify the toilet requirement for those rooms, units or cells that are not required by the code to be accessible.

Section 1105.2.4 Adaptable features in other than dwelling units. This is a new provision not in existing state code which would specify which features are adaptable in non-residential bathing and toilet facilities as part of options of Sec. 1105.2.1.

Section 1105.3 Elevators, Stairways and Platform Lifts.

Section 1105.3.1 Elevators.

Option 1: Maintains U.B.C. and adds an Exception #2.

Option 2: Replaces U.B.C. elevator provisions with existing WAC.

The primary difference between the two options is the U.B.C. language only requires elevators which "happen" to be located on an accessible route to be accessible, versus all elevators as required in the existing state code and ADA. The exception for service only elevators is common to both.

Section 1105.3.3 Platform Lifts. The U.B.C. was amended to reference the platform lift scoping that was moved to Section 1103.2.2.1. The reference to Chapter 296-81 of the Washington Administrative Code was also added.

Section 1105.4.1 Drinking Fountains.

Option 1: Does not amend U.B.C.

Option 2: Amends U.B.C. to require standard water fountain. Maintains existing state code which is consistent with ADA.

Section 1105.4.2 Fixed or built-in seating or tables.

Option 1: Amends U.B.C. to clearly exempt work stations. A related provision located in Section 1105.5.5 is part of this option.

Option 2: Amends U.B.C. to require a percentage of accessible work stations. A related provision located in Section 1105.5.5 is part of this option.

The new 1994 U.B.C. uses the ANSI standard which mentions work stations. The Committee felt that Chapter 11 had to clearly exempt work stations or clearly require some accessibility. Option 2 would require 5% of work stations to be accessible when 11 or more were in the same space. This would therefore exempt most work stations like reception desks, nurses stations and similar facilities that are usually only one in a space.

Section 1105.4.3 Storage. An exception was added to maintain the intent of the existing state code.

Section 1105.4.5 Controls, operating mechanisms, hardware. This section is amended in a variety of ways in comparison to WAC 51-20. First this section now provides a scoping requirement for manual fire alarms, which were in 51-20, but only in the design section. It would exempt controls on commercial and industrial equipment since these are issues of employment and are not part of a building permit review. It exempts the controls on kitchen and laundry equipment in dwelling units. This exemption is needed because the ANSI standard would require them.

The most significant change from WAC 51-20 is that this code would require accessible hardware on windows in accessible dwelling units, hotel guest rooms, congregate residences and LC occupancies where windows were intended to be operable. This is more stringent than ADA or FHAA.

Section 1105.4.6 Alarms. Standards for visual alarms would be found in the fire code rather than in the building code as is the case with WAC 51-20.

Section 1105.4.7 Detectable Warnings. This section has been retitled to provide scoping for the 3 locations where detectable warnings would be required. Requiring them on rail platforms will be new to Washington code, but of limited application. It is compatible with ADA. Curb ramp and pedestrian and vehicular separation standards are in the

existing code. However the new code does not specify the truncated dome style of detectable warning.

An exception has been added to the provision for separation of pedestrian and vehicular areas. The new exception exempts detectable warnings along the sides of crosswalks subject to approval of the building official.

Section 1105.4.8 Kitchens. The 1994 U.B.C. does not provide scoping for kitchens. The amendments reflect WAC 51-20 provisions, but are revised to clarify their intent for residential and guest room kitchens.

Option 1: Amends U.B.C. to require basic access to other kitchens including sinks.

Option 2: Amends U.B.C. to clearly exempt other kitchens from accessibility.

The existing code is unclear regarding accessibility to employee and commercial kitchens. Three options are presented. The second option completely exempting them is probably the most consistent with existing state code, but is likely inconsistent with ADA. If these are work areas, such as the commercial kitchen, ADA requires them to be accessible as would be required under Option 1. Option 1 also requires an accessible sink.

Section 1105.4.9 Sinks. Existing state code does not scope sinks, but does provide sink standards. The ANSI standard includes sink standards but the U.B.C. does not scope sinks. These amendments would provide scoping standards for sinks in locations other than kitchens.

Option 1: Amends U.B.C. to exempt other sinks.

Option 2: Amends U.B.C. to require sinks in classrooms to be accessible but exempts others.

Either amendment does not conflict with ADA. Option 2 would increase accessibility standards over the existing code.

Section 1105.4.10 Telephones.

Option 1: Amends U.B.C. to provide detailed telephone requirements. This option maintains and clarifies existing code regarding telephones. It was written to be consistent with the ADA. A related sign requirement located in Section 1103.2.4.2 and a related existing buildings provision located in Section 1111.1.2 are part of this option.

Option 2: Amends U.B.C. to provide minimum telephone requirements. This option would only require permit applications to show, and building officials to inspect, locations where phones are to be installed for their location on an accessible route with clear floor space and within reach ranges. It would not require building officials to look at various types of phones, or the telephone equipment. Often phones are not installed until after a Certificate of Occupancy is issued and the building inspector is no longer around. They are not included in plans. The U.B.C. did not include them in the 1994 code based on the judgment that inspecting telephones was beyond traditional building official duty.

Section 1105.4.11 Doors. This is a proposed scoping section to clarify some door applications. Some provisions already existed in WAC 51-20, others were implied. All are consistent with ADA.

Section 1105.4.12 ATM's. Since the ANSI standard provides standards for ATM's, but 1994 U.B.C. did not mention them, duties of the building official would have been unclear. This new section would simply require building officials to look at where ATM's were to be installed, that they be on an accessible route, with clear floor space and within reach ranges. It would not require building inspectors to inspect the ATM machine itself. This is more than is included in the existing code, but is still not fully consistent with the ADA which provides detailed ATM requirements.

Section 1105.5 Use Specific Facility Requirements. This section collects in one place detailed standards for a variety of facilities that could occur in one or more occupancy types, or provide detailed standards for certain uses or installations. In the existing code, many of these provisions are found in WAC 51-20-3106, some are currently in 3103. Some are new collections of previously scattered provisions.

Section 1105.5.2 Assembly Areas.

Section 1105.5.2.1.

Option 1: 2nd paragraph Maintains the U.B.C. but reduces existing state code by not requiring dispersal of wheelchair locations in assembly spaces of under 300 seats. It is consistent with ADA.

Option 2: 2nd paragraph Maintains state code requiring dispersal in all assembly spaces. This is more stringent than ADA. This requirement predates ADA in Washington code.

Section 1105.5.2.2 Aisle seats.

Option 1: Do not add new section. Maintains the U.B.C., but reduces existing state code. It is not consistent with ADA.

Option 2: Add new section. Maintains existing state code by adding the aisle seat requirement which is consistent with ADA. A related sign requirement located in Section 1103.2.4.1 is part of this option.

Section 1105.5.2.3 Accessible route.

Option 1: Do not add new section. Maintains the U.B.C., but reduces existing state code. It is not consistent with ADA.

Option 2: Add new section. Maintains existing state code by adding a requirement of an accessible route between seating areas and other areas and spaces used by performers. This is consistent with ADA requirements.

Section 1105.5.4 Dwelling Units.

Section 1105.5.4.1 Accessible Areas. These provisions were mostly in WAC 51-20-3106(aa); however, exception #1 is a reinstatement of an exception for townhouses which was in 51-10, but inadvertently left out of 51-20. It is consistent with FHAA.

Section 1105.5.4.2 Kitchens.

Option 1 for #2: Accessible sinks in Type A units.

Option 2 for #2: Accessible sinks in Type A & B Units.

Option 3 for #2: Sinks within dwelling units need not be accessible.

Both Option 1 and Option 2 are increases in requirements over the existing WAC which does not require accessible kitchen sinks in dwelling units. Both would be more stringent than FHAA. The ANSI standard provides standards for dwelling unit sinks, but 1994 U.B.C. does not clearly scope the sinks. One of the options is needed to clarify the relationship. This issue has been the source of considerable confusion under 51-20.

Option 1 for #4: No accessibility to appliances.

Option 2 for #4: Limited accessibility to appliances. A related provision located in Section 1115.33.4.1 is part of this option.

The ANSI standard provides detailed standards for kitchen and laundry appliances in dwelling units, but 1994 U.B.C. does not clearly scope them. One or the other option is needed to clarify. Option 1 would be consistent with existing code. Option 2 would increase standards by requiring a clear floor space at each appliance.

Section 1105.5.4.3 Toilet and Bathing. This is an alternative location to placing the dwelling unit toilet facility scoping in 1105.2. The options provided here are the same as described in that section.

Section 1105.5.5 Employee Work Areas. This is a new section, not in the existing code. It is proposed to clarify application of accessibility provisions to areas which are considered to be only work areas. It is consistent with ADA.

Option 1: This option clearly directs employee workstations that are fixed seating and tables to be accessible if they are accessible as defined in Section 1105.4.2.

Option 2: This option clearly exempts employee workstations that are fixed seating and tables from accessibility if they are exempted in Section 1105.4.2.

It is not a significant change from the intent of the existing code.

Section 1105.5.6 Hotels, Lodging Houses, Congregate Residences and Licensed Care Facilities. No changes from existing code other than the application of these standards to the new occupancy category of licensed care occupancies.

WAC 51-30-1100 Section 1106 - Accessible Exterior Route (No equivalent section in WAC 51-20). This section is deleted in favor of consolidated accessible route provisions in Section 1103.2.2.

WAC 51-30-1100 Section 1107 Parking Facilities (3107).

Section 1107.1.1. This section maintains the additional accessible parking requirement for outpatient facilities at hospitals, but would delete it from applying to typical doctors offices. This reduces a requirement from the existing WAC, but is consistent with interpretations issued by Department of Justice regarding the application of ADA.

Section 1107.1.1, Item 3. The last sentence of this item is added to clarify accessible parking requirements in small buildings which only have Type B accessible dwelling units. The requirement is consistent with FHAA.

Section 1107.1.1, Item 4.

Option 1: This option would impose a van space requirement for R-1 Apartments. This is more stringent than

existing state code and also the FHAA. Many felt that not having van spaces required at apartments was inappropriate.

Option 2: This option maintains the existing state code exempting apartments from having van accessible parking.

Section 1107.3. Parking Signs.

Option 1: This maintains the U.B.C. exceptions for signs at small parking lots. It is inconsistent with ADA.

Option 2: This option maintains existing state code by deleting the exception.

WAC 51-30-1100 Section 1110 - Definitions (Existing Buildings). (3110) Alteration, Substantial. The definition was amended to define the value of the building by which substantial alteration is determined based on the definition of value contained in the U.B.C.

WAC 51-30-1100 Section 1111 - Alterations and Additions. (3111, 3112)

Section 1111.1.2 Existing Elements.

Option 1: Maintains U.B.C. language regarding area of primary function and accessible route.

Option 2: Maintains existing code language.

Option 1 for exception 1: This option maintains the U.B.C., which does not require keeping track of elements not made accessible over a 36 month period. This is less stringent than existing state code and ADA. However, most jurisdictions have not established permit systems that would allow them to easily track the activity at a building beyond issuance and review of a single permit.

Option 2 for exception 1: This option maintains existing code (which is consistent with ADA), but includes the difficult to enforce 36 month tracking period.

Exception 2: This exception would exempt altered buildings from requiring an accessible means of egress.

Option 1 for Item 1: Does not amend the U.B.C.

Option 2 for Item 1: This is an existing code requirement adopted for ADA consistency. It requires putting in an elevator when a new stairway or escalator is added to a building.

Option 1 for Item 2: Does not amend the U.B.C.

Option 2 for Item 2: This is another existing code requirement adopted for ADA consistency. The requirement forces a judgment call by the building officials on alteration projects which could force additional changes that weren't planned by the building owner. Many feel the vagueness of the language makes enforcement difficult and inconsistent.

Option 1: Do not amend U.B.C. by adding item #3. This is related to the telephone provisions in 1105.4.10.

Option 2: Amend U.B.C. by adding item #3. This is related to the telephone provisions in 1105.4.10.

Section 1111.2.6 Assembly areas.

Option 1: Does not amend the U.B.C.

Option 2: Amends U.B.C. by requiring that companion seating is equivalent to other seating in the assembly area. This provision meets the intent of the current regulation.

Section 1111.1.3 Substantial Alteration.

Option 1 - For Exception 1: This exception maintains existing state code by exempting substantially altered buildings from egress requirements.

Option 2 - For Exception 1: This option deletes the exception of exempting substantially altered buildings from providing accessible means of egress. This option is more stringent than existing state code.

Based on requests from the City of Seattle, a second exception is added which exempts substantially altered buildings from having to provide Type B accessible dwelling units.

Section 1111.3 Additions. This subsection was a separate section in WAC 51-20 (Sec. 3111). In the 1994 code it is merged with alterations, but it is substantively unchanged, except:

Option 1: This option under Item number 6 would leave the requirement for the 36 month tracking provision for the path of travel exception.

Option 2: This option under Item number 6 would delete the requirement for the 36 month tracking provision for the path of travel exception.

WAC 51-30-1100 Section 1112 - Change of Occupancy. (No equivalent WAC 51-20 section)

Option 1: Only requires elements of a building actually being physically altered for the change of occupancy to come into compliance with new construction standards.

Option 2: Requires compliance for elements which are altered, but also requires retrofit of basic access features including parking, entrance, an accessible route between the two and toilet facilities when the occupancy has to have public facilities.

PART IV - Standards (3106)

The ANSI standard is adopted by reference. A number of ANSI provisions were different from accessibility design provisions contained in the Washington regulations as far back as 1976. Section 1115 represents only changes from the ANSI standard. Those changes summarized below represent changes in the design standard from WAC 51-20 (existing state code).

WAC 51-30-1100 Section 1115.2.1 Space Allowances and Reach Ranges.

Section 1115.2.3 Side Reach. This would be a change to existing state code. It provides more flexibility in determining side reach ranges when that reach is obstructed. It is based on new ADA standards for ATM's.

Section 1115.6.2 Parking Space Signs.

Option 1: This option maintains state code by requiring the sign to be at the head of the stall.

Option 2: This option does not include the head of stall requirement because it is not possible to determine the "head of a stall" when the spaces are in a parallel parking format.

Section 1115.6.3 Van Parking Spaces. Does not amend ANSI except to add existing state code requirements and exceptions for signage to identify the van space. It reduces the height required at a van parking space from 114 inches in the existing state code to the 98 inches in ANSI. 98 inches is the height required by ADA.

Section 1115.6.4 Curb Ramps in Aisles. This amendment would clarify an often asked question whether curb ramps can be in access aisles. The existing code does explicitly

prohibit it, but the same answer is achieved by combining a variety of provisions.

Section 1115.7.1 Detectable Warnings at Curb Ramps. Would amend ANSI to also require detectable warnings on the side slopes of curb ramps where the slope is less than 1 in 12. Many curb ramp configurations can result in level pathways where there is no marking between the pedestrian and vehicular areas.

Section 1115.8 Ramps.

Option 1: Redefines ramps from historic WAC language, would exempt sloped surfaces of 1:20 of indefinite lengths from landings.

Option 2: Amends ANSI to existing state code requirements of ramp to a slope of 1:48.

Section 1115.8.2 Ramp Width.

Option 1: Does not amend ANSI. This would reduce the width of exterior ramps to 36 inches. This is less than existing state code but would be consistent with ANSI and ADA.

Option 2: Amends ANSI to maintain existing code.

Section 1115.8.3 Handrails.

Option 1: Does not amend ANSI.

Option 2: Amends ANSI to maintain existing code. This is related to the options under 1115.8.1.

Section 1115.8.4 Edge protection.

Option 1: Amends ANSI to contain more specific edge protection requirements.

Option 2: Amends ANSI to contain more specific edge protection requirements, it also defines a ramp to a slope of 1:20. This is related to the options under 1115.8.1.

Section 1115.13.3 Doors in alcoves. By adopting ANSI, the Washington code would provide a greater variety of maneuvering clearances at doors consistent with ADA. The new ANSI provisions saying doors in alcoves are to be treated as forward approach doors is confusing because alcoves are not defined. Either option would not be inconsistent with ADA.

Option 1: Amends ANSI to clarify that this only applies if alcoves are over 4 inches deep.

Option 2: Amends ANSI to clarify that this only applies if alcoves are over 12 inches deep.

Section 1115.13.4 Doors to Hospital Patient Rooms.

Option 1: Amends ANSI to clarify that the provision allowing waive of maneuvering clearances also can be used in nursing homes.

Option 2: Amends ANSI to eliminate the exception for maneuvering clearances at hospital doors.

Section 1115.16.1 Mirrors in Toilet Facilities.

Option 1: Does not amend ANSI.

Option 2: Amends ANSI.

Option 1 lowers the minimum height of a mirror by 2 inches below existing state code and ADA. Option 2 maintains existing state code.

Section 1115.17.2 Grab Bars at Water Closets.

Option 1: Does not amend ANSI.

Option 2: Amends ANSI.

Option 1 maintains ANSI which only requires a 36 inch grab bar at the back of water closets where the space allows, otherwise 24 inches is minimum. This would reduce existing state code and would result in inconsistent enforcement because of the judgment call allowed for in the provisions. Option 2 maintains existing state code.

Section 1115.18.1 Toilet Stall Clear Floor Space. Amends ANSI to say that if a 30 by 48 inch space is available beyond the door swing, the 36 inches is not needed. This provision is not in either ADA or the existing state code.

Section 1115.18.2 Depth of Ambulatory Stalls. Amends ANSI to allow the same depth of stall as allowed for accessible stalls, depending on type of water closet installed. This would allow coordination of the partitions in a toilet facility easier.

Section 1115.18.3 Location of Coat Hooks. Amends ANSI to specify that coat hooks could not be on doors because of the injury potential from such hooks on swinging doors.

Section 1115.22.2 Thresholds at Showers.

Option 1: Does not amend ANSI.

Option 2: Amends ANSI.

Option 1 would allow a small threshold of 1/2 inch for all showers. It would lessen state code and not be consistent with ADA. Option 2 allows the small threshold only for transfer type showers, which maintains existing state code.

Section 1115.24.2 Structural Strength. This amendment reduces the structural strength requirements to 250 pounds from existing code which is 300 pounds. Washington law had been higher for years but this change would be consistent with ADA.

Section 1115.28.1 Pictograms. Clarifies the dimensional standards of pictograms; that pictograms don't have to be raised and that the text is outside of the pictogram.

Section 1115.28.2 Raised characters. Clarifies what characters must be raised and that it is not symbols such as the pictograms. Other amendments are to provide clearer consistency with ADA.

Section 1115.28.3 International Symbol of Access.

Option 1: Amend ANSI to require the symbol to be white on blue as in existing state law. An exception exempts the symbol when painted on parking spaces. This option does not include a minimum size for the symbol.

Option 2: Differs from Option 1 only by requiring the symbol to be at least 2 inches in height when part of a pictogram.

Option 3: Differs from Options 1 or 2 only by requiring the symbol to be at least 3 inches in height when part of a pictogram.

Section 1115.31.1 Service Counters. This would reduce the allowed maximum height of service counters from the existing code 36 inches to a 28 to 34 inch range.

Section 1115.31.2 Service Windows. This would reduce the allowed maximum height of service windows from the existing code 36 inches to a 28 to 34 inch range.

Section 1115.33 Dwelling units.

Option 1: Amends ANSI by not allowing a corner toilet.

Option 2: Differs from Option 1 by allowing a lavatory within 15 in of the water closet in the Type B dwelling unit. This option maintains existing state code.

CHAPTER 12 INTERIOR ENVIRONMENT

WAC 51-30-1203 1203.3 Ventilation. Eliminates redundant wording.

CHAPTER 16 STRUCTURAL FORCES

WAC 51-30-1614 Section 1614 - Definitions. Revise the wording of the basic wind speed for Exposure D to "greater than 80 miles per hour." This correction is to use standard code grammar.

CHAPTER 17 STRUCTURAL TESTS AND INSPECTIONS

WAC 51-30-1702 Section 1702 - Structural Observation. More specifically defines number 4 requirement for when structural observations shall be made.

CHAPTER 19 CONCRETE

WAC 51-30-1909 Section 1909.3.4.2. This section allows for a trade-off between strength and ductility in concrete frames judged by the Structural Engineers Association of Washington to be inappropriate.

CHAPTER 22 STEEL

WAC 51-30-2211 Section 2211.10.13 Brace and Beam strengths. This requirement is overly conservative and is not supported by research. Judged by the Structural Engineers Association of Washington to be inappropriate.

CHAPTER 24 GLASS AND GLAZING

WAC 51-30-2406 Section 2406.4.10 Hazardous Locations. Redefines areas in and near stairways requiring safety glazing. This does not effect glazing in stair railings.

CHAPTER 29 PLUMBING SYSTEMS

WAC 51-30-2900 Chapter 2900 PLUMBING SYSTEMS

Revised in total. The Minimum Plumbing Fixture Table is moved from the Appendix Chapter 29 of the 1994 Edition of the U.B.C. to Chapter 29 of the U.B.C. In the E Occupancy, the number of square feet per occupant doubled to better reflect the actual need of the schools. Also, staff and students have been separated to better identify staffs needs. In the A Occupancy, Assembly Places have been regrouped to reflect actual needs at intermissions during performances as compared to a steady on going demand for toilet usage in facilities without intermissions.

The new Occupancies, as delineated by ICBO have been added to the table.

The Appendix C, Minimum Plumbing Facilities, is being deleted from the Uniform Plumbing Code in coordination with these changes.

CHAPTER 34 EXISTING STRUCTURES

WAC 51-30-3404 SECTION 3404 - Moved Buildings. Adds exception to make this WAC reflect the directions of the

RCW, and to more precisely describe when a moved structure shall comply to what codes.

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

Explanation of Rule, its Purpose, and Anticipated Effects: REGULATORY ANALYSIS (per Executive Order 94-07):

Objective of Rule: RCW 19.27.074 directs the council to adopt and maintain the codes and regulations listed in RCW 19.27.031, which included the Uniform Building Code and Uniform Building Code Standards and regulations for accessible buildings and facilities, as provided in chapter 70.92 RCW. New editions of the Uniform Building Code and Uniform Building Code Standards are published every three years. The objective of this rule is to adopt and amend the Uniform Building Code and Uniform Building Code Standards, 1994 Edition and adopt and amend regulations for barrier-free facilities, for statewide application and enforcement by each city and county of the state.

Alternative Methods to Achieve Same Objective: The mission of the State Building Code Council is to adopt building codes for uniform application throughout the state. This is best achieved through a single building code. Amending other regulations of other agencies, or directing local governments to adopt the codes independently, have been historically counterproductive to the purpose of the State Building Code Act, chapter 19.27 RCW.

Coordination with Other Agencies: The Building Code Council rulemaking process has included participation by local building, fire, mechanical and plumbing officials, and state agency representatives for the Departments of Social and Health Services, Health, the Superintendent of Public Instruction, Fire Protection Services and the State Human Rights Commission. Statute requires local governments to enforce the codes adopted by the council. Technical assistance to local governments is an ongoing activity of council staff. The Departments of Social and Health Services, Health, the Superintendent of Public Instruction, Labor and Industries, Washington State Energy Office and Fire Protection Services are among the state agencies who no longer write their individual construction standards, but rely on the codes adopted by the State Building Code Council.

Cost Effectiveness: Changes to other rules or statutes will not achieve this same objective, with this proposal being the most cost-effective manner of achieving the regulatory objective.

Anticipated Environmental and Fiscal Consequences: Adopting the most current editions of the codes will allow the state's building industry to utilize current construction trends, materials and technology. The codes foster development of buildings which are safe for the health and safety of the citizens of the state. State buildings and facilities are governed by the State Building Code. Therefore, the benefit obtained by adoption of the most current codes, both fiscally and environmentally, would also be gained by the state.

Interaction with Federal Laws: Federal regulations such as the Americans with Disabilities Act Accessibility Guidelines and the Federal Fair Housing Act have been blended into the latest editions of the proposed amendments to the Uniform Building Code. In addition, equivalent metric measurements have been added along with the English measurements as a result of federal regulations, continuing

to ease the nation into metrification. The Uniform Building Codes have traditionally been a state-level issue. Today there is movement towards a national uniform code format, however each state, for the foreseeable future, will adopt the model code and amend it to meet the unique conditions of each state or municipality.

Differences in Application to Public and Private Entities: All regulations adopted by the State Building Code Council apply equally to both public and private entities.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Kermit Robinson, Unit Manager, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (206) 753-5927, or FAX (206) 586-5880.

Hearing Location: Federal Way City Hall, City Council Chambers, 33530 First Way South, Federal Way, WA 98003, on Thursday, September 8, 1994, at 9 a.m.; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on Friday, September 9, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma, (206) 753-5927 by August 25, 1994, TDD (206) 753-2200.

Submit Written Comments to: Gene Colin, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (206) 586-5800, by September 7, 1994.

Date of Intended Adoption: November 18, 1994.

July 8, 1994

Gene Colin

Chair

**Chapter 51-30 WAC
STATE BUILDING CODE ADOPTION AND
AMENDMENT OF THE 1994 EDITION OF THE
UNIFORM BUILDING CODE**

NEW SECTION

WAC 51-30-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-30-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the State Building Code Council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the Council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the Council.

NEW SECTION

WAC 51-30-003 Uniform Building Code. The 1994 edition of the Uniform Building Code as published by the International Conference of Building Officials and available from the International Conference of Building Officials,

5360 Workman Mill Road, Whittier, California 90601 is hereby adopted by reference with the following additions, deletions, and exceptions.

NEW SECTION

WAC 51-30-004 Conflicts with Washington State Ventilation and Indoor Air Quality Code. In the case of conflict between the ventilation requirements of Chapter 12 of this code and the ventilation requirements of chapter 51-13 WAC, the Washington State Ventilation and Indoor Air Quality Code, the provisions of the ventilation and indoor air quality code shall govern.

NEW SECTION

WAC 51-30-005 Uniform Building Code requirements for barrier-free accessibility. Chapter 11 and other Uniform Building Code requirements for barrier-free access are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access in Sections 1004.1, 1004.2, 1004.8, 1004.9, 1006.3, 1006.7, 1006.9, 1006.16, 1007.4, 1007.5, shall not be amended by local governments.

NEW SECTION

WAC 51-30-007 Exceptions. The exceptions and amendments to the Uniform Building Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

Table 10-B and Section 1607 of the 1994 Uniform Building Code are not adopted.

NEW SECTION

WAC 51-30-008 Implementation. The Uniform Building Code adopted under chapter 51-30 WAC shall become effective in all counties and cities of this state on June 30, 1995.

NEW SECTION

WAC 51-30-009 Recyclable materials and solid waste storage. For the purposes of this section, the following definition shall apply:

RECYCLED MATERIALS means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.

All local jurisdiction shall require that space be provide for the storage of recycled materials and solid waste in all new buildings.

EXCEPTIONS: Group R, Division 3 and Group U Occupancies.

The storage area shall be designated to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.

NEW SECTION

WAC 51-30-0100 Chapter 1—Administration.

NEW SECTION

WAC 51-30-0104 Section 104—Organization and enforcement.

104.1 Creation of Enforcement Agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official.

104.2 Powers and Duties of Building Official.

104.2.1 General. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

104.2.2 Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

104.2.3 Right of entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.2.4 Stop orders. Whenever any work is being done contrary to the provisions of this code, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served or any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

104.2.5 Occupancy violations. Whenever any building or structure or equipment therein regulated by this code is being used contrary to the provisions of this code, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person

causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code.

104.2.6 Liability. The building official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the building official or employee because of such an act or omission performed by the building official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented though the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

The code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

104.2.7 Modifications. When there are practical difficulties involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of this code impractical and that the modification is in conformance with the intent and purpose of this code and that such modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the code enforcement agency.

104.2.8 Alternate materials, methods of design and methods of construction. The provisions of this code are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

104.2.9 Tests. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.2.10 Cooperation of other officials and officers. The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent law or ordinance.

NEW SECTION

WAC 51-30-0200 Chapter 2—Definitions and abbreviations.

NEW SECTION

WAC 51-30-0204 Section 204—C.

CAST STONE is a precast building stone manufactured from portland cement concrete and used as a trim, veneer or facing on or in building or structures.

CENTRAL HEATING PLANT is environmental heating equipment which directly utilizes fuel to generate heat in a medium for distribution by means of ducts or pipes to areas other than the room or space in which the equipment is located.

C.F.R. is the Code of Federal Regulations, a regulation of the United States of America available from the Superintendent of Documents, United States Printing Office, Washington, D.C. 20402.

CHIEF OF THE FIRE DEPARTMENT is the head of the fire department or a regularly authorized deputy.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

CHILD DAY CARE HOME, FAMILY is a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

COMBUSTIBLE LIQUID. See the Fire Code.

CONGREGATE RESIDENCE is any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by this code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but it does not include jails, hospitals, nursing homes, hotels or lodging houses.

CONDOMINIUM, RESIDENTIAL. See "apartment house".

CONTROL AREA is a building or portion of a building within which the exempted amounts of hazardous materials may be stored, dispensed, handled or used.

CORROSIVE is a chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. A chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described in the United States Department of Transportation in Appendix A to 49 C.F.R. 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

COURT is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

NEW SECTION

WAC 51-30-0207 Section 207—F.

FABRICATION AREA (fab area) is an area within a Group H, Division 6 Occupancy in which there are processes involving hazardous production materials and may include ancillary rooms or areas such as dressing rooms and offices that are directly related to the fab area processes.

FAMILY is an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FAMILY ABODE means a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation.

FIRE ASSEMBLY. See Section 713.2.

FIRE CODE is the *Uniform Fire Code* promulgated by the International Fire Code Institute, as adopted by this jurisdiction.

FIRE RESISTANCE or **FIRE-RESISTIVE CONSTRUCTION** is construction to resist the spread of fire, details of which are specified in this code.

FIRE-RETARDANT-TREATED WOOD is any wood product impregnated with chemicals by a pressure process or other means during manufacture, and which, when tested in accordance with U.B.C. Standard 8-1 for a period of 30 minutes, shall have a flame spread of not over 25 and show no evidence of progressive combustion. In addition, the flame front shall not progress more than 10½ feet (3200 mm) beyond the center line of the burner at any time during the test. Materials which may be exposed to the weather shall pass the accelerated weathering test and be identified as Exterior type, in accordance with U.B.C. Standard 23-5. Where material is not directly exposed to rainfall but exposed to high humidity conditions, it shall be subjected to the hygroscopic test and identified as Interior Type A in accordance with U.B.C. Standard 23-5.

All materials shall bear identification showing the fire performance rating thereof. Such identifications shall be issued by an approved agency having a service for inspection of materials at the factory.

FLAMMABLE LIQUID. See the Fire Code.

FLOOR AREA is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, courts and gridirons. The floor area of a building, or portion thereof, not provided with surrounding exterior wall shall be the usable area under the horizontal projection of the roof or floor above.

FM is Factory Mutual Engineering and Research, 1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062.

FOAM PLASTIC INSULATION is a plastic which is intentionally expanded by the use of a foaming agent to produce a reduced-density plastic containing voids consisting of hollow spheres or interconnected cells distributed throughout the plastic for thermal insulating or acoustical purposes and which has a density less than 20 pounds per cubic foot (320 kg/m³).

FOOTING is that portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

FRONT OF LOT is the front boundary line of a lot bordering on the street and, in the case of a corner lot, may be either frontage.

NEW SECTION

WAC 51-30-0217 Section 217—P.

PANIC HARDWARE. See Section 1001.2.

PEDESTRIAN WALKWAY is a walkway used exclusively as a pedestrian trafficway.

PENETRATION FIRE STOP is a through-penetration fire stop or a membrane-penetration fire stop.

PERMIT is an official document or certificate issued by the building official authorizing performance of a specified activity.

PERSON is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PHOTOLUMINESCENT is the property of emitting light as the result of absorption of visible or invisible light, which continues for a length of time after excitation.

PLASTIC MATERIALS, APPROVED, other than foam plastics regulated under Sections 601.5.5 and 2602, are those plastic materials having a self-ignition temperature of 650°F. (343°C.) or greater as determined in accordance with U.B.C. Standard 26-6 and a smoke-density rating not greater than 450 when tested in accordance with U.B.C. Standard 8-1, in the way intended for use, or a smoke-density rating not greater than 75 when tested in accordance with U.B.C. Standard 26-5 in the thickness intended for use. Approved plastics shall be classified as either CC1 or CC2 in accor-

dance with U.B.C. Standard 26-7. See also Section 207, definition of "foam plastic insulation".

PLATFORM. See Section 407.

PLUMBING CODE is the *Plumbing Code*, as adopted by this jurisdiction.

PORTABLE SCHOOL CLASSROOM is a structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

PROTECTIVE MEMBRANE is the surface material which forms the required outer layer or layers of a fire-resistant assembly containing concealed spaces.

PUBLIC WAY See Section 1001.2.

NEW SECTION

WAC 51-30-0220 Section 220—S.

SELF-LUMINOUS means powered continuously by a self-contained power source other than battery or batteries, such as radioactive tritium gas. A self-luminous sign is independent of external power supplies or other energy for its operation.

SENSITIZER is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

SERVICE CORRIDOR is a fully enclosed passage used for transporting hazardous production materials and for purposes other than required exiting.

SHAFT is an interior space, enclosed by walls or construction, extending through one or more stories or basements which connects openings in successive floors, or floors and roof, to accommodate elevators, dumbwaiters, mechanical equipment or similar devices or to transmit light or ventilation air.

SHAFT ENCLOSURE is the walls or construction forming the boundaries of a shaft.

SHALL, as used in this code, is mandatory.

SMOKE DETECTOR is an approved device that senses visible or invisible particles of combustion.

STAGE. See Chapter 4.

STORY is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet (1829 mm) above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet (3658 mm) above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STORY, FIRST, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet (1219 mm) below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet (2438 mm) below grade, as defined herein, at any point.

STREET is any thoroughfare or public way not less than 16 feet (4877 mm) in width which has been dedicated or deeded to the public for public use.

STRUCTURAL OBSERVATION means the visual observation of the structural system for general conformance to the approved plans and specifications. Structural observation does not include or waive the responsibility for the inspections required by Sections 108 and 1702 or other sections of the code.

STRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SURGICAL AREA is the preoperating, operating, recovery and similar rooms within an outpatient health-care center where the patients are incapable of unassisted self-preservation.

NEW SECTION

WAC 51-30-0300 Chapter 3—Use or occupancy.

NEW SECTION

WAC 51-30-0302 Section 302—Mixed use or occupancy.

302.1 General. When a building is used for more than one occupancy purpose, each part of the building comprising a distinct "occupancy", as described in Section 301 shall be separated from any other occupancy as specified in Section 302.4.

- EXCEPTIONS:**
1. When an approved spray booth constructed in accordance with the Fire Code is installed, such booth need not be separated from Group B, F, H, M or S Occupancies.
 2. The following occupancies need not be separated from the uses to which they are accessory:
 - 2.1 Assembly rooms having a floor area of not over 750 square feet (69 m²).
 - 2.2 Administrative and clerical offices and similar rooms which do not exceed 25 percent of the floor area of the major use when not related to Group H, Division 2 and Group H, Division 3 Occupancies.
 - 2.3 Gift shops, administrative offices and similar rooms in Group R, Division 1 Occupancies not exceeding 10 percent of the floor area of the major use.
 - 2.4 The kitchen serving the dining area of which it is a part.
 - 2.5 Customer waiting rooms not exceeding 450 square feet (41.8 m²) when not related to Group H Occupancies and when such waiting rooms have an exit directly to the exterior.
 - 2.6 Offices, mercantile, food preparation establishments for off-site consumption, personal care salons or similar uses in Group R dwelling units which are conducted primarily by the occupants of a dwelling unit, which are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4 m²).
 3. An occupancy separation need not be provided between a Group R, Division 3 Occupancy and a carport having no

enclosed uses above, provided the carport is entirely open on two or more sides.

4. A Group S, Division 3 Occupancy used exclusively for the parking or storage of private or pleasure-type motor vehicles need not be separated from a Group S, Division 4 Occupancy open parking garage as defined in Section 311.1.

When a building houses more than one occupancy, each portion of the building shall conform to the requirements housed therein.

An occupancy shall not be located above the story or height set forth in Table 5-B, except as provided in Section 506. When a mixed occupancy building contains a Group H, Division 6 Occupancy the portion containing the Group H, Division 6 Occupancy shall not exceed three stories or 55 feet (16 764 mm) in height.

302.2 Forms of Occupancy Separations. Occupancy separations shall be vertical or horizontal or both or, when necessary, of such form as may be required to afford a complete separation between the various occupancy divisions in the building.

Where the occupancy separation is horizontal, structural members supporting the separation shall be protected by equivalent fire-resistive construction.

302.3 Types of Occupancy Separations. Occupancy separations shall be classed as "four-hour fire-resistive", "three-hour fire-resistive", "two-hour fire-resistive", and "one-hour fire-resistive".

1. A four-hour fire-resistive occupancy separation shall have no openings therein and shall not be of less than four-hour fire-resistive construction.

2. A three-hour fire-resistive occupancy separation shall not be of less than three-hour fire-resistive construction. All openings in walls forming such separation shall be protected by a fire assembly having a three-hour fire-protection rating. The total width of all openings in any three-hour fire-resistive occupancy separation wall in any one story shall not exceed 25 percent of the length of the wall in that story and no single opening shall have an area greater than 120 square feet (11 m²).

All openings in floors forming a three-hour fire-resistive separation shall be protected by vertical shaft, stairway, ramp or escalator enclosures extending above and below such openings. The wall of such vertical enclosures shall be of not less than two-hour fire-resistive construction and all openings therein shall be protected by a fire assembly having a one- and one-half-hour fire-protection rating.

EXCEPTION: When the walls of such vertical enclosure extending below the three-hour fire-resistive occupancy separation to the foundation are provided with a fire-resistive rating of not less than three hours with openings therein protected as required for walls forming three-hour occupancy separations, the enclosure walls extending above such floor used as the three-hour fire-resistive occupancy separation may have a one-hour fire resistive rating provided:

1. The occupancy above is not required to be of Type I or Type II fire-resistive construction, and
2. The enclosure walls do not enclose an exit stairway, a ramp or an escalator required to have enclosure walls of not less than two-hour fire-resistive construction.

3. A two-hour fire-resistive occupancy separation shall not be less than two-hour fire-resistive construction. All

openings in such separation shall be protected by a fire assembly having a one- and one-half-hour fire-protection rating.

4. A one-hour fire-resistive occupancy separation shall not be of less than one-hour fire-resistive construction. All openings in such separation shall be protected by a fire assembly having a one-hour fire-protection rating.

302.4 Fire Ratings for Occupancy Separations. Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in Table 3-B. For required separation of specific uses in Group I, Division 1.1 hospitals and nursing homes, see Table 3-C. See also Section 504.6.1.

- EXCEPTIONS:**
1. A three-hour occupancy separation may be used between a Group A, Division 1 and a Group S, Division 3 Occupancy used exclusively for the parking or storage of private or pleasure-type motor vehicles provided no repair of fueling is done. A two-hour occupancy separation may be used between a Group A, Division 2, 2.1, 3 or 4 or E or I Occupancy and a Group S, Division 3 Occupancy used exclusively for the parking or storage of private or pleasure-type motor vehicles provided no repair or fueling is done.
 2. Unless required by Section 311.2.2, the three-hour occupancy separation between a Group R, Division 1 Occupancy and a Group S, Division 3 Occupancy used only for the parking or storage of private or pleasure-type motor vehicles with no repair or fueling may be reduced to two hours. Such occupancy separation may further be reduced to one hour where the area of such Group S, Division 3 Occupancy does not exceed 3,000 square feet (279 m²).
 3. In the one-hour occupancy separation between Group R, Division 3 and Group U Occupancies, the separation may be limited to the installation of materials approved for one-hour fire-resistive construction on the garage side and a self-closing, tight-fitting solid-wood door 1 3/8 inches (35 mm) in thickness, or a self-closing, tight-fitting door having a fire-protection rating of not less than 20 minutes when tested in accordance with Part 11 of U.B.C. Standard 7-2, which is a part of this code, is permitted in lieu of a one-hour fire assembly. Fire dampers need not be installed in air ducts passing through the wall, floor or ceiling separating a Group R, Division 3 Occupancy from a Group U Occupancy, provided such ducts within the Group U Occupancy are constructed of steel having a thickness not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) and have no openings into the Group U Occupancy.
 4. Group H, Division 2 and Group H, Division 3 Occupancies need not be separated from Group H, Division 7 Occupancies when such occupancies also comply with the requirements for a Group H, Division 7 Occupancy.

302.5 Heating Equipment Room Occupancy Separation. In Groups A; B; E; F; I; M; R, Division 1; and S Occupancies, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a one-hour occupancy separation.

- EXCEPTIONS:**
1. In Groups A, B, E, F, I, M, and S Occupancies, boilers, central heating plants or hot-water supply boilers where the largest piece of fuel equipment does not exceed 400,000 Btu per hour (117.2 kW) input.
 2. In Group R, Division 1 Occupancies, a separation need not be provided for such rooms with equipment serving only one dwelling unit.

In Group E Occupancy, when the opening for a heater or equipment room is protected by pair of fire doors, the inactive leaf shall be normally secured in the closed position and shall be openable only by the use of a tool. An astragal shall be provided and the active leaf shall be self-closing.

In Group H Occupancies, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a two-hour occupancy separation. In Divisions 1 and 2, there shall be no openings in such occupancy separation except for necessary ducts and piping.

For opening in exterior walls of equipment rooms in Group A, E or I Occupancies, see Section 303.8.

302.6 Water Closet Room Separation. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

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 51-30-0304 Section 304—Requirements for Group B Occupancies.

304.1 Group B Occupancies Defined.

Group B Occupancies shall include buildings, structures, or portions thereof, for office, professional or service-type transactions, which are not classified as Group H Occupancies. Such occupancies include occupancies for the storage of records and accounts, and eating and drinking establishments with an occupant load of less than 50. Business occupancies shall include, but not be limited to, the following:

1. Animal hospitals, kennels, pounds.
2. Automobile and other motor vehicle showrooms.
3. Banks.
4. Barber shops.
5. Beauty shop.
6. Car washes.
7. Civic administration.
8. Outpatient clinic and medical offices (where five or less patients in a tenant space are incapable of unassisted self-preservation).
9. Dry cleaning pick-up and delivery stations and self-service.
10. Educational occupancies above the 12th grade.
11. Electronic data processing.
12. Fire stations.
13. Florists and nurseries.
14. Laboratories - testing and research.
15. Laundry pick-up and delivery stations and self-service.
16. Police stations.
17. Post offices.
18. Print shops.

19. Professional services such as attorney, dentist, physician, engineer.

20. Radio and television stations.

21. Telephone exchanges.

For occupancy separations, see Table 3-B.

304.2 Construction, Height and Allowable Area.

304.2.1 General. Buildings or parts of buildings classed as Group B Occupancies because of the use or character of the occupancy shall be limited to the types of construction set forth in Table 5-B. Such occupancies shall not exceed, in area or height, the limits specified in Sections 504, 505 and 506 and shall comply with the provisions of this section.

304.2.2 Special provisions.

304.2.2.1 Laboratories and vocational shops. Laboratories or groups of laboratories under the same management and vocational shops in buildings used for educational purposes, and similar areas containing hazardous materials, shall be separated from each other and other portions of the building by not less than a one-hour fire-resistive occupancy separation. Laboratories or groups of laboratories may include accessory support areas such as offices. When the quantities of hazardous materials in such uses do not exceed those listed in Table 3-D or 3-E, the requirements of Sections 306.5 and 306.8 shall apply. When the quantities of hazardous materials in such uses exceed those allowed by Table 3-D or 3-E, the use shall be classified as the appropriate Group H Occupancy.

Laboratories having an occupant load of 10 or more shall have at least two exits from the room and all portions of the room shall be within 75 feet (22 860 mm) of an exit.

304.2.2.2 Amusement buildings. Amusement buildings with an occupant load of less than 50 shall comply with Section 408.

304.3 Location on Property. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 503 and Chapter 6.

304.4 Access and Exit Facilities. Exits shall be provided as specified in Chapter 10. See also Section 304.2.2.1 for exits from laboratories.

Access to, and egress from, buildings required to be accessible shall be provided as specified in Chapter 11.

304.5 Light, Ventilation and Sanitation. Light, ventilation and sanitation shall be in accordance with Chapters 12 and 29 and this section.

304.5.1 Ventilation of flammable vapors. See Section 1202.2.2 for ventilation of flammable vapors.

304.5.2 Sanitation. The number of plumbing fixtures shall not be less than specified in Section 2902.3.

304.6 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts and other openings through floors shall be enclosed, and the enclosure shall be as specified in Section 711.

In buildings housing Group B Occupancies equipped with automatic sprinkler systems throughout, enclosures need not be provided for escalators where the top of the escalator opening at each story is provided with a draft curtain and automatic fire sprinklers are installed around the perimeter of the opening within 2 feet (610 mm) of the draft curtain. The draft curtain shall enclose the perimeter of the unenclosed opening and extend from the ceiling downward at least 12 inches (305 mm) on all sides. The spacing between sprinklers shall not exceed 6 feet (1829 mm).

304.7 Sprinkler and Standpipe Systems. When required by Section 904.2.1 or other provisions of this code, automatic sprinkler systems and stand pipes shall be installed as specified in Chapter 9.

304.8 Special Hazards. Chimneys and heating apparatus shall conform to the requirements of Chapter 31 of this code and the Mechanical Code.

Storage and use of flammable and combustible liquids shall be in accordance with the Fire Code.

Devices generating a glow, spark or flame capable of igniting flammable vapors shall be installed such that sources of ignition are at least 18 inches (457 mm) above the floor of any room in which Class I flammable liquids or flammable gases are used or stored.

NEW SECTION

WAC 51-30-0305 Section 305—Requirements for Group E Occupancies.

305.1 Group E Occupancies Defined. Group E Occupancies shall be:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building or portion thereof used for day care purposes for more than six persons.

EXCEPTION: Family child day care homes shall be considered Group R, Division 3 Occupancies.

For occupancy separations, see Table 3-B.

305.2 Construction, Height and Allowable Area.

305.2.1 General. Buildings or parts of buildings classed in Group E because of the use or character of the occupancy shall be limited to the types of construction set forth in Table 5-B and shall not exceed, in area or height, the limits specified in Sections 504, 505 and 506, except that the area may be increased by 50 percent when the maximum travel distance specified in Section 1003.4 is reduced by 50 percent.

305.2.2 Atmospheric separation requirements.

305.2.2.1 Definitions. For the purpose of this chapter and Section 1017, the following definitions are applicable:

COMMON ATMOSPHERE. A common atmosphere exists between rooms, spaces or areas within a building

which are not separated by an approved smoke- and draft-stop barrier.

SEPARATE ATMOSPHERE. A separate atmosphere exists between rooms, spaces or areas that are separated by an approved smoke barrier.

SMOKE BARRIER. A smoke barrier consists of walls, partitions, floors and openings therein as will prevent the transmission of smoke or gases through the construction. See Section 905.

305.2.2.2 General provisions. The provisions of this section apply when a separate exit system is required in accordance with Section 1017.

Walls, partitions and floors forming all or part of an atmospheric separation shall be as required by Section 905.2.3. Glass lights of approved wired glass set in steel frames may be installed in such walls or partitions.

All automatic-closing fire assemblies installed in the atmospheric separation shall be activated by approved smoke detectors.

The specific requirements of this section are not intended to prevent the design or use of other systems, equipment or techniques which will effectively prevent the products of combustion from breaching the atmospheric separation.

305.2.3 Special provisions. Rooms in Division 1 and 2 Occupancies used for kindergarten, first- or second-grade pupils, and Division 3 Occupancies shall not be located above or below the first story.

EXCEPTIONS:

1. Basements or stories having floor levels located within 4 feet (1219 mm), measured vertically, from adjacent ground level at the point of exit, provided the basement or story has exits directly to the exterior at that level.
2. In buildings equipped with an automatic sprinkler system throughout, rooms used for kindergarten, first- and second-grade children or for day care purposes may be located on the second story, provided there are at least two exits directly into separate exiting systems as defined in Section 1017.
3. Division 3 Occupancies may be located above the first story in buildings of Type I construction and in Types II-F.R., II One-hour and III One-hour construction, subject to the limitation of Section 506 when:
 - 3.1 Division 3 Occupancies containing more than 12 children per story shall not be located above the fourth floor; and
 - 3.2 The entire story in which the day care facility is located is equipped with an approved manual fire alarm and smoke-detection system. (See the Fire Code.) Actuation of an initiating device shall sound an audible alarm throughout the entire story. When a building fire alarm system is required by other provisions of this code or the Fire Code, the alarm system shall be connected to the building alarm system. An approved alarm signal shall sound at an approved location in the day care occupancy to indicate a fire alarm or sprinkler flow condition in other portions of the building; and
 - 3.3 The day care facility, if more than 1000 square feet (92.9 m²) in area, is divided into at least two compartments of approximately the same size by a smoke barrier with door openings protected by smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes. Smoke barriers shall have a fire-resistive rating of not less than one hour. In addition to the requirements of Section 302, occupancy separations between Division 3 Occupancies and other occupancies shall be constructed as smoke barriers. Door openings in the smoke barrier shall be tight-fitting with gaskets installed as required by Section 1005, and shall be automatic closing by actuation of the automatic sprinklers, fire alarm or

smoke-detection system. Openings for ducts and other heating, ventilating and air-conditioning openings shall be equipped with a minimum Class I, 250°F. (1210°C.) smoke damper as defined and tested in accordance with approved recognized standards. See Chapter 35, Part III. The damper shall close upon detection of smoke by an approved smoke detector located within the duct, or upon the activation of the fire alarm system; and

3.4 Each compartment formed by the smoke barrier has not less than two exits, one of which is permitted to pass through the adjoining compartment; and

3.5 At least one exit from the Division 3 Occupancy shall be into a separate exiting system as defined in Section 1017; and

3.6 The building is equipped with an automatic sprinkler system throughout.

Stages and platforms shall be constructed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708.

305.2.4 Special hazards. Laboratories, vocational shops and similar areas containing hazardous materials shall be separated from each other and from other portions of the building by not less than a one-hour fire-resistive occupancy separation. When the quantities or hazardous materials in such uses do not exceed those listed in Table 3-D or 3-E, the requirements of Section 307.5.2 and 307.8 shall apply. When the quantities of hazardous materials in such uses exceed those listed in Table 3-D or 3-E, the use shall be classified as the appropriate Group H Occupancies.

See Section 1017.8 for exiting from laboratories in Group E Occupancies.

Equipment in rooms or groups of rooms sharing a common atmosphere where flammable liquids, combustible dust or hazardous material are used, stored, developed or handled shall conform to the requirements of the Fire Code.

305.3 Location on Property. All buildings housing Group E Occupancies shall front directly on or have access to a public street not less than 20 feet (6096 mm) in width. The access to the public street shall be a minimum 20-foot-wide (6096 mm) right-of-way, unobstructed and maintained only as access to the public street. At least one required exit shall be located on the public street or on the access way.

For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 503 and Chapter 6.

305.4 Access and Exit Facilities. Exits shall be provided as specified in Chapter 10. (For special provisions see Section 1017. See Section 305.2.4 for exit from laboratories.)

Access to, and egress from, buildings required to be accessible shall be provided as specified in Chapter 11.

305.5 Light, Ventilation and Sanitation. All portions of Group E Occupancies customarily occupied by human beings shall be provided with light and ventilation, either natural or artificial, as specified in Chapter 12. See Section 1012 for required exit illumination.

The number of urinals and drinking fountains shall be as specified in Section 2902.4.

305.6 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10. Elevator shafts, vent shafts and

other vertical openings shall be enclosed, and the enclosure shall be as specified in Section 711.

305.7 Sprinkler and Standpipe Systems. When required by Section 904.2.1 or other provisions of this code, automatic sprinkler systems and standpipes shall be designed and installed as specified in Chapter 9.

305.8 Special Hazards. Chimneys and heating apparatus shall conform to the requirements of Chapter 31 of this code and the Mechanical Code.

Motion picture machine rooms shall conform to the requirements of Chapter 4.

All exterior openings in a boiler room or rooms containing central heating equipment, if located below openings in another story or if less than 10 feet (3048 mm) from other doors or windows of the same building, shall be protected by a fire assembly having a three-fourths-hour fire-protection rating. Such fire assemblies shall be fixed, automatic closing or self-closing.

Class I, II or III-A liquids shall not be placed, stored or used in Group E Occupancies, except in approved quantities as necessary in laboratories and classrooms and for operation and maintenance as set forth in the Fire Code.

305.9 Fire Alarm Systems. An approved fire alarm system shall be provided for Group E Occupancies with an occupant load of 50 or more persons. Group E Occupancies provided with an automatic sprinkler or detection system, the operation of such system shall automatically activate the school fire alarm system, which shall include an alarm mounted on the exterior of the building.

See Chapter 10 for smoke-detection requirements.

For installation requirements, see the Fire Code.

NEW SECTION

WAC 51-30-0307 Section 307—Requirements for Group H Occupancies.

307.1 Group H Occupancies Defined.

307.1.1 General. Group H Occupancies shall include buildings or structures, or portions thereof, that involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard. For definitions, identification and control of hazardous materials and pesticides, and the display of nonflammable solid and nonflammable and noncombustible liquid hazardous material in Group B, F, M or S Occupancies, see the Fire Code. For the application and use of control areas, see Footnote 1 of Tables 3-D and 3-E. Group H Occupancies shall be:

Division 1. Occupancies with a quantity of material in the building in excess of those listed in Table 3-D which present a high explosion hazard, including, but not limited to:

1. Explosives, blasting agents, fireworks and black powder.

EXCEPTION: Storage and the use of pyrotechnic special effect materials in motion picture, television, theatrical and group entertainment production when under permit as required in the

Fire Code. The time period for storage shall not exceed 90 days.

2. Unclassified detonatable organic peroxides.
3. Class 4 oxidizers.
4. Class 4 or Class 3 detonatable unstable (reactive) materials.

Division 2. Occupancies where combustible dust is manufactured, used or generated in such a manner that concentrations and conditions create a fire or explosion potential; occupancies with a quantity of material in the building in excess of those listed in Tables 3-D, which present a moderate explosion hazard or a hazard from accelerated burning, including, but not limited to:

1. Class I organic peroxides.
2. Class 3 nondetonatable unstable (reactive) materials.
3. Pyrophoric gases.
4. Flammable or oxidizing gases.
5. Class I, II or III-A flammable or combustible liquids which are used or stored in normally open containers or systems, or in closed containers or systems pressurized at more than 15-pounds-per-square-inch (103.4 kPa) gage.

EXCEPTION: Aerosols.

6. Class 3 oxidizers.
7. Class 3 water-reactive materials.

Division 3. Occupancies where flammable solids, other than combustible dust, are manufactured, used or generated.

Division 3 Occupancies also include uses in which the quantity of material in the building in excess of those listed in Table 3-D presents a high physical hazard, including, but not limited to:

1. Class II, III or IV organic peroxides.
2. Class 1 or 2 oxidizers.
3. Class I, II or III-A flammable or combustible liquids which are used or stored in normally closed containers or systems and containers or systems pressurized at 15-pounds-per-square inch (103.4 kPa) gage or less, and aerosols.
4. Class III-B combustible liquids.
5. Pyrophoric liquids or solids.
6. Class 1 or 2 water-reactive materials.
7. Flammable solids in storage.
8. Flammable or oxidizing cryogenic fluids (other than inert).
9. Class 1 unstable (reactive) gas or Class 2 unstable (reactive) materials.

Division 4. Repair garages not classified as Group S, Division 5 Occupancies.

Division 5. Aircraft repair hangars and heliports not classified as Group S, Division 5 Occupancies.

Division 6. Semiconductor fabrication facilities and comparable research and development areas in which

hazardous production materials (HPM) are used and the aggregate quantity of materials are in excess of those listed in Table 3-D or 3-E. Such facilities and areas shall be designed and constructed in accordance with Section 411.

Division 7. Occupancies having quantities of materials in excess of those listed in Table 3-E that are health hazards, including:

1. Corrosives.
2. Toxic and highly toxic materials.
3. Irritants.
4. Sensitizers.
5. Other health hazards.

307.1.2 Multiple hazards. When a hazardous material has multiple hazards, all hazards shall be addressed and controlled in accordance with the provisions of this chapter.

307.1.3 Liquid use, dispensing and mixing rooms. Rooms in which Class I, Class II and Class III-A flammable or combustible liquids are used, dispensed or mixed in open containers shall be constructed in accordance with the requirements for a Group H, Division 2 Occupancy and the following:

1. Rooms in excess of 500 square feet (46.5 m²) shall have at least one exterior door approved for fire department access.

2. Rooms shall be separated from other areas by an occupancy separation having a fire-resistive rating of not less than one hour for rooms up to 150 square feet (13.9 m²) in area and not less than two hours where the room is more than 150 square feet (13.9 m²) in area. Separations from other occupancies shall not be less than required by Section 302 and Table 3-B.

3. Shelving, racks and wainscoting in such areas shall be on noncombustible construction or wood not less than 1-inch (25 mm) nominal thickness.

4. Liquid use, dispensing and mixing rooms shall not be located in basements.

307.1.4 Liquid storage rooms. Rooms in which Class I, Class II and Class III-A flammable or combustible liquids are stored in closed containers shall be constructed in accordance with the requirements for a Group H, Division 3 Occupancy and to the following:

1. Rooms in excess of 500 square feet (46.5 m²) shall have at least one exterior door approved for fire department access.

2. Rooms shall be separated from other areas by an occupancy separation having a fire-resistive rating of not less than one hour for rooms up to 150 square feet (13.9 m²) in area and not less than two hours where the room is more than 150 square feet (13.9 m²) in area. Separations from other occupancies shall not be less than required by Section 302 and Table 3-B.

3. Shelving, racks and wainscoting in such areas shall be of noncombustible construction or wood of not less than 1-inch (25 mm) nominal thickness.

4. Rooms used for the storage of Class I flammable liquids shall not be located in a basement.

307.1.5 Flammable or combustible liquid storage warehouses. Liquid storage warehouses in which Class I, Class II and Class III-A flammable or combustible liquids are stored in closed containers shall be constructed in accordance with the requirements for a Group H, Division 3 Occupancy and the following:

1. Liquid storage warehouses shall be separated from all other uses by a four-hour area separation wall.
2. Shelving, racks and wainscoting in such warehouses shall be of noncombustible construction or wood not less than 1-inch (25 mm) nominal thickness.
3. Rooms used for the storage of Class I flammable liquids shall not be located in a basement.

OPTION 1: Do not amend 1994 U.B.C.

OPTION 2: Amend section as indicated below

307.1.6 Requirement for report. The building official may require a technical opinion and report to identify and develop methods of protection from the hazards presented by the hazardous material. The opinion and report shall be prepared by a qualified person, firm or corporation approved by the building official and shall be provided without charge to the enforcing agency.

The opinion and report may include, but is not limited to, the preparation of a hazardous material management plan (HMMP); chemical analysis; recommendation for methods of isolation, separation, containment or protection of hazardous materials or processes, including appropriate engineering controls to be applied; the extent of changes in the hazardous behavior to be anticipated under conditions of exposure to fire or from hazard control procedures; and the limitations or conditions of use necessary to achieve and maintain control of the hazardous materials or operations. The report shall be entered into the files of the code enforcement agencies. Proprietary and trade secret information shall be protected under the laws of the state or jurisdiction having authority.

EXCEPTION: When an HMMP is required, the applicant may submit the report(s) used for compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

307.2 Construction, Height and Allowable Area.

307.2.1 General. Buildings or parts of buildings classed in Group H because of the use or character of the occupancy shall be limited to the types of construction set forth in Table 5-B and shall not exceed, in area or height, the limits specified in Sections 504, 505 and 506.

307.2.2 Floors. Except for surfacing, floors in areas containing hazardous materials and in areas where motor vehicles, boats, helicopters or airplanes are stored, repaired or operated shall be of noncombustible, liquid-tight construction.

EXCEPTION: In Group H, Division 4 and 5 Occupancies, floors may be surfaced or waterproofed with asphaltic paving materials

in that portion of the facility where no repair work is done.

307.2.3 Spill control. When required by the Fire Code, floors shall be recessed a minimum of 4 inches (102 mm) or shall be provided with a liquid-tight raised sill with a minimum height of 4 inches (102 mm) so as to prevent the flow of liquids to adjoining areas. Except for surfacing, the sill shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material being stored. When liquid-tight sills are provided, they may be omitted at door openings by the installation of an open-grate trench which connects to an approved drainage system.

307.2.4 Drainage. When required by the Fire Code, the room, building or area shall be provided with a drainage system to direct the flow of liquids to an approved location or, the room, building or area shall be designed to provide secondary containment for the hazardous materials and fire-protection water.

Drains from the area shall be sized to carry the sprinkler system design flow rate over the sprinkler system design area. The slope of drains shall not be less than 1 percent. Materials of construction for the drainage system shall be compatible with the stored materials.

Incompatible materials shall be separated from each other in the drain systems. They may be combined when that have been rendered acceptable for discharge by an approved means into the public sewer. Drainage of spillage and fire-protection water directed to a neutralizer or treatment system shall comply with the following:

1. The system shall be designed to handle the maximum worst-case spill from the single largest container plus the volume of fire-protection water from the system over the minimum design area for a period of 20 minutes.
2. Overflow from the neutralizer or treatment system shall be provided to direct liquid leakage and fire-protection water to a safe location away from the building, any material or fire-protection control valve, means of egress, adjoining property, or fire department access roadway.

307.2.5 Containment. When required by the Fire Code, drains shall be directed to a containment system or other location designed as secondary containment for the hazardous material liquids and fire-protection water, or the building, room or area shall be designed to provide secondary containment of hazardous material liquids and fire-protection water through the use of recessed floors or liquid-tight raised sills.

Secondary containment shall be designed to retain the spill from the largest single container plus the design flow rate of the sprinkler system for the area of the room or area in which the storage is located or the sprinkler system design area, whichever is smaller. The containment capacity shall be capable of containing the flow for a period of 20 minutes.

Overflow from the secondary containment system shall be provided to direct liquid leakage and fire-protection water to a safe location away from the building, any material or fire-protection control valve, means of egress, fire access roadway, adjoining property or storm drains.

If the storage area is open to rainfall, the secondary containment shall be designed to accommodate the volume of a 24-hour rainfall as determined by a 25-year storm.

When secondary containment is required, a monitoring method capable of detecting hazardous material leakage from the primary containment into the secondary containment shall be provided. When visual inspection of the primary containment is not practical, other approved means of monitoring may be provided. When secondary containment may be subject to the intrusion of water, a monitoring method for such water shall be provided. Whenever monitoring devices are provided, they shall be connected to distinct visual or audible alarms.

307.2.6 Smoke and heat vents. Smoke and heat venting shall be provided in areas containing hazardous materials as set forth in the Fire Code in addition to the provisions of this code.

307.2.7 Standby power. Standby power shall be provided in Group H, Division 1 and 2 Occupancies and in Group H, Division 3 Occupancies in which Class I or II organic peroxides are stored. The standby power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to all required electrical equipment when the normal electrical supply system is interrupted.

307.2.8 Emergency power. An emergency power system shall be provided in Group H, Divisions 6 and 7 Occupancies. The emergency power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to all required electrical equipment when the normal electrical supply system is interrupted.

The exhaust system may be designed to operate at not less than one half the normal fan speed on the emergency power system when it is demonstrated that the level of exhaust will maintain a safe atmosphere.

307.2.9 Special provisions for Group H, Division 1 Occupancies. Group H, Division 1 Occupancies shall be in buildings used for no other purpose, without basements, crawl spaces or other under-floor spaces. Roofs shall be of lightweight construction with suitable thermal insulation to prevent sensitive material from reaching its decomposition temperature.

Group H, Division 1 Occupancies containing materials which are in themselves both physical and health hazards in quantities exceeding the exempt amounts in Table 3-E shall comply with requirements for both Group H, Division 1 and Group H, Division 7 Occupancies.

307.2.10 Special provisions for Group H, Divisions 2 and 3 Occupancies. Group H, Divisions 2 and 3 Occupancies containing quantities of hazardous materials in excess of those set forth in Table 3-G shall be in buildings used for no other purpose, shall not exceed one story in height and shall be without basements, crawl spaces or other under-floor spaces.

Group H, Divisions 2 and 3 Occupancies containing water-reactive materials shall be resistant to water penetration. Piping for conveying liquids shall not be over or

through areas containing water reactives, unless isolated by approved liquid-tight construction.

EXCEPTION: Fire-protection piping may be installed over reactives without isolation.

307.2.11 Special provisions for Group H, Division 4 Occupancies. A Division 4 Occupancy having a floor area not exceeding 2,500 square feet (232 m²) may have exterior walls of not less than two-hour fire-resistive construction when less than 5 feet (1524 mm) from a property line and of not less than one-hour fire-resistive construction when 5 feet (1524 mm) or more but less than 20 feet (6096 mm) from a property line.

307.2.12 Special provisions for Group H, Division 6 Occupancies. See Section 411.

307.3 Location on Property. Group H Occupancies shall be located on property in accordance with Section 503, Table 3-F and other provisions of this chapter. In Group H, Division 2 or 3 Occupancies, not less than 25 percent of the perimeter wall of the occupancy shall be an exterior wall.

EXCEPTIONS:

1. Liquid use, dispensing and mixing rooms having a floor area of not more than 500 square feet (46.5 m²) need not be located on the outer perimeter of the building when they are in accordance with Section 307.1.3.
2. Liquid storage rooms having a floor area of not more than 1,000 square feet (93 m²) need not be located on the outer perimeter when they are in accordance with Section 307.1.4.
3. Spray paint booths which comply with the Fire Code need not be located on the outer perimeter.

307.4 Access and Exit Facilities. Exits shall be provided as specified in Chapter 10. (For special provisions see Section 1018.)

Access to, and egress from, buildings required to be accessible shall be provided as specified in Chapter 11.

307.5 Light, Ventilation and Sanitation.

307.5.1 General. Light, ventilation and sanitation in Group H Occupancies shall comply with requirements in this section and Chapters 12 and 29.

307.5.2 Ventilation in hazardous locations. See Section 1202.2.3 for ventilation requirements in hazardous locations.

307.5.3 Ventilation in Group H, Division 4 Occupancies. See Section 1202.2.4 for ventilation requirements in Group H, Division 4 Occupancies.

307.5.4 Sanitation. The number of plumbing fixtures shall not be less than specified in Section 2902.5.

307.6 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts and other openings through floors shall be enclosed, and the enclosure shall be as specified in Section 711.

Doors which are a part of an automobile ramp enclosure shall be equipped with automatic-closing devices.

For Group H, Division 6 Occupancies, see Section 307.11.2.3.

307.7 Sprinkler and Standpipe Systems. When required by Section 904.2.1 or other provisions of this code, automat-

ic fire-extinguishing systems and standpipes shall be designed and installed as specified in Chapter 9.

307.8 Special Hazards. Chimneys and heating apparatus shall conform to the requirements of Chapter 31 of this code and the Mechanical Code.

In Divisions 4 and 5 Occupancies, devices which generate a glow, spark or flame capable of igniting flammable vapors shall be installed with sources of ignition at least 18 inches (457 mm) above the floor. See the Mechanical Code for additional restrictions.

Equipment or machinery which generates or emits combustible or explosive dust or fibers shall be provided with an adequate dust-collecting and exhaust system installed in conformance with the Mechanical Code. Equipment or systems that are used to collect, process or convey combustible dusts or fibers shall be provided with an approved explosion venting or containment system.

Combustible fiber storage rooms with a fiber storage capacity not exceeding 500 cubic feet (14.2 m³) shall be separated from the remainder of the building by a one-hour fire-resistive occupancy separation. Combustible fiber storage vaults having a fiber storage capacity of more than 500 cubic feet (14.2 m³) shall be separated from the remainder of the building by a two-hour fire-resistive occupancy separation.

Cellulose nitrate film storage and handling shall be in accordance with Section 307.11.

307.9 Fire Alarm Systems. An approved manual fire alarm system shall be provided in Group H Occupancies used for the manufacturing of organic coatings. Approved automatic smoke detection shall be provided for rooms used for the storage, dispensing, use and handling of hazardous materials when required by the Fire Code.

For Group H, Division 6 Occupancies, see Section 307.11.

For installation requirements, see the Fire Code.

For aerosol storage warehouses, see the Fire Code.

307.10 Explosion Control. Explosion control, equivalent protective devices or suppression systems; or barricades shall be provided to control or vent the gases resulting from deflagrations of dusts, gases or mists in rooms, buildings or other enclosures as required by the Fire Code so as to minimize structural or mechanical damage. If detonation rather than deflagration is considered likely, protective devices or systems such as fully contained barricades shall be provided, except that explosion venting to minimize damage from less than 2.0 grams of trinitrotoluene (TNT) (equivalence) is permitted. Walls, floors and roofs separating a use from an explosion exposure shall be designed to resist a minimum internal pressure of 100 pounds per square foot (4.79 kPa) in addition to the loads required by Chapter 16.

Explosion venting shall be provided in exterior walls or roof only. The venting shall be designed to prevent serious structural damage and production of lethal projectiles. The aggregate clear vent relief area shall be regulated by the pressure resistance of the nonrelieving portions of the

building and be designed by persons competent in such design. The design shall recognize the nature of the material and its behavior in an explosion. Vents shall consist of any one or any combination of the following to relieve at a maximum internal pressure of 20 pounds per square foot (958 Pa), but not less than the loads required by Chapter 16:

1. Walls of lightweight material.
2. Lightly fastened hatch covers.
3. Lightly fastened, outward-opening swinging doors in exterior walls.
4. Lightly fastened walls or roof.

Venting devices shall discharge vertically or directly to an unoccupied yard not less than 50 feet (15 240 mm) in width on the same lot. Releasing devices shall be so located that the discharge end shall not be less than 10 feet (3048 mm) vertically and 20 feet (6096 mm) horizontally from window openings or exits in the same or adjoining buildings or structures. The exhaust shall always be in the direction of least exposure and never into the interior of the building unless a suitably designed shaft is provided which discharges to the exterior. See Footnote 12 of Table 3-D.

307.11 Group H, Division 6 Occupancies.

307.11.1 General. In addition to the requirements set forth elsewhere in this code, Group H, Division 6 Occupancies shall comply with the provisions of this section and the Fire Code.

307.11.2 Fabrication area.

307.11.2.1 Separation. Fabrication areas, whose sizes are limited by the quantity of hazardous production materials (HPM) permitted by the Fire Code, shall be separated from each other, from exit corridors, and from other parts of the building by not less than one-hour fire-resistive occupancy separations.

- EXCEPTIONS:**
1. Doors within such occupancy separation, including doors to corridors, shall be only self-closing fire assemblies having a fire-protection rating of not less than three-fourths hours.
 2. Windows between fabrication areas and exit corridors may be in accordance with Section 1005.8.2.

307.11.2.2 Floors. Except for surfacing, floors within fabrication areas shall be of noncombustible construction. Openings through floors of fabrication areas may be unprotected when the interconnected levels are used solely for mechanical equipment directly related to such fabrication area. See also Section 307.11.2.3. When forming a part of an occupancy separation, floors shall be liquid tight.

307.11.2.3 Shaft and exit enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts and other openings through floors shall be enclosed and the enclosure shall be as specified in Section 711. A fabrication area may have mechanical, duct and piping penetrations which extend through not more than two floors within that fabrication area. The annular space around penetrations for cables, cable trays, tubing, piping, conduit or ducts shall be sealed at the floor level to restrict the movement of air. The fabrication area, including the areas through which the ductwork and

piping extend, shall be considered a single conditioned environment.

307.11.2.4 Ventilation. See Section 1202.2.5 for ventilation requirements.

307.11.2.5 Transporting hazardous production materials. Hazardous production materials shall be transported to fabrication areas through enclosed piping or tubing systems that comply with Section 307.11.6, through service corridors or in exit corridors as permitted in the exception to Section 307.11.3. The handling or transporting of hazardous production materials within service corridors shall comply with the Fire Code.

307.11.2.6 Electrical. Electrical equipment and devices within the fabrication area shall comply with the Electrical Code. The requirements for hazardous locations need not be applied when the average air change is at least four times that set forth in Section 307.11.2.4 and when the number of air changes at any location is not less than three times that required by Section 307.11.2.4 and the Fire Code.

307.11.3 Exit corridors. Exit corridors shall comply with Section 1005 and shall be separated from fabrication areas as specified in Section 307.11.2.1. Exit corridors shall not be used for transporting hazardous production materials except as provided in Section 307.11.6.2.

EXCEPTION: In existing Group H, Division 6 Occupancies when there are alterations or modifications to existing fabrication areas, the building official may permit the transportation of hazardous production materials in exit corridors subject to the requirements of the Fire Code and as follows:

1. Corridors adjacent to the fabrication area where the alteration work is to be done shall comply with Section 1005 for a length determined as follows:

1.1 The length of the common wall of the corridor and the fabrication area, and

1.2 For the distance along the exit corridor to the point of entry of HPM into the exit corridor serving that fabrication area.

2. There shall be an emergency telephone system or a local alarm manual pull station or approved signal device within exit corridors at not more than 150-foot (45 720 mm) intervals or fraction thereof and at each exit stair doorway. The signal shall be relayed to the emergency control station and a local signaling device shall be provided.

3. Sprinkler protection shall be designed in accordance with U.B.C. Standard 9-1 for Ordinary Hazard Group 3, except that when one row of sprinklers is used in the corridor protection, the maximum number of sprinklers that need be calculated is 13. U.B.C. Standard 9-1 is a part of this code. (See Chapter 35, Part II.)

307.11.4 Service corridors. Service corridors shall be classified as Group H, Division 6 Occupancies. Service corridors shall be separated from exit corridors as required by Section 307.11.2.1.

Service corridors shall be mechanically ventilated as required by Section 307.11.2.4 or at not less than six air changes per hour, whichever is greater.

The maximum distance of travel from any point in a service corridor to an exterior exit door, horizontal exit, exit passageway, enclosed stairway or door into a fabrication area shall not exceed 75 feet (22 860 mm). Dead ends shall not exceed 4 feet (1219 mm) in length. There shall be not less than two exits, and not more than one half of the required exits shall be into the fabrication area. Doors from service

corridors shall swing in the direction of exit travel and shall be self-closing.

307.11.5 Storage of hazardous production materials.

307.11.5.1 Construction. The storage of hazardous production materials in quantities greater than those listed in Table 3-D or 3-E shall be in inside rooms complying with Section 307.1.4 or shall be in HPM storage rooms not exceeding 6,000 square feet (557.4 m²) in area. Such HPM storage rooms shall be separated from all other areas by not less than a two-hour fire-resistive occupancy separation when the area is 300 square feet (27.9 m²) or more and not less than one-hour fire-resistive construction when the area is less than 300 square feet (27.9 m²). The provisions of Section 302.1 shall apply.

When an HPM storage room is also used for dispensing of Class I or II flammable liquids or flammable gases, the area of the room shall not exceed 1,000 square feet (93 m²). Except for surfacing, floors of storage rooms shall be of noncombustible liquid-tight construction. Raised grating over floors shall be of noncombustible materials. See Section 307.2.3 for sill requirements for liquid storage rooms.

307.11.5.2 Location within building. When HPM storage rooms are provided, they shall have at least one exterior wall and such wall shall be not less than 30 feet (9144 mm) from property lines, including property lines adjacent to public ways. Explosion control shall be provided when required by Section 307.10.

307.11.5.3 Exits. When two exits are required from HPM storage rooms, one shall be directly to the outside of the building. See Section 307.11.2.1, Exception 1.

307.11.5.4 Ventilation. Mechanical exhaust ventilation shall be provided in storage rooms at the rate of not less than 1 cubic foot per minute per square foot (0.044 L/s/m²) of floor area or six air changes per hour, whichever is greater, for all categories of material.

307.11.5.5 Fire and emergency alarm. An approved manual fire alarm system shall be provided.

An approved initiating device connected to a local alarm system shall be provided outside of each interior exit door from HPM storage rooms. Operation of an alarm bar or an alarm-initiating device shall initiate a local alarm and initiate a signal at the emergency control station.

For installation requirements, see the Fire Code.

307.11.5.6 Electrical. Hazardous production materials storage rooms containing flammable liquids or gases shall be classified as Class I, Division 1 hazardous locations. Electrical wiring and equipment within such rooms shall comply with the Electrical Code for such location.

307.11.6 Piping and tubing.

307.11.6.1 General. Hazardous production materials piping and tubing shall comply with this subsection and shall be installed in accordance with nationally recognized standards. Piping and tubing systems shall be metallic unless the material being transported is incompatible with such system. Systems supplying gaseous HPM having a health hazard

ranking of 3 or 4 shall be welded throughout, except for connections, valves and fittings, to the systems which are within a ventilated enclosure. Hazardous production materials supply piping or tubing in service corridors shall be exposed to view.

307.11.6.2 Installations in exit corridors and above other occupancies. Hazardous production materials shall not be located within exit corridors or above areas not classified as Group H, Division 6 Occupancies except as permitted by this subsection.

Hazardous production material piping and tubing may be installed within the space defined by the walls of exit corridors and the floor or roof above or in concealed spaces above other occupancies under the following conditions:

1. Automatic sprinklers shall be installed within the space unless the space is less than 6 inches (152 mm) in least dimension.

2. Ventilation at not less than six air changes per hour shall be provided. The space shall not be used to convey air from any other area.

3. When the piping or tubing is used to transport HPM liquids, a receptor shall be installed below such piping or tubing. The receptor shall be designed to collect any discharge or leakage and drain it to an approved location. The one-hour enclosure shall not be used as part of the receptor.

4. All HPM supply piping and tubing and HPM nonmetallic waste lines shall be separated from the exit corridor and from any occupancy other than Group H, Division 6 by construction as required for walls or partitions that have a fire-protection rating of not less than one hour. When gypsum wallboard is used, joints on the piping side of the enclosure need not be taped, provided the joints occur over framing members. Access openings into the enclosure shall be protected by approved fire assemblies.

5. Readily accessible manual or automatic remotely activated fail-safe emergency shutoff valves shall be installed on piping and tubing other than waste lines at the following locations:

5.1 At branch connections into the fabrication area.

5.2 At entries into exit corridors.

Excess flow valves shall be installed as required by the Fire Code.

6. Electrical wiring and equipment located in the piping space shall be approved for Class I, Division 2 hazardous locations.

EXCEPTION: Occasional transverse crossings of the corridors by supply piping which is enclosed within a ferrous pipe or tube for the width of the corridor need not comply with Items 1 through 6.

307.11.6.3 Identification. Piping, tubing and HPM waste lines shall be identified in accordance with nationally recognized standards to indicate the material being transported.

NEW SECTION

WAC 51-30-0310 Section 310—Requirements for Group R Occupancies.

310.1 Group R Occupancies Defined. Group R Occupancies shall be:

Division 1. Hotels and apartment houses.

Congregate residences (each accommodating more than 10 persons).

Division 2. Not used.

Division 3. Dwellings, family child day care homes and lodging houses.

Congregate residences (each accommodating 10 persons or less).

Foster Family Care Homes licensed by the Washington State Department of Social and Health Services shall be permitted, as an accessory use to a dwelling unit, for six or fewer children including those of the resident family.

For occupancy separations, see Table 3-B.

A complete code for construction of detached one- and two-family dwellings is in Appendix Chapter 3, Division III, of this code. When adopted, as set forth in Section 101.3, it will take precedence over the other requirements set forth in Chapter 35 of this code.

310.2 Construction, Height and Allowable Area.

310.2.1 General. Buildings or parts of buildings classed in Group R because of the use or character of the occupancy shall be limited to the types of construction set forth in Table 5-B and shall not exceed, in area or height, the limits specified in Section 504, 505 and 506.

310.2.2 Special provisions. Walls and floors separating dwelling units in the same building, or guest rooms in Group R, Division 1 hotel occupancies, shall not be of less than one-hour fire-resistive construction.

Group R, Division 1 Occupancies more than two stories in height of having more than 3,000 square feet (279 m²) of floor area above the first story shall not be of less than one-hour fire-resistive construction throughout except as provided in Section 601.5.2.2.

Storage or laundry rooms that are within Group R, Division 1 Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation. The separation between individual storage lockers may be non-rated in rooms of 500 square feet (46.4 m²) or less in area and in sprinklered rooms of any size.

For Group R, Division 1 Occupancies with Group S, Division 3 parking garage in the basement or first story, see Section 311.2.2.

For attic space partitions and draft stops, see Section 708.

310.3 Location on Property. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 503 and Chapter 6.

310.4 Access and Exit Facilities and Emergency Escapes. Exits shall be provided as specified in Chapter 10. (See also Section 1013 for exit markings.)

Access to, and egress from, buildings required to be accessible shall be provided as specified in Chapter 11.

Basements in dwelling units and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools.

EXCEPTION: The window or door may open into an atrium complying with Section 402 provided the window or door opens onto an exit balcony and the dwelling unit or guest room has an exit which does not open into the atrium.

Escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet (0.53 m²). The minimum net clear openable height dimension shall be 24 inches (610 mm). The minimum net clear openable width dimension shall be 20 inches (508 mm). When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches (1118 mm) above the floor.

Escape and rescue windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells at escape or rescue windows shall comply with the following:

1. The clear horizontal dimensions shall allow the window to be fully opened and provide a minimum accessible net clear opening of 9 square feet (0.84 m²), with a minimum dimension of 36 inches (914 mm).
2. Window wells with a vertical depth of more than 44 inches (1118 mm) shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. The ladder or stairs shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm).

Bars, grilles, grates or similar devices may be installed on emergency escape or rescue windows, doors or window wells, provided:

1. The devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and
2. The building is equipped with smoke detectors installed in accordance with Section 310.9.

310.5 Light, Ventilation and Sanitation. Light and ventilation shall be as specified in Chapter 12. The number of plumbing fixtures shall not be less than specified in Section 2902.6.

310.6 Room Dimensions.

310.6.1 Ceiling heights. Habitable space shall have a ceiling height of not less than 7 feet 6 inches (2286 mm) except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet (2134 mm) measured to the

lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches (1219 mm) on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches (1219 mm) or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet (2134 mm) above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one half the area thereof. No portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

310.6.2 Floor area. Dwelling units and congregate residences shall have at least one room which shall have not less than 120 square feet (11.2 m²) of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet (6.5 m²). Efficiency dwelling units shall comply with the requirements of Section 310.7.

310.6.3 Width. Habitable rooms other than a kitchen shall not be less than 7 feet (2134 mm) in any dimension.

310.7 Efficiency Dwelling Units. An efficiency dwelling unit shall conform to the requirements of the code except as herein provided:

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of superficial floor area. An additional 100 square feet (9.3 m²) of superficial floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

310.8 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts, dumbwaiter shafts, clothes chutes and other vertical openings shall be enclosed and the enclosure shall be as specified in Section 711.

In nonsprinklered Group R, Division 1 Occupancies, corridors serving an occupant load of 10 or more shall be separated from corridors and other areas on adjacent floors by not less than approved fixed wired glass set in steel frames or by 20-minute smoke- and draft-control assemblies which are automatic closing by smoke detection.

310.9 Smoke Detectors and Sprinkler Systems.

310.9.1 Smoke detectors.

310.9.1.1 General. Dwelling units, congregate residences and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

310.9.1.2 Additions, alterations or repairs to Group R Occupancies. When the valuation of an addition, alteration or repair to a Group R Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R Occupancies, smoke detectors shall be installed in accordance with Sections 310.9.1.3, 310.9.1.4 and 310.9.1.5 of this section.

EXCEPTION: Repairs to the exterior surfaces of a Group R Occupancy are exempt from the requirements of this section.

310.9.1.3 Power source. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. Smoke detectors may be solely battery operated when installed in existing buildings; or in buildings without commercial power; or in buildings which undergo alterations, repairs or additions regulated by Section 310.9.1.2.

310.9.1.4 Location within dwelling units. In dwelling units, a detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

310.9.1.5 Location in efficiency dwelling units, congregate residences and hotels. In efficiency dwelling units, hotel suites and in hotel and congregate residence sleeping rooms, detectors shall be located on the ceiling or wall of the main room or each sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit or congregate residence, hotel suite, or sleeping room in which it is located.

310.9.1.6 Location within family child day care homes. In family child day care homes operable detectors shall be located in all sleeping and napping areas. When the family

child day care home has more than one story, and in family child day care homes with basements, an operable detector shall be installed on each story and in the basement. In family child day care homes where a story or basement is split into two or more levels, the smoke detector shall be installed in the upper level, except that when the lower level contains a sleeping or napping area, an operable detector shall be located on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In family child day care homes where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all areas of the building.

310.9.2 Sprinkler and standpipe systems. When required by Section 904.2.1 or other provisions of this code, automatic sprinkler systems and standpipes shall be designed and installed as specified in Chapter 9.

310.10 Fire Alarm Systems. Group R, Division 1 Occupancies shall be provided with an approved manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units, in hotels three or more stories in height or containing 20 or more guest rooms and in congregate residences three or more stories in height or having an occupant load of 20 or more. A fire alarm and communication system shall be provided in Group R, Division 1 Occupancies located in a high-rise building.

- EXCEPTIONS:**
1. A manual fire alarm system need not be provided in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit directly to a public way, exit court or yard.
 2. A separate fire alarm system need not be provided in buildings which are protected throughout by an approved supervised fire sprinkler system having a local alarm to notify all occupants.

The local alarm shall provide an alarm signal with a sound pressure level of 15 dBA above the average ambient sound level in every occupied space within the building. The minimum sound pressure level shall be 70 dBA. The maximum sound pressure level for audible alarm-indicating appliances shall not exceed 110 dBA at the minimum hearing distance from the audible appliance.

For the purposes of this section, area separation walls shall not define separate buildings.

310.11 Heating. Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms.

310.12 Special Hazards. Chimneys and heating apparatus shall conform to the requirements of Chapter 31 and the Mechanical Code.

The storage, use and handling of flammable and combustible liquids in Division 1 Occupancies shall be in accordance with the Fire Code.

In Division 1 Occupancies, doors leading into rooms in which Class I flammable liquids are stored or used shall be protected by a fire assembly having a one-hour fire-protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch (25.4 mm) block letters stating: FIRE DOOR—KEEP CLOSED.

310.13 Family Child Day Care Homes. For family child day care homes with more than six children, each floor level used for family child day care purposes shall be served by two remote exits. Outside exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than four feet below grade level shall not be used for family child day care homes unless one of following conditions exist:

1. Exit stairways from the basement open directly to the exterior of the building without entering the first floor; or
2. One of the two required exits discharges directly to the exterior from the basement level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor above; or
3. One of the two required exits is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court is provided; or
4. A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.

- EXCEPTIONS:
1. Use of toilet facilities while under supervision of an adult staff person.
 2. Family child day care homes may be allowed on the second story of one of the following conditions exists:
 - 2.1 Exit stairways from the second story open directly to the exterior of the building without entering the first floor; or
 - 2.2 One of the two required exits discharges directly to the exterior from the second story level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor below; or
 - 2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

- EXCEPTION: Sleeping or napping rooms having doors leading to two separate exit ways, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one-hour fire-resistive construction.

- EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

NEW SECTION

WAC 51-30-0311 Section 311—Requirements for Group S Occupancies.

OPTION 1: Maintain the 1994 U.B.C.

OPTION 2: Adopt amendment as shown below

311.1 Group S Occupancies Defined. Group S Occupancies shall include the use of a building or structure, or portion thereof, for storage not classified as a hazardous occupancy. Storage occupancies shall include the following:

Division 1. Moderate hazard storage occupancies shall include buildings or portions of buildings for storage of combustible materials that are not classified as a Group S, Division 2 or as a Group H Occupancy.

Division 2. Low-hazard storage occupancies shall include buildings, structures, or portions thereof, used for storage of noncombustible materials, such as products on wood pallets or in paper cartons with or without single-thickness divisions, or in paper wrappings and shall include ice plants, power plants and pumping plants. Such products may have a negligible amount of plastic trim such as knobs, handles or film wrapping. Low-hazard storage occupancies shall include, but are not limited to, storage of the following items:

1. Beer or wine (in metal, glass or ceramic containers).
2. Cement in bags.
3. Cold storage and creameries.
4. Dairy products in nonwax-coated paper containers.
5. Dry-cell batteries.
6. Dryers.
7. Dry pesticides in a building not classed as a Group H Occupancy.
8. Electrical coils.
9. Electrical insulators.
10. Electrical motors.
11. Empty cans.
12. Foods in noncombustible containers.
13. Fresh fruits in nonplastic trays or containers.
14. Frozen foods.
15. Glass bottles (empty or filled with nonflammable liquids).
16. Gypsum board.
17. Inert pigments.
18. Meats.
19. Metal cabinets.
20. Metal furniture.
21. Oil-filled distribution transformers.
22. Stoves.
23. Washers.

Division 3. Division 3 Occupancies shall include repair garages where work is limited to exchange of parts and maintenance requiring no open flame or welding, motor vehicle fuel-dispensing stations, and parking garages not classed as Group S, Division 4 open parking garages or Group U private garages.

For the use of flammable and combustible liquids, see Section 307 and the Fire Code.

Division 4. Open parking garages per Section 311.9.

Division 5. Aircraft hangars where work is limited to exchange of parts and maintenance requiring no open flame or welding and helistops.

For occupancy separations, see Table 3-B.

311.2 Construction, Height and Allowable Area.

311.2.1 General. Buildings or parts of buildings classed in Group S Occupancy because of the use or character of the occupancy shall be limited to the types of construction set forth in Table 5-B and shall not exceed, in area or height, the limits specified in Sections 504, 505 and 506.

311.2.2 Special provisions.

311.2.2.1 Group S, Division 3 with Group A, Division 3; Group B; Group M or R, Division 1 Occupancy above. Other provisions of this code notwithstanding, a basement or first story of a building may be considered as a separate and distinct building for the purpose of area limitations, limitation of number of stories and type of construction, when all of the following conditions are met:

1. The basement or first story is of Type I construction and is separated from the building above with a three-hour occupancy separation. See Section 302.3.

2. The building above the three-hour occupancy separation contains only Group A, Division 3; Group B; or Group M or R, Division 1 Occupancies.

3. The building below the three-hour occupancy separation is a Group S, Division 3 Occupancy used exclusively for the parking and storage of private or pleasure-type motor vehicles.

EXCEPTIONS:

1. Entry lobbies, mechanical rooms and similar uses incidental to the operation of the building.
2. Group A, Division 3 and Group B office, drinking and dining establishments and Group M retail occupancies in addition to those uses incidental to the operation of the building (including storage areas), provided that the entire structure below the three-hour occupancy separation is protected throughout by an automatic sprinkler system.

4. The maximum building height in feet shall not exceed the limits set forth in Table 5-B for the least type of construction involved.

311.2.2.2 Group S, Division 3 Occupancy with Group S, Division 4 Occupancy above. Other provisions of this code notwithstanding, a Group S, Division 3 Occupancy, located in the basement or first story below a Group S, Division 4 Occupancy, as defined in Section 311.9, may be classified as a separate and distinct building for the purpose of determining the type of construction when all the following conditions are met:

1. The allowable area of the structure shall be such that the sum of the ratio of the actual area divided by the allowable area for each separate occupancy shall not exceed one.

2. The Group S, Division 3 Occupancy is of Type I or II construction and is at least equal to the fire resistance of the Group S, Division 4 Occupancy.

3. The height and the number of the tiers above the basement shall be limited as specified in Table 3-H or Section 311.9.5.

4. The floor-ceiling assembly separating the Group S, Division 3 and Group S, Division 4 Occupancy shall be protected as required for the floor-ceiling assembly of the Group S, Division 3 Occupancy. Openings between the Group S, Division 3 and Group S, Division 4 Occupancy, except exit openings, need not be protected.

5. The Group S, Division 3 Occupancy is used exclusively for the parking or storage of private or pleasure-type motor vehicles, but may contain (i) mechanical equipment rooms incidental to the operation of the building and (ii) an office, and waiting and toilet rooms having a total area of not more than 1,000 square feet (93 m²).

311.2.3 Specific use provision.

311.2.3.1 Group S, Division 3 and 5 Occupancies. In areas where motor vehicles, boats or aircraft are stored, and motor vehicle fuel-dispensing stations and repair garages, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code.

EXCEPTION: Floors may be surfaced or waterproofed with asphaltic paving materials in areas where motor vehicles or airplanes are stored or operated.

311.2.3.2 Marine or motor vehicle fuel-dispensing stations. Marine or motor vehicle fuel-dispensing stations, including canopies and supports over pumps, shall be of noncombustible, fire retardant-treated wood or of one-hour fire-resistant construction.

EXCEPTIONS:

1. Roofs of one-story fuel-dispensing stations may be of heavy-timber construction.
2. Canopies conforming to Section 2603.13 may be erected over pumps.

Canopies under which fuels are dispensed shall have a clear, unobstructed height of not less than 13 feet 6 inches (4114 mm) to the lowest projecting element in the vehicle drive-through area.

A one-hour occupancy separation need not be provided between fuel-dispensing pumps covered with a canopy that is open on three or more sides, and a Group M Occupancy retail store having an area of less than 2,500 square feet (225 m²) when the following conditions exist:

1. The Group M Occupancy is provided with two exits separated as required by Section 1003 and not located in the same exterior wall.

2. Pump islands are not located within 20 feet (6096 mm) of the Group M Occupancy retail store.

311.2.3.3 Parking garage headroom. Parking garages shall have an unobstructed headroom clearance of not less than 7 feet (2134 mm) above the finish floor to any ceiling, beam, pipe or similar obstruction, except for wall-mounted shelves, storage surfaces, racks or cabinets.

311.2.3.4 Group S, Division 2 Occupancy roof framing. In Division 2 Occupancies, the roof framing system may be of unprotected construction.

311.2.3.5 Vehicle barriers. In parking garages where any parking area is located more than 5 feet (1524 mm) above the adjacent grade, vehicle barriers shall be provided.

EXCEPTION: Parking garages of Group U, Division 1 Occupancies.

Vehicle barriers shall have a minimum vertical dimension of 12 inches (305 mm) and shall be centered at 18 inches (457 mm) above the parking surface. See Table 16-B for load criterion.

OPTION 1: Maintain the 1994 U.B.C. language

OPTION 2:

311.2.3.6 Group S, Division 1, mini storage warehouse. In Group S, Division 1, mini storage warehouse occupancies, each 1,500 square feet (139.28 m²) of storage lockers shall be separated by one-hour fire-resistive construction having one hour opening protection.

EXCEPTION: Rooms of any size protected by an automatic sprinkler system.

311.3 Location on Property. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 503.

311.4 Access and Exit Facilities. Exits shall be provided as specified in Chapter 10.

Access to, and egress from, buildings required to be accessible shall be provided as specified in Chapter 11.

311.5 Light, Ventilation and Sanitation. In Group S Occupancies, light, ventilation and sanitation shall be as contained in Chapters 12 and 29, except as noted below:

311.5.1 Repair and storage garages, aircraft hangars. See Section 1202.2.6 for ventilation and requirements for Group S, Division 3 repair garages, storage garages and Group S, Division 5 aircraft hangars.

311.5.2 Parking garages. See Section 1202.2.7 for ventilation requirements for parking garages.

311.6 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts and other openings through floors shall be enclosed, and the enclosure shall be specified in Section 711.

EXCEPTION: In Group S, Division 2 Occupancies, exits shall be enclosed as specified in Chapter 10, but other through-floor openings need not be enclosed.

In buildings housing Group S Occupancies equipped with automatic sprinkler systems throughout, enclosures need not be provided for escalators where the top of the escalator opening at each story is provided with a draft curtain and automatic fire sprinklers are installed around the perimeter

of the opening within 2 feet (610 mm) of the draft curtain. The draft curtain shall enclose the perimeter of the unenclosed opening and extend from the ceiling downward at least 12 inches (305 mm) on all sides. The spacing between sprinklers shall not exceed 6 feet (1829 mm).

311.7 Sprinkler and Standpipe Systems. When required by Section 904.2 or other provisions of this code, automatic sprinkler systems and standpipes shall be installed as specified in Chapter 9.

311.8 Special Hazards. For special hazards of Group S Occupancies, see Section 304.8.

Storage and use of flammable and combustible liquids shall be in accordance with the Fire Code.

Buildings erected or converted to house high-piled combustible stock or aerosols shall comply with the Fire Code.

311.9 Group S, Division 4 Open Parking Garages.

311.9.1 Scope. Except where specific provisions are made in the following subsections, other requirements of this code shall apply.

311.9.2 Definitions.

311.9.2.1 General. For the purpose of this section, certain terms are defined as follows:

MECHANICAL-ACCESS OPEN PARKING GARAGES are open parking garages employing parking machines, lifts, elevators or other mechanical devices for vehicles moving from and to street level and in which public occupancy is prohibited above the street level.

OPEN PARKING GARAGE is a structure of Type I or II construction with the openings as described in Section 311.9.2.2 on two or more sides and which is used exclusively for the parking or storage of private or pleasure-type motor vehicles.

EXCEPTION: The grade-level tier may contain an office, and waiting and toilet rooms having a total area of not more than 1,000 square feet (93 m²). Such area need not be separated from the open parking garage.

RAMP-ACCESS OPEN PARKING GARAGES are open parking garages employing a series of continuously rising floors or a series of interconnecting ramps between floors permitting the movement of vehicles under their own power from and to the street level.

311.9.2.2 Openings. For natural ventilation purposes, the exterior side of the structure shall have uniformly distributed openings on two or more sides. The area of such openings in exterior walls on a tier must be at least 20 percent of the total perimeter wall area of each tier. The aggregate length of the openings considered to be providing natural ventilation shall constitute a minimum of 40 percent of the perimeter of the tier. Interior wall lines and column lines shall be at least 20 percent open with uniformly distributed openings.

311.9.3 Construction. Construction shall be of noncombustible materials. Open parking garages shall meet the design requirements of Chapter 16. For vehicle barriers, see Section 311.2.3.5.

311.9.4 Area and height. Area and height of open parking garages shall be limited as set forth in Table 3-H, except for increases allowed by Section 311.9.5.

In structures having a spiral or sloping floor, the horizontal projection of the structure at any cross section shall not exceed the allowable area per parking tier. In the case of a structure having a continuous spiral floor, each 9 feet 6 inches (2896 mm) of height, or portion thereof, shall be considered a tier.

The clear height of a parking tier shall not be less than 7 feet (2134 mm), except that a lower clear height may be permitted in mechanical-access open parking garages when approved by the building official.

311.9.5 Area and height increases. The area and height of structures with cross ventilation throughout may be increased in accordance with provisions of this subsection. Structures with sides open on three fourths of the building perimeter may be increased by 25 percent in area and one tier in height. Structures with sides open around the entire building perimeter may be increased 50 percent in area and one tier in height. For a side to be considered open under the above provisions, the total area of openings along the side shall not be less than 50 percent of the interior area of the side at each tier, and such openings shall be equally distributed along the length of the tier.

Open parking garages constructed to heights less than the maximums established by Table 3-H may have individual tier areas exceeding those otherwise permitted, provided the gross tier area of the structure does not exceed that permitted for the higher structure. At least three sides of each such larger tier shall have continuous horizontal openings not less than 30 inches (762 mm) in clear height extending for at least 80 percent of the length of the sides, and no part of such larger tier shall be more than 200 feet (60 960 mm) horizontally from such an opening. In addition, each such opening shall face a street or yard accessible to a street with a width of at least 30 feet (9144 mm) for the full length of the opening, and standpipes shall be provided in each such tier.

Structures of Type II-F.R., Type II One-hour or Type II-N construction, with all sides open, may be unlimited in area when the height does not exceed 75 feet (22 860 mm). For a side to be considered open, the total area of openings along the side shall not be less than 50 percent of the interior area of the side at each tier, and such openings shall be equally distributed along the length of the tier. All portions of tiers shall be within 200 feet (60 960 mm) horizontally from such openings.

311.9.6 Location on property. Exterior walls and openings in exterior walls shall comply with Table 5-A. The distance from an adjacent property line shall be determined in accordance with Section 503.

311.9.7 Stairs and exits. Where persons other than parking attendants are permitted, stairs and exits shall meet the requirements of Chapter 10, based on an occupant load of 200 square feet (18.6 m²) per occupant. Where no persons other than parking attendants are permitted, there shall not be less than two 3-foot-wide (914 mm) stairs. Lifts may be

installed for use of employees only, provided they are completely enclosed by noncombustible materials.

311.9.8 Standpipes. Standpipes shall be installed when required by the provisions of Chapter 9.

311.9.9 Sprinkler systems. When required by other provisions of this code, automatic sprinkler systems and standpipes shall be installed in accordance with the provisions of Chapter 9.

311.9.10 Enclosure of vertical openings. Enclosure shall not be required for vertical openings except as specified in Section 311.9.7 for lifts.

311.9.11 Ventilation. Ventilation, other than the percentage of openings specified in Section 311.9.2.2, shall not be required.

311.9.12 Prohibitions. The following uses and alterations are not permitted:

1. Automobile repair work.
2. Parking of buses, trucks and similar vehicles.
3. Partial or complete closing of required openings in exterior walls by tarpaulins or any other means.
4. Dispensing of fuel.

311.10 Helistops.

311.10.1 General. Helistops may be erected on buildings or other locations if they are constructed in accordance with this section.

311.10.2 Size. The touchdown or landing area for helicopters of less than 3,500 pounds (1588 kg) shall be a minimum of 20 feet by 20 feet (6096 mm by 6096 mm) in size. The touchdown area shall be surrounded on all sides by a clear area having a minimum average width at roof level of 15 feet (4572 mm) but with no width less than 5 feet (1424 mm).

311.10.3 Design. Helicopter landing areas and supports there for on the roof of a building shall be of noncombustible construction. Landing areas shall be designed to confine any Class I, II or III-A liquid spillage to the landing area itself and provision shall be made to drain such spillage away from any exit or stairway serving the helicopter landing area or from a structure housing such exit or stairway.

311.10.4 Exits and stairways. Exits and stairways from helistops shall comply with the provisions of Chapter 10 of this code, except that all landing areas located on buildings or structures shall have two or more exits. For landing platforms or roof areas less than 60 feet (18 288 mm) in length, or less than 2,000 square feet (186 m²) in area, the second exit may be a fire escape or ladder leading to the floor below.

311.10.5 Federal Aviation Administration approval. Before operating helicopters from helistops, approval must be obtained from the Federal Aviation Administration.

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

NEW SECTION**WAC 51-30-0313 Section 313—Requirements for Group LC Occupancies.**

313.1 Group LC Occupancies Defined. Group LC Occupancies shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington Department of Health or the Department of Social and Health Services:

1. Adult family home.
2. Adult residential rehabilitation facility.
3. Alcoholism intensive inpatient treatment service.
4. Alcoholism detoxification service.
5. Alcoholism long term treatment service.
6. Alcoholism recovery house service.
7. Boarding home.
8. Group care facility.
9. Group care facility for severely and multiple handicapped children.
10. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I, Division 1.1 hospital.

313.2 Construction, Height and Allowable Area.

313.2.1 General. Buildings or parts of buildings classed in Group LC because of the use or character of the occupancy shall be limited to the types of construction set forth in this section.

313.2.1.1 Type of construction. Except as provided herein, LC occupancy buildings may be of any construction type allowed in this code and shall not exceed the limits specified in Sections 504, 505 and 506.

Group LC occupancies which are licensed for more than six clients and which are more than two stories in height or which have more than 3,000 square feet (279 m²) above the first story shall not be less than one-hour fire-resistive construction throughout.

EXCEPTION: Buildings which are licensed for not more than 16 clients may be of Type V-N construction provided:

1. The entire building has an interior wall and ceiling covering consisting of 1/2 inch gypsum wall board or an approved equal installed in accordance with Section 2511; and,
2. An approved smoke-detection system, supervised by an approved central, proprietary or remote station service, is installed throughout the entire structure and is interconnected with any required sprinkler system.

For attic space partitions and draft stops, see Section 708.

313.2.1.2 Area and height. Buildings classified as Group LC occupancy shall not exceed, in area or height, the limitations set forth in Table 5-B for Group R, Division 1 Occupancies.

EXCEPTION: LC occupancies licensed for six or fewer clients may be of unlimited area provided they are limited to 3 stories or less.

313.2.1.3 Mixed Occupancies. Group LC occupancies shall be separated from Group H occupancies by a four-hour fire-resistive occupancy separation and shall be separated from all other occupancies by a one-hour fire-resistive assembly.

EXCEPTIONS:

1. An occupancy separation need not be provided between an Group LC Occupancy licensed for 16 or fewer clients and a carport having no enclosed use above, provided the carport is entirely open on two or more sides.
2. In a Group LC Occupancy licensed for 16 or fewer clients, the one-hour occupancy separation between a Group LC Occupancy and a Group U, Division 1 Occupancy, may be limited to the installation of materials approved for one-hour fire-resistive construction on the garage side and a self-closing, tight-fitting solid-wood door 1 3/8 inches (35 mm) in thickness, or a self-closing tight-fitting door having a fire-protection rating of not less than 20 minutes when tested in accordance with Part II of U.B.C. Standard 7-2, which is a part of this code, is permitted in lieu of a one-hour fire assembly. Fire dampers need not be installed in air ducts passing through the wall, floor or ceiling separating a Group LC Occupancy from a Group U Occupancy, provided such ducts within the Group U Occupancy are constructed of steel having a thickness not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) and having no openings into the Group U Occupancy.

313.3 Location on Property. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 503 and Chapter 6. For the purpose of this determination, LC occupancies licensed for six or fewer clients shall comply with provisions for Group R, Division 3 Occupancies; and all other LC occupancies shall comply with provisions for Group R, Division 1 Occupancies.

313.4 Access and Exit Facilities and Emergency Escapes.

313.4.1 Evacuation capability. Evacuation capability is the ability of the clients of a licensed care facility to respond to an emergency situation and either evacuate a building or move to a point of safety. Clients shall be classified in one of the following levels:

- I - persons physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.
- II - persons physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.
- III - persons physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

313.4.2 Exit facilities. Exits shall be provided as specified in Chapter 10. For the purpose of determining exit requirements, Group LC Occupancies shall be considered to have an occupant load factor of 300. At least two exits shall be required when the number of occupants (clients and staff) is 10 or more. For all other requirements of Chapter 10, Group LC Occupancies licensed for six or fewer clients shall

comply with provisions for Group R, Division 3 Occupancies; and all other Group LC Occupancies shall comply with provisions for Group R, Division 1 Occupancies.

EXCEPTION: Exit illumination required by Section 1012.1 need not be provided in any Group LC Occupancy licensed for six or fewer clients.

313.4.3 Accessibility. In new construction, Group LC Occupancies regardless of the number of clients shall comply with accessibility standards for Group R, Division 1 congregate residences as specified in Chapter 11.

Where a Group LC Occupancy is being established by change of occupancy in an existing building, the building shall be altered to comply with congregate residence provisions of Chapter 11 if any of the clients is a person with disability. The alterations shall provide the minimum necessary access appropriate for the disabilities of the clients. Any alteration, whether to accommodate a client with disability or for another purpose, shall comply with Part III of Chapter 11.

313.4.4 Emergency escape.

313.4.4.1 Location of sleeping rooms. In every licensed care facility, all sleeping rooms occupied by clients with an evacuation capability of II or III shall be located on a grade level floor which provides not less than two means of egress which do not require clients to use stairs, elevator, or platform lift to exit the facility.

EXCEPTIONS:

1. In a Group LC Occupancy licensed to provide care to two or fewer clients with an evacuation capability of II or III and six or fewer total clients, only one means of egress which does not require clients to use stairs, elevator or platform lift to exit the facility need be provided.
2. Sleeping rooms for clients with an evacuation capability of II or III may be located on floors other than at grade level, provided the facility is divided into at least two compartments by smoke barriers of not less than one-hour fire-resistance meeting the requirements of Sections 308.2.2.1 and 905.2.3.

313.4.4.2 Escape windows and doors. Every sleeping room below the fourth story (including basements) shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The emergency window shall be operable from the inside to provide a full, clear opening without the use of separate tools.

EXCEPTION: The window or door may open into an atrium complying with Section 402 provided the window or door opens onto an exit balcony and the sleeping room has an exit which does not open into the atrium.

Escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet (0.53 m²). The minimum net clear openable height dimension shall be 24 inches (610 mm). The minimum net clear openable width dimension shall be 20 inches (508 mm). When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches (1118 mm) above the floor.

Escape and rescue windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells at escape and rescue windows shall comply with the following:

1. The clear horizontal dimension shall allow the window to be fully opened and provide a minimum accessible net clear opening of 9 square feet (0.84 m²), with a minimum dimension of 36 inches (914 mm).

2. Window wells with a vertical depth of more than 44 inches (1118 mm) shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. The ladder or stairs shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm).

Bars, grilles, grates or similar devices may be installed on emergency escape windows, doors or window wells, provided:

1. The devices are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors installed in accordance with Section 313.8.

313.5 Light, Ventilation and Sanitation.

313.5.1 General. For the purpose of determining the light and ventilation for Group LC Occupancies required by this section, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet (2.3 m²), whichever is greater.

Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court as set for in Section 313.5.4.

EXCEPTIONS:

1. Required exterior openings may open into a roofed porch where the porch:
 - 1.1 Abuts a public way, yard or court; and
 - 1.2 Has a ceiling height of not less than 7 feet (2134 mm); and
 - 1.3 Has a longer side at least 65 percent open and unobstructed.
2. Skylights.

313.5.2 Light. Sleeping rooms and habitable rooms within the licensed care facility shall be provided with natural light by means of exterior glazed openings with an area not less than one tenth of the floor area of such rooms with a minimum of 10 square feet (0.93 m²).

EXCEPTION: Kitchens may be provided with artificial light.

313.5.3 Ventilation. Group LC occupancies shall comply with provisions for Group R occupancies as provided in the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).

313.5.4 Yards and Courts.

313.5.4.1 General. This section shall apply to yards and courts adjacent to exterior openings that provide required light or ventilation. Such yards and courts shall be on the same property as the building.

313.5.4.2 Yards. Yards shall not be less than 3 feet (914 mm) in width for one-story and two-story buildings. For buildings more than two stories in height, the minimum width of the yard shall be increased at the rate of 1 foot (305 mm) for each additional story. For buildings exceeding 14

stories in height, the required width of the yard shall be computed on the basis of 14 stories.

313.5.4.3 Courts. Courts shall not be less than 3 feet (914 mm) in width. Courts having windows opening on opposite sides shall not be less than 6 feet (1829 mm) in width. Courts bounded on three or more sides by the walls of the building shall not be less than 10 feet (3048 mm) in length unless bounded on one end by a public way or yard. For buildings more than two stories in height, the court shall be increased 1 foot (305 mm) in width and 2 feet (610 mm) in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet (0.93 m²) in area and leading to the exterior of the building unless abutting a yard or a public way. The construction of the air intake shall be as required for the court walls of the building but in no case less than one-hour fire resistive.

313.5.4.4 Eaves. Eaves over required windows shall extend no closer than 30 inches (762 mm) from the side and rear property lines. See also Sections 503.2 and 705.

313.5.5 Sanitation.

313.5.5.1 General. Sanitation facilities shall comply with Chapter 29 and the provisions of this section. Any room in which a water closet is located shall be separated from food preparation or storage rooms by a self-closing tight-fitting door.

313.5.5.2 Group LC Occupancies with six or fewer clients. Group LC Occupancies licensed for six or fewer clients shall be provided with not less than one water closet, one lavatory and one bathtub or shower.

313.5.5.3 Group LC Occupancies with more than six clients. Group LC Occupancies licensed for more than six clients shall provide not less than one water closet for each 10 male clients, or fractional part thereof, and not less than one water closet for each 8 female clients, or fractional part thereof.

In addition, not less than one lavatory shall be provided for each 12 male clients, or fractional part thereof, and not less than one lavatory for each 12 female clients, or fractional part thereof. Where the number of clients of either sex exceeds 12, one lavatory shall be added for each additional 20 males, or fractional part thereof, and one lavatory shall be added for each additional 15 females, or fractional part thereof.

In addition, not less than one bathtub or shower shall be provided for every eight clients, or fractional part thereof. Where there are female clients, one additional bathtub or shower shall be provided for each 30 female clients, or fractional part thereof. Where the number of total clients exceeds 150, one bathtub or shower shall be provided for each 20 clients, or fractional part thereof, over 150 clients.

313.6 Room Dimensions.

313.6.1 Ceiling Heights. Habitable space shall have a ceiling height of not less than 7 feet 6 inches (2286 mm) except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet (2134 mm) measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches (1219 mm) on center, ceiling height shall be measured to the bottom of those members. Where exposed beam ceilings members are spaced at 48 inches (1219 mm) or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet (2134 mm) above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one half of the area thereof. No portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

313.6.2 Floor area. Group LC occupancies shall have at least one room which shall have not less than 120 square feet (11.2 m²) of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet (6.5 m²).

313.6.3 Width. Habitable rooms other than kitchens shall not be less than 7 feet (2134 mm) in any dimension.

313.7 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts, dumbwaiter shafts, clothes chutes and other vertical openings shall be enclosed and the enclosure shall be as specified in Section 711.

313.8 Smoke Detectors and Sprinkler Systems.

313.8.1 Smoke detectors.

313.8.1.1 General. Rooms within licensed care facilities that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

313.8.1.2 Additions, alterations or repairs. When the valuation of an addition, alteration or repair to a Group LC occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms is added or created in an existing Group LC Occupancy, smoke detectors shall be installed in accordance with Sections 313.8.1.3 and 313.8.1.4 of this section.

EXCEPTION: Repairs to the exterior surfaces are exempt from the requirements of this section.

313.8.1.3 Power source. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low.

Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be solely battery operated when installed in existing buildings; or in buildings without commercial power; or in buildings which undergo alterations, repairs or additions regulated by Section 313.8.1.2.

313.8.1.4 Location. A detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the licensed care facility has more than one story or in facilities with basements, a detector shall be installed on each story and in the basement. Where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. Where the ceiling height of a room open to the a hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the licensed care facility in which they are located.

313.8.2 Sprinkler and standpipe systems.

313.8.2.1 Sprinklers. An automatic sprinkler system shall be installed throughout every licensed care facility three or more stories in height or licensed for more than 16 clients. Licensed care facilities with 16 or fewer clients, licensed to provide care for more than two clients who have an evacuation capability of II or III, shall be provided with an automatic sprinkler system throughout the facility.

EXCEPTION: An automatic sprinkler system need not be installed in any licensed care facility licensed for six or fewer clients regardless of the level of evacuation capability.

Where a sprinkler system is required, a system complying with U.B.C. Standard 9-1 shall be installed.

EXCEPTIONS:

1. An automatic sprinkler systems complying with U.B.C. Standard 9-3 may be installed in buildings of four stories or less.
2. Where a Group LC Occupancy is being established by change of occupancy in an existing building not protected by a sprinkler system as is required above for buildings of new construction, an automatic sprinkler system complying with N.F.P.A Standard 13d may be installed provided the care facility is licensed for not more than 16 clients.

Residential or quick-response heads shall be used in all sprinkler systems.

313.8.2.2 Standpipe systems. Standpipe systems shall be provided where required by Section 904.5

313.9 Fire Alarm Systems. Group LC Occupancies licensed for more than 16 clients shall be provided with an approved manual and automatic fire alarm system. The local alarm shall provide an alarm signal with a sound pressure level of 15 dBA above the average ambient sound level in every occupied space within the building. The minimum sound pressure level shall be 70 dBA. The maximum sound pressure level shall not exceed 110 dBA at the minimum hearing distance from the audible appliance.

313.10 Heating. Licensed care facilities shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms.

313.11 Special Hazards. Chimneys and heating apparatus shall conform to the requirements of Chapter 31 and the Mechanical Code.

In Group LC Occupancies licensed for more than six clients, the storage, use and handling of flammable and combustible liquids shall be in accordance with the Fire Code. In such facilities, doors leading into rooms in which Class I flammable liquids are stored or used shall be protected by a fire assembly having a one-hour fire-protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch (25.4 mm) block letters stating: FIRE DOOR—KEEP CLOSED.

In Group LC Occupancies licensed for more than 16 clients, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a one-hour occupancy separation.

NEW SECTION

WAC 51-30-0400 Chapter 4—Special use and occupancy.

NEW SECTION

WAC 51-30-0403 Section 403—Special provisions for Group B office buildings and Group R, Division 1 Occupancies.

403.1 Scope. This section applies to all Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access. Such buildings shall be of Type I or II-F.R. construction and shall be provided with an approved automatic sprinkler system in accordance with Section 403.2.

403.2 Automatic Sprinkler System.

403.2.1 System design. The automatic sprinkler system shall be provided throughout the building as specified by U.B.C. Standard 9-1, and shall be designed in accordance with that standard and the following:

1. Shutoff valves and a water-flow device shall be provided for each floor. The sprinkler riser may be combined with the standpipe riser.

2. In Seismic Zones 2, 3 and 4, in addition to the main water supply, a secondary on-site supply of water equal to the hydraulically calculated sprinkler design demand plus 100 gallons per minute (378.5 L/min.) additional for the total standpipe system shall be provided. This supply shall be automatically available if the principal supply fails and shall have a duration of 30 minutes.

403.2.2 Modifications. The following modifications of code requirements are permitted:

1. In buildings of Type I construction the fire-resistive time periods set forth in Table 6-A may be reduced by one hour for interior bearing walls, exterior bearing and nonbearing walls, roofs and the beams supporting roofs, provided they do not frame into columns. In buildings of Type II-F.R. construction the fire-resistive time period set forth in Table 6-A may be reduced by one hour for interior bearing walls, exterior bearing and nonbearing walls, but no reduction is allowed for roofs.

Vertical shafts other than stairway enclosures and elevator shafts may be reduced to one hour when sprinklers are installed within the shafts at alternate floors. The fire-resistive time period reduction as specified herein shall not apply to exterior bearing and nonbearing walls whose fire-resistive rating is less than four hours.

2. Except for corridors in Group B offices and Group R, Division 1 Occupancies and partitions separating dwelling units or guest rooms, all interior nonbearing partitions required to be one-hour fire-resistive construction by Table 6-A may be of noncombustible construction without a fire-resistive time period.

3. Fire dampers, other than those needed to protect floor-ceiling assemblies to maintain the fire resistance of the assembly, are not required.

4. Emergency windows required by Section 310.4 are not required.

403.3 Smoke Detection. Smoke detectors shall be provided in accordance with this subsection. Smoke detectors shall be connected to an automatic fire alarm system installed in accordance with the Fire Code. The actuation of any detector required by this subsection shall operate the emergency voice alarm signaling system and shall place into operation all equipment necessary to prevent the recirculation of smoke.

Smoke detectors shall be located as follows:

1. In every mechanical equipment, electrical, transformer, telephone equipment, elevator machine or similar room and in elevator lobbies. Elevator lobby detectors shall be connected to an alarm verification zone or be listed as releasing devices.

2. In the main return-air and exhaust-air plenum of each air-conditioning system. Such detector shall be located in a serviceable area downstream of the last duct inlet.

3. At each connection to a vertical duct or riser serving two or more stories from a return-air duct or plenum of an air-conditioning system. In Group R, Division 1 Occupancies, an approved smoke detector may be used in each return-air riser carrying not more than 5,000 cubic feet per minute (2360 L/s) and serving not more than 10 air inlet openings.

4. For Group R, Division 1 Occupancies in all interior corridors serving as a required exit for a occupant load of 10 or more.

403.4 Smoke Control. A smoke-control system meeting the requirements of Chapter 9 shall be provided.

403.5 Fire Alarm and Communication Systems.

403.5.1 General. The fire alarm, emergency voice/alarm signaling system and fire department communication systems shall be designed and installed as set forth in this code and the Fire Code.

403.5.2 Emergency voice alarm signaling system. The operation of any automatic fire detector, sprinkler or water-flow device shall automatically sound an alert tone followed by voice instructions giving appropriate information and direction on a general or selective basis to the following terminal areas:

1. Elevators.
2. Elevator lobbies.
3. Corridors.
4. Exit stairways.
5. Rooms and tenant spaces exceeding 1,000 square feet (93 m²) in area.
6. Dwelling units in apartment houses.
7. Hotel guest rooms or suites.

A manual override for emergency voice communication shall be provided for all paging zones.

403.5.3 Fire department communication system. A two-way, approved fire department communication system shall be provided for fire department use. It shall operate between the central control station and elevators, elevator lobbies, emergency and standby power rooms and at entries into enclosed stairways.

403.6 Central Control Station.

403.6.1 General. A central control station room for fire department operations shall be provided. The location, size and arrangement of the central control station shall be approved by the authority having jurisdiction. The central control station room shall be separated from the remainder of the building by not less than a one-hour fire-resistive occupancy separation. It shall contain the following as a minimum:

1. The voice alarm and public address system panels.
2. The fire department communications annunciator panel.
3. Fire-detection and alarm systems annunciator panels.
4. Annunciator visually indicating the location of the elevators and whether they are operational.
5. Status indicators and controls for air-handling systems.
6. Controls for unlocking all stairway doors simultaneously.
7. Sprinkler valve and water-flow detector display panels.
8. Emergency and standby power status indicators.
9. A telephone for fire department use with controlled access to the public telephone system.
10. Fire pump status indicators.

11. Schematic building plans indicating the typical floor plan and detailing the building core, exit facilities, fire-protection systems, fire fighting equipment and fire department access.

12. Work table.

403.6.2 Annunciation identification. Control panels in the central control station shall be permanently identified as to function.

Alarm, supervisory and trouble signals as required by Items 3 and 7 above shall be annunciated in compliance with the Fire Code in the central control station by means of an audible and visual indicator. For purposes of annunciation, zoning shall be in accordance with the following:

1. When the system serves more than one building, each building shall be considered separately.

2. Each floor shall be considered a separate zone. When one or more sprinkler risers serve the same floor, each riser shall be considered a separate zone.

EXCEPTION: When more than one riser serves the same system on the floor.

403.7 Elevators. Elevators and elevator lobbies shall comply with the provisions of Chapter 30 and the following:

NOTE: A bank of elevators is a group of elevators or a single elevator controlled by a common operating system; that is, all those elevators which respond to a single call button constitute a bank of elevators. There is no limit on the number of cars which may be in a bank or group, but there may not be more than four cars within a common hoistway.

1. Elevators on all floors shall open into elevator lobbies which are separated from the remainder of the building, including corridors and other exits, by walls extending from the floor to the underside of the fire-resistive floor or roof above. Such walls shall not be of less than one-hour fire-resistive construction. Openings through such walls shall conform to Section 1005.8.

EXCEPTIONS: 1. The main entrance-level elevator lobby in office buildings.

2. Elevator lobbies located within an atrium complying with the provisions of Section 402.

3. In fully sprinklered office buildings, corridors may lead through enclosed elevator lobbies if all areas of the building have access to at least one required exit without passing through the elevator lobby.

2. Each elevator lobby shall be provided with an approved listed smoke detector located on the lobby ceiling. When the detector is activated, elevator doors shall not open and all cars serving that lobby are to return to the main floor and be under manual control only. If the main floor detector or a transfer floor detector is activated, all cars serving the main floor or transfer floor shall return to a location approved by the fire department and building official and be under manual control only. The detector may serve to close the lobby doors, additional doors at the hoistway opening allowed in Section 3007 and smoke dampers serving the lobby.

3. Elevator hoistways shall not be vented through an elevator machine room. Cable slots entering the machine room shall be sleeved into the machine room. Such sleeves shall be no larger than necessary for free passage of the

cables. Each elevator machine room shall be treated as a separate smoke-control zone.

403.8 Standby Power, Light and Emergency Systems.

403.8.1 Standby power. A standby power-generator set conforming to the Electrical Code shall be provided on the premises. The set shall supply all functions required by this section at full power. Set supervisions with manual start and transfer override features shall be provided at the central control station.

An on-premises fuel supply sufficient for not less than two hours' full-demand operation of the system shall be provided.

The standby system shall have a capacity and rating that would supply all equipment required to be operational at the same time. The generating capacity need not be sized to operate all the connected electrical equipment simultaneously.

All power, lighting, signal and communication facilities specified in Sections 403.3, 403.4, 403.5, 403.6, 403.7 and 403.8, as applicable; fire pumps required to maintain pressure, standby lighting and normal circuits supplying exit signs and exit illumination shall be transferable to the standby source.

403.8.2 Standby lighting. Standby lighting shall be provided as follows:

1. Separate lighting circuits and fixtures sufficient to provide light with an intensity of not less than one footcandle measured at floor level in all exit corridors, stairways, pressurized enclosures, elevator cars and lobbies and other areas which are clearly a part of the escape route.

2. All circuits supply lighting for the central control station and mechanical equipment room.

403.8.3 Emergency systems. The following are classified as emergency systems and shall operate within 10 seconds of failure of the normal power supply:

1. Exit sign and exit illumination as required by Sections 1012 and 1013.

2. Elevator car lighting.

403.9 Exits. Exits shall comply with other requirements of this code and the following:

1. All stairway doors which are locked from the stairway side shall have the capability of being unlocked simultaneously without unlatching upon a signal from the central control station.

2. A telephone or other two-way communications system connected to an approved emergency service which operates continuously shall be provided at not less than every fifth floor in each required stairway where other provisions of this code permit the doors to be locked.

403.10 Seismic Considerations. In Seismic Zones 2, 3 and 4, the anchorage of mechanical and electrical equipment required for life-safety systems, including fire pumps and elevator drive and suspension systems, shall be designed in accordance with the requirements of Section 1624.

NEW SECTION**WAC 51-30-0405 Section 405—Stages and platforms.****405.1 Scope.**

405.1.1 Standards of quality. Stages, platforms and accessory spaces in assembly occupancies shall conform with the requirements of Section 405.

The standards listed below labeled a "U.B.C. Standard" are also listed in Chapter 35, Part II, and are part of this code.

1. U.B.C. Standard 401, Proscenium Curtains
2. U.B.C. Standard 9-1, Installation of Sprinkler Systems
3. U.B.C. Standard 8-1, Test Method for Surface-burning Characteristics of Building Materials
4. U.B.C. Standard 7-1, Fire Tests of Building Construction and Materials

405.1.2 Definitions. For the purpose of this chapter, certain terms are defined as follows:

BATTEN is a flown metal pipe or shape on which hangs lights or scenery are fastened.

DROP is a large piece of scenic canvas or cloth which hangs vertically, usually across the stage area.

FLY is the space over the stage of a theater where scenery and equipment can be hung out of view. Also called lofts and rigging lofts.

FLY GALLERY is a catwalk above a stage from which the movement of scenery and operation of other stage effects are controlled.

GRIDIRON is the structural framing over a stage supporting equipment for hanging or flying scenery and other stage effects. A gridiron grating shall not be considered a floor.

LEG DROP is a long narrow strip of fabric used for masking. When used on either or both sides of the acting area, it is provided to designate an entry onto the stage by the actors. It is also used to mask the side stage area. They may also be called "wings".

PINRAIL is a rail on or above a stage which has belaying pins to which lines are fastened.

PLATFORM is that raised area within a building used for the presentation of music, plays or other entertainment; the head table for special guests; the raised area for lectures and speakers; boxing and wrestling rings; theater in the round; and similar purposes wherein there are not overhead hanging curtains, drops, scenery or stage effects other than lighting.

PLATFORM, PERMANENT is a platform used within an area for more than 30 days.

PLATFORM, TEMPORARY is a platform used within an area for not more than 30 days.

PROSCENIUM WALL is the wall that separates the stage from auditorium or house.

STAGE is a space within a building used for entertainment or presentations, with a stage height of 50 feet (15 240 mm) or less. Curtains, drops, scenery, lighting devices and other stage effects are hug and not retractable except for a single lighting bank; single main curtain, border and legs; and single backdrop.

STAGE AREAS are the entire performance area and adjacent backstage and support areas not separated from the performance area by fire-resistive construction.

STAGE HEIGHT is the dimension between the lowest point on the stage floor and the highest point of the underside of the roof or floor deck above the stage.

STAGE, LEGITIMATE, is a stage wherein curtains, drops, leg drops, scenery, lighting devices or other stage effects are retractable horizontally or suspended overhead and the stage height is greater than 50 feet (15 240 mm).

THEATER-IN-THE-ROUND is an acting area in the middle of a room with the audience sitting all around it.

405.1.3 Materials and design. Materials used in the construction of platforms and stages shall conform to the applicable materials and design requirements as set forth in this code. All assumed design live loads shall be indicated on the construction documents submitted for approval.

405.2 Platforms. Temporary platforms may be constructed of any materials. The space between the floor and the platform above shall not be used for any purpose other than electrical wiring or plumbing to platform equipment.

Platforms shall be constructed of materials as required for the type of construction of the building in which the platform is located. When the space beneath a raised platform is used for storage or any purpose other than equipment wiring or plumbing, the floor construction shall not be less than one-hour fire-resistive construction. When the space beneath the platform is not used for any purpose other than equipment wiring or plumbing, the underside of the platform shall be firestopped and may be constructed of any type of materials permitted by this code. The floor finish may be of wood in all types of construction.

405.3 Stages.

405.3.1 Construction. The minimum type of construction for stages shall be as required for the building except that the finish floor, in all types of construction, may be of wood.

Stages having a stage height of 50 feet (15 240 mm) or more shall be separated from the balance of the building by not less than a two-hour occupancy separation.

EXCEPTION: The opening in the proscenium wall used for viewing performances may be protected by a proscenium firesafety curtain conforming to U.B.C. Standard 4-1.

Where permitted by the building construction type or where the stage is separated from all other areas as required in the paragraph above, the stage floor may be of unprotected noncombustible or heavy-timber framing members with a minimum 1½-inch-thick (38 mm) wood deck.

Where a stage floor is required to be on one-hour fire-resistive-rated construction, the stage floor may be unprotected when the space below the stage is sprinklered throughout.

Where the stage height is 50 feet (15 240 mm) or less, the stage area shall be separated from accessory spaces by a one-hour fire-resistive occupancy separation.

EXCEPTION: Control rooms and follow spot rooms may be open to the audience.

405.3.2 Accessory rooms. Dressing rooms, workshops, storerooms and other accessory spaces contiguous to stages shall be separated from each other and other building areas by a one-hour fire-resistive occupancy separation.

EXCEPTION: A separation is not required for stages having a floor area not exceeding 500 square feet.

405.3.3 Ventilation. Emergency ventilation shall be provided for all stage areas greater than 1,000 square feet (93 m²) or with a stage height of greater than 50 feet to provide a means of removing smoke and combustion gases directly to the outside in the event of a fire. Ventilation shall be by one or a combination of the following methods:

405.3.3.1 Smoke control. A means shall be provided to maintain the smoke level not less than 6 feet (1829 mm) above the highest level of assembly seating or above the top of the proscenium opening where proscenium wall and opening protection is provided. The system shall be activated independently by each of the following: (1) activation of the sprinkler system in the stage area and (2) by a manually operated switch at an approved location. The emergency ventilation system shall be connected to both normal and standby power. The fan(s) power wiring and ducts shall be located and properly protected to assure a minimum 20 minutes of operation in the event of activation.

405.3.3.2 Roof vents. Two or more vents shall be located near the center of and above the highest part of the stage area. They shall be raised above the roof and provide a net free vent area equal to 5 percent of the stage area. Vents shall be constructed to open automatically by approved heat-activated devices. Supplemental means shall be provided for manual operation of the ventilator from the stage floor. Vents shall be labeled by an approved agency.

405.3.4 Proscenium walls. The proscenium opening shall be protected by an approved fire curtain or an approved water curtain complying with U.B.C. Standard 4-1. The fire curtain shall be designed to close automatically upon automatic detection of a fire and upon manual activation and shall resist the passage of flame and smoke for 20 minutes between the stage area and the audience area.

405.3.5 Gridirons, fly galleries and pinrails. Beams designed only for the attachment of portable or fixed theater equipment, gridirons, galleries and catwalks shall be constructed of materials consistent with the building type of construction. A fire-resistance rating is not required.

EXCEPTION: Combustible materials shall be permitted for use as the floors of galleries and catwalks of all types of construction.

405.3.6 Flame-retardant requirements. Combustible scenery of cloth, film, dry vegetation and similar materials

shall meet the requirements of the Fire Code. Foam plastics shall have a maximum heat release rate of 100 kilowatts.

NEW SECTION

WAC 51-30-0417 Section 417—Barriers for swimming pools, spas and hot tubs.

OPTION 1: *Maintain 1994 UBC language, maintain section as Appendix Chapter 4*

Where applicable (see Section 101.3) for barriers for swimming pools, see Appendix Chapter 4, Division I.

OPTION 2: *See proposed amendment below*

417.1 General. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

417.2 Definitions. For the purpose of this section, certain terms, words and phrases are defined as follows:

ABOVEGROUND/ON-GROUND POOL. See definition of "swimming pool".

BARRIER is a fence, wall, building wall, or combination thereof, which completely surrounds the swimming pool and obstructs access to the pool.

GRADE is the underlying surface such as the earth or a walking surface.

HOT TUB. See definition of "swimming pool".

IN-GROUND POOL. See definition of "swimming pool".

SEPARATION FENCE is a barrier which separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

SPA. See definition of "swimming pool".

SWIMMING POOL is any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools; hot tubs; portable and nonportable spas; and fixed-in-place wading pools.

SWIMMING POOLS, INDOOR, is a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR, is any swimming pool which is not an indoor pool.

417.3 Requirements.

417.3.1 Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid

surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. Where barriers have horizontal members spaced less than 45 inches (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1¾-inch-diameter (44 mm) sphere.

- EXCEPTIONS:
1. When vertical spacing between such openings is 45 inches (1143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
 2. For fencing composed of vertical and horizontal members, the spacing between vertical may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 45 inches (1143 mm) or more.

3. Chain link fences used as the barrier shall not be less than 11 gage.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch (13 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool, which provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3, and 4 of Section 417.1 shall be provided.

EXCEPTION: When approved by the building official, one of the following may be used:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.
3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any devices described above.

6. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or

steps shall be surrounded by a barrier which meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

417.3.2 Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Section 417.3.1, Item 5.

NEW SECTION

WAC 51-30-0500 Chapter 5—General building limitations.

NEW SECTION

WAC 51-30-0502 Section 502—Premises identification.

OPTION 1: Maintain the 1994 UBC language

Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

OPTION 2: Accept proposed amendment as shown below

502.1 Addresses. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

501.2 Visual Identification Devices. Visual identification devices complying with U.F.C. Standard 10-2 shall be installed on all Group R Occupancies adjacent to the address number in such a position as to be plainly visible from the street or road fronting the property.

NEW SECTION

WAC 51-30-0510 Section 510—Heating.

510.1 Definitions. For the purposes of this section only, the following definitions apply:

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in Chapter 36.70A RCW and those areas designated by the US Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12 month period. For the purpose of this chapter, the appraised value is the value as defined in Section 223 of the Uniform Building Code.

510.2 Primary Heating Source. Primary heating sources in all new and substantially remodeled buildings in designated areas, shall not be dependent upon wood stoves.

510.3 Solid Fuel Burning Devices. No used solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

NEW SECTION

WAC 51-30-0600 Chapter 6—Types of construction.

NEW SECTION

WAC 51-30-0601 Section 601—Classification of all building types of construction and general requirements.

601.1 General. The requirements of this chapter are for the various types of construction and represent varying degrees of public safety and resistance to fire. Every building shall be classified by the building official into one of the types of construction set forth in Table 6-A. Any building which does not entirely conform to a type of construction set forth in Table 6-A shall be classified by the building official into a type having an equal or lesser degree of fire resistance.

A building or portion thereof shall not be required to conform to the details of a type of construction higher than they type which meets the minimum requirements based on occupancy even though certain features of such building actually conform to a higher type of construction.

When specific materials, types of construction or fire-resistive protection are required, such requirements shall be the minimum requirements, and any materials, types of construction or fire-resistive protection which will afford equal or greater public safety or resistance to fire, as specified in this code, may be used.

For additional limitations or allowances for special uses or occupancies, see the following:

SECTION	SUBJECT
402	Atria
403	High-rise office buildings and Group R, Division 1 Occupancies
404	Malls
405	Open parking structures
307.11	Group H, Division 6 Occupancies
411	Aviation control structures
413	Agricultural buildings
3111	Membrane structures

601.2 Mixed Types of Construction. When a building contains more than one distinct type of construction, the area of the entire building shall not exceed the least area permitted for the types of construction involved.

EXCEPTION: Each portion of a building separated by one or more area separation walls as specified in Section 504.6 may be considered a separate building for the purpose of classification of types of construction. The fire-resistive time period for such type of construction separation shall not be less than the most restrictive requirement in Section 504.6.2 based on the types of construction involved.

601.3 Standards of Quality. The standards listed below labeled a "U.B.C. Standard" are also listed in Chapter 35, Part II, and are part of this code. The other standards listed below are recognized standards. (See Sections 3502 and 3503.)

1. Building paper.

- 1.1 U.B.C. Standard 14-1, Kraft Waterproof Building Paper
- 1.2 Asphalt-saturated Rag Felt, Underwriters Laboratories Inc. Standard Specification 55A, Materials for Construction of Built-up Roof Coverings

2. Potential heat of building materials.

U.B.C. Standard 26-1, Test Method to Determine Potential Heat of Building Materials

3. Foam plastic tests.

3.1 U.B.C. Standard 26-2, Test Method for the Evaluation of Thermal Barriers, Standard of the International Conference of Building Officials

3.2 Factory Mutual Standard Fire Test Standard for Insulated Roof Deck Construction

3.3 Underwriters Laboratories Inc. 1256, Fire Test Standard for Insulated Roof Deck Construction

3.4 U.B.C. Standard 26-3, Room Fire Test Standard for Interior Foam Plastic Systems, Standard of the International Conference of Building Officials

3.5 U.B.C. Standard 26-4, Method of Test for the Evaluation of Flammability Characteristics of Exterior, Nonload-bearing Wall Panel Assemblies Using Foam Plastic Insulation, Test Standard of the International Conference of Building Officials

4. Roof coverings.

4.1 Underwriters Laboratories Inc. Standard Specification 55A, Materials for Use in Construction of Built-up Roof Coverings

4.2 U.B.C. Standard 15-2, Test Standard for Determining the Fire Retardancy of Roof Covering Material

5. Surface-burning characteristics and fire resistance of building materials and assemblies.

5.1 U.B.C. Standard 8-1, Test Method for Surface-burning Characteristics of Building Materials

5.2 U.B.C. Standard 7-1, Fire Test of Building Construction and Materials

6. Self-ignition properties of plastics.

ASTM D 1929, Ignition Properties of Plastics

7. Fire dampers.

UL 555, Fire Dampers

601.4 Structural Frame. The structural frame shall be considered to be the columns and the girders, beams, trusses and spandrels having direct connections to the columns and all other members which are essential to the stability of the building as a whole. The members of floor or roof panels which have no connection to the columns shall be considered secondary members and not a part of the structural frame.

601.5 Exceptions to Table 6-A.

601.5.1 General. The provisions of this section are exceptions to the construction requirements of Table 6-A, Chapter 3 and Sections 602 through 606.

601.5.2 Fixed partitions.

PROPOSED

601.5.2.1 Stores and offices. Interior nonload-bearing partitions dividing portions of stores, offices or similar places occupied by one tenant only and which do not establish a corridor serving an occupant load that would require it to be of fire-resistive construction under the provisions of Section 1005.7 may be constructed of:

1. Noncombustible materials.
2. Fire-retardant-treated wood.
3. One-hour fire-resistive construction.
4. Wood panels or similar light construction up to three fourths the height of the room in which placed; when more than three fourths the height of the room, such partitions shall not have less than the upper one fourth of the partition constructed of glass.

601.5.2.2 Hotels and apartments. Interior nonload-bearing partitions within individual dwelling units in apartment houses and guest rooms or suites in hotels when such dwelling units, guest rooms or suites are separated from each other and from corridors by not less than one-hour fire-resistive construction may be constructed of:

1. Noncombustible materials or fire-retardant-treated wood in buildings of any type of construction; or
2. Combustible framing with noncombustible materials applied to the framing in buildings of Type III or V construction.

Openings to such corridors shall be equipped with doors conforming to Section 1005.8 regardless of the occupant load served.

For use of plastics in partitions, see Section 2603.10.

601.5.3 Folding, portable or movable partitions. Approved folding, portable or movable partitions need not have a fire-resistive rating, provided:

1. They do not block required exits (without providing alternative conforming exits) and they do not establish an exit corridor.
2. Their location is restricted by means of permanent tracks, guides or other approved methods.
3. Flammability shall be limited to materials having a flame-spread classification as set forth in Table 8-B for rooms or areas.

601.5.4 Walls fronting on streets or yards. Regardless of fire-resistive requirements for exterior walls, certain elements of the walls fronting on streets or yards having a width of 40 feet (12 192 mm) may be constructed as follows:

1. Bulkheads below show-windows, show-window frames, aprons and showcases may be of combustible materials, provided the height of such construction does not exceed 15 feet (4572 mm) above grade.
2. Wood veneer of boards not less than 1-inch (25 mm) nominal thickness or exterior-type panels not less than 3/8-inch (9.5 mm) nominal thickness may be applied to walls, provided the veneer does not exceed 15 feet (4572 mm) above grade, and further provided such veneer shall be placed either directly against noncombustible surfaces or

furred out from such surfaces not to exceed 1 5/8 inches (41 mm) with all concealed spaces fire-blocked as provided in Section 708. Where boards, panels and furring as described above comply with Section 207 as fire-retardant-treated wood suitable for exterior exposure, the height above grade may be increased to 35 feet (10 668 mm).

601.5.5 Trim. Trim, picture molds, chair rails, baseboards, handrails and show-window backing may be of wood. Unprotected wood doors and windows may be used except where openings are required to be fire protected.

Foam plastic trim covering not more than 10 percent of the wall or ceiling area may be used, provided such trim (1) has a density of no less than 20 pounds per cubic foot (320.4 kg/m³), (2) has a maximum thickness of 1/2 inch (12.7 mm) and a maximum width of 4 inches (102 mm) and (3) has a flame-spread rating no greater than 75.

Materials used for interior finish of walls and ceilings, including wainscoting, shall be as specified in Chapter 8.

601.5.6 Loading platforms. Exterior loading platforms may be of noncombustible construction or heavy-timber construction with wood floors not less than 2-inch (51 mm) nominal thickness. Such wood construction shall not be carried through the exterior walls.

601.5.7 Insulating boards. Combustible insulating boards may be used under finished flooring.

601.5.8 Walls within health-care suites. In suites that comply with Section 1019.7, interior non-load-bearing partitions of non-combustible construction need not be of fire-resistive construction. In buildings of combustible construction, interior non-load-bearing partitions within suites may be of combustible framing covered with non-combustible materials having an approved thermal barrier with an index of 15 in accordance with U.B.C. Standard 26-2. One-half-inch gypsum wallboard is acceptable as a thermal barrier.

NEW SECTION

WAC 51-30-0800 Chapter 8—Interior finishes.

NEW SECTION

WAC 51-30-0804 Section 804—Maximum allowable flame spread.

804.1 General. The maximum flame-spread class of finish materials used on interior walls and ceilings shall not exceed that set forth in Table 8-B.

- EXCEPTION:
1. Except in Group I Occupancies and in enclosed vertical exitways, Class III may be used in other exitways and rooms as wainscoting extending not more than 48 inches (1219 mm) above the floor and for tack and bulletin boards covering not more than 5 percent of the gross wall area of the room.
 2. In other than Group I, Division 1.1, 1.2 or 2 suites complying with Section 1019.7, when a sprinkler system complying with U.B.C. Standard 9-1 or 9-3 is provided, the flame-spread classification rating may be reduced one classification, but in no case shall materials having a classification greater than Class III be used.
 3. The exposed faces of Type IV-H.T., structural members and Type IV-H.T., decking and planking, where otherwise permissi-

ble under this code, are excluded from flame-spread requirements.

804.2 Carpeting on ceilings. When used as interior ceiling finish, carpeting and similar materials having a napped, tufted, looped or similar surface shall have a Class I flame spread.

NEW SECTION

WAC 51-30-0900 Chapter 9—Fire-protection systems.

NEW SECTION

WAC 51-30-0902 Section 902—Standards of quality.

Fire-extinguishing systems, including automatic sprinkler systems, Class I, Class II and Class III standpipe systems, special automatic extinguishing systems, basement pipe inlets, smoke-control systems, and smoke and heat vents shall be approved and shall be subject to such periodic tests as may be required.

The standards listed below labeled a "U.B.C. Standard" are also listed in Chapter 35, Part II, and are part of this code. The other standards listed below are recognized standards (see Sections 3502 and 3503).

1. Fire-extinguishing system.

1.1 U.B.C. Standard 9-1, Installation of Sprinkler Systems

1.2 U.B.C. Standard 9-3, Installation of Sprinkler Systems in Group R Occupancies Four Stories or Less

1.3 N.F.P.A. Standard 13d, as published by the National Fire Protection Association, 1994 edition

2. Standpipe systems.

U.B.C. Standard 9-2, Standpipe Systems

3. Smoke control.

3.1 U.B.C. Standard 7-2, Fire Test of Door Assemblies

3.2 UL 555, Fire Dampers

3.3 UL 555, Ceiling Dampers

3.4 UL 555S, Leakage Rated Dampers for Use in Smoke Control Systems

3.5 UL 33, Heat Response Links for Fire Protection Service

3.6 UL 353, Limit Controls

4. Smoke and heat vents.

U.B.C. Standard 15-7, Automatic Smoke and Heat Vents

NEW SECTION

WAC 51-30-0904 Section 904—Fire-extinguishing systems.

904.1 Installation Requirements.

904.1.1 General. Fire-extinguishing systems required in this code shall be installed in accordance with the requirements of this section.

Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the fire department.

The location of fire department hose connections shall be approved by the fire department.

In buildings used for high-piled combustible storage, fire protection shall be in accordance with the Fire Code.

904.1.2 Standards. Fire-extinguishing systems shall comply with U.B.C. Standards 9-1 and 9-2.

EXCEPTIONS:

1. Automatic fire-extinguishing systems not covered by U.B.C. Standards 9-1 and 9-2 shall be approved and installed in accordance with approved standards.
2. Automatic sprinklers systems may be connected to the domestic water-supply main when approved by the building official, provided the domestic water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. In such case, the sprinkler system connection shall be made between the public water main or meter and the building shutoff valve, and there shall not be intervening valves or connections. The fire department notification may be omitted when approved by the fire department.
3. Automatic sprinkler systems in Group R Occupancies four stories or less may be in accordance with U.B.C. Standard 9-3.

904.1.3 Modifications. When residential sprinkler systems as set forth in U.B.C. Standard 9-3 are provided, exceptions to, or reductions in, code requirements based on the installation of an automatic fire-extinguishing system are not allowed.

OPTION 1: Do not amend 1994 U.B.C.

OPTION 2: Maintain the WAC 51-20-3801 as a portion of the new WAC 51-30-0904

904.1.4 When sprinklers are installed in an insulated ceiling cavity not meeting exceptions of UBC Standard 9-1 or where blocked by ducts or other similar obstructions, a space 6 inches (152 mm) or greater in depth with a minimum of 12 inches (304 mm) of clearance from ducts or other similar obstructions shall be provided under all sprinklers.

904.2 Automatic Fire-extinguishing Systems.

904.2.1 Where required. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section.

For provisions on special hazards and hazardous materials, see the Fire Code.

OPTION 1: Maintain 1994 U.B.C. language

904.2.2 All occupancies except Group R, Division 3 and Group U Occupancies. Except for Group R, Division 3 and Group U Occupancies, an automatic sprinkler system shall be installed:

1. In every story or basement of all buildings when the floor area exceeds 1,500 square feet (139.4 m²) and there is not provided at least 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15 240 mm) or fraction thereof of exterior wall in the story or basement on at least one side of the building.

Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

If any portion of a basement is located more than 75 feet (22 860 mm) from openings required in this section, the basement shall be provided with an approved automatic sprinkler system.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

3. In rooms where nitrate film is stored or handled.

4. In protected combustible fiber storage vaults as defined in the Fire Code.

5. Throughout all buildings with a floor level with an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

- EXCEPTIONS:
1. Airport control towers.
 2. Open parking structures.
 3. Group F, Division 2 Occupancies.

OPTION 2: See proposed amendment as shown below

904.2.2 All occupancies except Group R, Division 3 and Group U Occupancies. Except for Group R, Division 3 and Group U Occupancies, an automatic sprinkler system shall be installed:

1. In every story or basement of all buildings when the floor area exceeds 1,500 square feet (139.4 m²) and there is not provided at least 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15 240 mm) or fraction thereof of exterior wall in the story or basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

If any portion of a basement is located more than 75 feet (22 860 mm) from openings required in this section, the basement shall be provided with an approved automatic sprinkler system.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

3. In rooms where nitrate film is stored or handled.

4. In protected combustible fiber storage vaults as defined in the Fire Code.

OPTION 3: See proposed amendment below

904.2.2 All occupancies except Group R, Division 3 and Group U Occupancies. Except for Group R, Division 3 and Group U Occupancies, an automatic sprinkler system shall be installed:

1. In every story or basement of all buildings when the floor area exceeds 1,500 square feet (139.4 m²) and there is not provided at least 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15 240 mm) or fraction thereof of exterior wall in the story or basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

If any portion of a basement is located more than 75 feet (22 860 mm) from openings required in this section, the basement shall be provided with an approved automatic sprinkler system.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

3. In rooms where nitrate film is stored or handled.

4. In protected combustible fiber storage vaults as defined in the Fire Code.

5. Throughout all buildings with a floor used for human occupancy that is located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

- EXCEPTIONS:
1. Airport control towers.
 2. Open parking structures.
 3. Group F, Division 2 Occupancies.

904.2.3 Group A Occupancies.

904.2.3.1 Drinking establishments. An automatic sprinkler system shall be installed in rooms used by the occupants for the consumption of alcoholic beverages and unseparated accessory uses where the total area of such unseparated rooms and assembly uses exceeds 5,000 square feet (465 m²). For uses to be considered as separated, the separation shall not be less than as required for one-hour occupancy

separation. The area of other uses shall be included unless separated by at least a one-hour occupancy separation.

904.2.3.2 Basements. An automatic sprinkler system shall be installed in basements classified as a Group A Occupancy when the basement is larger than 1,500 square feet (139 m²) in floor area.

904.2.3.3 Exhibition and display rooms. An automatic sprinkler system shall be installed in Group A Occupancies which have more than 12,000 square feet (1114 m²) of floor area which can be used for exhibition or display purposes.

904.2.3.4 Stairs. An automatic sprinkler system shall be installed in enclosed usable space below or over a stairway in Group A, Divisions 2, 2.1, 3 and 4 Occupancies. See Section 1009.6.

904.2.3.5 Multitheater complexes. An automatic sprinkler system shall be installed in every building containing a multitheater complex.

904.2.3.6 Amusement buildings. An automatic sprinkler system shall be installed in all amusement buildings. The main water-flow switch shall be electrically supervised. The sprinkler main cutoff valve shall be supervised. When the amusement building is temporary, the sprinkler water-supply system may be of an approved temporary type.

EXCEPTION: An automatic sprinkler system need not be provided when the floor area of a temporary amusement building is less than 1,000 square feet (92.9 m²) and the exit travel distance from any point is less than 50 feet (15 240 mm).

904.2.3.7 Stages. All stages shall be sprinklered. Such sprinklers shall be provided throughout the stage and in dressing rooms, workshops, storerooms and other accessory spaces contiguous to such stages.

EXCEPTIONS:

1. Sprinklers are not required for stages 1,000 square feet (92.9 m²) or less in area and 50 feet (15 240 mm) or less in height where curtains, scenery or other combustible hangings are not retractable vertically. Combustible hangings shall be limited to a single main curtain, borders, legs and a single backdrop.
2. Under stage areas less than 4 feet (1219 mm) in clear height used exclusively for chair or table storage and lined on the inside with 5/8-inch (16 mm) Type X gypsum wallboard or an approved equal.

904.2.4 Group E Occupancies.

904.2.4.1 General. An automatic fire-extinguishing system shall be installed in all newly constructed buildings classified as Group E, Division 1 Occupancy. A minimum water supply meeting the requirements of U.B.C. Standard 9-1 shall be required. The chief of the fire department may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, area separation walls shall define separate buildings.

EXCEPTION: Portable school classrooms, provided:

1. Aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet (465 m²); and

2. Clusters of portable school classrooms shall be separated as required in Chapter 5.

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with U.B.C. Standard 9-1 may be used for increases allowed in Chapter 5.

904.2.4.2 Basements. An automatic sprinkler system shall be installed in basement classified as Group E, Division 1 Occupancies.

904.2.4.3 Stairs. An automatic fire sprinkler system shall be installed in enclosed usable space below or over a stairway in Group E, Division 1 Occupancies. See Section 1009.6.

904.2.5 Group H Occupancies.

904.2.5.1 General. An automatic fire-extinguishing system shall be installed in Group H, Divisions 1, 2, 3 and 7 Occupancies.

904.2.5.2 Group H, Division 4 Occupancies. An automatic fire-extinguishing system shall be installed in Group H, Division 4 Occupancies having a floor area of more than 3,000 square feet (279 m²).

904.2.5.3 Group H, Division 6 Occupancies. An automatic fire-extinguishing system shall be installed throughout buildings containing Group H, Division 6 Occupancies. The design of the sprinkler system shall not be less than that required under U.B.C. Standard 9-1 for the occupancy hazard classification as follows:

LOCATION	OCCUPANCY HAZARD CLASSIFICATION
Fabrication areas	Ordinary Hazard Group 3
Service corridors	Ordinary Hazard Group 3
Storage rooms without dispensing	Ordinary Hazard Group 3
Storage rooms with dispensing	Extra Hazard Group 2
Exit corridors	Ordinary Hazard Group 3 ¹

¹ When the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers that needs to be calculated is 13.

904.2.6 Group I Occupancies. An automatic sprinkler system shall be installed in Group I Occupancies. Listed quick response sprinklers shall be installed in accordance with their listing in light hazard areas.

EXCEPTION: In jails, prisons and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously monitored location. Opening of the valve will cause the piping system to be charged. Sprinkler heads in such systems shall be equipped with fusible elements or the system shall be designed as required for deluge systems in U.B.C. Standard 9-1.

904.2.7 Group M Occupancies. An automatic sprinkler shall be installed in retail sales rooms classed as Group M Occupancies where the floor area exceeds 12,000 square feet (1114 m²) on any floor or 24,000 square feet (2228 m²) on all floors or in Group M retail sales occupancies more than three stories in height. The area of mezzanines shall be included in determining the area where sprinklers are required.

OPTION 1: Maintain 1994 U.B.C. language

OPTION 2: Adopt amendment as shown below

904.2.8 Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing 5 or more dwelling units, every congregate residence three or more stories in height or having an occupant load of more than 10, and every hotel three or more stories in height or containing 10 or more guest rooms. Listed residential or quick-response sprinklers shall be used in the dwelling units and guest room portions of the building. Area separation walls as noted in Section 504.6 shall not be considered to separate a building to enable deletion of the required fire sprinkler system.

904.3 Sprinkler System Monitoring and Alarms.

904.3.1 Where required. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

1. Twenty or more in Group I, Divisions 1.1 and 1.2 Occupancies.
2. One hundred or more in all other occupancies.

Valve monitoring and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station as defined by national standards, or, when approved by the building official with the concurrence of the chief of the fire department, sound an audible signal at a constantly attended location.

EXCEPTION: Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be monitored.

904.3.2 Alarms. An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Actuation of the alarm shall be as set forth in U.B.C. Standard 9-1.

904.4 Permissible Sprinkler Omissions. Subject to the approval of the building official and with the concurrence of the chief of the fire department, sprinklers may be omitted in rooms or areas as follows:

1. When sprinklers are considered undesirable because of the nature of the contents or in rooms or areas which are of noncombustible construction with wholly noncombustible contents and which are not exposed by other areas. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistive construction or contains electrical equipment.
2. Sprinklers shall not be installed when the application of water or flame and water to the contents may constitute a serious life or fire hazard, as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quick-lime, magnesium powder and sodium peroxide.
3. Safe deposit or other vaults of fire-resistive construction, when used for the storage of records, files, and other documents, when stored in metal cabinets.

4. Communication equipment areas under the exclusive control of a public communication utility agency, provided:

4.1 The equipment areas are separated from the remainder of the building by one-hour fire-resistive occupancy separation; and

4.2 Such areas are used exclusively for such equipment; and

4.3 An approved automatic smoke-detection system is installed in such areas and is supervised by an approved central, proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location; and

4.4 Other approved fire-protection equipment such as portable fire extinguishers or Class II standpipes are installed in such areas.

5. Other approved automatic fire-extinguishing systems may be installed to protect special hazards or occupancies in lieu of automatic sprinklers.

904.5 Standpipes.

904.5.1 General. Standpipes shall comply with the requirements of this section and U.B.C. Standard 9-2.

904.5.2 Where required. Standpipe systems shall be provided as set forth in Table 9-A.

904.5.3 Location of Class I standpipes. There shall be a Class I standpipe outlet connection at every floor-level landing or every required stairway above or below grade and on each side of the wall adjacent to the exit opening of a horizontal exit. Outlets at stairways shall be located within the exit enclosure or, in the case of pressurized enclosures, within the vestibule or exterior balcony, giving access to the stairway.

Risers and laterals of Class I standpipe systems not located within an enclosed stairway or pressurized enclosure shall be protected by a degree of fire resistance equal to that required for vertical enclosures in the building in which they are located.

EXCEPTION: In buildings equipped with an approved automatic sprinkler system, risers and laterals which are not located within an enclosed stairway or pressurized enclosure need not be enclosed within fire-resistive construction.

There shall be at least one outlet above the roof line when the roof has a slope of less than 4 units vertical in 12 units horizontal (33.3% slope).

In buildings where more than one standpipe is provided, the standpipes shall be interconnected at the bottom.

904.5.4 Location of Class II standpipes. Class II standpipe outlets shall be accessible and shall be located so that all portions of the building are within 30 feet (9144 mm) of a nozzle attached to 100 feet (30 480 mm) of hose.

In Group A, Divisions 1 and 2.1 Occupancies, with occupant loads of more than 1,000, outlets shall be located on each side of any stage, on each side of the rear of the auditorium and on each side of the balcony.

Fire-resistive protection of risers and laterals of Class II standpipe systems is not required.

904.5.5 Location of Class III standpipes. Class III standpipe systems shall have outlets located as required for Class I standpipes in Section 904.5.3 and shall have Class II outlets as required in Section 904.5.4.

Risers and laterals of Class III standpipe systems shall be protected as required for Class I systems.

EXCEPTIONS:

1. In buildings equipped with an approved automatic sprinkler system, risers and laterals which are not located within an enclosed stairway or pressurized enclosure need not be enclosed within fire-resistive construction.
2. Laterals for Class II outlets on Class III systems need not be protected.

In buildings where more than one Class III standpipe is provided, the standpipes shall be interconnected at the bottom.

904.6 Buildings under Construction.

904.6.1 General. During the construction of a building and until the permanent fire-extinguishing system has been installed and is in service, fire protection shall be provided in accordance with this section.

904.6.2 Where required. Every building four stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 35 feet (10 668 mm) in height above the lowest level of fire department access. Such standpipe shall be provided with fire department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2 1/2-inch (63.5 mm) valve outlet for fire department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

904.6.3 Temporary standpipes. Temporary standpipes may be provided in place of permanent systems if they are designed to furnish a minimum of 500 gallons (1893 L) of water per minute at 50 pounds per square inch (345 kPa) pressure with a standpipe size of not less than 4 inches (102 mm). All outlets shall not be less than 2 1/2 inches (63.5 mm). Pumping equipment sufficient to provide this pressure and volume shall be available at all times when a Class III standpipe system is required.

904.6.4 Detailed requirements. Standpipe systems for buildings under construction shall be installed as required for permanent standpipe systems.

904.7 Basement Pipe Inlets. For basement pipe inlet requirements, see Appendix Section 907.

NEW SECTION

WAC 51-30-1000 Chapter 10—Means of egress.

NEW SECTION

WAC 51-30-1001 Section 1001—General.

1001.1 Scope and Standards of Quality. Every building or portion thereof shall be provided with exits as required by this chapter.

The standards listed below labeled a "U.B.C. standard" are also listed in Chapter 35, Part II, and are part of this code. The other standards listed below are recognized standards and as such are not adopted as part of this code (see Sections 3502 and 3503).

1. Power doors.

1.1 U.B.C. Standard 10-1, Power-operated Exit Doors

1.2 U.B.C. Standard 7-8, Horizontal Sliding Fire Doors Used in an Exit

2. Stairway numbering system.

U.B.C. Standard 10-2, Stairway Identification

3. Hardware.

U.B.C. Standard 10-4, Panic Hardware

1001.2 Definitions. For the purpose of this chapter, certain terms are defined as follows:

BALCONY, EXTERIOR EXIT, is a landing or porch projecting from the wall of a building, and which serves as a required exit. The long side shall be at least 50 percent open, and the open area above the guardrail shall be so distributed as to prevent the accumulation of smoke or toxic gases.

EXIT is a continuous and unobstructed means of egress to a public way and shall include intervening aisles, doors, doorways, gates, corridors, exterior exit balconies, ramps, stairways, pressurized enclosures, horizontal exits, exit passageways, exit courts and yards.

EXIT COURT is a yard or court providing access to a public way for one or more required exits.

EXIT PASSAGEWAY is an enclosed exit connecting a required exit or exit court with a public way.

EXTERIOR STAIRWAY is a stairway that is open on two adjacent sides, except for required structural columns and open-type handrails and guardrails. The adjoining open areas shall be either yards, courts or public ways; the other two sides may be enclosed by the exterior walls of the building.

HORIZONTAL EXIT is an exit from one building into another building on approximately the same level, or through or around a wall constructed as required for a two-hour occupancy separation and which completely divides a floor into two or more separate areas so as to establish an area of refuge affording safety from fire or smoke coming from the area from which escape is made.

INTERIOR STAIRWAY is any stairway not meeting the definition of an exterior stairway.

MULTITHEATER COMPLEX is a building or portion thereof containing two or more motion picture auditoriums which are served by a common lobby.

PANIC HARDWARE is a door-latching assembly incorporating an unlatching device, the activating portion of which extends across at least one half the width of the door leaf on which it is installed.

PRIVATE STAIRWAY is a stairway serving one tenant only.

PUBLIC WAY is any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet (3048 mm).

SMOKE-PROTECTED ASSEMBLY SEATING is an assembly area wherein the roof is not less than 15 feet (4500 mm) above the highest cross aisle or seat row, and having smoke-actuated venting facilities within that part of the roof sufficient to maintain the level of smoke at least 6 feet (1830 mm) above the highest seat or walking level.

SPIRAL STAIRWAY is a stairway having a closed circular form in its plan view with uniform section shaped treads attached to and radiating about a minimum diameter supporting column. The effective tread is delineated by the nosing radius line, the exterior arc (center line of railing) and the overlap radius line (nosing radius line of tread above). Effective tread dimensions are taken along a line perpendicular to the center line of the tread.

TRAVEL DISTANCE is the total length of the exit path an occupant must travel from any point within the occupied portions of a building to reach an exterior exit door, horizontal exit door, exit passageway door or an enclosed exit stairway door.

1001.3 Exit Obstruction. Obstructions shall not be placed in the required width of an exit except projections permitted by this chapter.

1001.4 Changes in Elevation. Elevation changes in an exit shall comply with Section 1006.3 or 1007.

Within a building, changes in elevation of less than 12 inches (305 mm) along an exit serving an occupant load of 10 or more shall be by ramps.

EXCEPTION: Group R, Division 3 Occupancies and along aisles adjoining seating areas.

1001.5 Guardrails. See Section 509 for guardrail requirements.

1001.6 Yards, Patios and Courts. Yards, patios, courts and similar outdoor areas accessible to and usable by the building occupants shall be provided with exits as required by this chapter. The occupant load of such outdoor areas shall be assigned by the building official in accordance with their anticipated use. When outdoor areas are to be used by persons in addition to the occupants of the building, and exits from the outdoor areas pass through the building, exit requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.

EXCEPTION:

1. Outdoor areas used exclusively for service of the building may have one exit.
2. Outdoor areas associated with Group R, Division 3 Occupancies.

1001.7 Building Accessibility. In addition to provisions of this chapter, exits which provide access to, or egress from, buildings for persons with disabilities shall also comply with Chapter 11.

1001.8 Elevators or Escalators. Elevators or escalators shall not be used as a required exit.

NEW SECTION

WAC 51-30-1004 Section 1004—Doors.

1004.1 General. This section shall apply to every exit door serving an area having an occupant load of 10 or more, or serving hazardous rooms or areas, except that Sections 1004.3, 1004.9, 1004.10 and 1004.11 shall apply to all exit doors, and Sections 1004.2 shall apply to all exit doors within an accessible route, regardless of occupant load. Buildings or structures used for human occupancy shall have at least one exterior exit door that meets the requirements of Section 1004.6. Doors and landings at doors which are located within an accessible route of travel shall also comply with Chapter 11.

1004.2 Swing and Opening Force. Exit doors that serve an area having an occupant load of 10 or more shall be of the pivoted or side-hinged swinging type. Exit doors shall swing in the direction of exit travel when serving any hazardous area or when the area served has an occupant load of 50 or more. The door shall swing to full-open position when an opening force not to exceed 30 pounds (133.45 N) is applied to the latch side. Within an accessible route, such force shall not exceed 8.5 pounds (37.8 N) at exterior doors; and shall not exceed 5 pounds (22.24 N) at sliding and folding doors and interior swinging doors. At exterior doors where environmental conditions require greater closing pressure, power-operated doors shall be used within the accessible route. For other door-opening forces, see Chapter 11 and Section 905.3. See Section 3207 for doors swinging over public property.

EXCEPTIONS:

1. Group I, Division 3 Occupancy used as a place of detention.
2. In other than accessible dwelling units, doors within or serving an individual dwelling unit.
3. Special door conforming with Section 1004.8.
4. The opening force at required fire doors within an accessible route may be not greater than 30 pounds (133.45 N).

Double-acting doors shall not be used as exits when any of the following conditions exist:

1. The occupant load served by the door is 100 or more.
2. The door is part of a fire assembly.
3. The door is part of a smoke-draft-control assembly.
4. Panic hardware is required or provided on the door.

A double-acting door shall be provided with a view panel of not less than 200 square inches (0.129 m²).

1004.3 Type of Lock or Latch. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

EXCEPTIONS:

1. In Groups B, F, M and S Occupancies, key-locking hardware may be used on the main exit when the main

exit consists of a single door or pair of doors if there is a readily visible, durable sign on or adjacent to the door stating THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS. The sign shall be in letters not less than 1 inch (25 mm) high on a contrasting background. When unlocked, the single door or both leaves of a pair of doors must be free to swing without operation of any latching device. The use of this exception may be revoked by the building official for due cause.

2. Exit doors from individual dwelling units; Group R, Division 3 congregate residences; and guest rooms of Group R Occupancies having an occupant load of 10 or less may be provided with a night latch, dead bolt or security chain, provided such devices are operable from the inside without the use of a key or tool and mounted at a height not to exceed 48 inches (1219 mm) above the finished floor.

Manually operated edge- or surface-mounted flush bolts and surface bolts are prohibited. When exit doors are used in pairs and approved automatic flush bolts are used, the door leaf having the automatic flush bolts shall have no doorknob or surface-mounted hardware. The unlatching of any leaf shall not require more than one operation.

EXCEPTIONS: 1. Group R, Division 3 Occupancies.

2. When a pair of doors serving a room not normally occupied are needed for the movement of equipment, manually operated edge or surface bolts may be used and a door closer need not be provided on the inactive leaf.

1004.4 Panic Hardware. Panic hardware, when installed, shall comply with the requirements of U.B.C. Standard 10-4. The activating member shall be mounted at a height of not less than 30 inches (762 mm) or more than 44 inches (1118 mm) above the floor. The unlatching force shall not exceed 15 pounds (66.72 N) when applied in the direction of exit travel.

When balanced doors are used and panic hardware is required, panic hardware shall be of the push-pad type and the pad shall not extend across more than one half of the width of the door measured from the latch side.

OPTION 1: Maintain 1994 U.B.C. language

OPTION 2: Amend as shown below

1004.5 Special Egress-control Devices. When approved by the building official, exit doors in Group B; F, Division 1; Group I, Divisions 1.1, 1.2 and 2; Group M and Group LC Occupancies may be equipped with approved listed special egress-control devices, provided the building is protected throughout by an approved automatic sprinkler system and an approved automatic smoke-detection system. Such devices shall conform to all of the following:

1. Automatically deactivate the egress-control device upon activation of either the sprinkler system or the detection system.

2. Automatically deactivate the egress-control device upon loss of electrical power to any one of the following:

- 2.1 The egress-control device.
- 2.2 The smoke-detection system.
- 2.3 Exit illumination as required by Section 1012.

3. Be capable of being deactivated by a signal from a switch located in an approved location.

4. Initiate an irreversible process which will deactivate the egress-control device whenever a manual force of not more than 15 pounds (66.72 N) is applied for two seconds to the panic bar or other door-latching hardware. The egress-control device shall deactivate within an approved time period not to exceed a total of 15 seconds. The time delay established for each egress-control device shall not be field adjustable.

5. Actuation of the panic bar or other door-latching hardware shall activate an audible signal at the door.

6. The unlatching shall not require more than one operation.

A sign shall be provided on the door located above and within 12 inches (305 mm) of the panic bar or other door-latching hardware reading:

**KEEP PUSHING. THE DOOR WILL OPEN IN
___ SECONDS. ALARM WILL SOUND.**

Sign letter shall be at least 1 inch (25 mm) in height and shall have a stroke of not less than 1/8 inch (3.2 mm).

Regardless of the means of deactivation, relocking of the egress-control device shall be by manual means only at the device.

EXCEPTION: Subject to the approval of the building official, special units for the care of dementia patients in nursing homes which are identified and approved by the state agency licensing such units, may use special egress-control devices where a panic bar is not part of the egress-control mechanism.

1004.6 Width and Height. Every required doorway shall be of a size as to permit the installation of a door not less than 3 feet (914 mm) in width and not less than 6 feet 8 inches (2032 mm) in height. When installed, exit doors shall be capable of opening so that the clear width of the exit is not less than 32 inches (813 mm). In computing the exit width required by Section 1003.2 the net dimension of the exitway shall be used.

1004.7 Door Leaf Width. A single leaf of an exit door shall not exceed 4 feet (1219 mm) in width.

1004.8 Special Doors. Revolving, sliding and overhead doors shall not be used as required exits. Where revolving or overhead doors or turnstiles are used, an adjacent accessible gate or door shall be provided where an accessible route is required by Chapter 11.

EXCEPTION: Horizontal sliding doors complying with U.B.C. Standard 7-8 may be used:

1. In elevator lobby separations.
2. Other than Group A and H Occupancies, where smoke barriers are required.
3. When serving an occupant load of less than 50 in any occupancy other than a Group H Occupancy.

Power-operated doors complying with U.B.C. Standard 10-1 may be used for exit purposes. Such doors when swinging shall have two guide rails installed on the swing side projecting out from the face of the door jambs for a distance not less than the widest door leaf. Guide rails shall not be less than 30 inches (762 mm) in height with solid or mesh panels to prevent penetration into door swing and shall

be capable of resisting a horizontal load at top of rail of not less than 50 pounds per lineal foot (730 N/m).

- EXCEPTIONS:
1. Walls or other type separators may be used in lieu of the above guide rail, provided all the criteria are met.
 2. Guide rails in industrial or commercial occupancies not accessible to the public may conform with the exception to Section 509.3.
 3. Doors swinging toward flow of traffic shall not be permitted for use by untrained pedestrian traffic unless actuating devices start to function at least 8 feet 11 inches (2718 mm) beyond the door in an open position and guide rails extend 6 feet 5 inches (1956 mm) beyond the door in an open position.

Clearances for guide rails shall be as follows:

1. Six inches (152 mm) maximum between rails and leading edge of door at the closest point in its arc of travel.
2. Six inches (152 mm) maximum between rails and the door in an open position.
3. Two inches (51 mm) minimum between rail at hinge side and door in an open position.
4. Two inches (51 mm) maximum between freestanding rails and jamb or other adjacent surface.

1004.9 Floor Level at Doors. Regardless of the occupant load, there shall be a floor or landing on each side of a door. When access for persons with disabilities is required by Chapter 11, the floor or landing shall not be more than 1/2 inch (13 mm) lower than the threshold of the doorway. When such access is not required, such dimension shall not exceed 1 inch (25 mm). Landings shall be level except for exterior landings, which may have a slope not to exceed 1/4 unit vertical in 12 units horizontal (2% slope).

- EXCEPTIONS:
1. In Group R, Division 3, and Group U Occupancies and within individual units of Group R, Division 1 Occupancies:
 - 1.1. A door may open at the top of an interior flight of stairs, provided the door does not swing over the top step.
 - 1.2. A door may open at a landing that is not more than 8 inches (203 mm) lower than the floor level, provided the door does not swing over the landing.
 - 1.3. Screen doors and storm doors may swing over stairs, steps or landings.
 2. Doors serving building equipment rooms which are not normally occupied.
 3. At exterior sliding doors within accessible dwelling units, the floor or landing may be no more than 3/4 inch (19 mm) lower than the threshold of the doorway, including the sliding door tracks, provided that an additional accessible entrance door is provided into the dwelling unit.

1004.10 Landings at Door. Landings shall have a width of not less than the width of the stairway or the width of the door, whichever is the greater. Doors in the fully open position shall not reduce a required dimension by more than 7 inches (178 mm). When a landing serves an occupant load of 50 or more, doors in any position shall not reduce the landing dimension to less than one half its required width. Landings shall have a length measured in the direction of travel of not less than 44 inches (1118 mm).

- EXCEPTION: In Group R, Division 3, and Group U Occupancies and within individual units of Group R, Division 1 Occupancies, such length need not exceed 36 inches (914 mm).

A landing which has no adjoining door shall comply with Section 1006.7.

1004.11 Door Identification. Glass doors shall conform to the requirements specified in Section 2406.

Exit doors shall be marked so that they are readily distinguishable from the adjacent construction.

1004.12 Additional Doors. When additional doors are provided for egress purposes, they shall conform to all provisions of this chapter.

- EXCEPTION: Approved revolving doors having leaves which will collapse under opposing pressures may be used in exit situations, provided:
1. Such doors have a minimum width of 6 feet 6 inches (1981 mm).
 2. At least one conforming exit door is located adjacent to each revolving door.
 3. The revolving door shall not be considered to provide any exit width.

NEW SECTION

WAC 51-30-1005 Section 1005—Corridors and exterior exit balconies.

1005.1 General. This section shall apply to every corridor serving as a required exit for an occupant load of 10 or more except that Section 1005.2 shall apply to all corridors. For the purpose of this section, the term "corridor" shall include exterior exit balconies and covered or enclosed walkways, tunnels and malls. Partitions, rails, counters and similar space dividers not over 5 feet 9 inches (1753 mm) in height above the floor shall not be construed to form corridors.

Exit corridors shall not be interrupted by intervening rooms.

- EXCEPTION: Foyers, lobbies or reception rooms constructed as required for corridors shall not be construed as intervening rooms.

Corridors which are located within an accessible route of travel shall also comply with Chapter 11.

For Group I Occupancies see Section 1019.3.

1005.2 Width. The minimum corridor width shall be determined as specified in Section 1003.2, but shall not be less than 44 inches (1118 mm), except as specified herein. Corridors serving an occupant load of 49 or less shall not be less than 36 inches (914 mm) in width. For special requirements for Groups E and I Occupancies, see Sections 1017 and 1019.

1005.3 Height. Corridors and exterior exit balconies shall have a clear height of not less than 7 feet (2134 mm) measured to the lowest projection from the ceiling.

1005.4 Projections. The required width of corridors shall be unobstructed.

- EXCEPTION: Handrails and doors, when fully opened, shall not reduce the required width by more than 7 inches (178 mm). Doors in any position shall not reduce the required width by more than one half. Other nonstructural projections such as trim and similar decorative features may project into the required width 1 1/2 inches (38 mm) on each side.

1005.5 Access to Exits. When more than one exit is required, they shall be so arranged that it is possible to go in either direction from any point in a corridor to a separate exit, except for dead ends not exceeding 20 feet (6096 mm) in length.

1005.6 Changes in Elevation. When a corridor or exterior exit balcony is accessible to the handicapped, changes in elevation of the floor shall be made by means of a ramp, except as provided for doors by Section 1004.9.

1005.7 Construction. Walls of corridors serving a Group R, Division 1 or Group I Occupancy having an occupant load of 10 or more and walls of corridors serving other occupancies having an occupant load of 30 or more shall be of not less than one-hour fire-resistive construction and the ceilings shall not be less than that required for a one-hour fire-resistive floor or roof system.

- EXCEPTIONS:**
1. One-story buildings housing Group S, Division 2 Occupancies.
 2. Corridors more than 30 feet (9144 mm) in width where occupancies served by such corridors have at least one exit independent from the corridor. (See Chapter 4 for covered malls.)
 3. Exterior sides of exterior exit balconies.
 4. In Group I, Division 3 Occupancies such as jails, prisons, reformatories and similar buildings with open-barred cells forming corridor walls, the corridors and cell doors need not be fire resistive.
 5. Corridor walls and ceilings need not be of fire-resistive construction within office spaces having an occupant load of 100 or less when the entire story in which the space is located is equipped with an automatic sprinkler system throughout and an automatic smoke-detection system installed within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor.
 6. In other than Type I or II construction, exterior exit balcony roof assemblies may be of heavy-timber construction without concealed spaces.
 7. Within office spaces occupied by a single tenant, partial height partitions which form corridors and which do not exceed 6 feet (1829 mm) in height need not be fire resistive, provided they are constructed in accordance with Section 601.5 and are not more than three fourths of the floor-to-ceiling height.
 8. Corridor walls and ceilings need not be of fire-resistive construction within office spaces having an occupant load of 100 or less when the building in which the space is located is equipped with an automatic sprinkler system throughout.

When the ceiling of the entire story is an element of a one-hour fire-resistive floor or roof system, the corridor walls may terminate at the ceiling. When the room-side fire-resistive membrane of the corridor wall is carried through to the underside of a fire-resistive floor or roof above, the corridor side of the ceiling may be protected by the use of ceiling materials as required for one-hour floor or roof system construction or the corridor ceiling may be of the same construction as the corridor walls.

Ceilings of noncombustible construction may be suspended below the fire-resistive ceiling.

For wall and ceiling finish requirements, see Table 8-B.

For restrictions on the use of corridors to convey air, see Chapter 6 of the Mechanical Code.

1005.8 Openings.

1005.8.1 Doors. When corridor walls are required to be of one-hour fire-resistive construction by Section 1005.7, every interior door opening shall be protected by a tight-fitting smoke- and draft-control assembly having a fire-protection rating of not less than 20 minutes when tested in accordance with U.B.C. Standard 7-2. Said doors shall not have louvers. The door and frame shall bear an approved label or other identification showing the rating thereof, the name of

the manufacturer and the identification of the service conducting the inspection of materials and workmanship at the factory during fabrication and assembly. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke detector in accordance with Section 713.2. Smoke- and draft-control door assemblies shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.

- EXCEPTIONS:**
1. Viewports may be installed if they require a hole not larger than 1 inch (25 mm) in diameter through the door, have at least a 1/4-inch-thick (6.4 mm) glass disc and the holder is of metal which will not melt out when subject to temperatures of 1,700°F. (927°C.).
 2. Protection of openings in the interior walls of exterior exit balconies is not required when it is possible to exit in two directions.

1005.8.2 Openings other than doors. Where corridor walls are required to be of one-hour fire-resistive construction by Section 1005.7, interior openings for other than doors or ducts shall be protected by fixed glazing listed and labeled for a fire-protection rating of at least three-fourths hour in accordance with Section 713.9. The total area of all openings, other than doors, in any portion of an interior corridor shall not exceed 25 percent of the area of the corridor wall of the room which it is separating from the corridor. For duct openings, see Sections 713.10 and 713.11.

- EXCEPTION:** Protection of openings in the interior walls of exterior exit balconies is not required when it is possible to exit in two directions.

1005.9 Location on Property. Exterior exit balconies shall not be located in areas where openings are not permitted or where openings are required to be protected due to location on the property.

OPTION 1: Use 1994 U.B.C. language

OPTION 2: Accept proposed amendment as shown below

1005.10 Elevators. Elevators opening into a corridor serving a Group R, Division 1 or Group I Occupancy having an occupant load of 10 or more, or a corridor serving other occupancies having an occupant load of 30 or more shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall completely separate the elevators for the corridor by construction conforming to Section 1005.7 and all openings into the lobby wall contiguous with the corridor shall protected as required by Section 1005.8.

- EXCEPTIONS:**
1. In office buildings classed as Group B Occupancies, separations need not be provided from a street floor lobby, provided the entire street floor is protected with an automatic sprinkler system.
 2. Elevators not required to meet the shaft enclosure requirements of Section 711.
 3. When additional doors are provided in accordance with Section 3007.
 4. Where elevator shafts are pressurized in accordance with Section 905, elevator lobbies need not be provided.

Elevator lobbies shall comply with Section 3002.

In fully sprinklered office buildings, corridors may lead through enclosed elevator lobbies if all areas of the building

have access to at least one required exit without passing through the elevator lobby.

NEW SECTION

WAC 51-30-1006 Section 1006—Stairways.

OPTION 1: Maintain 1994 U.B.C. language

OPTION 2: Accept proposed amendment as shown below

1006.1 General. Every stairway having two or more risers serving any building or portion thereof shall conform to the requirements of this section. When aisles in assembly rooms have steps, they shall conform with provisions in Section 1014.

- EXCEPTIONS:**
1. Stairs or ladders used only to attend equipment or window wells are exempt from the requirements of this section.
 2. Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of this section.

Stairways located in a building required to be accessible shall also comply with Chapter 11.

1006.2 Width. The minimum stairway width shall be determined as specified in Section 1003.2, but shall not be less than 44 inches (1118 mm) except as specified herein and in Chapter 11. Stairways serving an occupant load of 49 or less shall not be less than 36 inches (914 mm) in width.

Handrails may project into the required width a distance of 3 1/2 inches (89 mm) from each side of a stairway. Stringers and other projections such as trim and similar decorative features may project into the required width 1 1/2 inches (38 mm) on each side.

OPTION 1: Use 1994 U.B.C. language

OPTION 2: Accept proposed amendment as shown below

1006.3 Rise and Run. For residential buildings that consist of four or fewer units, that do not exceed two stories in height and that are less than 5,000 square feet (465 m²) in area, the rise of steps shall not be less than 4 inches (102 mm) or greater than 7 inches (178 mm). Except as permitted in Sections 1006.4 and 1006.6, the run shall not be less than 11 inches (279 mm), as measured horizontally between the vertical planes of the furthest projections of adjacent treads. For all other buildings, the rise of steps shall not be less than 4 inches (102 mm) or greater than 7 1/2 inches (191 mm). Except as permitted in Section 1006.4 and 1006.6, the run shall not be less than 10 inches (254 mm) as measured horizontally between the vertical planes of the furthest projection of adjacent treads. Except as permitted in Sections 1006.4, 1006.5 and 1006.6, the largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

- EXCEPTIONS:**
1. Private steps and stairways serving an occupant load of less than 10 and stairways to unoccupied roofs may be constructed with an 8-inch-maximum (203 mm) rise and a 9-inch-minimum (229 mm) run.

2. Where the bottom or top riser adjoins a sloping public way, walk or driveway having an established grade and serving as a landing, the bottom or top riser may be reduced along the slope.

1006.4 Winding Stairways. In Group R, Division 3 Occupancies and in private stairways in Group R, Division 1 Occupancies, winders may be used if the required width of run is provided at a point not more than 12 inches (305 mm) from the side of the stairway where the treads are narrower, but in no case shall any width of run be less than 6 inches (152 mm) at any point.

1006.5 Circular Stairways. Circular stairways may be used as an exit, provided the minimum width of run is not less than 10 inches (254 mm) and the smaller radius is not less than twice the width of the stairway. The largest tread width or riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

1006.6 Spiral Stairways. In Group R, Division 3 Occupancies and in private stairways within individual units of Group R, Division 1 Occupancies, spiral stairways may be installed. Such stairways may be used for required exits when the area served is limited to 400 square feet (37.16 m²).

The tread must provide a clear walking area measuring at least 26 inches (660 mm) from the outer edge of the supporting column to the inner edge of the handrail. A run of at least 7 1/2 inches (191 mm) is to be provided at a point 12 inches (305 mm) from where the tread is the narrowest. The rise must be sufficient to provide 6-foot 6-inch (1981 mm) headroom. The rise shall not exceed 9 1/2 inches (241 mm).

1006.7 Landings. Stairways shall have landings at the top and bottom. Every landing shall have a dimension measured in the direction of travel not less than the width of the stairway. Such dimension need not exceed 44 inches (1118 mm) when the stair has a straight run. There shall not be more than 12 feet (3658 mm) vertically between landings. For landings with adjoining doors, see Section 1004.10.

- EXCEPTION:** Stairs serving an unoccupied roof are exempt from these provisions.

1006.8 Basement Stairways. When a basement stairway and a stairway to an upper story terminate in the same exit enclosure, an approved barrier shall be provided to prevent persons from continuing on into the basement. Directional exit signs shall be provided as specified in Section 1013.

1006.9 Handrails. Stairways shall have handrails on each side, and every stairway required to be more than 88 inches (2235 mm) in width shall be provided with not less than one intermediate handrail for each 88 inches (2235 mm) of required width. Intermediate handrails shall be spaced approximately equally across the entire width of the stairway.

- EXCEPTIONS:**
1. Stairways less than 44 inches (1118 mm) in width or stairways serving one individual dwelling unit in Group R, Division 1 or 3 Occupancies or a Group R, Division 3 congregate residence may have one handrail. This exception shall not be used concurrently with the exception to the first paragraph of Section 1103.2.2.
 2. Private stairways 30 inches (762 mm) or less in height may have handrails on one side only. This exception shall not be

used concurrently with the exception to the first paragraph of Section 1103.2.2.

3. Stairways having less than four risers and serving one individual dwelling unit in Group R, Division 1 or 3, or a Group R, Division 3 congregate residence or serving Group U Occupancies need not have handrails.

The top of handrails and handrail extensions shall be placed not less than 34 inches (864 mm) or more than 38 inches (965 mm) above the nosing of treads and landings. Handrails shall be continuous the full length of the stairs and, except for private stairways, at least one handrail shall extend in the direction of the stair run not less than 12 inches (305 mm) beyond the top riser nor less than a length equal to one tread depth plus 12 inches (305 mm) beyond the bottom riser. Ends shall be returned or shall terminate in newel posts or safety terminals.

The handgrip portion of handrails shall not be less than 1 1/4 (32 mm) inches nor more than 2 inches (51 mm) in cross-sectional dimension or the shape shall provide an equivalent gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners.

Handrails projecting from a wall shall have a space of not less than 1 1/2 inches (38 mm) between the wall and the handrail.

1006.10 Guardrails. Stairways open on one or both sides shall have guardrails as required by Section 1001.5.

1006.11 Protection of Exterior Wall Openings. Except in Group R, Division 3 Occupancies, all openings in the exterior wall below and within 10 feet (3048 mm), measured horizontally, of an exterior exit stairway or unprotected openings in an interior exit stairway serving a building over two stories in height or a floor level having such openings in two or more floors below shall be protected by fixed, self-closing, or automatic-closing fire assemblies having a three-fourths-hour fire-protection rating.

EXCEPTIONS:

1. Openings may be unprotected when two separated exterior stairways serve an exterior exit balcony.
2. Protection of openings is not required for open parking garages conforming to Section 405.

1006.12 Interior Stairway Construction. Interior stairways shall be constructed as specified in Sections 602.4, 603.4, 604.4, 605.4 and 606.4.

Except when enclosed usable space under stairs is prohibited by Section 1009.6, the walls and soffits of the enclosed space shall be protected on the enclosed side as required for one-hour fire-resistive construction.

All required interior stairways which extend to the top floor in any building four or more stories in height shall have, at the highest point of the stair shaft, an approved hatch openable to the exterior not less than 16 square feet (1.5 m²) in area with a minimum dimension of 2 feet (610 mm).

EXCEPTION: The hatch need not be provided on pressurized enclosures or on stairways that extend to the roof with an opening onto that roof.

Stairways exiting directly to the exterior of a building four or more stories in height shall be provided with means for emergency entry for fire department access.

1006.13 Exterior Stairway Construction. Exterior stairways shall be constructed as specified in Sections 602.4, 603.4, 604.4, 605.4 and 606.4.

Exterior stairways shall not project into yards where openings are not permitted or protection of openings is required.

Enclosed usable space under stairs shall have the walls and soffits protected on the enclosed side as required for one-hour fire-resistive construction.

Stairways exiting directly to the exterior of a building four or more stories in height shall be provided with means for emergency entry for fire department access.

1006.14 Stairway to Roof. In buildings four or more stories in height, one stairway shall extend to the roof surface, unless the roof has a slope greater than 4 in 12. See Section 1006.12 for roof hatch requirements.

1006.15 Headroom. Every stairway shall have a headroom clearance of not less than 6 feet 8 inches (2032 mm). Such clearances shall be measured vertically from a plane parallel and tangent to the stairway tread nosings to the soffit above at all points.

1006.16 Stairway Identification. Approved stairway identification signs shall be located at each floor level in all enclosed stairways in buildings four or more stories in height. The sign shall identify the stairway, indicate whether there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located approximately 5 feet (1524 mm) above the floor landing in a position which is readily visible when the door is in the open or closed position. Signs shall comply with requirements of U.B.C. Standard 10-2. Each door to a floor level also shall have a tactile sign, including raised letters and Braille, identifying the floor level and shall comply with Part IV of Chapter 11.

NEW SECTION

WAC 51-30-1007 Section 1007—Ramps.

1007.1 General. Except for ramped aisles in assembly rooms, ramps used as exits shall conform to the provisions of this section. Ramped aisles within assembly rooms shall conform with the provisions in Section 1014. Ramps which are located within an accessible route of travel shall also comply with Chapter 11.

1007.2 Width. The width of ramps shall be determined as specified in Section 1003.2, but shall not be less than 44 inches (1118 mm), except as specified herein. Ramps serving an occupant load of 49 or less shall not be less than 36 inches (914 mm) in width.

Handrails may project into the required width a distance of 3 1/2 inches (89 mm) from each side of a ramp. Other projections, such as trim and similar decorative features, may project into the required width 1 1/2 inches (38 mm) on each side.

1007.3 Slope. The slope of ramps required by Chapter 11 which are located within an accessible route of travel shall not be steeper than 1 unit vertical in 12 units horizontal (8%

slope). The slope of other ramps shall not be steeper than 1 unit vertical in 8 units horizontal (12.5% slope).

OPTION 1: *Accept proposed amendment as shown below*

1007.4 Landings. Ramps having slopes steeper than 1 unit vertical in 15 units horizontal (6.7% slope) shall have landings at the top and bottom, and at least one intermediate landing shall be provided for each 5 feet (1524 mm) of rise. Top landings and intermediate landings shall have a dimension measured in the direction of ramp run of not less than 5 feet (1524 mm). Landings at the bottom of ramps shall have a dimension in the direction of ramp run of not less than 6 feet (1829 mm), and shall provide maneuvering clearances at doors as required in Chapter 11.

EXCEPTION: Ramps with slopes no steeper than 1 unit vertical in 12 units horizontal (8% slope) may have landings at the bottom in the direction of ramp run not less than 5 feet (1524 mm) in length.

OPTION 2: *Accept proposed amendment as shown below*

1007.4 Landings. Ramps having slopes steeper than 1 unit vertical in 15 units horizontal (6.7% slope) shall have landings at the top and bottom, and at least one intermediate landing shall be provided for each 5 feet (1524 mm) of rise. Landings shall have a dimension measured in the direction of ramp run of not less than 5 feet (1524 mm), and shall provide maneuvering clearances at doors as required in Chapter 11.

1007.5 Handrails. Ramps having slopes steeper than 1 unit vertical in 20 units horizontal (5.0% slope) shall have handrails as required for stairways, except that intermediate handrails shall not be required. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs. Ramped aisles need not have handrails on sides serving fixed seating.

1007.6 Construction. Ramps shall be constructed as required for stairways.

1007.7 Surface. The surface of ramps shall be roughened or shall be of slip-resistant materials.

1007.8 Guardrails. Ramps open on one or both sides shall have guardrails as required by Section 509.

1007.9 Headroom. Ramps shall have a headroom clearance of not less than 7 feet (2134 mm). Such clearances shall be measured vertically from the finished floor surface of the ramp and landings to the soffit above at all points.

NEW SECTION

WAC 51-30-1009 Section 1009—Stairway, ramp and escalator enclosures.

OPTION 1: *Maintain 1994 U.B.C. language*

OPTION 2: *Amend Section 1009.1 as shown*

1009.1 General. Interior stairways, ramps or escalators shall be enclosed as specified in this section.

EXCEPTIONS: 1. In other than Groups H, I and LC Occupancies, an enclosure need not be provided for a stairway, ramp or escalator serving only one adjacent floor. Any two such interconnected floors shall not be open to other floors.

For enclosure of escalators serving Groups B, F, M and S Occupancies, see Section 304.6.

2. Stairs in Group R, Division 3 Occupancies and stairs within individual dwelling units in Group R, Division 1 Occupancies need not be enclosed.
3. Stairs in open parking garages, as defined in Section 311.9, need not be enclosed.

1009.2 Enclosure Construction. Enclosure walls shall not be of less than two-hour fire-resistive construction in buildings four or more stories in height or of Types I and II fire-resistive construction and shall not be of less than one-hour fire-resistive construction elsewhere.

EXCEPTION: In sprinkler-protected parking garages restricted to the storage of private or pleasure-type motor vehicles, stairway enclosures may be enclosed with glazing meeting the requirements of Sections 713.7, 713.8 and 713.9.

1009.3 Openings into Enclosures. Openings into exit enclosures other than permitted exterior openings shall be limited to those necessary for exiting from a normally occupied space into the enclosure and exiting from the enclosure. Other penetrations into and opening through the exit enclosure are prohibited except for ductwork and equipment necessary for independent stair pressurization, sprinkler piping, standpipes and electrical conduit serving the stairway and terminating in a listed box not exceeding 16 square inches (10 323 mm²) in area. Penetrations and communicating openings between adjacent exit enclosures are not permitted regardless of whether the opening is protected.

All exit doors in an exit enclosure shall be protected by a fire assembly having a fire-protection rating of not less than one hour where one-hour enclosure construction is permitted in Section 1009.2 and one and one-half hours where two-hour enclosure construction is required by Section 1009.2. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke detector as provided for in Section 713.2. The maximum transmitted temperature end point shall not exceed 450°F. (232°C.) above ambient at the end of 30 minutes of the fire exposure specified in U.B.C. Standard 7-2.

1009.4 Extent of Enclosure. Stairway and ramp enclosures shall include landings and parts of floors connecting stairway flights and shall also include a corridor or exit passageway on the ground floor leading from the stairway to the exterior of the building. Openings into the corridor or exit passageway shall comply with the requirements of Section 1009.3.

EXCEPTIONS: 1. Enclosed corridors or exit passageways are not required from unenclosed stairways or ramps.
2. In office buildings, a maximum of 50 percent of the exits may discharge through a street-floor lobby, provided the required exit width is free and unobstructed and the entire street floor is protected with an automatic sprinkler system.

1009.5 Barrier. A stairway in an exit enclosure shall not continue below the grade level exit unless an approved barrier is provided at the ground-floor level to prevent persons from accidentally continuing into the basement.

1009.6 Use of Space under Stair and Ramp. There shall be no enclosed usable space under stairways or ramps in an exit enclosure, nor shall the open space under such stairways be used for any purpose.

1009.7 Pressurized Enclosure. In a building having a floor used for human occupancy which is located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access, the entire required enclosure shall be pressurized in accordance with Section 905 of this code and this section. Pressurization shall occur automatically upon activation of an approved fire alarm system.

EXCEPTION: When the building is not equipped with a fire alarm system, pressurization shall be upon activation of a spot-type smoke detector listed for releasing service installed within 5 feet (1524 mm) of each vestibule entry.

The upper portion of such enclosures shall be provided with controlled relief vent capable of discharging a minimum of 2,500 cubic feet per minute (1180 L/s) of air at the design pressure difference.

Such enclosures shall be provided with a pressurized entrance vestibule.

1009.8 Vestibules. When required by Section 1009.7, vestibules shall meet the following requirements:

1. Where a wheelchair space is provided, such space shall not obstruct the required exit width and shall not interfere with access to or use of fire department hose connections and valves.

2. Emergency illumination shall be provided to maintain a minimum of 30 footcandles (323 lx) on the floor.

3. Fire department connections and valves serving the floor shall be located within the vestibule and in such a manner as to not obstruct exiting when hose lines are connected and charged.

4. The minimum pressure differences within the vestibule with the doors closed shall be 0.05 inch water gage (12.44 Pa) positive pressure relative to the fire floor and 0.05 inches water gage (12.44 Pa) negative relative to the exit enclosure. No pressure difference is required relative to a nonfire floor.

For areas of refuge, see Section 1104.

NEW SECTION

WAC 51-30-1014 Section 1014—Aisles.

1014.1 General. Aisles leading to required exits shall be provided from all portions of buildings. Aisles located within an accessible route of travel shall also comply with Chapter 11.

1014.2 Width in Occupancies without Fixed Seats. The width of aisles in occupancies without fixed seats shall comply with this section. Aisle widths shall be provided in accordance with the following:

1. In areas serving employees only, the minimum aisle width shall be 24 inches (610 mm) but not less than the width required by the number of employees served.

2. In public areas of Groups B and M Occupancies, and in assembly occupancies without fixed seats, the minimum clear aisle width shall be 36 inches (914 mm) where tables, counters, furnishings, merchandise or other similar obstructions are placed on one side of the aisle only and 44 inches

(1118 mm) when such obstructions are placed on both sides of the aisle.

1014.3 Width in Assembly Occupancies with Fixed Seats. Aisles in assembly occupancies with fixed seats shall comply with this section. The clear width of aisles shall be based on the number of occupants within the portion of the seating areas served by the aisle.

The clear width of an aisle in inches shall not be less than the occupant load served by the aisle multiplied by 0.3 for aisles with slopes greater than 1 unit vertical to 8 units horizontal (12.5% slope) and not less than 0.2 for aisles with a slope of 1 unit vertical to 8 units horizontal (12.5% slope) or less. In addition, when the rise of steps in aisles exceeds 7 inches (178 mm), the aisle clear width shall be increased by 1 1/4 inches (32 mm) for each 100 occupants or fraction thereof served for each 1/4 inch (6.35 mm) of riser height above 7 inches (178 mm).

EXCEPTION: For buildings with smoke-protected assembly seating and for which an approved life-safety evaluation is conducted, the minimum clear width of aisles and other means of egress may be in accordance with Table 10-C. For Table 10-C, the number of seats specified must be within a single assembly area, and interpolation shall be permitted between the specified values shown. If Table 10-C is used the minimum clear widths shown shall be modified in accordance with the following:

1. If risers exceed 7 inches (178 mm) in height, multiply the stair width in the tables by factor A, where

$$A = 1 + \frac{(\text{riser height} - 7.0 \text{ in.})}{5}$$

For SI:
$$A = 1 + \frac{(\text{riser height} - 178 \text{ mm})}{127}$$

- 2. Stairs not having a handrail within a 30-inch (760 mm) horizontal distance shall be 25 percent wider than otherwise calculated, i.e., multiply by B = 1.25
- 3. Ramps steeper than 1 in 10 slope where used in ascent shall have their width increased by 10 percent, i.e., multiply factor C = 1.10.

Where exiting is possible in two directions, the width of such aisles shall be uniform throughout their length.

When aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisles.

In assembly rooms with fixed seats arranged in rows, the clear width of aisles shall not be less than set forth above or less than the following:

Forty-eight inches (1219 mm) for stairs having seating on both sides.

Thirty-six inches (914 mm) for stairs having seating on one side.

Twenty-three inches (584 mm) between a stair handrail and seating when the aisles are subdivided by the handrail.

Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.

Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.

PROPOSED

Twenty-three inches (584 mm) between a stair handrail and seating when an aisle does not serve more than five rows on one side.

1014.4 Aisle Termination. Aisles shall terminate at a cross aisle, foyer, doorway or vomitory. Aisles shall not have a dead end greater than 20 feet (6069 mm) in length.

EXCEPTION: A longer dead-end aisle is permitted when seats served by the dead-end aisle are not more than 24 seats from another aisle measured along a row of seats having a minimum clear width of 12 inches (305 mm) plus 0.6 inches (15 mm) for each additional seat above seven in a row.

Each end of a cross aisle shall terminate at an aisle, foyer, doorway or vomitory.

1014.5 Ramp Slope. The slope of ramped aisles shall not be more than 1 unit vertical in 8 units horizontal (12.5% slope). Ramped aisles shall have a slip-resistant surface.

EXCEPTION: When provided with fixed seating, theaters may have a slope not steeper than 1 unit vertical in 5 units horizontal (20% slope).

1014.6 Aisle Steps.

1014.6.1 When prohibited. Steps shall not be used in aisles having a slope of 1 unit in 8 units horizontal (12.5% slope) or less.

1014.6.2 When required. Aisles with a slope steeper than 1 unit vertical in 8 units horizontal (12.5% slope) shall consist of a series of risers and treads extending across the entire width of the aisle, except as provided in Section 1014.5.

The height of risers shall not be more than 7 inches (178 mm) or less than 4 inches (102 mm) and the tread run shall not be less than 11 inches (279 mm). The riser height shall be uniform within each flight and the tread run shall be uniform throughout the aisle. Variations in run or height between adjacent treads or risers shall not exceed 3/16 inch (4.8 mm). A contrasting marking stripe or other approved marking shall be provided on each tread at the nosing or leading edge such that the location of each tread is readily apparent when viewed in descent. Such stripe shall be a minimum of 1 inch (25 mm) wide and a maximum of 2 inches (51 mm) wide.

EXCEPTION: When the slope of aisle steps and the adjoining seating area is the same, the riser heights may be increased to a maximum of 9 inches (229 mm) and may be nonuniform but only to the extent necessitated by changes in the slope of the adjoining seating area to maintain adequate sightlines. Variations may exceed 3/16 inch (4.8 mm) between adjacent risers provided the exact location of such variations is identified with a marking stripe in each tread at the nosing or leading edge adjacent to the nonuniform riser. The marking stripe shall be distinctively different from the contrasting marking stripe.

1014.7 Handrails. Handrails shall comply with the height, size and shape dimensions set forth in Section 1006.9 and shall have rounded terminations or bends. Ramped aisles having a slope steeper than 1 unit vertical in 15 units horizontal (6.7% slope) and aisle stairs (two or more adjacent steps) shall have handrails located either at the side or within the aisle width. Handrails may project into the required aisle width a distance of 3 1/2 inches (89 mm).

EXCEPTIONS:

1. Handrails may be omitted on ramped aisles having a slope not greater than 1 unit vertical in 8 units horizontal (12.5% slope) when fixed seating is on both sides of the aisle.
2. Handrails may be omitted when a guardrail is at the side of an aisle which conforms to the size and shape requirements for handrails.

Handrails located within the aisle width shall be discontinuous with gaps or breaks at intervals not to exceed five rows. These gaps or breaks shall have a clear width of not less than 22 inches (559 mm) or more than 36 inches (914 mm) measured horizontally. Such handrails shall have an additional intermediate handrail located 12 inches (305 mm) below the main handrail.

NEW SECTION

WAC 51-30-1019 Group I Occupancies.

1019.1 Exterior Doors. All required exterior exit doors shall open in the direction of exit travel.

1019.2 Minimum Size of Exits. The clear width of exits serving areas occupied or used by bed or litter patients shall be such that it will allow ready passage of such equipment, but shall not be less than 44 inches (1118 mm). Other exits shall have a clear width of not less than 32 inches (813 mm). There shall be no projections into the clear width.

1019.3 Corridors. The minimum clear width of a corridor shall be determined as specified in Section 1003.2, but shall not be less than 44 inches (1118 mm), except that corridors serving any area housing one or more nonambulatory persons shall not be less than 8 feet (2438 mm) in width.

EXCEPTION: Corridors serving surgical areas of Group I, Division 1.2 Occupancies shall not be less than six feet (1829 mm) in width until reaching an exterior door, enclosed exit stairway or horizontal exit and shall not pass through an adjoining room.

Any change in elevation of the floor in a corridor serving nonambulatory persons shall be made by means of a ramp.

Corridors shall comply with Section 1005 except that in hospitals and nursing homes classified as Group I, Division 1.1 Occupancies the following exceptions apply:

1. Nurses' stations including space for doctors' and nurses' charting and communications constructed as required for corridors need not be separated from corridors.

2. Waiting areas and similar spaces constructed as required for corridors need not be separated from corridors, provided:

- 2.1 Each space is located to permit direct visual supervision by the facility staff, and

- 2.2 The space and corridors into which the space opens are in the same smoke compartment and the space is protected by an approved electrically supervised automatic smoke-detection system.

3. Door closers need not be installed on doors to sleeping rooms.

4. Fixed fully tempered or laminated glass in wood or metal frames may be used in corridor walls, provided the

glazed area does not exceed 25 percent of the area of the corridor wall of the room.

5. The total area of glass in corridor walls is not limited when the glazing is fixed 1/4-inch-thick (6.4 mm) wired glass in steel frames and the size of individual glazed panel does not exceed 1,296 square inches (0.836 m²).

1019.4 Basement Exits. One exit accessible to every room below grade shall lead directly to the exterior at grade level.

1019.5 Ramps. Group I, Division 1.1 and 1.2 Occupancies housing nonambulatory patients shall have access to a ramp leading from the first story to the exterior of the building at the ground floor level.

1019.6 Hardware. Exit doors serving an area having an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware. Patient room doors shall be readily openable from either side without the use of keys.

- EXCEPTIONS:**
1. In Group I, Division 1.1 hospitals and nursing homes, locking devices, when approved, may be installed on patient sleeping rooms, provided such devices are readily openable from the patient room side and are readily operable by the facility staff on the other side. When key locks are used on patient room doors, keys shall be located on the floor involved at a prominent location accessible to the staff.
 2. In Group I, Division 3 Occupancies, approved locks or safety devices may be used where it is necessary to forcibly restrain personal liberties of inmates or patients.

1019.7 Suites.

1019.7.1 General. A group of rooms in a Group I, Division 1.1, Division 1.2 or Division 2 occupancy may be considered a suite when it complies with the following:

1. **Size.** Suites of rooms, other than patient sleeping rooms, shall not exceed 10,000 square feet (928.5 m²) in area. Suites of patient sleeping rooms shall not exceed 5,000 square feet (465 m²) in area.

2. **Occupancy separation.** Each suite shall be separated from the rest of the building by at least a one-hour fire-resistive occupancy separation.

3. **Visual supervision.** Each patient sleeping room in the suite shall be located to permit direct and constant visual supervision by the facility staff.

4. **Other exits.** Exiting for portions of the building outside of a suite shall not require passage through the suite.

1019.7.2 Corridors. One-hour fire-resistive corridor construction is not required within a suite.

1019.7.3 Exits through adjoining rooms. Rooms within suites may have exits through one adjoining room if there is not more than 100 feet (30 480 mm) of travel distance within the suite to an exit corridor, exterior exit door, horizontal exit, exit passageway or enclosed stairway. Rooms other than patient sleeping rooms may have exits through two adjoining rooms where there is not more than 50 feet (15 240 mm) of travel distance within the suite to an exit corridor, exterior exit door, horizontal exit, exit passageway or enclosed stairway.

1019.7.4 Number of exits. Suites shall be provided with exits as required by Table 10-A.

NEW SECTION

WAC 51-30-1030 Table 10-A—Minimum egress requirements.

TABLE 10-A MINIMUM EGRESS REQUIREMENTS¹

USE ²	MINIMUM OF TWO EXITS OTHER THAN ELEVATORS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS AT LEAST	OCCUPANT LOAD FACTOR ³ (square feet)
		x 0.0929 for m ²
1. Aircraft hangars (no repair)	10	500
2. Auction rooms	30	7
3. Assembly areas, concentrated use (without fixed seats) Auditoriums Churches and chapels Dance floors Lobby accessory to assembly occupancy Lodge rooms Reviewing stands Stadiums	50	7
Waiting Area	50	3
4. Assembly areas, less-concentrated use Conference rooms Dining rooms Drinking establishments Exhibit rooms Gymnasiums Lounges Stages	50	15
5. Bowling alley (assume no occupant load for bowling lanes)	50	(see ft. note ⁴)
6. Children's homes and homes for the aged	6	80
7. Classrooms	50	20
4. <u>Congregate residences (accommodating 10 or less persons and having an area of 3,000 square feet or less)</u>	<u>10</u>	<u>300</u>
Congregate residences (accommodating more than 10 persons or having an area of more than 3,000 square feet)	10	200
9. Courtrooms	50	40
10. Dormitories	10	50
11. Dwellings	10	300
12. Exercising rooms	50	50
13. Garage, parking	30	200

PROPOSED

14. Hospitals and sanitariums-- Health-care center	10	80
Nursing homes		
Sleeping rooms	6	80
Treatment rooms	10	80
15. Hotels and apartments	10	200
16. Kitchen--commercial	30	200
17. Laboratories (Group B) Instructional and teaching laboratories at schools, colleges and universities	10	50
All other Group B laboratories	10	100
18. Library reading room	50	50
19. Locker rooms	30	50
20. Malls (see Chapter 4)	--	--
21. Manufacturing areas	30	200
22. Mechanical equipment room	30	300
23. Nurseries for children (day care)	7	35
24. Offices	30	100
25. School shops and vocational rooms	50	50
26. Skating rinks	50	50 on the skating area; 15 on the deck
27. Storage and stock rooms	30	300
28. Stores--retail sales rooms		
Basements and ground floor	50	30
Upper floors	50	60
29. Swimming pools	50	50 for the pool area; 15 on the deck
30. Warehouses	30	500
31. All others	50	100

¹ Access to, and egress from, buildings for persons with disabilities shall be provided as specified in Chapter 11.

² For additional provisions on number of exits from Groups H and I Occupancies and from rooms containing fuel-fired equipment or cellulose nitrate, see Sections 1018, 1019 and 1020, respectively.

³ This table shall not be used to determine working space requirements per person.

⁴ Occupant load based on five persons for each alley, including 15 feet (4572 mm) of runway.

PRIMARY OPTION 1

NEW SECTION

WAC 51-30-1100 Chapter 11 Accessibility.

PART I - GENERAL

NEW SECTION

WAC 51-30-1101 Section 1101—Scope.

Section 1101.1 General. Buildings or portions of buildings shall be accessible to persons with disabilities as required by this chapter.

Chapter 11 has been amended to comply with the Federal Fair Housing Act (FFHA) Guidelines as published by the U.S. Department of Housing and Urban Development (March 1991) and the Americans With Disabilities Act (ADA) Guidelines as published by the U.S. Architectural and Transportation Barriers Compliance Board and Department of Justice (July, 1991).

Reference is made to Appendix Chapter 11 for FFHA and ADA requirements not regulated by this chapter. See Section 101.3.

1101.2 Design. The design and construction of accessible building elements shall be in accordance with this chapter. For a building, structure or building element to be considered to be accessible, it shall be designed and constructed to the minimum provisions of this chapter.

1101.3 Maintenance of Facilities. Any building, facility, dwelling unit, or site which is constructed or altered to be accessible or adaptable under this chapter shall be maintained accessible and/or adaptable during its occupancy.

1101.4 Alternate Methods. The application of Section 104.2.8 to this chapter shall be limited to the extent that alternate methods of construction, designs, or technologies shall provide substantially equivalent or greater accessibility.

1101.5 Modifications. Where full compliance with this chapter is impractical due to unique characteristics of the terrain, the building official may grant modifications in accordance with Section 104.2.7, provided that any portion of the building or structure that can be made accessible shall be made accessible to the greatest extent practical.

NEW SECTION

WAC 51-30-1102 Section 1102—Definitions.

Section 1102. For the purpose of this chapter certain terms are defined as follows:

ACCESSIBLE is approachable and usable by persons with disabilities.

ACCESS AISLE is an accessible pedestrian space between elements, such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

ACCESSIBLE EXIT is an exit, as defined in Section 1101.2, which complies with this chapter and does not contain stairs, steps, or escalators.

ACCESSIBLE ROUTE OF TRAVEL is a continuous unobstructed path connecting all accessible elements and spaces in an accessible building or facility that can be negotiated by a person using a wheelchair and that is usable by persons with other disabilities.

ALTERATION (See Section 1110).

ALTERATION, SUBSTANTIAL (See Section 1110).

AREA FOR EVACUATION ASSISTANCE is an accessible space which is protected from fire and smoke and which facilitates egress.

AUTOMATIC DOOR is a door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch (see also, Power-assisted Door).

CLEAR is unobstructed.

CLEAR FLOOR SPACE is unobstructed floor or ground space (see Section 1106.2).

COMMON USE AREAS are rooms, spaces or elements inside or outside a building that are made available for use by occupants of and visitors to the building.

CROSS SLOPE is the slope that is perpendicular to the direction of travel.

CURB RAMP is a short ramp cutting through or built up to a curb.

DETECTABLE WARNING is a standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired persons of hazards on a circulation path.

DWELLING UNIT, TYPE A is an accessible dwelling unit that is designed and constructed in accordance with this chapter to provide greater accessibility than a Type B dwelling unit. (Type A dwelling units constructed in accordance with this Chapter also meet the design standards for Type B dwelling units.)

DWELLING UNIT, TYPE B is an accessible dwelling unit that is designed and constructed in accordance with this chapter. (Type B Dwelling Unit Standards are based on the U.S. Department of Housing and Urban Development (HUD) Federal Fair Housing Act Accessibility Guidelines.)

ELEMENT is an architectural or mechanical component of a building, facility, space, or site, such as telephones, curb ramps, doors, drinking fountains, seating, or water closets.

GROUND FLOOR is any occupiable floor less than one story above or below grade with direct access to grade. A building may have more than one ground floor.

LANDING is a level area (except as otherwise provided), within or at the terminus of a stair or ramp.

MARKED CROSSING is a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

MULTISTORY DWELLING UNIT is a dwelling unit with finished living space located on one floor, and the floor or floors immediately above or below it.

PATH OF TRAVEL (See Section 1110).

PERSON WITH DISABILITY is an individual who has an impairment, including a mobility, sensory, or cognitive impairment, which results in a functional limitation in access to and use of a building or facility.

POWER-ASSISTED DOOR is a door used for human passage, with a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

PRIMARY ENTRANCE is a principal entrance through which most people enter the building. A building may have more than one primary entrance.

PRIMARY ENTRANCE LEVEL is the floor or level of the building on which the primary entrance is located.

PRIMARY FUNCTION is a major function for which the facility is intended.

PUBLIC USE AREAS are those interior or exterior rooms or spaces which are made available to the general public. Public use may be provided at a privately or publicly owned building or facility.

RAMP is any walking surface having a running slope exceeding 1 unit vertical in 48 units horizontal.

SERVICE ENTRANCE is an entrance intended primarily for delivery of goods or services.

SINGLE-STORY DWELLING UNIT is a dwelling unit with all finished living spaces located on one floor.

SITE is a parcel of land bounded by a property line or a designated portion of a public right-of-way.

TACTILE is an object that can be perceived using the sense of touch.

TECHNICALLY INFEASIBLE (See Section 1110).

TEXT TELEPHONE is machinery or equipment that employs interactive graphic (e.g. typed) communications through the transmission of coded signals across the standard telephone network. Text telephones include telecommunications display devices or telecommunications devices for the deaf (TDD's), or computers.

VEHICULAR WAY is a route intended for vehicular traffic, such as a roadway, driveway, or parking lot, located on a site.

PART II NEW CONSTRUCTION

NEW SECTION

WAC 51-30-1103 Section 1103—Building accessibility.

Section 1103.1 Where required.

1103.1.1 General. Accessibility to temporary or permanent buildings or portions thereof shall be provided for all occupancy classifications except as modified by this chapter. See also Appendix Chapter 11.

EXCEPTIONS:

1. Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits, observation galleries used primarily for security purposes, elevator penthouses, nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, narrow passageways, or freight elevators, piping and equipment catwalks and machinery, mechanical and electrical equipment rooms.
2. Temporary structures, sites and equipment directly associated with the construction process such as construction site trailers, scaffolding, bridging, or material hoists are not required to be accessible. This exception does not include walkways or pedestrian protection required by Chapter 30.

1103.1.2 Group A Occupancies.

1103.1.2.1 General. All Group A Occupancies shall be accessible as provided in this chapter.

EXCEPTION: In the assembly areas of dining and drinking establishments or religious facilities which are located in non-elevator buildings; where the area of mezzanine seating is not more than 25 percent of the total seating, an accessible means of vertical access to the mezzanine is not required, provided that the same services are provided in an accessible space which is not restricted to use only by persons with disabilities. Comparable facilities shall be available in all seating areas.

In banquet rooms or spaces where the head table or speaker's lectern is located on a permanent raised platform, the platform shall be accessible in compliance with Section 1106. Open edges on the raised platform shall be protected by a curb with a height of not less than 2 inches (51 mm).

Stadiums, theaters, auditoriums and similar occupancies shall provide wheelchair spaces in accordance with Table

No. 11-A. Removable seats shall be permitted in the wheelchair spaces.

Wheelchair spaces shall be accessible and shall be located in places with unobstructed sight lines. Wheelchair spaces shall be reasonably distributed throughout the seating plan and located on an accessible route of travel.

In addition, one percent, but not less than one, of all fixed seats shall be aisle seats with no armrests, or shall have removable or folding armrests on the aisle side. Each such seat shall be identified by a sign complying with Section 1106.16.1.1.

An accessible route of travel shall connect wheelchair seating locations with performance areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

1103.1.2.2 Assistive listening devices. Assistive listening systems complying with Section 1106.21.2 shall be installed in assembly areas where audible communications are integral to the use of the space including stadiums, theaters, auditoriums, lecture halls, and similar areas; where fixed seats are provided, as follows:

1. Areas with an occupant load of 50 or more.
2. Areas where an audio-amplification system is installed.

Receivers for assistive listening systems shall be provided at a rate of 4 percent of the total number of seats, but in no case fewer than two receivers. In other assembly areas, where permanently installed assistive listening systems are not provided, electrical outlets shall be provided at a rate of not less than 4 percent of the total occupant load.

Signage complying with Section 1106.16.1.3 shall be installed to notify patrons of the availability of the listening system.

1103.1.3 Group B, F, M and S Occupancies. All Group B, F, M, and S Occupancies shall be accessible as provided in this chapter. Assembly spaces in Group B, F, M, and S Occupancies shall comply with Section 1103.1.2.2.

1103.1.4 Group E Occupancies. All Group E Occupancies shall be accessible as provided in this chapter. Assembly spaces in Group E Occupancies shall comply with Section 1103.1.2.2.

1103.1.5 Group H Occupancies. All Group H Occupancies shall be accessible as provided in this chapter.

1103.1.6 Group I Occupancies. All Group I Occupancies shall be accessible in all public use, common use, and employee use areas, and shall have accessible patient rooms, cells, and treatment or examination rooms as follows:

1. In Group I, Division 1.1 patient care units within hospitals which specialize in treating conditions that affect mobility, all patient rooms in each nursing unit including associated toilet rooms and bathrooms.

2. In Group I, Division 1.1 patient care units within hospitals which do not specialize in treating conditions that affect mobility, at least 1 in every 10 patient rooms in each

nursing unit, including associated toilet rooms and bath-rooms.

3. In Group I, Division 1.1 and Division 2 nursing homes and long-term care facilities, at least 1 in every 2 patient rooms, including associated toilet rooms and bath-rooms.

4. In Group I, Division 3 mental health occupancies, at least 1 in every 10 patient rooms, including associated toilet rooms and bathrooms.

5. In Group I, Division 3 jail, prison and similar occupancies, at least 1 in every 100 rooms or cells, including associated toilet rooms and bathrooms.

6. In Group I Occupancies, all treatment and examina-tion rooms shall be accessible.

In Group I Division 1.1 and 2 Occupancies, at least one accessible entrance that complies with Section 1103.2 shall be under shelter. Every such entrance shall include a passenger loading zone which complies with Section 1108.2.

1103.1.7 Group U Occupancies. Group U, Division 1 Occupancies shall be accessible as follows:

1. Private garages and carports which contain accessible parking serving Type A dwelling units.

2. In Group U, Division 1 agricultural buildings, access need only be provided to paved work areas and areas open to the general public.

1103.1.8 Group R Occupancies.

1103.1.8.1 General. All Group R Occupancies shall be accessible as provided in this chapter. Public- and common-use areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox locations, lobbies, foyers, and management offices shall be accessible.

EXCEPTION: Common- or public-use facilities accessory to buildings not required to contain either Type A or Type B dwelling units in accordance with Section 1103.1.8.2.

1103.1.8.2 Number of dwelling units. In all Group R, Division 1 apartment buildings the total number of Type A dwelling units shall be as required by Table No. 11-B. All other dwelling units shall be designed and constructed to the requirements for Type B units as defined in this chapter.

- EXCEPTIONS:
1. Group R Occupancies containing no more than three dwelling units need not be accessible.
 2. Dwelling units in Group R, Division 1 apartment buildings which are located on floors other than the ground floor where no elevator is provided within the building need not comply with standards for Type B dwelling units; provided:
 - 2.1. Where the ground floor is not a Group R Occupancy, the first level of Group R Occupancy, including dwelling units, shall be accessible; and
 - 2.2. The number of Type A dwelling units provided shall not be reduced below the number required by Table No. 11-B. See also Section 1105.3.1.
 3. Dwelling units with two or more stories in a non-elevator building need not comply with standards for Type B dwelling units.
 4. For sites where multiple, non-elevator buildings are planned for a single site and where portions of the site have grades prior to development which exceed 10 percent, the building official may approve the following modifications:
 - 4.1. Number of Dwelling Units:

4.1.1. The number of Type B dwelling units provided may be reduced to a percentage of the ground floor units which is equal to the percentage of the entire site having grades prior to development which are 10 percent or less; but in no case shall the number of Type B dwelling units be less than 20 percent of the ground floor dwelling units on the entire site; and

4.1.2. The number of Type A dwelling units provided shall not be reduced below the number required by Table No. 11-B; and

4.2. Both Type A and B dwelling units may be located in the building or buildings located on the portion of the site where the grade prior to development has slopes of 10 percent or less; and

4.3. Common-use facilities accessory to buildings not required to contain either Type A or B dwelling units in accordance with Item 4.1.1, above, need not be accessible unless there are no other similar facilities provided on the site.

See also Appendix Chapter 11, Division I.

1103.1.8.3 Hotels and lodging houses. In all hotels and lodging houses, accessible guest rooms, including associated bathing, shower, and toilet facilities, shall be provided in accordance with Table 11-C. In addition, sleeping rooms or suites for persons with hearing impairments shall be provided in accordance with Table 11-D. In addition, public- and common-use areas of all hotels and lodging houses shall be accessible.

EXCEPTION: Group R, Division 3 lodging houses that are occupied by the owner or proprietor of the lodging house.

Required sleeping rooms for persons with hearing impairments shall have visible alarms complying with Section 1106.15. Such rooms shall have installed telephones complying with Section 1106.14.3, and an electrical outlet installed within 48 inches (1220 mm) of the telephone connection. Such rooms shall have devices separate from the visible alarm system which provide visible notification of incoming telephone calls and door bell actuation.

Where provided in accessible guest rooms the following facilities shall be accessible: dining areas; kitchens; kitchen-ettes; wet bars; patios; balconies; terraces; or similar facilities.

1103.1.8.4 Proportional distribution. Accessible dwelling units shall be apportioned among efficiency dwelling units, single bedroom units and multiple bedroom units, in proportion to the numbers of such units in the building. Accessible hotel guest rooms shall be apportioned among the various classes of sleeping accommodations.

1103.1.8.5 Congregate residences. In congregate residences with multi-bed rooms or spaces, a percentage equal to the minimum number of accessible rooms required by Table No. 11-C shall be accessible in accordance with Section 1106.26.

EXCEPTION: Congregate residences with 10 or fewer occupants need not be accessible.

1103.1.9 Other parking facilities. Principal use parking facilities which are not accessory to the use of any building or structure shall provide accessible spaces in accordance with Table No. 11-F.

1103.2 Design and Construction.

1103.2.1 General. When accessibility is required by this chapter, it shall be designed and constructed in accordance with this chapter.

1103.2.2 Accessible route of travel. When a building, or portion of a building, is required to be accessible, an

PROPOSED

accessible route of travel shall be provided to all portions of the building, to accessible building entrances, and connecting the building and the public way. The accessible route of travel to areas of primary function may serve but shall not pass through kitchens, storage rooms, toilet rooms, bathrooms, closets, or other similar spaces.

- EXCEPTIONS:**
1. A single accessible route shall be permitted to pass through a kitchen or storage room in an accessible dwelling unit.
 2. Floors above and below accessible levels that have areas of less than 3,000 square feet (278.7m²) per floor, need not be served by an accessible route of travel from an accessible level. This exception shall not apply to:
 - 2.1. The offices of health care providers; or,
 - 2.2. Transportation facilities and airports; or,
 - 2.3. Buildings owned or leased by government agencies; or
 - 2.4. Multi-tenant Group M retail and wholesale occupancies of five tenant spaces or more.
 3. For sites where natural terrain or other unusual property characteristics do not allow the provisions of an accessible route of travel from the public way to the building, the point of vehicular debarkation may be substituted for the accessible entrance to the site.
(For Group R, Division 1 occupancies, see Section 1105.3.1.)

Accessible routes of travel serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an area of evacuation assistance.

Where more than one building or facility is located on a site, accessible routes of travel shall connect accessible buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route connecting accessible building entrances, accessible site facilities and the accessible site entrances.

1103.2.3 Primary entrance access. At least 50% of all public entrances, or a number equal to the number of exits required by Section 1003.1, whichever is greater, shall be accessible. One of the accessible public entrances shall be the primary entrance to a building. At least one accessible entrance must be a ground floor entrance. Public entrances do not include loading or service entrances.

- EXCEPTION:** In Group R, Division 1 apartment buildings only the primary entrance need be accessible, provided that the primary entrance provides an accessible route of travel to all dwelling units required to be accessible.

Where a building is designed not to have common or primary entrances, the primary entrance to each individual dwelling unit required to be accessible, and each individual tenant space, shall be accessible.

1103.2.4 Signs.

1103.2.4.1 International Symbol of Access. The following elements and spaces of accessible facilities shall be identified by the International Symbol of Access:

1. Accessible parking spaces.
2. Accessible entrance when not all entrances are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance).

- EXCEPTION:** Individual entrances into dwelling units.

3. Accessible passenger loading zone(s).

4. Accessible toilet and bathing facilities when not all are accessible.

- EXCEPTION:** Toilet and bathing facilities within dwelling units, patient rooms and guest rooms.

At every major junction along or leading to an exterior accessible route of travel, there shall be a sign displaying the International Symbol of Accessibility. Signage shall indicate the direction to accessible entrance and facilities.

See also Sections 1103.1.2.1, 1104.2.5 and 1106.24.3.

1103.2.4.2 Other signs. Where provided, signs which identify permanent rooms and spaces shall comply with Sections 1106.16.2, 1106.16.3 and 1106.16.5. Where provided, other signs which provide direction to or information about the building or portion of a building shall comply with Sections 1106.16.3 and 1106.16.4.

- EXCEPTION:** Building directories and all temporary signs.

In hotels and lodging houses, a list of accessible guest rooms shall be posted permanently in a location not visible to the general public, for staff use at each reception or check-in desk.

In assembly areas, a sign notifying the general public of the availability of accessible seating and assistive listening systems shall be provided at ticket offices or similar locations.

NEW SECTION

WAC 51-30-1104 Section 1104—Egress and areas of evacuation assistance.

Section 1104.1 General. In buildings or portions of buildings required to be accessible, accessible means of egress shall be provided in the same number as required for exits by Chapter 10. When an exit required by Chapter 10 is not accessible, an area for evacuation assistance shall be provided.

- EXCEPTION:** Areas of evacuation assistance are not required in buildings where an approved, automatic fire-extinguishing system is installed in accordance with U.B.C. Standard No. 9-1, provided that quick-response sprinkler heads are used where allowed by the standard; and that a written fire- and life-safety emergency plan, which specifically addresses the evacuation of persons with disabilities, is approved by the building official and the fire chief.

Every area for evacuation assistance shall comply with the requirements of this code and shall adjoin an accessible route of travel which shall comply with Section 1106.

1104.2 Areas for Evacuation Assistance.

1104.2.1 Location and construction. An area for evacuation assistance shall be one of the following:

1. A portion of a landing within a smokeproof enclosure, complying with Section 1110.

2. A portion of an exterior exit balcony, located immediately adjacent to an exit stairway, when the exterior exit balcony complies with Section 1005. Openings to the interior of the building located within 20 feet (6096 mm) of the area for evacuation assistance shall be protected with fire assemblies having a three-fourths-hour fire-protection rating.

3. A portion of a one-hour fire-resistive corridor complying with Sections 1005.7 and 1005.8 located immediately adjacent to an exit enclosure.

4. A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required by Section 1005.7 and 1005.8.

5. A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building by not less than one-hour fire-resistive door assemblies.

6. When approved by the building official, an area or room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. When the room or area exits into an exit enclosure which is required to be of more than one-hour fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.

7. An elevator lobby complying with Section 1104.4.

1104.2.2 Size. Each area for evacuation assistance shall provide at least two wheelchair spaces not smaller than 30 inches by 48 inches (760 mm by 1220 mm) for each space. The area for evacuation assistance shall not encroach on any required exit width. The total number of such wheelchair spaces per story shall not be less than 1 for every 200 persons of calculated occupant load served by the area for evacuation assistance.

EXCEPTION: The building official may reduce the minimum number of 30-inch (760 mm) by 48-inch (1220 mm) areas to one for each area for evacuation assistance on floors where the occupant load is less than 200.

1104.2.3 Stairway width. Each stairway adjacent to an area for evacuation assistance shall have a minimum clear width of 48 inches (1220 mm) between handrails.

1104.2.4 Two-way communication. A telephone with controlled access to a public telephone system or another method of two-way communication shall be provided between each area for evacuation assistance and the primary entrance. The telephone or other two-way communication system shall be located with the reach ranges specified in Section 1106.2.4. The fire department may approve location other than the primary entrance. The communication system shall not require voice communication.

1104.2.5 Identification. Each area for evacuation assistance shall be identified by a sign which states: **AREA FOR EVACUATION ASSISTANCE** and the International Symbol of Access. The sign shall be illuminated when exit sign illumination is required. The sign shall comply with Sections 1013.3 and 1013.4. In each area for evacuation assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system.

1104.3 Accessible Exits. All exterior exits which are located adjacent to accessible areas and within 6 inches (152 mm) of grade shall be accessible.

1104.4 Area for Evacuation Assistance, High-rise Alternative. Within a building of any height or occupancy, constructed in accordance with the requirements of Section 403, an area for evacuation assistance may be located in the elevator lobby, or adjacent to the elevator where no lobby is required, when:

1. The area for evacuation assistance complies with the requirements for size, two-way communication and identification as specified in Section 1104.2; and,

2. Elevator shafts are pressurized as required for smokeproof enclosures in Section 1009. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the building official. Pressurization equipment and its ductwork within the building shall be separated from other portions of the building by a minimum of two-hour fire-resistive construction.

3. The manager of the building has established and maintains a written fire- and life-safety emergency plan which, in addition to other provisions, shall specifically address the evacuation of persons with disabilities. Such plan shall be approved by the building official and the fire chief.

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

NEW SECTION

WAC 51-30-1105 Section 1105—Facility accessibility.

Section 1105.1 General. Where buildings are required to be accessible, building facilities shall be accessible to persons with disabilities as provided in this section. For Group R, Division 1 apartment buildings, where specific floors of a building are required to be accessible, the requirements shall apply only to the facilities located on accessible floors.

All building facilities or elements required by this section to be accessible shall be designed and constructed in accordance with Section 1106.

1105.2 Bathing and Toilet Facilities.

1105.2.1 Bathing facilities. When bathing facilities are provided, at least 2 percent, but not less than 1, bathtub or shower shall be accessible. In dwelling units where a separate bathtub and shower are provided in the same room, at least one shall be accessible.

1105.2.2 Toilet facilities. Toilet facilities located within accessible dwelling units, guest rooms, and congregate residences shall comply with Sections 1106.11 and 1106.27.

EXCEPTION: Within accessible dwelling units, only one toilet facility need be accessible.

In each toilet facility in other occupancies, at least one wheelchair accessible toilet stall with an accessible water

closet shall be provided. In addition, when there are 6 or more water closets within a toilet facility, at least one ambulatory accessible toilet stall complying with Section 1106.11.4 shall also be installed.

Where urinals are provided, at least one urinal shall be accessible.

1105.2.3 Lavatories, mirrors and towel fixtures. At least one accessible lavatory shall be provided within any toilet facility. Where mirrors, towel fixtures and other toilet and bathroom accessories are provided, at least one of each shall be accessible.

1105.2.4 Adaptable fixtures in dwelling units. See Section 1106.27.2 for adaptable fixtures in dwelling units.

1105.3 Elevators, Platform Lifts and Stairways.

1105.3.1 Elevators.

1105.3.1.1 Where required. In multi-story buildings or portions thereof required to be accessible by Section 1103, at least one elevator shall serve each level, including mezzanines. Other than within an individual dwelling unit, where an elevator is provided but not required, it shall be accessible.

- EXCEPTIONS:
1. In Group R, Division 1 apartment occupancies, an elevator is not required where accessible dwelling units and guest rooms are accessible by ramp or by grade level route of travel.
 2. In a building of fewer than three stories, an elevator is not required where ramps, grade-level entrances or accessible horizontal exits from an adjacent building, are provided to each floor.
 3. In multi-story parking garages, an elevator is not required where an accessible route of travel is provided from accessible parking spaces on levels with accessible horizontal connections to the primary building served.
 4. In Group R, Division 1 hotels and lodging houses, less than 3 stories in height, an elevator is not required, provided that all accessible guest rooms are located on the ground floor.

1105.3.1.2 Design. All elevators shall be accessible.

- EXCEPTIONS:
1. Private elevators serving only one dwelling unit.
 2. Where more than one elevator is provided in the building, elevators used exclusively for movement of freight.

Elevators required to be accessible shall be designed and constructed to comply with Chapter 296-81 of the Washington Administrative Code.

1105.3.2 Platform lifts. Platform lifts may be used in lieu of an elevator under one of the following conditions subject to approval by the building official:

1. To provide an accessible route of travel to a performing area in a Group A Occupancy; or,
2. To provide unobstructed sight lines and distribution for wheelchair viewing positions in Group A Occupancies; or
3. To provide access to spaces with an occupant load of less than 5 that are not open to the public; or,
4. To provide access where existing site or other constraints make use of a ramp or elevator infeasible.

All platform lifts used in lieu of an elevator shall be capable of independent operation and shall comply with Chapter 296-81 of the Washington Administrative Code.

1105.3.3 Stairways. Stairways shall comply with Section 1106.9.

1105.4 Other Building Facilities.

1105.4.1 Water fountains. On any floor where water fountains are provided, at least 50 percent, but in no case less than one fountain, shall be accessible complying with Section 1106.13 and at least one fountain shall be mounted at a standard height.

1105.4.2 Telephones. On any floor where public telephones are provided at least one telephone shall be accessible. On any floor where 2 or more banks of multiple telephones are provided, at least one telephone in each bank shall be accessible and at least one telephone per floor shall be designed to allow forward reach complying with Section 1106.2.4.5.

Where any bank of public telephones consists of 3 or more telephones, at least one telephone in each bank shall be equipped with a shelf and electrical outlet complying with Section 1106.14.7.

All accessible telephones and at least 25 percent of all other public telephones, but in no case less than one, shall be provided with volume controls in accordance with Section 1106.14.3 and shall be dispersed among the public telephones provided in the building.

Where four or more public telephones are provided at a building site, and at least one is in an interior location, at least one interior telephone shall be a text telephone in accordance with Section 1106.14.

Where interior public pay phones are provided in transportation facilities; assembly and similar areas including stadiums and arenas; convention centers; hotels with convention facilities; or covered malls; or in or adjacent to hospital emergency, recovery, or waiting rooms; at least one interior text telephone shall be provided.

1105.4.3 Kitchens. Kitchens within accessible dwelling units shall be designed in accordance with Sections 1106.12 and 1106.27.

EXCEPTION: Kitchens in Type B dwelling units need not comply with Section 1106.12.1 (See Section 1106.27.1).

Kitchens, kitchenettes, or wet bars in other than dwelling units, which are provided accessory to a sleeping room, guest room, or suite, shall be designed in accordance with Section 1106. Countertops and sinks shall be no more than 34 inches (865 mm) above the finished floor. At least 50 percent of shelf space in cabinets and appliances shall be within the reach ranges of Section 1106.2.4.

1105.4.4 Recreation facilities. Where common- or public-use recreational facilities, swimming pools, hot tubs, spas, and similar facilities are provided, they shall be accessible. Swimming pools shall be accessible by transfer tier, hydraulic chair, ramp, or other means. Hot tubs and spas need be accessible only to the edge of the facility.

EXCEPTION: Common- or public-use facilities accessory to buildings not required to contain either Type A or Type B dwelling units in accordance with Section 1103.1.8.2.

1105.4.5 Fixed or built-in seating or tables. Where fixed or built-in seating or tables are provided, at least 5 percent,

but no fewer than one, shall be accessible. Accessible fixed or built-in seating or tables shall comply with Section 1106.19. In eating and drinking establishments, such seating or tables shall be distributed throughout the facility.

1105.4.6 Storage facilities. In other than Group R, Division 1 apartment buildings, where fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with Section 1106.18.

1105.4.7 Customer service facilities.

1105.4.7.1 Dressing and fitting rooms. Where dressing or fitting rooms are provided for use by the general public, patients, customers or employees, 5 percent, but not less than one, in each group of rooms serving distinct and different functions shall be accessible in accordance with Section 1106.24.

1105.4.7.2 Counters and windows. Where customer sales and service counters or windows are provided, a portion of the counter, or at least one window, shall be accessible in accordance with Section 1106.24.2.

1105.4.7.3 Shelving and display. Self-service shelves or display units in retail occupancies shall be located on an accessible route of travel in accordance with Section 1103.2.2. Not all self-service shelves and display units need be located within reach ranges required by Section 1106.2.4.

1105.4.7.4 Check-out aisles. Accessible check-out aisles shall be installed in accordance with Table No. 11-E and Section 1106.24.3.

1105.4.8 Controls, operating mechanisms, and hardware. Controls, operating mechanisms, and hardware, including; switches that control lighting, ventilation or electrical outlets; in accessible spaces, along accessible routes or as parts of accessible elements, shall comply with Section 1106.3.

1105.4.9 Alarms. Where provided, alarm systems shall include both audible and visible alarms. Visible alarm devices shall be located in all assembly areas; common-use areas, including toilet rooms and bathing facilities; hallways and lobbies; and hotel guest rooms as required by Section 1103.1.8.3.

- EXCEPTIONS:**
1. Alarm systems in Group I, Division 1.1 and 2 Occupancies may be modified to suit standard health care design practice.
 2. Visible alarms are not required in Group R, Division 1 apartment buildings.

NEW SECTION

WAC 51-30-1106 Section 1106—Accessible design and standards.

Section 1106.1 General. Where accessibility is required by this chapter, buildings and facilities shall be designed and constructed in accordance with this section, unless otherwise specified in this chapter.

1106.2 Space Allowance and Reach Ranges.

1106.2.1 Wheelchair passage width. The minimum clear width for single wheelchair passage shall be 36 inches (915

mm). The minimum width for two wheelchairs to pass is 60 inches (1525 mm).

EXCEPTION: The minimum width for single wheelchair passage may be 32 inches (815 mm) for a maximum distance of 24 inches (610 mm).

1106.2.2 Wheelchair turning spaces. Wheelchair turning spaces shall be designed and constructed to satisfy one of the following requirements:

1. A turning space not less than 60 inches (1525 mm) in diameter; or,
2. A turning space at T-shaped intersections or within a room, where the minimum width is not less than 36 inches (915 mm). Each segment of the T shall be clear of obstructions not less than 24 inches (610 mm) in each direction.

Wheelchair turning space may include knee and toe clearance in accordance with Section 1106.2.4.3.

1106.2.3 Unobstructed floor space. A floor space, including the vertical space above such floor space, which is free of any physical obstruction including door swings, to a height of 29 inches (737 mm). Where a pair of doors occurs, the swing of the inactive leaf may be considered to be unobstructed floor space. Unobstructed floor space may include toe spaces that are a minimum of 9 inches (230 mm) in height and not more than 6 inches (152 mm) in depth.

1106.2.4 Clear floor or ground spaces and maneuvering clearance space for wheelchairs.

1106.2.4.1 Size. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair occupant shall be not less than 30 inches (760 mm) by 48 inches (1220 mm).

1106.2.4.2 Approach. Wheelchair spaces shall be designed to allow for forward or parallel approach to an accessible feature.

1106.2.4.3 Knee and toe clearances. Spaces under obstructions, work surfaces or fixtures may be included in the clear floor or ground space provided that they are at least 30 inches (760 mm) in width, a minimum of 27 inches (685 mm) in height, and not greater than 25 inches (635 mm) in depth. Toe spaces under obstructions, work surfaces or fixtures which comply with the requirements for unobstructed floor space may be included in the clear floor or ground space.

1106.2.4.4 Approach to wheelchair spaces. One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route of travel, or shall adjoin another wheelchair clear space. Clear space located in an alcove or otherwise confined on all or part of three sides shall be not less than 36 inches (915 mm) in width where forward approach is provided, or 60 inches (1525 mm) in width where parallel approach is provided.

1106.2.4.5 Forward reach. Where the clear floor space allows only forward approach to an object, the maximum forward reach allowed shall not be higher than 48 inches (1220 mm). Reach obstructions 20 inches (510 mm) or less in depth may project into the clear space provided that knee clearance is maintained in accordance with Section 1106.2.4.3. Reach obstructions greater than 20 inches (510

mm) in depth may project into the clear space provided that the reach obstruction shall not exceed 25 inches (635 mm) in depth and the maximum forward reach shall not exceed 44 inches (1118 mm) in height. The minimum low forward reach shall not be lower than 15 inches (380 mm).

1106.2.4.6 Side reach. Where the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall not be higher than 54 inches (1370 mm). Obstructions no greater than 34 inches (865 mm) in height and no more than 24 inches (610 mm) in depth may be located in the side reach area provided that when such obstructions are present, the side reach shall not exceed 46 inches (1170 mm) in height. The minimum low side reach shall not be lower than 9 inches (230 mm).

1106.3 Controls and Hardware.

1106.3.1 Operation. Handles, pulls, latches, locks, and other operating devices on doors, windows, cabinets, plumbing fixtures, and storage facilities, shall have a lever or other shape which will permit operation by wrist or arm pressure and which does not require tight grasping, pinching or twisting to operate. Doors shall comply with Section 1004.

The force to activate controls on lavatories and water fountains and flush valves on water closets and urinals shall not be greater than 5 pounds (22.2 N).

1106.3.2 Mounting heights. The highest operable part of environmental and other controls, dispensers, receptacles, and other operable equipment shall be within at least one of the reach ranges specified in Section 1106.2.4, and not less than 36 inches (915 mm) above the floor. Electrical and communications system receptacles on walls shall be mounted a minimum of 15 inches (380 mm) above the floor. Door hardware shall be mounted at not less than 36 inches (915 mm) and not more than 48 inches (1220) above the floor.

1106.3.3 Clear floor space. Clear floor space that allows a forward or a side approach shall be provided at all controls or hardware.

1106.4 Accessible Route of Travel.

1106.4.1 Width. The minimum clear width of an accessible route of travel shall be 36 inches (915 mm) except at doors (see Section 1106.10.2). Where an accessible route includes a 180 degree turn around an obstruction which is less than 48 inches (1220 mm) in width, the clear width of the accessible route of travel around the obstruction shall be 42 inches (1065 mm) minimum. For exterior accessible routes of travel, the minimum clear width shall be 44 inches (1118 mm).

EXCEPTION: The minimum width for single wheelchair passage may be 32 inches (815 mm) for a maximum distance of 24 inches (610 mm).

Where an accessible route of travel is less than 60 inches (1525 mm) in width, passing spaces at least 60 inches (1525 mm) by 60 inches (1525 mm) shall be located at intervals not to exceed 200 feet (61 m). A T-shaped intersection of two corridors or walks may be used as a passing space.

1106.4.2 Height. Accessible routes shall have a clear height of not less than 79 inches (2007 mm). Where the vertical clearance of an area adjoining an accessible route of travel is less than 79 inches (2007 mm) but more than 27 inches (685 mm), a continuous permanent barrier shall be installed to prevent traffic into such areas of reduced clearance.

1106.4.3 Slope. An accessible route of travel shall have a running slope not greater than 1 vertical in 12 horizontal. An accessible route of travel with a running slope greater than 1 vertical in 20 horizontal shall comply with Section 1106.8. Cross slopes of an accessible route of travel shall not exceed 1 vertical in 48 horizontal.

1106.4.4 Changes in level. Changes in level along an accessible route of travel shall comply with Section 1106.6. Stairs or escalators shall not be part of an accessible route of travel. Any raised area within an accessible route of travel shall be cut through to maintain a level route or shall have curb ramps at both sides and a level area not less than 48 inches (1220 mm) long connecting the ramps.

1106.4.5 Surfaces.

1106.4.5.1 General. All floor and ground surfaces in an accessible route of travel shall comply with Section 1106.7.

1106.4.5.2 Detectable warnings. Curb ramps shall have detectable warnings complying with Section 1106.17. Detectable warnings shall extend the full width and depth of the curb ramp.

1106.4.6 Illumination. Illumination shall be provided along an exterior accessible route of travel at any time the building is occupied, with an intensity of not less than one footcandle (10.76 lx) on the surface of the route.

1106.4.7 Curb ramps.

1106.4.7.1 Slope. Slopes of curb ramps shall comply with Section 1106.8. Transitions from ramps to walks, gutters, or vehicular ways shall be flush and free of abrupt changes in height. Maximum slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp or accessible route of travel shall not exceed 1 vertical in 20 horizontal.

1106.4.7.2 Width. Curb ramps shall be not less than 36 inches (915 mm) in width, exclusive of the required side slopes.

1106.4.7.3 Side slopes of curb ramps. Curb ramps located where pedestrians must walk across the ramp, or where not protected by handrails or guardrails, shall have sloped sides. The maximum side slope shall be 1 vertical in 10 horizontal. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.

EXCEPTION: Where the width of the walking surface at the top of the ramp and parallel to the run of the ramp is less than 48 inches (1220 mm), the maximum side slope shall be 1 vertical in 12 horizontal.

1106.4.7.4 Location. Built-up curb ramps shall be located so as not to project into vehicular ways nor be located within accessible parking spaces.

1106.4.7.5 Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

1106.4.7.6 Location at marked cross walks. Curb ramps at marked cross walks shall be wholly contained within the markings, excluding any sloped sides.

1106.4.8 Vehicular areas. Where an accessible route of travel crosses or adjoins a vehicular way, and where there are no curbs, railings or other elements which separate the pedestrian and vehicular areas, and which are detectable by a person who has a severe vision impairment, the boundary between the areas shall be defined by a continuous detectable warning not less than 36 inches (915 mm) wide, complying with Section 1106.17.

1106.5 Protruding Objects. Protruding objects shall not reduce the clear width of an accessible route of travel or maneuvering space. Any wall- or post-mounted object with its leading edge between 27 inches (685 mm) and 79 inches (2007 mm) above the floor may project not more than 4 inches (102 mm) into an accessible route of travel, corridor, passageway, or aisle. Any wall- or post-mounted projection greater than 4 inches (102 mm) shall extend to the floor.

1106.6 Changes in Level. Accessible routes of travel and accessible spaces within buildings shall have continuous common floor or ramp surfaces. Abrupt change in height greater than 1/4 inch (6 mm) shall be beveled to 1 vertical in 2 horizontal. Changes in level greater than 1/2 inch (13 mm) shall be accomplished by means of a ramp meeting the requirements of Section 1106.8, a curb ramp meeting the requirements of Section 1106.4.7, or an elevator or platform lift meeting the requirements of Section 1105.3. For Type B dwelling units, see also Section 1106.27.

1106.7 Floor Coverings and Surface Treatments.

1106.7.1 General. All surfaces shall be firm and stable.

1106.7.2 Carpeting. Carpeting and floor mats in accessible areas shall be securely fastened to the underlying surface, and shall provide a firm, stable, continuous, and relatively smooth surface.

1106.7.3 Slip-resistant surfaces. Showers; locker rooms; swimming pool, spa, and hot tub decks; toilet rooms; and other areas subject to wet conditions shall have slip-resistant floors.

Exterior accessible routes of travel shall have slip-resistant surfaces.

1106.7.4 Grates. Within an accessible route of travel, grates shall have openings not more than 1/2 inch (13 mm) in one direction. Where grates have elongated openings, they shall be placed so that the long dimension is perpendicular to the dominant direction of travel. The maximum vertical surface change shall be 1/8 inch (3 mm).

1106.7.5 Expansion and construction joints. Expansion and construction joints in exterior routes of travel shall have a width of not more than 1/2 inch (13 mm), shall be filled with a firm, compressible, elastic material, and shall be substantially level with the surface of the accessible route of travel.

1106.8 Ramps.

1106.8.1 General. Ramps required to be accessible shall comply with Section 1007 and the provisions of this section.

No ramp shall change direction between landings, except ramps with an inside radius of 30 feet (9144 mm) or greater.

1106.8.2 Slope and rise. The maximum slope of a ramp shall be 1 vertical in 12 horizontal. The maximum rise for any run shall be 30 inches (760 mm).

1106.8.3 Width. The minimum width of a ramp shall be not less than 36 inches (915 mm) for interior ramps and 44 inches (1118 mm) for exterior ramps.

1106.8.4 Landings. Ramps within the accessible route of travel shall have landings at the top and bottom, and at least one intermediate landing shall be provided for each 30 inches (760 mm) of rise. Landings shall be level and have a minimum dimension measured in the direction of ramp run of not less than 60 inches (1525 mm). Where the ramp changes direction at a landing, the landing shall be not less than 60 inches (1525 mm) by 60 inches (1525 mm). The width of any landing shall be not less than the width of the ramp.

1106.8.5 Handrails. Ramps having slopes steeper than 1 vertical to 20 horizontal shall have handrails as required for stairways, except that intermediate handrails as required in Section 1006.9 are not required. Handrails shall be continuous provided that they shall not be required at any point of access along the ramp, nor at any curb ramp. Handrails shall extend at least 12 inches (305 mm) beyond the top and bottom of any ramp run.

EXCEPTION: Ramps having a rise less than or equal to 6 inches (152 mm), or a run less than or equal to 72 inches (1830 mm), need not have handrails.

1106.8.6 Exterior ramps. Exposed ramps and their approaches shall be constructed to prevent the accumulation of water on walking surfaces.

1106.8.7 Edge protection. Any portion of the edge of a ramp with a slope greater than 1 vertical in 20 horizontal, or landing which is more than 1/2 inch (13 mm) above the adjacent grade or floor, shall be provided with edge protection in accordance with the following:

1. **Walls and Curbs.** When used, walls or curbs shall be not less than 2 inches (51 mm) in height above the surface of the accessible route of travel.

2. **Railings.** When used, railings shall comply with Section 1106.8.5 and also shall have one of the following features:

2.1. An intermediate rail mounted 17 to 19 inches (430 to 485 mm) above the ramp or landing surface, or

2.2. A guardrail complying with Section 509.

1106.9 Stairways.

1106.9.1 General. Stairways required to be accessible shall comply with Section 1006 and provisions of this section.

1106.9.2 Open risers. Open risers shall not be permitted.

EXCEPTION: Stairways in Group R, Division 1 apartment buildings may have open risers.

1106.9.3 Nosings. Stair nosings shall be flush, slip-resistant, and rounded to a radius of 1/2 inch (13 mm) maximum. Risers shall be sloped, or the underside of the nosing shall

have an angle of not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 inches (38 mm).

1106.9.4 Exterior stairways. Exposed stairways and their approaches shall be constructed to prevent the accumulation of water on walking surfaces.

1106.10 Doors.

1106.10.1 General. Doors required to be accessible shall comply with Section 1004 and with provisions of this section. For the purpose of this section, gates shall be considered to be doors. An accessible gate or door shall be provided adjacent to any turnstile or revolving door. Where doorways have two independently operated door leaves, then at least one leaf shall comply with this section.

1106.10.2 Clear width. Doors shall be capable of being opened so that the clear width of the opening is not less than 32 inches (815 mm).

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have a clear opening of not less than 20 inches (510 mm).

1106.10.3 Maneuvering clearances at doors. Except as provided in Section 1106.27, all doors shall have minimum maneuvering clearances as follows:

1. Where a door must be pulled to be opened, an unobstructed floor space shall extend at least 18 inches (455 mm) beyond the strike jamb.

2. Where a door must be pushed to be opened and is equipped with a closer and a latch, an unobstructed floor space shall extend at least 12 inches (305 mm) beyond the strike jamb.

3. Where two doors are in series, the minimum distance between two hinged or pivoted doors shall be 48 inches (1220 mm), in addition to any area needed for door swing. Doors in series shall swing either in the same direction, or away from the space between the doors.

4. Where a door must be pulled to be opened, an unobstructed floor space shall be provided that extends 60 inches (1525 mm), perpendicular to the doorway.

5. Where a door must be pushed to be opened an unobstructed floor space shall extend 48 inches (1220 mm) perpendicular to the doorway.

1106.10.4 Thresholds at doors. Thresholds at doors shall comply with Section 1106.6.

EXCEPTION: Exterior doors other than the accessible entrance to a dwelling unit, may be sliding doors with thresholds not exceeding 3/4 inch (19 mm).

1106.10.5 Automatic and power-assisted doors. Door-closers or power-operators shall be operable as required by Section 1004.8.

EXCEPTION: Floor pad or electric eye actuated power operators.

All power-operated doors shall remain in the fully open position for not less than 6 seconds before closing. Touch switches shall be mounted 36 inches (915 mm) above the floor and not less than 18 inches (455 mm), nor more than 36 inches (915 mm), horizontally from the nearest point of travel of the moving door. Other power-operated doors must

be actuated from a location not less than 36 inches (915 mm) from the nearest point of travel of the moving door. Power-operated doors shall automatically reopen when they encounter an obstruction other than the strike jamb.

1106.10.6 Door closers. Where provided, door closers shall be adjusted to close from an open position of 70 degrees to a point 3 inches (76 mm) from the latch, in not less than 3 seconds, when measured to the leading edge of the door.

1106.10.7 Vision panels. Where a door contains one or more vision panels, the bottom of the glass of at least one panel, shall be not more than 40 inches (1015 mm) above the floor.

1106.11 Bathrooms, Toilet Rooms, Bathing Facilities, and Shower Rooms.

1106.11.1 General. Bathrooms, toilet rooms, bathing facilities, and shower rooms shall be designed in accordance with this section. For dwelling units, see also Section 1106.27.

1106.11.2 Unobstructed floor space. An unobstructed floor space shall be provided within bathrooms, toilet rooms, bathing facilities, and shower rooms of sufficient size to inscribe a circle with a diameter not less than 60 inches (1525 mm). Doors in any position may encroach into this space by not more than 12 inches (305 mm). The clear floor spaces at fixtures, the accessible route of travel, and the unobstructed floor space may overlap.

1106.11.3 Wheelchair accessible toilet stalls.

1106.11.3.1 Dimensions. Wheelchair accessible toilet stalls shall be at least 60 inches (1525 mm) in width. Where wall-hung water closets are installed, the depth of the stall shall be not less than 56 inches (1420 mm). Where floor-mounted water closets are installed, the depth of the stall shall be not less than 59 inches (1500 mm). Entry to the compartment shall have a clear width of 32 inches (815 mm). Toilet stall doors shall not swing into the clear floor space required for any fixture. Except for door swing, a clear unobstructed access not less than 48 inches (1220 mm) in width shall be provided to toilet stalls.

EXCEPTION: Partitions may project not more than one inch, in the aggregate, into the required width of the stall.

1106.11.3.2 Toe clearances. In any toilet stall, the front partition and at least one side partition shall provide a toe clearance of at least 9 inches (230 mm) above the floor.

EXCEPTION: Toe clearance is not required in a stall with a depth greater than 60 inches (1525 mm).

1106.11.3.3 Door hardware. Doors of accessible toilet stalls shall comply with Section 1106.3.

1106.11.4 Ambulatory accessible toilet stalls. Ambulatory accessible toilet stalls shall be at least 36 inches (915 mm) in width, with an outward swinging, self-closing door. Grab bars shall be installed on each side of the toilet stall and shall comply with Sections 1106.11.5.3 and 1106.11.11.

1106.11.5 Water closets.

1106.11.5.1 Clear floor space. The lateral distance from the center line of the water closet to the nearest obstruction, excluding grab bars, shall be 18 inches (455 mm) on one

side and not less than 42 inches (1065 mm) on the other side. In other than stalls, a clear floor space of not less than 32 inches (815 mm), measured perpendicular to the wall on which the water closet is mounted, shall be provided in front of the water closet.

EXCEPTION: A lavatory may be located within the clear floor space required for a water closet provided that knee and toe clearances for the lavatory comply with Section 1106.11.7, below, and:

1. In Type B dwelling units the edge of the lavatory shall be located not less than 15 inches (380 mm) from the centerline of the water closet; or,
2. In all other occupancies the edge of the lavatory shall be located not less than 18 inches (455 mm) from the centerline of the water closet.

1106.11.5.2 Height. The height of water closets shall be a minimum of 17 inches (430 mm) and a maximum of 19 inches (485 mm) measured to the top of the seat. Seats shall not be sprung to return to a lifted position.

1106.11.5.3 Grab bars. Grab bars shall be installed at one side and at the back of the water closet. The top of grab bars shall be not less than 33 inches (840 mm) and not more than 36 inches (915 mm) above and parallel to the floor. Grab bars located at the side shall be a minimum 42 inches (1065 mm) in length with the front end positioned not less than 18 inches (455 mm) in front of the water closet. Grab bars located at the back shall be a minimum of 36 inches (915 mm) in length. Grab bars shall be mounted not more than 9 inches (230 mm) behind the water closet seat. See also Section 1106.11.11.

1106.11.5.4 Flush controls. Flush controls shall be mounted for use from the wide side of the water closet area and not more than 44 inches (1118 mm) above the floor. Flush valves shall comply with Section 1106.3.

1106.11.5.5 Dispensers and receptacles. Toilet paper and other dispensers or receptacles shall be installed within easy reach of the water closet, and shall not interfere with unobstructed floor space or grab bar utilization.

1106.11.6 Urinals. A clear floor space measuring 30 inches (760 mm) in width by 48 inches (1220 mm) in depth shall be provided in front of urinals to allow for forward approach. Urinal shields shall have a clear space between them of not less than 29 inches (737 mm) and shall not extend farther than the front edge of the urinal rim. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 inches (430 mm) above the floor. Flush controls shall be mounted not more than 44 inches (1118 mm) above the floor. Flush valves shall comply with Section 1106.3.

1106.11.7 Lavatories and sinks.

1106.11.7.1 Clear floor space. A clear floor space not less than 30 inches (760 mm) in width by 48 inches (1220 mm) in depth shall be provided in front of lavatories and sinks to allow a forward approach. The clear floor space may include knee and toe clearances not to exceed 19 inches (485 mm) extending under the lavatory or sink.

1106.11.7.2 Height. Lavatories and sinks shall be mounted with the rim or counter surface no higher than 34 inches (865 mm) above the finished floor.

1106.11.7.3 Knee and toe clearances.

1106.11.7.3.1 Lavatories. The total depth of the clear space beneath a lavatory shall be not less than 17 inches (430 mm), of which toe clearance shall be not more than 6 inches (152 mm) of the total depth. Knee clearance shall be not less than 29 inches (237 mm) in height and 30 inches (760 mm) in width.

1106.11.7.3.2 Sinks. Knee clearance not less than 27 inches (685 mm) in height, 30 inches (760 mm) in width, and 19 inches (485 mm) in depth shall be provided underneath sinks.

1106.11.7.4 Exposed pipes and surfaces. Hot water and drain pipes exposed under lavatories and sinks shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories or sinks.

1106.11.7.5 Faucets. Faucet control handles shall be located not more than 17 inches (430 mm) from the front edge of the lavatory, sink or counter, and shall comply with Section 1106.3. Self-closing valves shall remain open for at least 10 seconds per operation.

1106.11.7.6 Sink depth. Sinks shall be not more than 6-1/2 inches (165 mm) in vertical depth.

1106.11.8 Mirrors, dispensers, and other fixtures. Mirrors or shelves shall be installed so that the bottom of the mirror or the top of the shelf is within 40 inches (1015 mm) of the floor.

Drying equipment, towel or other dispensers, and disposal fixtures shall be mounted so as to not exceed 40 inches (1015 mm) above the finished floor to any rack, operating controls, receptacle or dispenser.

1106.11.9 Bathtubs.

1106.11.9.1 Clear floor space. A clear floor space not less than 60 inches (1525 mm) in length shall be provided along the tub. Where the required seat is located at the end of the tub, the clear floor space shall be not less than 75 inches (1905 mm) in length. The clear floor space shall be not less than 30 inches (760 mm) in width where access to the space is parallel to the tub and not less than 48 inches (1220 mm) in width where access to the space is at right angles to the tub.

A lavatory which complies with Section 1106.11.7, above, may be located in the clear floor space for the tub.

1106.11.9.2 Seats. An in-tub seat or a seat at the end of the tub shall be provided. In-tub seats shall be portable and removable, not less than 12 inches (305 mm) in width, and extend the full width of the tub. Seats at the end of the tub shall be constructed flush with the top of the tub and shall extend not less than 15 inches (380 mm) from the end of the tub. Seats shall be mounted securely and shall not slip during use.

1106.11.9.3 Grab bars. All required grab bars shall be installed parallel to the floor. Lower grab bars shall be installed centered 9 inches (230 mm) above the tub rim. Upper or single grab bars shall be installed centered not less than 33 inches (840 mm) and not more than 36 inches (915 mm) above the floor of the clear space.

Where a tub has a seat at the end, two grab bars not less than 48 inches (1220 mm) in length shall be installed on the wall opposite the clear floor space. One end of each grab bar shall terminate where the tub abuts the seat.

Where a tub has an in-tub seat, two grab bars, not less than 24 inches (610 mm) in length, shall be installed on the wall opposite the clear floor space. The grab bars shall extend to not less than 24 inches (610 mm) from one end of the tub and not less than 12 inches (305 mm) from the other end. One grab bar shall be installed on the wall at the end of the tub opposite the drain, extending at least 12 inches (305 mm) from the clear floor space.

For all bathtubs, one grab bar shall be installed on the wall at the end of the tub nearest the drain, extending at least 24 inches (610 mm) from the clear floor space.

1106.11.9.4 Controls and fixtures. Faucets and other controls shall be located above the tub rim and below the grab bars, shall be not more than 24 inches (610 mm) laterally from the clear floor space and shall comply with Section 1106.3.

A shower spray unit, with a hose at least 60 inches (1525 mm) long, that can be used as a fixed shower head or as a hand-held shower, shall be provided.

1106.11.9.5 Bathtub enclosures. Where provided, enclosures for bathtubs shall not obstruct controls or obstruct transfer from wheelchairs onto bathtub seats or into tubs. Bathtub enclosures shall not have tracks mounted on the tub rim.

1106.11.10 Shower stalls.

1106.11.10.1 Configuration. Shower stalls shall have one of the following configurations:

1. Transfer shower stalls shall be 36 inches by 36 inches (915 by 915 mm), nominal, and shall have a seat; or,

2. Roll-in shower stalls shall be not less than 30 inches (760 mm) in depth by 60 inches (1525 mm) in length.

1106.11.10.2 Clear floor space. A clear floor space not less than 48 inches (1220 mm) in length shall be provided adjacent to shower stalls. For roll-in shower stalls, the clear floor space shall be not less than 60 inches (1525 mm) in length. The clear floor space shall be not less than 36 inches (915 mm) in width. A lavatory which complies with Section 1106.11.7, above, may be located in the clear floor space adjacent to a roll-in shower.

1106.11.10.3 Seats. In transfer shower stalls, a seat shall be mounted not less than 17 inches (430 mm) and not more than 19 inches (485 mm) above the floor, and shall extend the full depth of the stall. The seat shall be located on the wall opposite the controls and shall be mounted not more than 1 1/2 inches (38 mm) from the shower walls. The seat shall be not more than 16 inches (405 mm) in width.

EXCEPTION: A section of the seat not more than 15 inches (380 mm) in length and adjacent to the wall opposite the clear space, may be not more than 23 inches (585 mm) in width.

In roll-in shower stalls, a fold down seat, complying with the dimensional requirements of this subsection, may be installed.

1106.11.10.4 Grab bars. All required grab bars shall be installed parallel to the floor. All grab bars shall be installed not less than 33 inches (840 mm) and not more than 36 inches (915 mm) above the floor of the adjacent clear space.

For transfer shower stalls, a grab bar, not less than 18 inches (455 mm) in length, shall be installed on the wall opposite the clear floor space. One end of the grab bar shall terminate at the wall opposite the seat. A grab bar not less than 27 inches (685 mm) in length shall also be installed on the wall opposite the seat.

For roll-in shower stalls, grab bars shall be provided on all permanent stall walls. Grab bars located on either end of the stall shall be not less than 27 inches (685 mm) in length. The grab bar located opposite the clear space shall be not less than 48 inches (1220 mm) in length.

1106.11.10.5 Controls and fixtures. Faucets and other controls shall be located on the same wall as the shower spray unit, and shall be installed not less than 38 inches (965 mm) or more than 48 inches (1220 mm) above the shower floor and shall comply with Section 1106.3.

A shower spray unit, with a hose at least 60 inches (1525 mm) long, that can be used as a fixed shower head or as a hand-held shower, shall be provided.

EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head may be installed not more than 48 inches (1220 mm) above the stall floor.

1106.11.10.6 Thresholds. In transfer shower stalls, thresholds shall be flush or beveled with a maximum edge height of 1/2 inch (13 mm), and a maximum slope of not more than 1 vertical in 2 horizontal.

Thresholds in roll-in shower stalls shall be level with the adjacent clear space.

1106.11.10.7 Shower enclosures. Where provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

1106.11.11 Structural requirements for grab bars, and tub and shower seats.

1106.11.11.1 General. All grab bars, and tub and shower seats required to be accessible, shall comply with this section.

1106.11.11.2 Size and spacing of grab bars. Grab bars shall have an outside diameter of not less than 1-1/4 inch (32 mm) nor more than 1-1/2 inches (38 mm) and shall provide a clearance of 1-1/2 inches (38 mm) between the grab bar and the wall.

1106.11.11.3 Structural strength. The structural strength of grab bars, tub and shower seats, fasteners and mounting devices shall meet the following specification:

1. Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 300 pounds (1334 N) shall be less than the allowable stress for the material of the grab bar or seat.

2. Shear stress induced in a grab bar or seat by the application of 300 pounds (1334 N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its

mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

3. Shear force induced in a fastener or mounting device from the application of 300 pounds (1334 N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

4. Tensile force induced in a fastener by a direct tension force of 300 pounds (1334 N) plus the maximum moment from the application of 300 pounds (1334 N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

1106.11.11.4 Special hazards. A grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 inch (3 mm).

1106.12 Kitchens.

1106.12.1 Clear floor space. An unobstructed floor space shall be provided within kitchens of sufficient size to inscribe a circle with a diameter not less than 60 inches (1525 mm). Doors in any position may encroach into this space by not more than 12 inches (305 mm). The clear floor spaces at fixtures, the accessible route of travel, and the unobstructed floor space may overlap.

1106.12.2 Counter surfaces and shelving. Within Type A dwelling units, a counter surface, a minimum of 30 inches (760 mm) wide by 24 inches (610 mm) deep, shall be provided at a maximum height of 34 inches (865 mm), with a knee space beneath at least 27 inches (685 mm) in height.

In other than dwelling units, at least 50 percent of shelf space in cabinets, refrigerators and freezers shall be within the reach ranges specified in Section 1106.2.4.

1106.13 Water Fountains.

1106.13.1 Clear floor space. Wall- and post-mounted cantilevered units shall have a minimum clear floor space in front of the unit, of 30 inches (760 mm) in width by 48 inches (1220 mm) in depth to allow a forward approach.

Free-standing or built-in units not having a clear space beneath them shall have an adjacent clear floor space at least 30 inches (760 mm) in depth by 48 inches (1220 mm) in width in order to allow a person in a wheelchair to make a parallel approach to the unit.

1106.13.2 Knee space. Wall- and post-mounted cantilevered units shall have knee space in accordance with Section 1106.2.4.3. The knee space shall be not less than 19 inches (485 mm) in depth.

1106.13.3 Spout location. Spouts shall be located not more than 36 inches (915 mm) above the floor or ground surface. Spouts shall be located at the front of the unit and shall direct a water flow not less than 4 inches (102 mm) in height, in a trajectory parallel to the front of the unit. Recessed units shall be installed such that the spout is not recessed beyond the plane of the wall.

1106.13.4 Controls. Controls shall be located not more than 6 inches (152 mm) from the front of the unit and shall comply with Section 1106.3. The force required to activate the control shall not exceed 5 pounds (22.2 N).

1106.13.5 Water fountains in alcoves. Where a unit is installed in an alcove greater than 8 inches (205 mm) in depth, the alcove shall be not less than 48 inches (1220 mm) in width. A minimum 24 inches (610 mm) of clear space shall be provided from the spout to the nearest side wall of the alcove.

1106.14 Telephones.

1106.14.1 Clear floor or ground space. A clear floor or ground space, not less than 30 inches (760 mm) by 48 inches (1220 mm), that allows either a forward or parallel approach, shall be provided in front of telephones. Bases, enclosures and fixed seats shall not project into the clear floor space.

Where parallel approach is provided, any shelf or enclosure shall not project farther than 10 inches (255 mm) beyond the face of the telephone.

Where a forward approach is provided, any shelf shall not project farther than 20 inches (510 mm) beyond the face of the telephone; any enclosure panels shall be a minimum 30 inches (760 mm) apart, and where less than 36 inches (915 mm) apart, shall project no more than 24 inches (610 mm) beyond the face of the phone.

1106.14.2 Height. The highest operable part of a telephone shall be within the reach ranges specified in Section 1106.2.4.

1106.14.3 Equipment for persons with hearing impairments. Telephones shall be equipped with volume controls and shall be hearing aid compatible. Volume controls shall be capable of increasing volume not less than 12 dbA nor more than 18 dbA above normal.

EXCEPTION: Where an automatic reset is provided, 18 dbA may be exceeded.

1106.14.4 Controls. Telephones shall have pushbutton controls where service for such equipment is available.

1106.14.5 Cord length. The cord from the telephone to the handset shall be not less than 29 inches (737 mm) in length.

1106.14.6 Text telephones. Text telephones shall be permanently affixed within, or adjacent to, the telephone enclosure. Where an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.

1106.14.7 Shelf and electrical outlet. Shelves and an electrical outlet shall be located within or adjacent to the telephone enclosure. The shelf shall be not less than 10 inches by 10 inches (255 mm by 255 mm) in dimension, with a vertical clearance above the shelf of not less than 6 inches (152 mm). The telephone handset shall be capable of being placed flush on the surface of the shelf.

1106.15 Alarms.

1106.15.1 Audible alarms. Audible alarms shall produce a sound in accordance with the Fire Code.

1106.15.2 Visible alarms. Visible alarm signal appliances shall be integrated into the building or facility alarm system. Where single-station audible alarms are provided, single-station visible alarm signals shall be provided.

EXCEPTION: Dwelling units in Group R, Division 1 apartment buildings.

Visible alarms shall be located not less than 80 inches (2030 mm) above floor level, or 6 inches (152 mm) below the ceiling, whichever is lower, and at an interval of not more than 50 feet (15 m) horizontal, in rooms, corridors, and hallways.

In rooms or spaces exceeding 100 feet (30 m) in horizontal dimension, with no obstructions exceeding 6 feet (1830 mm) in height above the finished floor, visible alarms may be placed around the perimeter at intervals not to exceed 100 feet (30 m) horizontally.

Visible alarm signals shall comply with the following criteria:

1. The lamp shall be a xenon strobe type or equivalent.
2. The color shall be clear or unfiltered white light.
3. The maximum pulse duration shall be two-tenths or one second (0.2 sec) with a maximum duty cycle of 40 percent. The pulse duration is defined as the time interval between initial and final point of 10 percent of maximum signal.
4. The intensity shall be a minimum of 75 candela.
5. The flash rate shall be a minimum of 1 Hz and a maximum of 3 Hz.

1106.15.3 Access to manual fire alarm systems. Manual fire alarm devices shall be mounted not more than 54 inches (1370 mm) above the floor where a parallel approach is provided.

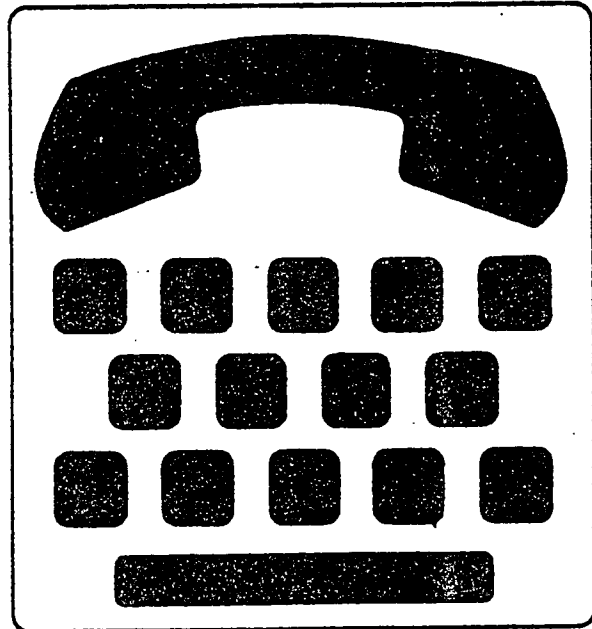
1106.16 Signage.

1106.16.1 Symbols.

1106.16.1.1 International Symbol of Access. The International Symbol of Access shall be as shown below:



1106.16.1.2 Text telephones. Text Telephones required by Section 1105.4.2 shall be identified by the International Text Telephone symbol as shown below:



1106.16.1.3 Assistive listening systems. Permanently installed assistive listening systems that are required by Section 1103.1.2.2 shall be identified by the International Symbol of Access for Hearing Loss as shown below:

PROPOSED



1106.16.1.4 Volume control telephones. Telephones required by Section 1105.4.2 to have volume controls shall be identified by a handset containing a depiction of a telephone handset with radiating sound waves.

1106.16.2 Mounting location and height. Signs shall be installed on the wall adjacent to the latch side of the door. Signs shall be centered at 60 inches (1525 mm) above the finished floor. Mounting location for such signage shall be such that a person may approach within 3 inches (76 mm) of signage without encountering protruding objects or standing within the swing of a door.

1106.16.3 Finish and color. Characters and symbols shall have a high contrast with their background. The character and background of interior signs shall be eggshell, matte, or other nonglare finish.

All interior and exterior signs depicting the International Symbol of Access shall be white on a blue background.

1106.16.4 Character proportion and height. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.

Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum character height for signs that are suspended or projected overhead is 3 inches (76 mm) for upper case letters. Lower case letters are permitted.

1106.16.5 Raised and Braille characters and pictorial symbol signs (pictograms).

1106.16.5.1 Raised characters and symbols. Characters and symbols on tactile signs shall be raised at least 1/32 inch (.8 mm). Raised characters and symbols shall be upper case characters. Raised characters and symbols shall be between 5/8 inch (16 mm) and 2 inches (51 mm) in height. Raised characters shall be accompanied by Braille in accordance with this section.

1106.16.5.2 Braille. Braille shall be separated from the corresponding raised characters or symbols. Braille shall be Grade 2.

1106.16.5.3 Pictograms. Where provided, pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be not less than 6 inches (152 mm) in height.

1106.17 Detectable Warnings. Detectable warnings on walking surfaces shall consist of raised truncated domes having a diameter of 0.9 inches (23 mm) nominal, a height of 0.2 inches (5 mm) nominal, and a center-to-center spacing of 2.35 inches (60 mm) nominal, and shall contrast visually with adjoining surfaces.

1106.18 Storage, Shelving and Display Units.

1106.18.1 Clear floor space. Storage, shelving and display units shall have a clear floor space, not less than 30 inches (760 mm) by 48 inches (1220 mm), that allows for either a forward or parallel approach.

1106.18.2 Height. Accessible storage, shelving and display units shall be within the reach ranges specified in Section 1106.2.4. Clothes rods shall be not more than 54 inches (1370 mm) above the floor.

1106.19 Seating, Tables, and Sinks.

1106.19.1 Clear floor space. Sinks and seating spaces at tables shall have a clear floor space of not less than 30 inches (760 mm) by 48 inches (1220 mm), that allows forward approach. The clear floor space shall not overlap knee space by more than 19 inches (483 mm).

1106.19.2 Knee clearances. Knee spaces at tables, counters, and sinks shall be provided in accordance with Section 1106.2.4.3. No projection which might obstruct the arm of a wheelchair may intrude into this clearance height, within 24 inches (610 mm) horizontally from the table edge.

1106.19.3 Height. The tops of tables and sinks shall be not less than 28 inches (710 mm) nor more than 34 inches (865 mm) in height above the floor or ground.

1106.20 Aisles. All aisles required to be accessible, including check out aisles, food service lines, and aisles between fixed tables, shall be not less than 36 inches (915 mm) in width.

1106.21 Assembly Areas.

1106.21.1 Wheelchair spaces.

1106.21.1.1 Location. Wheelchair spaces shall be an integral part of any fixed seating plan and shall be dispersed throughout the seating area. Spaces shall adjoin an accessible route of travel that also serves as a means of egress and shall be located to provide lines of sight comparable to those for all viewing areas.

EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.

1106.21.1.2 Size. Wheelchair spaces shall be not less than 33 inches (840 mm) in width. Where forward or rear

approach is provided, wheelchair spaces shall be not less than 48 inches (1220 mm) in depth. Where only side approach is provided, wheelchair spaces shall be not less than 60 inches (1525 mm) in depth.

1106.21.1.3 Surfaces. The ground or floor surfaces at wheelchair locations shall be level and shall comply with Section 1106.7.

1106.21.2 Placement of assistive listening systems. Where an assistive listening system serves individual fixed seats, such seats shall have a clear line of sight and shall be located not more than 50 feet (15 m) from the stage or performance area.

1106.22 Restaurants and Cafeterias.

1106.22.1 Aisles. Aisles to fixed tables required to be accessible shall comply with Section 1106.20.

1106.22.2 Food service lines.

1106.22.2.1 Clear floor space. Food service lines shall comply with Section 1106.20.

1106.22.2.2 Height. Tray slides shall be mounted not more than 34 inches (865 mm) in height above the floor.

1106.22.2.3 Counters and bars. Where service of food or drink is provided at counters more than 34 inches (865 mm) in height, to customers seated on stools or standing, a portion of the main counter shall be provided in compliance with Section 1106.19, or service shall be available at accessible tables within the same area.

1106.22.2.4 Tableware and condiment areas. Self-service shelves and dispensing devices for tableware, dishware, condiments, food, and beverages shall be installed to comply with Section 1106.18.

1106.23 Patient bedrooms. Each patient bedroom shall be designed and constructed to provide space for a 180-degree turn that complies with Section 1106.2.2. Each patient room shall have a minimum clear floor space not less than 36 inches (915 mm) on each side of any bed.

1106.24 Customer Service Facilities.

1106.24.1 Dressing and fitting rooms.

1106.24.1.1 Clear floor space. Each dressing and fitting room shall have a clear floor space complying with Section 1106.2.

EXCEPTION: Dressing and fitting rooms that are entered through a curtained opening need not comply with Section 1106.2.

1106.24.1.2 Doors. All doors to accessible dressing and fitting rooms shall comply with Section 1106.10.

1106.24.1.3 Benches. Every accessible dressing or fitting room shall have a bench installed adjacent to the longest wall in the room. The bench shall be not less than 24 inches (610 mm) in width and 48 inches (1220 mm) in length, and shall be mounted not less than 17 inches (430 mm) nor more than 19 inches (483 mm) above the finished floor.

Clear floor space shall be provided adjacent to the bench to allow for parallel transfer, and the structural strength of the bench shall comply with Section 1106.11.11.3.

Where benches are installed in dressing and fitting rooms adjacent to showers, swimming pools, or other wet locations, water shall not accumulate upon the surface of the bench and the bench shall have a slip-resistant surface.

1106.24.1.4 Mirrors. Where provided, mirrors in accessible dressing and fitting rooms shall be not less than 18 inches (455 mm) in width by 54 inches (1370 mm) in height and shall be mounted opposite the bench.

1106.24.2 Counters and windows. Where counters are required to be accessible, the accessible portion shall be not less than 36 inches (915 mm) in length and not more than 36 inches (915 mm) in height above the finished floor.

Where accessible windows are required, they shall be no more than 36 inches (915 mm) in height above the finished floor.

EXCEPTION: An auxiliary counter with a maximum height of 36 inches (915 mm) is installed in close proximity to the main counter.

1106.24.3 Check-out aisles. The width of accessible check-out aisles shall comply with Section 1106.20. Counters in accessible check-out aisles shall be not more than 38 inches (965 mm) in height, and the top of the raised edge of the counter shall not exceed 40 inches (1015 mm) in height above the finished floor.

Accessible check-out aisles shall be identified by the International Symbol of Access in accordance with Section 1106.16.1.1.

1106.25 Libraries.

1106.25.1 Reading and study areas. At least 5 percent, or a minimum of one, of each element of fixed seating, tables, or study carrels shall comply with Section 1106.19. Clearances between fixed accessible tables and study carrels shall comply with Section 1106.20.

1106.25.2 Check-out areas. At least one lane at each check-out area shall comply with Section 1106.20. Any traffic control or book security gates or turnstiles shall comply with Section 1106.10.

1106.25.3 Card catalogs, magazine displays and stacks.

1106.25.3.1 Aisles. Aisles between card catalogs, magazine displays or stacks shall comply with Section 1106.20.

1106.25.3.2 Height. Card catalogs or magazine displays shall have a reach height of not more than 54 inches (1370 mm) for side approach and not more than 48 inches (1220 mm) for forward approach.

Not all shelves in library stacks need be located within reach ranges required by Section 1106.2.4.

1106.26 Hotels and Congregate Residences.

1106.26.1 Clear floor space. Each sleeping room shall have a space complying with Section 1106.4.1, along both sides of each bed.

EXCEPTION: In rooms with two beds, only one 36 inch (915 mm) wide maneuvering space need be provided between the two beds.

1106.26.2 Accessible route of travel. An accessible route of travel complying with Section 1103.2.2 shall connect all

accessible spaces and elements; including telephones, patios, terraces, balconies, carports, garages or parking spaces; with all accessible sleeping rooms.

1106.26.3 Doors. Doors within all sleeping rooms, suites or other covered units shall comply with Section 1106.10.

1106.26.4 Storage. Where fixed or built-in storage is provided in accessible units, sleeping rooms, or suites; including cabinets, shelves, closets, and drawers; at least one of each type shall comply with Section 1106.18.

1106.26.5 Controls. All controls in accessible units, sleeping rooms, and suites shall comply with Section 1106.3.

1106.27 Dwelling Units.

1106.27.1 Type A and B dwelling units. Type A and B dwelling units shall comply with Section 1106.

- EXCEPTIONS:
1. In a Type A accessible dwelling unit with two or more stories, access to other levels is not required if the accessible level complies with all requirements for Type A accessible dwelling units and that kitchen, toilet and bathing facilities, and at least one bedroom are provided on the accessible level.
 2. Kitchens in Type B dwelling units need not comply with Section 1106.12.1, provided that:
 - 2.1. A clear space at least 30 inches by 48 inches (760 mm by 1220 mm) that allows parallel approach by a person in a wheelchair is provided at the range or cook top and sink, and either a parallel or forward approach is provided at all other appliances; and,
 - 2.2. In all other kitchens, clearance between all opposing counters, base cabinets, countertops, appliances, and walls shall be not less than 40 inches (1015 mm); and,
 - 2.3. In "U" shaped kitchens with a sink, range, or cooktop at the base of the "U", an unobstructed floor space of sufficient size to inscribe a circle with a diameter of not less than 60 inches (1525 mm) shall be provided.
 3. Bathrooms in Type B dwelling units need not comply with Section 1106.11.2, provided that sufficient maneuvering space which is not less than 30 inches by 48 inches (760 by 1220 mm) is provided within the bathroom. Doors may swing into the clear floor space provided at any fixture, but shall not encroach on the required maneuvering space.
 4. Doors in Type B dwelling units, other than the primary entry door, need not comply with Section 1106.10.3.
 5. Mezzanines in Type A or B dwelling units need not be accessible.
 6. Raised or sunken floors in Type B dwelling units need not be accessible, provided that they do not interfere with the accessible route of travel through the unit, and are not located in the kitchen or bathroom.
 7. Counter surfaces in Type B dwelling units need not comply with Section 1106.12.2.
 8. Within an individual dwelling unit in an elevated building, access to other levels is not required if the accessible level complies with all requirements for accessible dwelling units and contains a bathroom.
 9. In Type B dwelling units, exterior deck, patio, or balcony surfaces may be no more than 4 inches (100 mm) below the floor level of the interior surface where the exterior surface is constructed of an impervious material such as concrete, brick, or flagstone.
 10. Vanities or lavatories in Type A and B dwelling units may be located in the clear floor spaces as permitted in Section 1106.11.5.1.
 11. Seats for bathtubs or showers are not required in Type B dwelling units.
 12. In Type B dwelling units, the clear floor space for bathtubs or showers may be reduced to not less than 30 inches (760 mm) in width by 48 inches (1220 mm) in length.

1106.27.2 Adaptable fixtures for dwelling units.

1106.27.2.1 Grab bars. Grab bars may be omitted in bathing and toilet facilities within Type A or B dwelling units, provided that all structural reinforcements for grab bar installation are provided in the appropriate locations in the adjoining walls.

1106.27.2.2 Kitchen counters. Cabinets or shelving may be installed beneath the counter space required by Section 1106.12.2, provided that such cabinetry or shelving is not permanent, and is easily removable.

1106.27.2.3 Lavatories. Cabinets or shelving may be installed beneath bathroom lavatories provided that such cabinetry or shelving is not permanent, and is easily removable.

1106.27.2.4 Signage. Parking signage required by Section 1107.3 need not be installed in spaces designated for accessible dwelling units.

NEW SECTION

WAC 51-30-1107 Section 1107—Parking facilities.

Section 1107.1 Accessible Parking Required.

1107.1.1 General. For other than Group R, Division 1 apartment buildings, when parking lots or garage facilities are provided, accessible parking spaces shall be provided in accordance with Table No. 11-F.

1107.1.2 Inpatient medical care facilities. For Group I, Division 1.1, 1.2, and 2 medical care occupancies specializing in the treatment of persons with mobility impairments, 20 percent of parking spaces provided accessory to such occupancies shall be accessible.

1107.1.3 Outpatient medical care facilities. For Group I, Division 1.1 and 1.2 and Group B Occupancies providing outpatient medical care facilities, 10 percent of the parking spaces provided accessory to such occupancies shall be accessible.

1107.1.4 Apartment buildings. For Group R, Division 1 apartment buildings where parking is provided, one accessible parking space shall be provided for each Type A dwelling unit and reserved for its occupants. In addition, where the total parking provided on a site exceeds 1 parking space per dwelling unit, not less than 2 percent, and in no case less than 1 space, of this additional parking shall be accessible.

1107.1.5 Van parking. For other than Group R, Division 1 apartment buildings, where accessible parking is required, one of every eight accessible parking spaces, or fraction thereof, shall be designed to be accessible to vans.

1107.1.6 Location of parking. Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

EXCEPTION: In multilevel parking structures, all accessible van parking spaces may be located on the same level.

Where a parking facility is not accessory to a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility.

1107.2 Design and Construction.

1107.2.1 General. When accessible parking spaces are required by this section, they shall be designed and constructed in accordance with this section.

1107.2.2 Size. Parking spaces shall be not less than 96 inches (2440 mm) in width and shall have an adjacent access aisle not less than 60 inches (1525 mm) in width. Van accessible parking spaces shall have an adjacent access aisle not less than 96 inches (2440 mm) in width.

Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that the aisles will not be used as parking space.

1107.2.3 Vertical clearance. Where accessible parking spaces are required for vans, the vertical clearance shall be not less than 114 inches (2895 mm) at the parking space and along at least one vehicle access route to such spaces from site entrances and exits.

1107.2.4 Slope. Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed 1 vertical in 48 horizontal.

1107.2.5 Surface. Parking spaces and access aisles shall be firm, stable, smooth, and slip-resistant.

1107.3 Signs. Every parking space required by this section shall be identified by a sign, centered between 3 and 5 feet (915 mm and 1525 mm) above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required".

Van accessible parking spaces shall have an additional sign mounted below the International Symbol of Access identifying the spaces as "Van Accessible."

EXCEPTION: Where all of the accessible parking spaces comply with the standards for van accessible parking spaces.

(See also Section 1106.27.2)

NEW SECTION

WAC 51-30-1108 Section 1108—Passenger loading zones.

Section 1108.1 Location. Where provided, passenger loading zones shall be located on an accessible route of travel.

1108.2 Design and Construction.

1108.2.1 General. Passenger loading zones shall be designed and constructed in accordance with this section.

1108.2.2 Size. Passenger loading zones shall provide an access aisle not less than 60 inches (1525 mm) in width by 20 feet (6 m) in length with the long dimension abutting and

parallel to: A: the vehicle space on one side; and B: an accessible route of travel on the other.

1108.2.3 Slope. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 48 horizontal.

PART III - ACCESSIBILITY FOR EXISTING BUILDINGS

NEW SECTION

WAC 51-30-1109 Section 1109—Scope.

Section 1109.1 General. The provisions of this part apply to renovation, alterations, and additions to existing buildings including those identified as historic buildings. This chapter includes minimum standards for removing architectural barriers, and providing and maintaining accessibility for persons with disabilities to existing buildings and their related facilities.

1109.2 Equivalent Facilitation. Departures from specific technical and scoping requirements of this part by the use of alternate methods are permitted where such methods will provide equivalent or greater access to, and usability of, the facility. Alternate methods shall permit individuals with disabilities to approach, enter, and use a site, building, facility or portion thereof; as easily, safely, conveniently, and independently as the specified method.

NEW SECTION

WAC 51-30-1110 Section 1110—Definitions.

Section 1110. For the purpose of this part, certain terms are designated as follows:

ALTERATION is any change, addition, or modification in construction or occupancy.

ALTERATION, SUBSTANTIAL is any alteration, where the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any 12-month period amounts to 60 percent or more of the appraised value.

PATH OF TRAVEL means a continuous, unobstructed way of pedestrian passage by means of which an altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entry to the facility, and other parts of the facility. For the purposes of this part, the term path of travel also includes restrooms, telephones, and water fountains serving the altered area.

TECHNICALLY INFEASIBLE means that an alteration has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame, or because site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and necessary to provide accessibility.

NEW SECTION

WAC 51-30-1111 Section 1111—Additions.

Section 1111. New additions may be made to existing buildings without making the entire building comply, provided the new additions conform to the provisions of Part II of this chapter, except as follows:

1. **Entrances.** Where a new addition to a building or facility does not have an accessible entrance, at least one entrance in the existing building or facility shall be accessible.

2. **Accessible Route.** Where the only accessible entrance to the addition is located in the existing building or facility, at least one accessible route of travel shall be provided through the existing building or facility to all rooms, elements and spaces in the new addition which are required to be accessible.

3. **Toilet and Bathing Facilities.** Where there are no toilet rooms and bathing facilities in an addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing facility shall comply with Section 1106 or with Section 1112.3.7.

4. **Group I Occupancies.** Where patient rooms are added to an existing Group I Occupancy, a percentage of the additional rooms equal to the requirement of Section 1103.1.6, but in no case more than the total number of rooms required by Section 1103.1.6, shall comply with Section 1106.23. Where toilet or bathing facilities are part of the accessible rooms, they shall comply with Section 1106.11.

5. **Path of Travel.** Where an addition affects the access to or use of an area of primary function, to the maximum extent feasible, the path of travel to the area of primary function shall be made accessible.

EXCEPTION: Subject to the approval of the building official, the path of travel need not be made accessible if the cost of compliance with this part would exceed 20 percent of the total cost of construction, inclusive of the cost of eliminating barriers, within a 36-month period.

NEW SECTION

WAC 51-30-1112 Section 1112—Alterations.

Section 1112 Alterations.

1112.1 General.

1112.1.1 Compliance. Alterations to existing buildings or facilities shall comply with this section. No alteration shall reduce or have the effect of reducing accessibility or usability of a building, portion of a building, or facility. If compliance with this section is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible.

EXCEPTION: Except when substantial as defined by Section 1110, alterations to Group R, Division 1 apartment buildings need not comply with this section.

1112.1.2 Existing elements. Where existing elements, spaces, essential features or common areas are altered, each such altered element, space, feature, or area shall comply with the applicable provisions of Part II of this chapter.

Where an alteration is to an area of primary function, to the maximum extent feasible, the path of travel to the altered area shall be made accessible. See also Appendix Chapter 11 Division II.

- EXCEPTIONS:**
1. An accessible route of travel need not be provided to altered elements, spaces or common areas which are not areas of primary function.
 2. Areas of evacuation assistance need not be added to an altered building.
 3. Subject to the approval of the building official, the path of travel need not be made accessible if the cost of compliance with this part would exceed 20 percent of the total cost of construction, inclusive of the cost of eliminating barriers, within an 36-month period.

1112.1.3 Installation of stairs or escalators. Where an escalator or new stairway is planned or installed requiring major structural changes, then a means of vertical transportation (e.g. elevator, platform lift) shall be provided in accordance with this chapter.

1112.1.4 Other requirements.

1112.1.4.1 Where alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire area or space shall be accessible.

1112.1.4.2 No alteration of an existing element, space or area of a building shall impose a requirement for greater accessibility than that which would be required for new construction.

1112.1.4.3 Where the alteration work is limited solely to the electrical, mechanical or plumbing system or hazardous materials removal, and does not involve the alteration, structural or otherwise, of any elements and spaces required to be accessible under these standards, Chapter 11 does not apply.

1112.1.4.4 Where alterations would increase the number of public pay telephones to four, with at least one in the interior, or where the facility has four or more public pay telephones and one or more is altered; at least one interior text telephone shall be provided in accordance with Section 1106.14.

1112.1.4.5 Where a building has an accessible entrance, altered entrances need not be made accessible unless they provide access to areas of primary function.

1112.1.4.6 Where sleeping rooms are altered in an existing Group R, Division 1 hotel, at least 1 sleeping room that complies with Section 1106.26 shall be provided for each 25 sleeping rooms or fraction thereof. In addition, at least 1 sleeping room for each 25 sleeping rooms or fraction thereof shall have telephones, visible alarms, and visible notification devices in accordance with Section 1103.1.8.3.

1112.1.4.7 Where patient bedrooms are altered in an existing Group I Occupancy, a percentage of the altered bedrooms equal to the requirement of Section 1103.1.6, but in no case more than the total number of bedrooms required by Section 1103.1.6, shall comply with Section 1106.23. Where toilet or bathing facilities are part of the accessible rooms, they shall comply with Section 1106.11.

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1112.2 Substantial Alterations. Where substantial alteration as defined in Section 1110 occurs to a building or facility, the entire building or facility shall comply with Part II of this code.

EXCEPTIONS:

1. Areas of evacuation assistance need not be added to a substantially altered building.
2. Type B Dwelling units need not be provided in buildings which are substantially altered.

1112.3 Modifications.

1112.3.1 General. The following modifications set forth in this section may be used for compliance where the required standard is technically infeasible or when providing access to historic buildings.

1112.3.2 Ramps. Curb ramps and ramps constructed on existing sites, or in existing buildings or facilities, may have slopes and rises greater than specified in Part II of this chapter, where space limitations preclude the use of 1 vertical in 12 horizontal slope or less, provided that:

1. A slope not greater than 1 vertical in 10 horizontal is allowed for a maximum rise of 6 inches (152 mm).
2. A slope not greater than 1 vertical in 8 horizontal is allowed for a maximum rise of 3 inches (76 mm).
3. Slopes greater than 1 vertical in 8 horizontal are prohibited.

1112.3.3 Stairways. Full extension of stair handrails is not required when such extension would be hazardous or impossible due to plan configuration. When an accessible elevator is provided, existing stairs need not be made accessible.

1112.3.4 Elevators. Elevators shall comply with Chapter 296-81, Washington Administrative Code.

1112.3.5 Platform lifts. Upon the approval of the building official, platform lifts may be used in alterations, in locations in addition to those permitted in Part II of this chapter, if installation of an elevator is technically infeasible.

Platform lifts shall comply with Chapter 296-81 of the Washington Administrative Code.

1112.3.6 Doors.

1112.3.6.1 Clearance. When existing elements prohibit strict compliance with the clearance requirements, a projection of 5/8 inch (16 mm) maximum is permitted for the latch side door stop.

1112.3.6.2 Thresholds. Existing thresholds measuring 3/4 inch (19 mm) high or less which are modified to provide a beveled edge on each side, may be retained.

1112.3.7 Toilet rooms.

1112.3.7.1 Shared facilities. The addition of one unisex toilet facility accessible to all occupants on the floor may be provided in lieu of making existing toilet facilities accessible when it is technically infeasible to comply with either part of Chapter 11.

1112.3.7.2 Number. The number of toilet facilities and water closets required by the Uniform Plumbing Code may be reduced by one, in order to provide accessible features.

1112.3.7.3 Signage. When existing toilet facilities are altered and not all are made accessible, directional signage complying with Section 1106.16.3 and 1106.16.4 shall be provided indicating the location of the nearest accessible toilet facility.

1112.3.8 Assembly areas. Seating shall adjoin an accessible route of travel that also serves as a means of emergency egress or route to an area for evacuation assistance. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and amenities are provided in an accessible space usable by the general public and not restricted to use by people with disabilities.

1112.3.9 Dressing rooms. Where it is technically infeasible to meet the requirements of Part II of this chapter, one dressing room for each sex, or a unisex dressing room, on each level shall be accessible.

NEW SECTION

WAC 51-30-1113 Section 1113—Historic preservation.

Section 1113.1 General. Generally the accessibility provisions of this part shall be applied to historic buildings and facilities as defined in Section 3403.5 of this code.

The building official, after consulting with the appropriate historic preservation officer, shall determine whether provisions required by this part for accessible routes of travel (interior or exterior), ramps, entrances, toilets, parking, or signage would threaten or destroy the historic significance of the building or facility.

If it is determined that any of the accessibility requirements listed above would threaten or destroy the historic significance of a building or facility, the modifications of Section 1112.3 for that feature may be utilized.

1113.2 Special Provisions. Where removing architectural barriers or providing accessibility would threaten or destroy the historic significance of a building or facility, the following special provisions may be used:

1. At least one accessible route from a site access point to an accessible route of travel shall be provided.
2. At least one accessible entrance which is used by the public shall be provided.

EXCEPTION: Where it is determined by the building official that no entrance used by the public can comply, access at any accessible entrance which is unlocked during business hours may be used provided directional signs are located at the primary entrance, and the accessible entrance has a notification system. The route of travel for the accessible entrance shall not pass through hazardous areas, storage rooms, closets, kitchens or spaces used for similar purposes.

3. Where toilet facilities are provided, at least one toilet facility complying with Section 1111 and 1112 shall be provided along an accessible route. Such toilet facility shall be a shared facility available to both sexes.

4. Accessible routes from an accessible entrance to all publicly used spaces, on at least the level of accessible entrance, shall be provided. Access should be provided to

all levels of a building or facility when practical. Displays and written information and documents shall be located where they can be seen by a seated person.

NEW SECTION

WAC 51-30-1114 Section 1114—Appeal.

Section 1114.1 Request for Appeal. An appeal from the standards for accessibility for existing buildings may be filed with the building official in accordance with Section 105, when existing structural elements or physical constraints of the site prevent full compliance or would threaten or destroy the historical significance of a historic building.

1114.2 Review.

1114.2.1 Consideration of alternative methods. Review of appeal requests shall include consideration of alternative methods which may provide partial access.

1114.2.2 Waiver or modification of requirements. The appeals board may waive or modify the requirements of this section when it is determined that compliance with accessibility requirements would threaten or destroy the historic significance of a building or facility.

NEW SECTION

WAC 51-30-1120 Table No. 11-A.

TABLE NO. 11-A
WHEELCHAIR SPACES REQUIRED IN ASSEMBLY AREAS

Capacity of Seating in Assembly Area	Number of Required Wheelchair Spaces
4 to 25	1
26 to 50	2
51 to 300	4
301 to 500	6
over 500	6 plus 1 for each 100 over 500

NEW SECTION

WAC 51-30-1121 Table No. 11-B.

TABLE NO. 11-B
REQUIRED TYPE A DWELLING UNITS

Total Number of Dwelling Units on Site	Required Number of Type A Dwelling Units
0 - 10	None
11 - 20	1
21 - 40	2
41 - 60	3
61 - 80	4
81 - 100	5
For every 20 units or fractional part thereof, over 100	1 additional

NEW SECTION

WAC 51-30-1122 Table No. 11-C.

TABLE NO. 11-C
NUMBER OF ACCESSIBLE ROOMS AND ROLL-IN SHOWERS

Total Number Of Rooms ¹	Minimum Required Accessible Rooms ¹	Rooms With Roll-In Showers
1 - 25	1	None
26 - 50	2	None
51 - 75	3	1
76 - 100	4	1
101 - 150	5	2
151 - 200	6	2
201 - 300	7	3
301 - 400	8	4
401 - 500	9	3 plus 1 for every 100 rooms or fraction thereof, over 400
501 - 1000	2% of total rooms	
Over 1000	20 plus 1 for every 100 rooms or fraction thereof, over 1000	

¹ For congregate residences the numbers in these columns shall apply to beds rather than rooms.

NEW SECTION

WAC 51-30-1123 Table No. 11-D.

TABLE NO. 11-D
NUMBER OF ACCESSIBLE ROOMS FOR PERSONS WITH HEARING IMPAIRMENTS

Total Number Of Rooms	Minimum Required Rooms
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total rooms
Over 1000	20 plus 1 for every 100 rooms, or fraction thereof, over 1000

NEW SECTION

WAC 51-30-1124 Table No. 11-E.

TABLE NO. 11-E
REQUIRED CHECK-OUT AISLES

Total Check-out Aisles Units on Site	Minimum Number of Accessible Check-out Aisles
1 - 4	1
5 - 8	2
9 - 15	3
Over 15	3 plus 20% of additional aisles

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NEW SECTION

WAC 51-30-1125 Table No. 11-F.

TABLE NO. 11-F
NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total spaces
Over 1000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1000

**DIVISION I
US DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT
FEDERAL FAIR HOUSING ACT
GUIDELINES FOR SITE TERRAIN EXEMPTIONS**

NEW SECTION

WAC 51-30-93115 Section 93115.

Section 93115.1 Purpose. The purpose of this division is to provide the United States Department of Housing and Urban Development Federal Fair Housing Act Guidelines for Site Terrain Exemptions.

93115.2 Scope.

93115.2.1 General. The provisions of this division may apply to all buildings and dwelling units that are regulated by the Federal Fair Housing Act Amendments of 1988.

93115.2.2 Applicability of Other Provisions. Except as specifically allowed by this division for determining site terrain exemptions, Group R, Division 1 apartment houses shall meet all applicable provisions of this code.

93115.3 Definitions. For the purpose of this division, certain terms are defined as follows:

COVERED MULTIFAMILY DWELLINGS means buildings consisting of four or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.

FINISHED GRADE means the ground surface of the site after all construction, leveling, grading, and development has been completed.

UNDISTURBED SITE means the site before any construction, leveling, grading, or development associated with the current project.

93115.4 Site Impracticality.

93115.4.1 General. Covered multifamily dwellings with elevators shall be designed and constructed to provide at least one accessible entrance on an accessible route, regardless of terrain or unusual characteristics of the site. Covered

multifamily dwellings without elevators shall be designed and constructed to provide at least one accessible entrance on an accessible route unless terrain or unusual characteristics of the site are such that the following conditions are found to exist:

A. Site Impracticality Due to Terrain. There are two alternative tests for determining a site impracticality due to terrain: The individual building test provided in paragraph (1), or the site analysis test provided in paragraph (2). These tests may be used as follows.

A site with a single building having a common entrance for all units may be analyzed only as described in paragraph (1).

All other sites, including a site with a single building having multiple entrances serving either individual dwellings units or clusters of dwelling units, may be analyzed using the methodology in either paragraph (1) or paragraph (2). For these sites for which either test is applicable, regardless of which test is selected, at least 20% of the total ground floor units in nonelevator buildings, on any site, must comply with the guidelines.

1. Individual Building Test. It is impractical to provide an accessible entrance served by an accessible route when the terrain of the site is such that:

1.1. The slopes of the undisturbed site measured between the planned entrance and all vehicular or pedestrian arrival points within 50 feet (15 m) of the planned entrance exceed 10 percent.

1.2. The slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet (15 m) of the planned entrance also exceed 10 percent.

If there are no vehicular or pedestrian arrival points within 50 feet (15 m) of the planned entrance, the slope for the purpose of this paragraph (1) will be measured to the closest vehicular or pedestrian arrival point.

For purposes of these guidelines, vehicular or pedestrian arrival points include public or resident parking areas; public transportation stops; passenger loading zones; and public streets or sidewalks. To determine site impracticality, (1) the slope would be measured at ground level from the point of the planned entrance, or (2) if there are no vehicular or pedestrian arrival points close to the planned entrance. In the case of sidewalks, the closet point to the entrance will be where a public sidewalk entering the site intersects with the sidewalk to the entrance. In the case of resident parking areas, the closest point to the planned entrance will be measured from the entry point to the parking area that is located closest to the planned entrance.

2. Site Analysis Test. Alternatively, for a site having multiple buildings, or a site with a single building with multiple entrances, impracticality of providing an accessible entrance served by an accessible route can be established by the following steps:

2.1. The percentage of the total buildable area of the undisturbed site with a natural grade less than 10% slope shall be calculated. The analysis of the existing slope

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(before grading) shall be done on a topographic survey with two foot (610 mm) contour intervals with slope determination made between each successive interval. The accuracy of the slope analysis shall be certified by a professional licensed engineer, landscape architect, architect, or surveyor.

2.2. To determine the practicality of providing accessibility to planned multifamily dwellings based on the topography of the existing natural terrain, the minimum percentage of ground floor units to be made accessible should equal the percentage of the total buildable area (not including floodplain, wetlands, or other restricted use areas) of the undisturbed site that has an existing natural grade of less than 10% slope.

2.3. In addition to the percentage established in paragraph 2.2, all ground floor units in a building, or ground floor units served by a particular entrance, shall be made accessible if the entrance to the units is on an accessible route, defined as a walkway with a slope between the planned entrance and a pedestrian or vehicular arrival point that is no greater than 8.33%.

B. Site Impracticality Due to Unusual Characteristics. Unusual characteristics include sites located in a federally-designated floodplain or coastal high-hazard area and sites subject to other similar requirements of law or code that the lowest structural member of the lowest floor must be raised to a specified level at or above the base flood elevation. An accessible route to a building entrance is impractical due to unusual characteristics of the site when:

1. The unusual site characteristics result in a difference in finished grade elevation exceeding 30 inches (760 mm) and 10 percent measured between an entrance and all vehicular or pedestrian arrival points within 50 feet (15 m) of the planned entrance; or

2. If there are no vehicular or pedestrian arrival points within 50 feet (15 m) of the planned entrance, the unusual characteristics result in a difference in finished grade elevation exceeding 30 inches (760 mm) and 10 percent measured between an entrance and the closest vehicular or pedestrian arrival point.

93115.4.2 Exceptions to Site Impracticality. Regardless of site considerations described in Section 93115.4.1, an accessible entrance on an accessible route is practical when:

A. There is an elevator connecting the parking area with the dwelling units on a ground floor. (In this case, those dwelling units on the ground floor served by an elevator, and at least one of each type of public and common use areas, would be subject to these guidelines.) However:

1. Where a building elevator is provided only as a means of creating an accessible route to dwelling units on a ground floor, the building is not considered an elevator building for purposes of these guidelines; hence, only the ground floor dwelling units would be covered.

2. If the building elevator is provided as a means of access to dwelling units other than dwelling units on a ground floor, then the building is an elevator building which is a covered multifamily dwelling, and the elevator in that

building must provide accessibility to all dwelling units in the building, regardless of the slope of the natural terrain; or

B. An elevated walkway is planned between a building entrance and a vehicular or pedestrian arrival point and the planned walkway has a slope no greater than 10 percent.

**DIVISION II
US DEPARTMENT OF JUSTICE
AMERICANS WITH DISABILITIES ACT
GUIDELINES FOR READILY ACHIEVABLE BARRIER REMOVAL**

NEW SECTION

WAC 51-30-93116 Section 93116.

Section 93116.1 Purpose. The purpose of this division is to provide the United States Department of Justice, Americans with Disabilities Act Guidelines for readily achievable barrier removal in existing buildings.

93116.2 Scope.

93116.2.1 General. The provisions of this division may be used as a guideline for the removal of readily achievable barriers to accessibility in existing buildings, as required by the Americans with Disabilities Act of 1990.

93116.2.2 Applicability of Other Provisions. Except as specifically allowed by this division, all buildings and portions thereof shall meet all applicable provisions of this code.

93116.3 Definitions. For the purpose of this division, certain terms are defined as follows:

COMMERCE is travel, trade, traffic, commerce, transportation, or communication—

1. Among the several States;
2. Between any foreign country or any territory or possession and any State; or
3. Between points in the same State but through another State or foreign country.

COMMERCIAL FACILITIES are facilities—

1. Whose operations will affect commerce;
2. That are intended for nonresidential use by a private entity; and
3. That are not—
 - 3.1. Facilities that are covered or expressly exempted from coverage under the Fair Housing Act of 1968, as amended (42 U.S.C. 3601-3631);
 - 3.2. Aircraft; or
 - 3.3. Railroad locomotives, railroad freight cars, railroad cabooses, commuter or intercity passenger rail cars (including coaches, dining cars, sleeping cars, lounge cars, and food service cars), any other railroad cars described in Section 242 of the American's with Disabilities Act or covered under title II of the American's with Disabilities Act, or railroad rights-of-way. For purposes of this definition, "rail" and "railroad" have the meaning given the term "railroad" in Section 202(e) of the Federal Railroad Safety Act of 1970 (46 U.S.C. 431(e)).

PLACE OF PUBLIC ACCOMMODATION is a facility, operated by a private entity, whose operations affect commerce and fall within at least one of the following categories—

1. An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor;
2. A restaurant, bar, or other establishment serving food or drink;
3. A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
4. An auditorium, convention center, lecture hall, or other place of public gathering;
5. A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
6. A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
7. A terminal, depot, or other station used for specified public transportation;
8. A museum, library, gallery, or other place of public display or collection;
9. A park, zoo, amusement park, or other place of recreation;
10. A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
11. A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
12. A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

PRIVATE ENTITY is a person or entity other than a public entity.

PUBLIC ACCOMMODATION is a private entity that owns, leases (or leases to), or operates a place of public accommodation.

PUBLIC ENTITY is—

1. Any State or local government;
2. Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and
3. The National Railroad Passenger Corporation, and any commuter authority (as defined in Section 103(8) of the Rail Passenger Service Act).

READILY ACHIEVABLE is easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include—

1. The nature and cost of the action needed under this part;
2. The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources, or the impact otherwise of the action upon the operation of the site;

3. The overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities;

4. The type of operation or operations of the parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity; and

5. The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to the parent corporation or entity.

93116.4 Removal of Barriers. A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense.

93116.5 Examples. Examples of steps to remove barriers include, but are not limited to, the following actions:

1. Installing ramps;
2. Making curb cuts in sidewalks and entrances;
3. Lowering shelves;
4. Rearranging tables, chairs, vending machines, display racks, and other furniture;
5. Lowering telephones;
6. Adding raised letter markings on elevator control buttons;
7. Installing flashing alarm lights;
8. Widening doors;
9. Installing offset hinges to widen doorways;
10. Eliminating a turnstile or providing an alternative accessible path;
11. Installing accessible door hardware;
12. Installing grab bars in toilet stalls;
13. Rearranging toilet partitions to increase maneuvering space;
14. Insulating lavatory pipes;
15. Installing a raised toilet seat;
16. Installing a full-length bathroom mirror;
17. Lowering the paper towel dispenser in a bathroom;
18. Creating a designated accessible parking space;
19. Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
20. Removing high pile, low density carpeting; or
21. Modifying vehicle hand controls.

93116.6 Priorities. A public accommodation shall take measures to comply with the barrier removal requirements of this section in accordance with the following order of priorities:

1. First, a public accommodation shall take measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances, and providing accessible parking spaces.

2. Second, a public accommodation shall take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include, for example, adjusting the

layout of display racks, rearranging tables, widening doors, and installing ramps.

3. Third, a public accommodation shall take measures to provide access to restroom facilities in places of public accommodation where restroom facilities are used by the public on more than an incidental basis. These measures include, for example, removal of obstructing furniture or vending machines, widening of doors, installations of ramps, providing accessible signage, widening of toilet stalls, and installations of grab bars.

4. Fourth, a public accommodation shall take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

93116.7 Relationship to Alterations Requirements of Chapter 11, Part III of this Code. Measures taken solely to comply with the barrier removal requirements of this section are not required to conform to the requirements for alterations in Chapter 11, Part III of this code. These measures include, for example, installing a ramp with a steeper slope or widening a doorway to a narrower width than that required by Chapter 11, Part III of this code. No measure shall be taken, however, that poses a significant risk to the health or safety of individuals with disabilities or others.

93116.8 Portable Ramps. Portable ramps should be used to comply with this division only when installation of a permanent ramp is not readily achievable. In order to avoid any significant risk to the health or safety of individuals with disabilities or others in using portable ramps, due consideration shall be given to safety features such as nonslip surfaces, railings, anchoring, and strength of materials.

93116.9 Interpretation of Readily Achievable.

93116.9.1 Barrier removal is not readily achievable if it would result in significant loss of profit or significant loss of efficiency of operation.

93116.9.2 The rearrangement of temporary or movable structures, such as furniture, equipment, and display racks is not readily achievable to the extent that it results in a significant loss of selling or serving space.

93116.10 Alternatives to Barrier Removal.

93116.10.1 General. Where a public accommodation can demonstrate that barrier removal is not readily achievable, a public accommodation shall not fail to make its goods and services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable.

93116.10.2 Examples. Examples of alternatives to barrier removal include, but are not limited to, the following actions:

1. Providing curb service or home delivery;
2. Retrieving merchandise from inaccessible shelves or racks;
3. Relocating activities to accessible locations;
4. Providing refueling service at inaccessible self-service gas stations.

93116.11 Personal Devices and Services. This section does not require a public accommodation to provide its

customers, clients, or participants with personal devices, such as wheelchairs, or services of a personal nature including assistance in eating, toileting, or dressing.

93116.12 Multiscreen Cinemas. If it is not readily achievable to remove barriers to provide access by persons with mobility impairments to all of the theaters of a multiscreen cinema, the cinema shall establish a film rotation schedule that provides reasonable access for individuals who use wheelchairs to all films. Reasonable notice shall be provided to the public as to the location and time of accessible showings.

93116.13 Readily Achievable and Undue Burden: Factors to be Considered. In determining whether an action is readily achievable or would result in an undue burden, factors to be considered include:

1. The nature and cost of the action needed under this part;
2. The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources, or the impact otherwise of the action upon the operation of the site;
3. The overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respects to the number of its employees; the number, type, and location of its facilities;
4. The type of operation or operations of the parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity; and
5. The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to the parent corporation or entity.

93116.14 Accessible or Special Goods.

93116.14.1 This part does not require a public accommodation to alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities.

93116.14.2 A public accommodation shall order accessible or special goods at the request of an individual with disabilities, if, in the normal course of its operation, it makes special orders on request for unstocked goods, and if the accessible or special goods can be obtained from a supplier with whom the public accommodation customarily does business.

93116.14.3 Examples of accessible or special goods include items such as Braille versions of books, books on audio cassettes, closed-captioned video tapes, special sizes or lines of clothing, and special foods to meet particular dietary needs.

93116.15 Seating in Assembly Areas. To the extent that it is readily achievable, a public accommodation shall:

1. Provide a reasonable number of wheelchair seating spaces in assembly areas; and,
2. Locate the wheelchair seating spaces so that they:
 - 2.1. Are dispersed throughout the seating area;
 - 2.2. Provide lines of sight comparable to those in all viewing areas;

2.3. Adjoin an accessible route of travel that also serves as a means of egress in case of emergency; and,

2.4. Permit individuals who use wheelchairs to sit with family members or other companions.

EXCEPTION: If removal of seats is not readily achievable, a public accommodation shall provide a portable chair or other means to permit a family member or other companion to sit with an individual who uses a wheelchair.

APPENDIX CHAPTER 11

DIVISION III US ARCHITECTURAL AND BARRIERS COMPLIANCE BOARD AMERICANS WITH DISABILITIES ACT ALTERNATE GUIDELINES FOR DETECTABLE WARNINGS

NEW SECTION

WAC 51-30-93117 Section 93117.

Section 93117.1 General. The purpose of this division is to provide additional design guidelines for construction and installation of truncated domes as required by the Americans with Disabilities Act of 1990.

93117.2 Raised Truncated Domes. Raised truncated domes shall have a diameter of 0.9 (23 mm) inches nominal, a height of 0.2 inches (5 mm) nominal and a center-to-center spacing of 2.35 (60 mm) inches nominal. Raised truncated domes shall comply with Appendix Chapter 11, Division VI for visual contrast.

APPENDIX CHAPTER 11

DIVISION IV

US ARCHITECTURAL AND BARRIERS COMPLIANCE BOARD AMERICANS WITH DISABILITIES ACT ALTERNATE GUIDELINES FOR AUDIBLE ALARMS

NEW SECTION

WAC 51-30-93118 Section 93118.

Section 93118.1 Purpose. The purpose of this division is to provide the United States Department of Justice, Americans with Disabilities Act Guidelines for audible alarms.

93118.2 Audible Alarms. Audible alarms shall exceed the prevailing equivalent sound level in the room or space by at least 15 decibels, or shall exceed any maximum sound level with a duration of 30 seconds by 5 decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

APPENDIX CHAPTER 11

DIVISION V

US ARCHITECTURAL AND BARRIERS COMPLIANCE BOARD AMERICANS WITH DISABILITIES ACT ALTERNATE GUIDELINES FOR VISUAL CONTRAST

NEW SECTION

WAC 51-30-93119 Section 93119.

Section 93119.1 Purpose. The purpose of this division is to provide the United States Department of Justice, Americans with Disabilities Act Guidelines for visual contrast.

93119.2 Guidelines for Visual Contrast.

93119.2.1 Raised truncated domes. Raised truncated domes used as detectable warnings shall contrast visually by 70 percent with adjoining surfaces. Contrast in percent shall be determined as follows:

$$\text{Contrast} = [(B^1 - B^2) / B^1] \times 100$$

Where: B^1 = light reflectance value (LRV) of the lighter area;
and,
 B^2 = light reflectance value (LRV) of the darker area.

The material used to provide contrast shall be an integral part of the walking surface.

93119.2.2 Signage. The characters and background of signs shall be eggshell (11 to 19 degree gloss on 60 degree glossimeter). Characters shall be light on a dark background (or dark on a light background) and contrast with their background by at least 70 percent. Contrast in percent shall be determined as follows:

$$\text{Contrast} = [(B^1 - B^2) / B^1] \times 100$$

Where: B^1 = light reflectance value (LRV) of the lighter area;
and,
 B^2 = light reflectance value (LRV) of the darker area.

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.

APPENDIX CHAPTER 11

DIVISION VI

US ARCHITECTURAL AND BARRIERS COMPLIANCE BOARD AMERICANS WITH DISABILITIES ACT GUIDELINES FOR AUTOMATED TELLER MACHINES

NEW SECTION

WAC 51-30-93120 Section 93120.

Section 93120.1 Purpose. The purpose of this division is to provide the United States Architectural and Transportation Barriers Compliance Board Americans with Disabilities Act Guidelines for automated teller machines.

93120.2 Controls. Controls for user activation shall comply with Section 1106.3.

93120.3 Clearance and Reach Range. Free standing or built-in units not having a clear floor space under them shall comply with Sections 1106.3.2 and 1106.3.3, and provide for parallel approach and both a forward and side reach to the unit allowing a person with a wheelchair to access the controls.

93120.4 Equipment for Persons with Vision Impairments. Instructions and all information for use shall be made accessible to and independently usable by persons with vision impairments.

PRIMARY OPTION 2

NEW SECTION

WAC 51-30-1100 Chapter 11—Accessibility.

PART I GENERAL

NOTE: This chapter has been revised in its entirety.

NEW SECTION

WAC 51-30-1101 Section 1101—Scope.

1101.1 General. Buildings or portions of buildings shall be accessible to persons with disabilities as required by this chapter.

1101.2 Design. The design and construction of accessible building elements shall be in accordance with Part IV of this chapter which includes the Council of American Building Officials (CABO)/American National Standards Institute (ANSI) A117.1-1992, which is a part of this code as though set out at length herein. For a building to be considered to be accessible, it shall be designed and constructed to the minimum provisions of this chapter.

1101.3 Maintenance of Facilities. Any building, facility, dwelling unit, or site which is constructed or altered to be accessible or adaptable under this chapter shall be maintained accessible and/or adaptable during its occupancy.

NEW SECTION

WAC 51-30-1102 Section 1102—Definitions.

For the purpose for this chapter, certain terms are defined as follows:

ACCESSIBLE describes a site, building, facility, or portion thereof, that complies with this chapter and that can be approached, entered and used by persons with disabilities.

ACCESS AISLE is an accessible pedestrian space between elements, such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

ACCESSIBLE MEANS OF EGRESS is a path of travel, usable by a person with disability, that leads to a public way.

ACCESSIBLE ROUTE is a continuous path connecting accessible elements and spaces in a building or facility that is usable by persons with disabilities.

ADAPTABILITY is the capability of altering or adding to certain building spaces and elements, such as kitchen counters, sinks and grab bars, so as to accommodate the needs of persons with and without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

ALTERATION (See Section 1110).

ALTERATION, SUBSTANTIAL (See Section 1110).

AREA OF REFUGE is an area with direct access to an exit or an elevator where persons unable to use stairs can remain temporarily in safety to await instructions or assistance during emergency evacuation.

CABO/ANSI A117.1 is American National Standard A117.1-1992 published by the Council of American Building Officials. (See Part IV of this chapter).

COMMON-USE AREAS are rooms, spaces or elements that are made available for use by a specific group of people.

DWELLING UNIT, TYPE A is an accessible dwelling unit that is designed and constructed in accordance with this chapter to provide greater accessibility than a Type B dwelling unit. (Type A dwelling units constructed in accordance with this chapter also meet the design standards for Type B dwelling units.)

DWELLING UNIT, TYPE B is an accessible dwelling unit that is designed and constructed in accordance with this chapter. (Type B Dwelling Unit Standards are based on the United States Department of Housing and Urban Development (HUD) Federal Fair Housing Act Accessibility Guidelines.)

ELEMENT is an architectural or mechanical component of a building, facility, space or site that is used in making spaces accessible.

FACILITY is all or any portion of a building, structure or area, including the site on which such building, structure or area is located, wherein specific services are provided or activities are performed.

GROUND FLOOR is any occupiable floor less than one story above or below grade with direct access to grade. A building may have more than one ground floor.

PATH OF TRAVEL (See Section 1110).

PERSON WITH DISABILITY is an individual who has an impairment, including a mobility, sensory or cognitive impairment, which results in a functional limitation in access to and use of a building or facility.

PRIMARY ENTRANCE is a principal entrance through which most people enter the building. A building may have more than one primary entrance.

PRIMARY FUNCTION (See Section 1110).

PUBLIC-USE AREAS are rooms or spaces that are made available to the general public.

SITE is a parcel of land bounded by a property line or a designated portion of a public right-of-way.

TECHNICALLY INFEASIBLE (See Section 1110).

TEXT TELEPHONE is machinery or equipment that employs interactive graphic (e.g. typed) communications through the transmission of coded signals across the standard telephone network. Text telephones include telecommunications display devices or telecommunications devices for the deaf (TDD's/TTY's), or computers.

PART II NEW CONSTRUCTION

NEW SECTION

WAC 51-30-1103 Section 1103—Building accessibility.

1103.1 Where Required.

1103.1.1 General. Accessibility to temporary or permanent buildings, or portions thereof, shall be provided for all occupancy classifications except as modified by this chapter.

OPTION 1: Do not amend Exception 1

EXCEPTIONS: 1. Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits; observation galleries used primarily for security purposes; elevator penthouses; nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces or freight elevators; piping and equipment catwalks; and machinery, mechanical and electrical equipment rooms.

OPTION 2: Amend Exception 1

EXCEPTIONS: 1. Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits; observation galleries used primarily for security purposes; elevator penthouses; nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces or freight elevators; and piping and equipment catwalks.

OPTION 1: Retain Exception 2

2. Subject to the approval of the building official, areas where work cannot reasonably be performed by persons having a severe impairment (mobility, sight or hearing) need not have specific features which provide accessibility to such persons.

OPTION 2: Delete Exception 2 as shown above

3. Temporary structures, sites and equipment directly associated with the construction process such as construction site trailers, scaffolding, bridging or material hoists are not required to be accessible. This exception does not include walkways or pedestrian protection required by Chapter 30.

4. Those portions of seasonal use structures such as farm produce stands and similar structures which are not open to the public and which are under 120 square feet.

OPTION 1: Do not add Exception #5

OPTION 2: Add an Exception #5

5. Temporary structures or facilities erected for less than 30 days.

1103.1.2 Group A Occupancies.

1103.1.2.1 General. Group A Occupancies shall be accessible as provided in this chapter.

EXCEPTION: In the assembly area of dining and drinking establishments or religious facilities which are located within non-elevator buildings, where the area of mezzanine seating is not more than 25 percent of the total seating, an accessible means of vertical access to the mezzanine is not required, provided that the same services are provided in an accessible space which is not restricted to use only by persons with disabilities. Comparable facilities shall be available in all seating areas.

OPTION 1: Do not amend the U.B.C.

OPTION 2: Add the following to U.B.C.

In banquet rooms and spaces located within dining and drinking establishments or hotels, open edges of raised platforms shall be protected by a curb with a height of not less than 2 inches.

1103.1.3 Group B Occupancies. Group B Occupancies shall be accessible as provided in this chapter.

OPTION 1: Do not add Exception to U.B.C.

OPTION 2: Add an Exception

EXCEPTION: Only 25 percent, but in no case less than one, of the examination rooms within the office of a health care provider need be accessible.

1103.1.4 Group E Occupancies. Group E Occupancies shall be accessible as provided in this chapter.

1103.1.5 Group F Occupancies. Group F Occupancies shall be accessible as provided in this chapter.

1103.1.6 Group H Occupancies. Group H Occupancies shall be accessible as provided in this chapter.

1103.1.7 Group I Occupancies. Group I Occupancies shall be accessible in public-use, common-use and employee-use areas, and shall have accessible patient rooms, cells and treatment or examination rooms as follows:

1. In Group I, Division 1.1 patient-care units within hospitals which specialize in treating conditions that affect mobility, all patient rooms, including associated toilet rooms and bathrooms.

2. In Group I, Division 1.1 patient-care units within hospitals that do not specialize in treating conditions that affect mobility, at least one in every ten patient rooms, or fraction thereof, including associated toilet rooms and bathrooms.

3. In Group I, Divisions 1.1 and 2 nursing homes and long-term care facilities, at least one in every two patient rooms, or fraction thereof, including associated toilet rooms and bathrooms.

4. In Group I, Division 3 mental health occupancies, at least one in every ten patient rooms, or fraction thereof, including associated toilet rooms and bathrooms.

5. In Group I, Division 3 jail, prison and similar occupancies, at least one in every 100 rooms or cells, or fraction thereof, including associated toilet rooms and bathrooms.

6. In Group I Occupancies, all treatment and examination rooms shall be accessible.

OPTION 1: Do not add Exception

OPTION 2: Add an Exception

EXCEPTION: Only 25 percent, but in no case less than one, of the examination rooms within the office of a health care provider need be accessible.

1103.1.8 Group M Occupancies. Group M Occupancies shall be accessible as provided in this chapter.

1103.1.9 Group R Occupancies.

1103.1.9.1 General. Group R Occupancies shall be accessible as provided in this chapter.

Where accessible dwelling units, guest and sleeping rooms are required, public- and common-use areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox locations, lobbies, foyers and management offices shall be accessible.

PROPOSED

- EXCEPTIONS:
1. Where recreational facilities are provided accessory to accessible dwelling units, only 25 percent of recreational facilities need be accessible, provided that not less than one of each type in each group of such facilities shall be accessible. All recreational facilities of each type on a site shall be considered in determining the total number of each type which are required to be accessible.
 2. Other than recreational facilities, common- or public-use facilities accessory to buildings not required to contain either Type A or Type B dwelling units in accordance with this section.

1103.1.9.2 Apartment houses - number and location of accessible dwelling units. In Group R, Division 1 apartment buildings, accessible dwelling units shall be provided on all levels in all buildings as follows:

1. **Type A** On sites containing 11 or more dwelling units, Type A accessible dwelling units shall be provided as required by Table 11-B.
2. **Type B** In buildings containing four or more dwelling units, each dwelling unit other than Type A accessible dwelling units shall be a Type B accessible dwelling unit.

- EXCEPTIONS:
1. Group R, Division 3 dwellings need not provide either Type A or Type B accessible dwelling units.
 2. Group R, Division 1 apartment buildings with three dwelling units or fewer need not provide Type B accessible dwelling units.
 3. Individual dwelling units containing two or more stories in a non-elevator building need not comply with standards for Type B accessible dwelling units.
 4. Type A accessible dwelling units may be located in a non-elevator building where the Type A units are accessible by ramp or by grade level accessible route.
 5. Dwelling units in Group R, Division 1 apartment buildings which are located on floors other than the ground floor where no elevator is provided within the building, need not comply with standards for Type B accessible dwelling units, provided:
 - 5.1. Where the ground floor is not a Group R Occupancy, the first level of Group R Occupancy shall be accessible and the dwelling units located on the level shall be either Type A or Type B accessible dwelling units; and
 - 5.2. Type A accessible dwelling units may be located on the accessible level, however, the number of Type A units shall not be reduced below the number required by Table 11-B.
 6. For sites where multiple, non-elevator buildings are located on a single site and where portions of the site have grades prior to development which exceed 10 percent, the building official may approve the following modifications:
 - 6.1. Number of Dwelling Units.
 - 6.1.1. The number of Type B accessible dwelling units provided may be reduced to a percentage of the ground floor units which is equal to the percentage of the entire site having grades prior to development which are 10 percent or less; but in no case shall the number of Type B units be less than 20 percent of the ground floor dwelling units on the entire site; and
 - 6.1.2. The number of Type A accessible dwelling units provided shall not be reduced below the number required by Table 11-B.
 - 6.2. Both Type A and B accessible dwelling units may be located in the building or buildings located on the portion of the site where the grade prior to development has slopes of 10 percent or less, and
 - 6.3. Common-use facilities accessory to buildings not required to contain either Type A or Type B accessible dwelling units in accordance with Item 6.1, above, need not be accessible unless there are not other similar facilities provided on the site.

See Section 1105.5.3 for dwelling unit facility requirements and exceptions.

1103.1.9.3 Hotels and lodging houses.

OPTION 1: Amend as follows

In hotels and lodging houses containing six or more guest rooms, accessible guest rooms, including associated bathing, shower and toilet facilities, shall be provided in accordance with Table 11-C. In addition, sleeping rooms or suites for persons with hearing impairments shall be provided in accordance with Table 11-D. In addition, public- and common-use areas of all hotels and lodging houses shall be accessible.

OPTION 2: Amend and add exception

In hotels and lodging houses accessible guest rooms, including associated bathing, shower and toilet facilities, shall be provided in accordance with Table 11-C. In addition, sleeping rooms or suites for persons with hearing impairments shall be provided in accordance with Table 11-D. In addition, public- and common-use areas of all hotels and lodging houses shall be accessible.

EXCEPTION: Group R, Division 3 lodging houses that are occupied by the owner or proprietor of the lodging house.

Required sleeping rooms for persons with hearing impairments shall have visible alarms complying with Part IV of this chapter. Such rooms shall have installed telephones complying with Part IV of this chapter, and an electrical outlet installed within 48 inches (122 mm) of the telephone connection. Such rooms shall have devices separate from the visible alarm system which provide visible notification of incoming telephone calls and doorbell actuation.

All facilities provided in accessible guest rooms shall be accessible. See Section 1105.

1103.1.9.4 Congregate residences.

OPTION 1: Do not amend U.B.C.

In congregate residences with more than 20 occupants, at least 2 percent, but in no case less than one, of the sleeping rooms shall be accessible.

OPTION 2: Amend U.B.C. and add an exception

In congregate residences with multi-bed rooms or spaces, a percentage equal to the minimum of accessible rooms required by Table 11-C shall be accessible in accordance with Part IV of this chapter.

EXCEPTION: Congregate residences with 10 or fewer occupants need not be accessible.

1103.1.9.5 Proportional distribution. Accessible dwelling units shall be apportioned among efficiency dwelling units, single bedroom units and multiple bedroom units in proportion to the numbers of such units in the building. Accessible hotel guest rooms shall be apportioned among the various classes of sleeping accommodations.

1103.1.10 Group S Occupancies. Group S Occupancies shall be accessible as provided in this chapter.

EXCEPTION: In warehouses or mini-storage facilities consisting of individual storage units or lockers, at least one of every 20 storage units or lockers, or fraction thereof, shall be accessible.

1103.1.11 Group U Occupancies. Group U, Division 1 shall be accessible as follows:

1. Private garages and carports which contain accessible parking.

2. In Group U, Division 1 agricultural buildings, access need be provided only to paved work areas and areas open to the general public.

1103.1.12 Group LC Occupancies. In Group LC Occupancies with multi-bed rooms or spaces, a percentage of the beds equal to the minimum number of accessible rooms required by Table 11-C shall be located in accessible rooms in accordance with Part IV of this chapter.

Where provided, public and common use areas such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox locations, lobbies, foyers and management offices shall be accessible.

1103.1.13 Other parking facilities. Principal use parking facilities which are not accessory to the use of any building or structure shall provide accessible parking spaces in accordance with Table 11-F.

1103.2 Design and Construction.

1103.2.1 General. Where accessibility is required by this chapter, it shall be designed and constructed in accordance with Part IV of this chapter.

1103.2.2 Accessible route.

1103.2.2.1 Interior routes. Where a building, or portion of a building, is required to be accessible, an accessible route shall be provided to such portions of the building, to accessible building entrances, and to accessible means of egress. In multistory buildings or portions of buildings required to be accessible, at least one elevator shall serve each level, including mezzanines.

- EXCEPTIONS:**
1. Floors above and below accessible levels that have areas of less than 3,000 square feet (278.7 m²) per floor, need not be served by an accessible route from an accessible level. This exception shall not apply to:
 - 1.1. The offices of health care providers; or
 - 1.2. Transportation facilities or airports; or
 - 1.3. Buildings owned or leased by government agencies; or
 - 1.4. Multi-tenant Group M Occupancies of five tenant spaces or more.
 2. In Group R Occupancy hotels and lodging houses, less than three stories in height, an accessible route is not required to the second story or mezzanine, provided all accessible guest rooms and public- and common-use areas are located on the accessible floor.
 3. In buildings of three stories or less, containing occupancies other than Group R Occupancies, an elevator is not required where ramps, grade-level accessible routes or accessible horizontal exits from an adjacent building, are provided to each floor.
 4. In multi-story parking garages, an elevator is not required where an accessible route is provided from accessible parking spaces on levels with accessible horizontal connections to the primary building served.
 5. Subject to the approval of the building official, platform lifts may be used in lieu of an elevator or ramp under one of the following conditions:
 - 5.1. To provide an accessible route to a performing area in assembly areas; or
 - 5.2. To provide unobstructed sight lines and distribution of wheelchair spaces in Group A Occupancies; or
 - 5.3. To provide access to spaces with an occupant load of less than five that are not open to the public; or
 - 5.4. To provide access where existing site or other constraints make use of a ramp or elevator infeasible.

See also 1103.1.9.2.

OPTION 1:

Where floor levels are required to be connected by an accessible route, and an interior stairway or escalator is provided between the levels, an interior accessible route between the levels also shall be provided. Where only one accessible route is provided, it shall not pass through kitchens, storage rooms, toilet rooms, bathrooms, closets or other similar spaces.

EXCEPTION: A single accessible route may pass through a kitchen or storage room in an accessible dwelling unit.

OPTION 2:

Where only one accessible route is provided, it shall not pass through kitchens, storage rooms, toilet rooms, bathrooms, closets or other similar spaces.

EXCEPTION: A single accessible route may pass through a kitchen or storage room in an accessible dwelling unit.

Stairs or escalators shall not be part of an accessible route.

1103.2.2.2 Exterior routes. Where a building or portion of a building is required to be accessible, an accessible route shall be provided between building entrances, accessible site facilities including parking and passenger loading zones and the public way.

Where more than one building or facility is located on a site, accessible routes shall be provided connecting accessible buildings and accessible site facilities.

EXCEPTION: Where the slope of the finished grade on a site exceeds 1 vertical in 12 horizontal (8.33% slope), or where physical barriers of the site prevent the installation of an accessible route, a vehicular route with accessible parking at each accessible building and facility may be provided in lieu of an accessible route.

Stairs or escalators shall not be part of an accessible route.

1103.2.3 Accessible entrances.

OPTION 1:

Each building and structure, and each separate tenancy within a building or structure, shall be provided with at least one primary entrance which complies with the accessible route provisions of Part IV of this chapter. At least 50 percent of all entrances shall be accessible.

OPTION 2:

Each building and structure, and each separate tenancy within a building or structure, shall be provided with at least one primary entrance which complies with the accessible route provisions of Part IV of this chapter. In addition:

1. Where the number of planned entrances is equal to or less than the number of required exits, all entrances shall be accessible.

2. Where the number of planned entrances exceeds the number of required exits; the number of accessible entrances shall equal the number of required exits or at least 50 percent of all planned entrances, whichever is greater.

EXCEPTIONS: 1. Entrances used exclusively for loading and service.

2. In Group R, Division 1 apartment buildings, only the primary entrance need be accessible, provided that the primary entrance is located on an accessible route serving all dwelling units and common and public use areas required to be accessible.

Where a building or facility has entrances which normally serve accessible parking facilities, transportation facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, then at least one of the entrances serving each such function shall comply with the accessible route provisions of Part IV of this chapter.

Where access is provided for pedestrians from a pedestrian tunnel or elevated walkway one entrance to the building from each tunnel or walkway shall be accessible.

1103.2.4 Signs.

1103.2.4.1 International Symbol of Access. The following elements and spaces of accessible facilities shall be identified by the International Symbol of Access:

OPTION 1: For item 1. Maintain U.B.C. language.

This option is related to options in 1107.3 Signs

1. Accessible parking spaces, except where the total parking spaces provided are five or less.

OPTION 2: For item 1. Amend U.B.C. language. This option is related to options in 1107.3 Signs

1. Accessible parking spaces.

2. Accessible areas of refuge. See also Section 1104.2.6.

3. Accessible passenger loading zones.

4. Accessible toilet and bathing facilities, if not all are accessible.

EXCEPTION: Toilet and bathing facilities within dwelling units, patient rooms and guest rooms, and single occupant toilet or bathing facilities allowed to be adaptable under provisions in Section 1105.2.

5. Accessible building entrances, if not all are accessible.

EXCEPTION: Individual entrances into dwelling units and guest rooms.

6. At every major junction along an exterior accessible route. Signage also shall indicate the direction to accessible entrances and facilities.

7. Accessible checkout aisles if not all are accessible.

8. Accessible dressing rooms, if not all are accessible.

OPTION 1: Do not add item 9, Maintain U.B.C. language. This option is related to options in 1105.5.2.2 Aisle seats

OPTION 2: Add item 9, amend U.B.C. language. This option is related to options in 1105.5.2.2 Aisle seats

9. Aisle seats as required by Section 1105.5.1.2.

1103.2.4.2 Other signs.

OPTION 1:

The following signs also shall be provided:

1. Inaccessible public toilets and bathing facilities, and elevators which are not accessible shall be provided with directional signage indicating the route to the nearest similar accessible element.

2. Inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance. Signage shall include the International Symbol of Access and an arrow indicating the direction to an accessible entrance.

3. Each door to an exit stairway shall have a tactile sign, including raised letters and Braille, stating EXIT STAIRS and shall comply with Part IV of this chapter.

4. At exits and elevators serving a required accessible space, but not providing an approved accessible means of egress, signs shall be installed indicating the location of accessible means of egress.

5. Each door inside a stairwell shall have a tactile sign, including raised letters and Braille, indicating the floor number and shall comply with Part IV of this chapter. See Section 1006.16.

OPTION 2:

Where signs which identify permanent rooms and spaces are provided they also shall have tactile characters, including raised letters and Braille, identifying the room or space complying with Part IV of this chapter.

SUB-OPTION 2.1: Add an exception

EXCEPTION: Spaces exempted by Section 1103.1.1.

SUB-OPTION 2.2: Do not add this exception

The following signs also shall be provided:

1. Inaccessible public toilets and bathing facilities, and elevators not accessible shall be provided with directional signage indicating the route to the nearest similar accessible element.

2. Inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance. Signage shall include the International Symbol of Access and an arrow indicating the direction to an accessible entrance.

3. Each door to an exit stairway shall have a tactile sign, including raised letters and Braille, stating EXIT STAIRS and shall comply with Part IV of this chapter.

4. Each door inside a stairwell shall have a tactile sign, including raised letters and Braille, indicating the floor number and shall comply with Part IV of this chapter. See Section 1006.16.

5. In assembly areas, a sign with the International Symbol for Hearing Loss notifying the general public of the availability of assistive listening systems shall be provided at ticket offices or similar locations. In addition, directional signage shall be provided indicating accessible seating location and additionally shall be identified by the International Symbol of Access.

SUB-OPTION 2.1.1: Do not add item 6, Maintain U.B.C. language. This option is related to options in 1105.4.10 Telephones and 1111.1.2 Existing elements

SUB-OPTION 2.2.2: Add item 6, amend U.B.C. language. This option is related to options in 1105.4.10 Telephones and 1111.1.2 Existing elements

6. Where text telephones are provided, they shall be identified by the International Text Telephone Symbol. In addition, where not all telephones meet the text telephone requirement, directional signage shall be provided indicating the route to the nearest text telephone. Where telephones that have volume controls are provided, they shall be identified by a sign as specified in Part IV of this chapter.

7. At exits and elevators serving a required accessible space, but not providing an approved accessible means of egress, signs shall be installed indicating the location of accessible means of egress.

8. At mini-storage facilities, a sign with the International Symbol of Access shall be located at the rental office notifying the public of the availability of accessible storage units.

NEW SECTION

WAC 51-30-1104 Section 1104—Egress and areas of refuge.

1104.1 Means of Egress.

1104.1.1 General.

All required accessible spaces shall be provided with not less than one accessible means of egress. Where more than one exit is required from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress. The maximum travel distance from any accessible space to an area of refuge shall not exceed the travel distance set forth in Chapter 10. Each accessible means of egress shall be continuous from each required accessible occupied area to a public way and shall include accessible routes, ramps, exit stairs, elevators, horizontal exits or smoke barriers. Where an exit required by Chapter 10 is not accessible, an area of refuge shall be provided.

EXCEPTION: Areas of refuge are not required in buildings where an approved, automatic fire-extinguishing system is installed in accordance with U.B.C. Standard 9-1, provided that quick-response sprinkler heads are used where allowed by the standard; and that a written fire and life-safety emergency plan, which specifically addresses the evacuation of persons with disabilities, is approved by the building official and the fire chief.

1104.1.2 Stairways. Where an exit stairway is part of an accessible means of egress, the stairway shall have a clear width of not less than 48 inches (1219 mm) between handrails. The stairway shall either incorporate an area of refuge within an enlarged story-level landing or shall be accessed from an area of refuge complying with Section 1104.2 or a horizontal exit.

EXCEPTIONS:

1. Exit stairways serving a single dwelling unit or guest room.
2. Exit stairways serving buildings protected throughout by an approved automatic sprinkler system installed in accordance with U.B.C. Standard 9-1, provided that quick-response sprinkler heads are used where allowed by the standard; and that a written fire and life-safety emergency plan, which specifically addresses

the evacuation of persons with disabilities, is approved by the building official and the fire chief.

3. The clear width of 48 inches (1219 mm) between handrails is not required for exit stairways accessed from a horizontal exit.
4. Areas of refuge are not required in open parking garages.

OPTION 1: Do not add exception 5

OPTION 2: Add exception 5

5. Areas of refuge are not required on any story, mezzanine or basement where an accessible route is not required.

1104.1.3 Elevators. When an accessible floor is four or more stories above or below the level of exit discharge serving that floor, at least one elevator shall serve as one required accessible means of egress.

EXCEPTION: In fully sprinklered buildings, the elevator need not be provided to floors provided with a horizontal exit and located at or above the level of exit discharge.

Where an elevator is part of an accessible means of egress, standby power shall be provided. The elevator shall be accessed from either an area of refuge complying with Section 1104.2 or a horizontal exit.

EXCEPTIONS:

1. Elevators are not required to be accessed by an area of refuge or a horizontal exit in buildings where an approved, automatic fire-extinguishing system is installed in accordance with U.B.C. Standard 9-1, provided that quick-response sprinkler heads are used where allowed by the standard; and that a written fire and life-safety emergency plan, which specifically addresses the evacuation of persons with disabilities, is approved by the building official and the fire chief.
2. Areas of refuge are not required in open parking garages.

OPTION 1: Do not add exception 3

OPTION 2: Add exception 3

3. Areas of refuge are not required on any story, mezzanine or basement where an accessible route is not required.

1104.1.4 Platform lifts. Platform (wheelchair) lifts shall not serve as part of an accessible means of egress.

EXCEPTION: Within a dwelling unit.

1104.2 Areas of Refuge.

1104.2.1 Access. Required areas of refuge shall be accessible from the space it serves by an accessible means of egress. Required areas of refuge shall have direct access to a stairway or an elevator complying with Section 1104.1.

1104.2.2 Pressurization. Where an elevator lobby is used as an area of refuge, the elevator shaft and lobby shall be pressurized in accordance with the requirements of Section 905.

EXCEPTIONS:

1. Where elevators are in an area of refuge formed by a horizontal exit or smoke barrier.
2. Within a building of any height or occupancy, constructed in accordance with the requirements of Section 403, an area of refuge may be located in the elevator lobby or adjacent to the elevator where no lobby is required, when elevator shafts are pressurized as required for smoke proof enclosures in Section 905. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the building official. Pressurization equipment and its ductwork within the building shall be separate from other portions of the building by a minimum of two-hour fire resistive construction.

1104.2.3 Size. Each area of refuge shall be sized to accommodate one wheelchair space not less than 30 inches by 48 inches (762 mm by 1219 mm) for each 200 occupants,

or portion thereof, based on the occupant load of the area of refuge and areas served by the area of refuge.

OPTION 1:

Wheelchair spaces shall not reduce the required exit width. Access to required wheelchair spaces in an area of refuge shall not be obstructed by more than one adjoining wheelchair space.

OPTION 2:

Wheelchair spaces shall not reduce the required exit width. Access to required wheelchair spaces in an area of refuge shall not be obstructed.

1104.2.4 Construction. Each area of refuge shall be separated from the remainder of the story by a smoke barrier having at least a one-hour fire-resistance rating. Smoke barriers shall extend to the roof or floor deck above. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes. Doors shall be self-closing or automatic closing by smoke detection. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates the smoke barrier.

EXCEPTIONS:

1. Areas of refuge located within a stairway enclosure.
2. A portion of an exterior exit balcony, located immediately adjacent to an exit stairway, when the exterior balcony complies with Section 1005. Openings to the interior of the building located within 20 feet (6096 mm) of the area of refuge shall be protected with fire assemblies having a three-fourths-hour fire-protection rating.

1104.2.5 Two-way communication. Areas of refuge shall be provided with a two-way communication system between the area of refuge and a central control point. The communication system shall not require voice communication. If the central control point is not constantly attended, the area of refuge shall also have controlled access to a public emergency system such as 911. Location of the central control point shall be approved by the fire department.

OPTION 1: *Maintain U.B.C. exception*

EXCEPTION: Buildings four stories or less in height.

OPTION 2: *Delete exception as shown above*

1104.2.6 Instructions.

OPTION 1:

In areas of refuge that have a two-way emergency communication system, instructions on the use of the area under emergency conditions shall be posted adjoining the communications system. The instructions shall include:

1. Directions to find other exits. Directions may be map or text;
2. Advice that persons able to use the exit stairway do so as soon as possible, unless they are assisting others;
3. Information on planned availability of assistance in the use of stairs or supervised operation of elevators and how to summon such assistance; and
4. Directions for use of the emergency communications system.

OPTION 2:

In areas of refuge that have a two-way emergency communication system, instructions on the use of the area under emergency conditions shall be posted adjoining the communications system. The instructions shall be in high contrast colors and non-glare finish, per Part IV of this chapter and include:

1. Directions to find other exits. Directions may be map or text;
2. Advice that persons able to use the exit stairway do so as soon as possible, unless they are assisting others;
3. Information on planned availability of assistance in the use of stairs or supervised operation of elevators and how to summon such assistance; and
4. Directions for use of the emergency communications system.

1104.2.7 Identification.

OPTION 1:

Each area of refuge shall be identified by a sign stating **AREA OF REFUGE** and the International Symbol of Access. The sign shall be located at each door providing access to the area of refuge. The sign shall be illuminated as required for exit signs when exit sign illumination is required. Tactile signage shall be located at each door to an area of refuge.

OPTION 2:

Each area of refuge shall be identified by a sign stating **AREA OF REFUGE** and the International Symbol of Access. The sign shall be located at each door providing access to the area of refuge. The sign shall be illuminated as required for exit signs when exit sign illumination is required. Tactile signage shall be located at each door to an area of refuge. Signage also shall be installed at all inaccessible exits and where otherwise necessary to clearly indicate the direction to areas of refuge assistance.

NEW SECTION

WAC 51-30-1105 Section 1105—Facility accessibility.

1105.1 General. Where buildings or portions of buildings are required to be accessible, building facilities shall be accessible as provided in this section. For Group R, Division 1 apartment buildings, where specific floors of a building are required to be accessible, the requirements shall apply only to the facilities located on the accessible floors.

Building facilities or elements required by this section to be accessible shall be designed and constructed in accordance with Part IV of this chapter.

1105.2 Bathing and Toilet Facilities.

1105.2.1 Bathing facilities. Where bathing facilities are provided, each bathing facility shall be accessible. At least one of each type of fixture or element in each accessible bathing facility shall be accessible.

EXCEPTION: 1. A bathing facility for a single occupant and not for common or public use may be adaptable.

OPTION 1: Do not add exception 2 to the U.B.C.

OPTION 2: Add exception 2 to the U.B.C.

2. Within accessible dwelling units, only one bathing facility need be accessible.

3. Bathing facilities which are accessory to an individual patient room, dwelling unit, guest room, cell, or examination room, not required to be accessible, provided that the bathing facility is for the use of the occupants of the individual room, unit or cell.

1105.2.2 Toilet facilities. Toilet facilities located within accessible dwelling units, guest rooms and congregate residences shall comply with Part IV of this chapter.

OPTION 1: Add exception 1

EXCEPTIONS: 1. Within accessible dwelling units, toilet facilities on inaccessible floors.

OPTION 2: Add exception 1

EXCEPTIONS: 1. Within accessible dwelling units, only one toilet facility need be accessible.

2. Toilet facilities which are accessory to an individual patient room, dwelling unit, guest room, cell, or examination room, not required to be accessible, provided that the toilet facility is for the use of the occupants of the individual room, unit or cell.

In other occupancies, each toilet room shall be accessible. At least one of each type of fixture or element in each accessible toilet room shall be accessible. Where toilet stalls are provided in a toilet room, at least one toilet stall shall be wheelchair accessible. In toilet facilities designated for females, where six or more toilet stalls are provided in a toilet room, or in toilet facilities designated for males, where four or more toilet stalls are provided in a toilet room, at least one ambulatory accessible toilet stall shall be provided in addition to the wheelchair accessible toilet stall.

EXCEPTION: A toilet facility for a single occupant and not for common or public use may be adaptable.

1105.2.3 Lavatories, mirrors and towel fixtures. At least one accessible lavatory shall be provided accessory to toilet facilities. Where mirrors, towel fixtures and other toilet and bathroom accessories are provided, at least one of each shall be accessible.

1105.2.4 Adaptable features in other than dwelling units. For adaptable features in accessible dwelling units see Section 1105.5.3.5.

In other occupancies where a bathing or toilet facility is for a single occupant and not for common or public use, the following adaptations shall be permitted:

1. **Grab bars.** Grab bars may be omitted, provided that structural reinforcements for grab bar installation are provided in appropriate locations in the adjoining walls.

2. **Lavatories.** Cabinets or shelving may be installed beneath lavatories, provided that such cabinetry or shelving is not permanent, and can be easily removed.

3. **Door maneuvering clearances.** Cabinets or shelving may be installed in the door maneuvering clearances, provided that such cabinetry or shelving is not permanent, and can be easily removed.

All other elements of bathing and toilet facilities shall be accessible and comply with Part IV of this chapter.

1105.3 Elevators, Stairways and Platform Lifts.

1105.3.1 Elevators.

OPTION 1: Maintain U.B.C. language and add exception 2

Elevators on accessible routes shall be accessible.

EXCEPTIONS: 1. Private elevators serving only one dwelling unit.
2. Where more than one elevator is provided in the building, elevators used exclusively for the movement of freight.

Elevators required to be accessible shall be designed and constructed to comply with Chapter 296-81 of the Washington Administrative Code.

OPTION 2: Replace U.B.C. language with current WAC language

All elevators required by Section 1103.2.2.1 shall be accessible.

EXCEPTIONS: 1. Private elevators serving only one dwelling unit.
2. Where more than one elevator is provided in the building, elevators used exclusively for the movement of freight.

Elevators required to be accessible shall be designed and constructed to comply with Chapter 296-81 of the Washington Administrative Code.

1105.3.2 Stairways. Stairways in buildings, or portions of buildings, required to be accessible shall be designed and constructed to comply with Part IV of this chapter.

For other than exterior stairways of Group R, Division 1 apartment buildings, open risers shall be prohibited in any building required to be accessible.

1105.3.3 Platform lifts. Platform lifts may be used in lieu of an elevator as specified in Section 1103.2.2.1.

All platform lifts used in lieu of an elevator shall be capable of independent operation and shall comply with Chapter 296-81 of the Washington Administrative Code.

1105.4 Other Building Facilities.

1105.4.1 Drinking fountains.

OPTION 1: Do not amend U.B.C.

On any floor where drinking fountains are provided, at least 50 percent, but not less than one fountain, shall be accessible.

OPTION 2: Amend U.B.C. as follows

On any floor where drinking fountains are provided, at least two shall be provided, one mounted at the accessible height and one mounted at a standard height. Where more than two drinking fountains are provided, at least 50 percent, but no less than one, shall be mounted at the accessible height, and at least one shall be mounted at the standard height.

1105.4.2 Fixed or built-in seating or tables. Where fixed or built-in seating or tables are provided, at least 5 percent, but no less than one, shall be accessible. In dining and drinking establishments, such seating or tables shall be distributed throughout the facility.

OPTION 1: Add following exception to the fixed seating section

PROPOSED

EXCEPTION: Fixed seating and tables which are employee work stations need not be accessible.

OPTION 2: *Add following language to the fixed seating section*

In a room, classroom, study area, work area or similar room, where the number of fixed stations is equal to or greater than 11, at least 5 percent, but no less than one station, shall be made accessible.

1105.4.3 Storage. Where storage facilities such as cabinets, shelves, closets, lockers and drawers are provided in required accessible or adaptable spaces, at least one of each type provided shall contain storage space complying with Part IV of this chapter.

EXCEPTION: In other than kitchens, storage facilities in accessible dwelling units need not be accessible.

1105.4.4 Customer service facilities.

1105.4.4.1 Dressing and fitting rooms. Where dressing or fitting rooms are provided, at least 5 percent, but not less than one, in each group of rooms serving distinct and different functions shall be accessible. Dressing and fitting rooms with doors shall provide a clear floor space within the dressing room and an accessible door. Dressing rooms also shall be provided with an accessible mirror and bench.

1105.4.4.2 Counters and windows. Where customer sales and service counters or windows are provided, a portion of the counter or at least one window shall be accessible.

1105.4.4.3 Checkout aisles. Accessible checkout aisles shall be installed in accordance with Table 11-E. Traffic control devices, security devices and turnstiles located in accessible checkout aisles or lanes shall be accessible.

1105.4.4.4 Shelving and display. Self-service shelves or display units in Group M Occupancies shall be located on an accessible route. Not all self-service shelves and display units need to be located within reach ranges.

1105.4.5 Controls, operating mechanisms, hardware and manual fire alarm devices.

1105.4.5.1 General. Controls, operating mechanisms, and hardware intended for operation by the occupant, including electrical convenience outlets, switches that control lighting and ventilation and manual fire alarm devices, in accessible spaces, along accessible routes or as parts of accessible elements shall be accessible.

EXCEPTIONS: 1. Controls, hardware and operating mechanisms on, or operating, commercial or industrial equipment located within an employee work area.
2. Controls, hardware and operating mechanisms on or operating kitchen appliances in Group R, Division 1 apartment units.

1105.4.5.2 Windows. Windows intended for the use of the occupants of Type A and Type B dwelling units, accessible guest rooms, congregate residences and LC Occupancies shall be provided with accessible hardware.

EXCEPTION: Accessible guest rooms only for the hearing impaired.

Windows in other occupancies need not be provided with accessible hardware.

1105.4.6 Alarms. Alarm systems, where provided, shall include both audible and visible alarms. The alarm devices

shall be located in hotel guest rooms as required by Section 1103.1.9.3; accessible public- and common-use areas, including toilet rooms and bathing facilities; hallways; and lobbies.

EXCEPTIONS: 1. Alarms in Group I, Division 1.1 and 2 occupancies may be modified to suit standard health care design practice.
2. Visible alarms are not required in Group R, Division 1 apartment occupancies.

All alarms shall be designed in accordance with the Washington State Amendments to the Uniform Fire Code Standards, Washington Administrative Code 51-34.

1105.4.7 Detectable warnings.

1105.4.7.1 Rail transit platforms. Rail transit platform edges boarding a drop-off and not protected by platform screen or guardrails shall be provided with detectable warnings in accordance with Part IV of this chapter.

1105.4.7.2 Curb ramps. Curb ramps shall be provided with detectable warnings in accordance with Part IV of this chapter.

1105.4.7.3 Separation of pedestrian and vehicular areas. Detectable warnings shall be continuous and shall separate walking surfaces from vehicular travel and parking areas. The detectable warnings shall be a minimum of 36 inches (914 mm) in width.

EXCEPTIONS: 1. Where a change in elevation 4 inches (102 mm) minimum such as a curb, stair, sidewalk edge or where a raised curb, wall, railing or other barrier detectable to a person with vision impairments using a cane, is provided as a discernible edge to the walking surface.
2. Subject to approval of the building official, detectable warnings along the sides of crosswalks need not be provided where such warnings are located at each crosswalk entrance to a vehicular area.

1105.4.8 Kitchens.

1105.4.8.1 Kitchens in dwelling units and congregate residences. Kitchens in accessible dwelling units shall be designed in accordance with Part IV of this chapter.

Common use kitchens and kitchenettes located in Group R, Division 1 congregate residences shall be designed in accordance with this chapter.

1105.4.8.2 Kitchens accessory to guest or sleeping rooms. Where provided accessory to an accessible sleeping room, guest room or suite in other than a dwelling unit, kitchens, kitchenettes, wet bars and similar amenities shall be accessible. Clear floor space for a forward or parallel approach to sinks shall be provided. Countertops and sinks shall be mounted at a maximum height of 34 inches (865 mm) above the floor. At least 50 percent of shelf space in cabinets and appliances shall be within the reach ranges as required in Part IV of this chapter. Controls, hardware and operating mechanisms shall comply with Section 1105.4.5.

1105.4.8.3 Kitchens in other occupancies.

OPTION 1: *Add following to the kitchen section*

Kitchens in dining and drinking establishments or kitchens and kitchenettes for the common use of building occupants [employees] in other occupancies shall be de-

signed and constructed so that individuals with disabilities can approach, enter and exit.

Where the following elements are provided, kitchens and kitchenettes shall be provided with accessible electrical convenience outlets and switches controlling lighting and ventilation in accordance with Section 1105.4.5, and alarms in accordance with Section 1105.4.6.

Where a sink is provided, clear floor space for a forward or parallel approach to the sink shall be provided and faucets and controls shall be within reach ranges.

OPTION 2 Add following to the kitchen section

EXCEPTION: Kitchens in other occupancy groups need not be accessible.

1105.4.9 Sinks. For sinks in kitchens and kitchenettes, see Section 1105.4.8.

For sinks in dwelling units, see Section 1105.5.3.

OPTION 1:

Other sinks need not be accessible.

OPTION 2:

Where sinks are provided in classrooms, at least one sink shall be provided with clear floor space for a forward or parallel approach. The faucet and controls of the sink shall be within reach ranges. Sinks in other locations need not be accessible.

1105.4.10 Telephones.

OPTION 1: Amend U.B.C. as follows. This option is related to options in 1103.2.4.2 Other signs and 1111.1.2 Existing elements

On any floor where public telephones are provided, at least one telephone shall be accessible. On any floor where two or more banks of multiple telephones are provided, at least one telephone in each bank shall be accessible and at least one telephone per floor shall be designed to allow forward reach complying with Part IV of this chapter.

Where any bank of public telephones consist of three or more telephones, at least one telephone in each bank shall be equipped with a shelf and electrical outlet complying with Part IV of this chapter.

All accessible telephones and at least 25 percent of all other public telephones, but in no case less than one, shall be provided with volume controls in accordance with Part IV of this chapter and shall be dispersed among the public telephones provided in the building.

Where four or more public telephones are provided at a building site, and at least one is in an interior location, at least one interior telephone shall be a text telephone in accordance with Part IV of this chapter.

Where interior public pay telephones are provided in transportation facilities; assembly and similar areas including stadiums and arenas; convention facilities; or covered malls; or in or adjacent to hospital emergency, recovery, or waiting rooms; at least one interior text telephone shall be provided.

OPTION 2: Amend U.B.C. as follows. This option is related to options in 1103.2.4.2 Other signs and 1111.1.2 Existing elements

Where public telephones are to be installed in accessible buildings, locations for public telephone installations shall be located on an accessible route, provided with clear floor space and allow public telephones to be installed within the necessary reach ranges as provided in Part IV of this chapter.

1105.4.11 Doors. Where an entrance or exit required to be accessible has more than one door, only one door need be accessible as provided in Part IV of this chapter.

For doors within hotels and lodging houses required to contain accessible guest rooms, all doors into and within all guest rooms, accessible or otherwise, shall be accessible as provided in Part IV of this chapter.

For doors within hospitals and nursing homes required to contain accessible patient rooms, all doors into all patient rooms, accessible or otherwise, shall be accessible as provided in Part IV of this chapter.

All doors which are part of an accessible route shall be accessible in accordance with Part IV of this chapter.

EXCEPTION: An automatic, power-assisted or low-energy power-operated door may be used in lieu of full compliance with standards for maneuvering clearance, closer speed or opening force.

1105.4.12 Automatic Teller Machines (ATM's). Where Automatic Teller Machines (ATM's) are to be installed in accessible buildings, locations for ATM's installations shall be located on an accessible route, provided with clear floor space and allow ATM's to be installed within the necessary reach ranges as provided in Part IV of this chapter.

1105.5 Use Specific Facility Requirements.

1105.5.1 General. In addition to the occupancy, exit and facility requirements in this chapter, the provisions in this section apply to the special facilities herein.

1105.5.2 Assembly Areas.

1105.5.2.1 Wheelchair spaces. Stadiums, theaters, auditoriums and similar occupancies shall be provided with wheelchair spaces in accordance with Table 11-A. Removable seats shall be permitted in the wheelchair spaces.

OPTION 1: Maintain U.B.C.

Where the seating capacity of an individual assembly area exceeds 300, wheelchair spaces shall be provided in more than one location and shall be on an accessible route. Dispersion of wheelchair spaces shall be based on the availability of accessible routes to various seating areas, including seating at various levels in multilevel facilities. Services provided in inaccessible areas also shall be provided on an accessible level and shall be accessible.

OPTION 2: Revise the U.B.C. to delete first phrase

Wheelchair spaces shall be provided in more than one location and shall be on an accessible route. Dispersion of wheelchair spaces shall be based on the availability of accessible routes to various seating areas, including seating

at various levels in multilevel facilities. Services provided in inaccessible areas also shall be provided on an accessible level and shall be accessible.

1105.5.2.2 Aisle Seats.

OPTION 1: Do not amend the U.B.C. which includes no similar provisions. This option is related to options in 1103.2.4.1 Signs

OPTION 2: Maintain provision from 51-20. This option is related to options in 1103.2.4.1 Signs

One percent, but not less than one, of all fixed seats shall be aisle seats with no armrests, or shall have removable or folding armrests on the aisle side. Each such seat shall be identified with a sign as required by Section 1103.2.4.

1105.5.2.3 Accessible Route.

OPTION 1: Do not amend the U.B.C. which includes no similar provisions

OPTION 2: Maintain provision from 51-20 as follows

An accessible route shall connect wheelchair seating locations with performance areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

1105.5.2.4 Assistive listening systems. Assistive listening systems complying with Part IV of this chapter, shall be installed in stadiums, theaters, auditoriums, lecture halls and similar areas when these areas have fixed seats and where audible communications are integral to the use of the space as follows:

1. Areas with an occupant load of 50 or more.
2. Areas where an audio-amplification system is installed.

Receivers for assistive listening systems shall be provided at a rate of 4 percent of the total number of seats, but in no case less than two receivers.

Stadiums, theaters, auditoriums, lecture halls and similar areas not equipped with an audio-amplification system or having an occupant load of less than 50 shall have a permanently installed assistive listening system, or shall have electrical outlets or other supplementary wiring to support a portable assistive listening system.

Signage shall be installed to notify patrons of the availability of the listening system as required by Section 1103.2.4.

1105.5.3 Dining and drinking establishments.

1105.5.3.1 Aisles. Aisles to fixed seating and tables or which serve as food service lines shall provide an accessible route.

1105.5.3.2 Tray slides. All tray slides within a self-service eating establishment shall be accessible.

1105.5.3.3 Counters and bars. Service counters within dining or drinking establishments shall be accessible or shall adjoin accessible tables where the same service is available.

1105.5.3.4 Self-service shelves. At least 50 percent of self-service shelves and all locations of dispensing tableware,

dishware, condiments and beverages shall comply with Part IV of this chapter.

1105.5.4 Dwelling units.

1105.5.4.1 Accessible areas. All portions and levels of an accessible dwelling unit shall be accessible and located on an accessible route.

- EXCEPTIONS:
1. In a Type A accessible dwelling unit with two or more stories, access to other levels is not required, provided that the accessible level complies with all requirements for Type A accessible dwelling units; and that kitchen, toilet and bathing facilities, and at least one bedroom, are provided on the accessible level.
 2. Where a Type B accessible dwelling unit with two or more stories is located in an elevated building, access to other levels is not required if the accessible level complies with all requirements for a Type B accessible dwelling unit and contains a toilet and bathing facility.
 3. Mezzanines in Type A or Type B accessible dwelling units need not be accessible.
 4. Raised or lowered floors in Type B accessible dwelling units need not be accessible provided that they do not interfere with the accessible route through the unit, and do not limit access to the kitchen or bathroom.
 5. In Type B accessible dwelling units, exterior deck, patio or balcony surfaces may be no more than 4 inches (102 mm) below the floor level of the interior surface where the exterior surface is constructed of impervious materials such as concrete, brick or flagstone.

1105.5.4.2 Kitchens. Kitchens in all accessible dwelling units shall be accessible and shall be provided with accessible features as specified in this section. Where required to be accessible, each feature shall comply with Part IV of this chapter.

1. Clear floor space shall be provided in each kitchen.

OPTION 1: for #2

2. In Type A accessible dwelling units, sinks within kitchens shall be accessible.

OPTION 2: for #2

2. In both Type A and Type B accessible dwelling units, sinks within kitchens shall be accessible.

OPTION 3: for #2

2. Sinks within dwelling units need not be accessible.

3. In Type A accessible dwelling units, an accessible work surface shall be provided. Kitchen storage shall be accessible as provided in Part IV of this chapter.

OPTION 1: for #4

4. In Type A and Type B accessible dwelling units, kitchen and laundry appliances need not be accessible. When open, doors and other movable elements of appliances and storage facilities may encroach on clear floor space and door maneuvering spaces.

OPTION 2: for #4

4. In Type A and Type B accessible dwelling units, locations for kitchen and laundry appliance installation shall be provided with adjoining clear floor space allowing either a forward or parallel approach. Other aspects of the kitchen and laundry appliances need not comply with Part IV of this chapter. When open, doors and other movable elements of

appliances and storage facilities may encroach on clear floor space and door maneuvering spaces.

5. Electrical convenience outlets, and environmental controls, including switches for cooking ventilation fans, shall be accessible.

1105.5.4.3 Toilet and bathing facilities.

OPTION 1:

At least one toilet and bathing facility in each accessible dwelling unit shall be accessible and located on an accessible level of the dwelling unit. At least one of each type of fixture or element in each accessible facility shall be accessible. Environmental controls, including switches for ventilation fans, shall be accessible.

OPTION 2:

Each toilet and bathing facility in each accessible dwelling unit shall be accessible and located on an accessible level of the dwelling unit. At least one of each type of fixture or element in each accessible facility shall be accessible. Environmental controls, including switches for ventilation fans, shall be accessible.

1105.5.4.4 Doors. All doors into or within an accessible dwelling unit shall be accessible in accordance with Part IV of this chapter.

EXCEPTION: Other than the entrance door to the dwelling unit, doors within a Type B accessible dwelling unit need not provide door maneuvering clearances but shall comply with all other requirements for accessible doors.

1105.5.4.5 Other features. For other provisions applicable to features of accessible dwelling units see Sections 1105.3, 1105.4.3, 1105.4.5, 1105.4.6, 1105.4.11 and 1107.

1105.5.4.6 Adaptable features for accessible dwelling units.

1105.5.4.6.1 Grab bars. Grab bars may be omitted in bathing and toilet facilities within Type A or Type B accessible dwelling units, provided that structural reinforcements for grab bar installation are provided in appropriate locations in the adjoining walls.

1105.5.4.6.2 Kitchen work surfaces. Cabinets or shelving may be installed beneath the work surface required in kitchens of Type A accessible dwelling units, provided that such cabinetry or shelving is not permanent, and can be easily removed.

1105.5.4.6.3 Lavatories. Cabinets or shelving may be installed beneath bathroom lavatories in either Type A or Type B accessible dwelling units, provided that such cabinetry or shelving is not permanent, and can be easily removed.

1105.5.4.6.4 Parking signage. Parking space signs required by Sections 1103.2.4 and 1107.3 need not be installed at accessible parking spaces for accessible dwelling units.

1105.5.5 Employee work areas. Areas that are used only as work areas shall be designed and constructed so that individuals with disabilities can approach, enter and exit the areas.

OPTION 1: This option is related to options in 1105.4.2 Fixed or built-in seating or tables

Work areas shall be provided with accessible electrical convenience outlets and switches controlling lighting and ventilation, where such features control that work space, and manual fire alarm devices in accordance with Section 1105.4.5. Where the following elements are provided, they also shall be accessible: alarms in accordance with Section 1105.4.6, accessible drinking fountains in accordance with Section 1105.4.1, and fixed or built-in seating and tables in accordance with Section 1105.4.2.

OPTION 2: This option is relate to options in 1105.4.2 Fixed or built-in seating or tables

Work areas shall be provided with accessible electrical convenience outlets and switches controlling lighting and ventilation, where such features control that work space, and manual fire alarm devices in accordance with Section 1105.4.5. Where the following elements are provided, they also shall be accessible: alarms in accordance with Section 1105.4.6, accessible drinking fountains in accordance with Section 1105.4.1.

Fixed seating and tables which are employee work stations need not be accessible.

1105.5.6 Hotels, lodging houses, congregate residences and licensed care facilities.

1105.5.6.1 Accessible route. An accessible route shall connect all accessible spaces and elements including telephones, toilet and bathing facilities, patios, terraces, balconies, parking spaces, kitchen facilities, storage accessory to any accessible guest rooms or sleeping rooms.

1105.5.6.2 Storage. Where fixed or built-in storage is provided within accessible guest rooms or sleeping rooms, at least one of each type shall be accessible.

1105.5.6.3 Clear floor space. Within accessible guest rooms or sleeping rooms, at least 36 inches (914 mm) of clear floor space shall be provided on each side of a bed, or at least one 36 inch (914 mm) wide space between two beds in the same room.

1105.5.7 Hospitals and nursing homes.

1105.5.7.1 Covered entrances. At least one of the accessible entrances provided at a hospital or nursing home shall be under shelter. Such entrances shall include an accessible passenger loading zone.

1105.5.7.2 Patient rooms. Each patient bedroom shall be designed and constructed to provide a wheelchair turning space. Each patient room shall have a minimum clear floor space of not less than 36 inches (914 mm) on each side of any bed.

1105.5.8 Libraries.

1105.5.8.1 Reading and study areas. At least 5 percent, or a minimum of one of each element of fixed seating; tables; study carrels; or media, card catalog or computer stations, shall comply with Section 1105.4.2 and be located on an accessible route.

1105.5.8.2 Check-out areas. Check-out aisles, traffic control and security devices shall comply with Section 1105.4.4.3.

1105.5.8.3 Library stacks, magazine displays and card catalogs. Library stacks, magazine displays, card catalogs and similar storage of library materials shall be located on accessible routes. Card catalogs and magazine displays shall comply with reach range standards of Part IV of this chapter.

1105.5.9 Recreational facilities. Where common- or public-use recreational facilities are provided, they shall be accessible in accordance with the appropriate occupancy classification.

EXCEPTION: Where recreational facilities are provided accessory to accessible dwelling units, only 25 percent of recreational facilities need be accessible, provided that not less than one of each type in each group of such facilities shall be accessible. All recreational facilities of each type on a site shall be considered in determining the total number of each type required to be accessible.

Where swimming pools, hot tubs spas and similar facilities are provided, they shall be accessible. Swimming pools shall be made accessible by transfer tier, hydraulic chair, ramp, or other means. Hot tubs and spas need only be accessible up to the edge of the hot tubs or spas.

NEW SECTION

WAC 51-30-1106 Section 1106—Reserved.

NEW SECTION

WAC 51-30-1107 Section 1107—Parking facilities.

1107.1 Accessible Parking Required.

1107.1.1 Number of spaces required. Where parking lots or garage facilities are provided, accessible parking spaces shall be provided in accordance with Table 11-F except for the following occupancies:

1. **Inpatient Medical Care Facilities.** For Group I, Divisions 1.1 and 2 medical care occupancies with inpatient care units specializing in the treatment of persons with mobility impairments, 10 percent of the parking spaces provided accessory to those care units shall be accessible.

2. **Outpatient Medical Care Facilities.** For Group I, Division 1.1 and 1.2 occupancies providing outpatient medical care facilities, 10 percent of the parking spaces provided shall be accessible.

3. **Apartment Buildings.** For Group R, Division 1 apartment buildings containing accessible or adaptable dwelling units where parking is provided, one accessible parking space shall be provided for each required Type A dwelling unit and reserved for its occupants. In addition, where the total parking provided on a site exceeds one parking space per dwelling unit, not less than 2 percent, and in no case less than one space of this additional parking shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces also shall be provided within or beneath the building. If only Type B dwelling units are provided in a building, 2 percent of the parking

spaces provided, but in no case less than one, shall be accessible.

OPTION 1: Maintain U.B.C. language for item #4

4. **Van Parking.** One van accessible parking space shall be provided for every eight accessible parking spaces, or fraction thereof.

OPTION 2: Amend U.B.C. language for item #4

4. **Van Parking.** For other than Group R, Division 1 apartment buildings, where accessible parking is required, one of every eight accessible parking spaces, or fraction thereof, shall be designed to be accessible to vans.

1107.1.2 Location of accessible parking. Accessible parking spaces shall be located on the shortest possible accessible route to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the accessible route shall be marked as a crosswalk.

EXCEPTION: In multilevel parking structures, accessible van parking spaces may be located on one level.

Where a parking facility is not accessory to a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility.

1107.2 Design and Construction. When accessible and van accessible parking spaces are required by this section, they shall be designed and constructed in accordance with Part IV of this chapter.

1107.3 Signs. Every accessible parking space required by this section shall be identified by a sign complying with Part IV of this chapter.

OPTION 1: Maintain U.B.C. language. This option is related to options in 1103.2.4.1 Signs

EXCEPTION: Accessible parking space signs need not be provided in parking garages or parking facilities that have five or less total parking spaces.

OPTION 2: Delete U.B.C. exception as shown above. This option is related to options in 1103.2.4.1 Signs

NEW SECTION

WAC 51-30-1108 Section 1108—Passenger loading zones.

1108.1 Location. Where provided, passenger loading zones shall be located on an accessible route.

1108.2 Design and Construction. Passenger loading zones shall be designed and constructed in accordance with Part IV of this chapter.

**PART III ACCESSIBILITY
FOR EXISTING BUILDINGS**

NEW SECTION

WAC 51-30-1109 Section 1109—Scope.

1109.1 General. The provisions of this part apply to renovations, alterations and additions to existing buildings, including those identified as historic buildings. This part includes minimum standards for removing architectural barriers, and providing and maintaining access to existing buildings and facilities for persons with disabilities.

1109.2 Equivalent Facilitation. Departures from specific technical and scoping requirements of this part by use of the alternate methods are permitted where such methods will provide equivalent or greater access to, and usability of, the facility. Alternate methods shall permit individuals with disabilities to approach, enter, and use a site, building, facility or portion thereof; as easily, safely, conveniently, and independently as the specific method.

NEW SECTION

WAC 51-30-1110 Section 1110—Definitions.

For the purpose of this part, certain terms are designated as follows:

ALTERATION is any change, addition or modification in construction or occupancy.

ALTERATION, SUBSTANTIAL is any alteration, where the total cost of all alterations (including but not limited to electrical, mechanical, plumbing and structural changes) for a building or facility within any 12 month period amount to 60 percent or more of the appraised value. For the purpose of this chapter, the appraised value is the value as defined in Section 223 of the Uniform Building Code.

PATH OF TRAVEL means a continuous, unobstructed way of pedestrian passage by means of which an altered area may be approached, entered and exited, and which connects the altered area with an exterior approach (including sidewalks, streets and parking areas), an entry to the facility, and other parts of the facility. For the purposes of this part, the term path also includes restrooms, telephones and water fountains serving the altered area.

PRIMARY FUNCTION is a major function for which the facility or area is intended.

TECHNICALLY INFEASIBLE is an alteration of a building or facility that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame, or because existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

NEW SECTION

WAC 51-30-1111 Section 1111—Alterations and additions.

1111.1 Alterations.

1111.1.1 Compliance. Alterations to existing buildings or facilities shall comply with this section. Alterations shall not reduce or have the effect of reducing accessibility or usability of a building, portion of a building or facility. If compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

EXCEPTION: Except where substantial as defined by Section 1110, alterations to Group R, Division 1 apartment buildings need not comply with Part II of this chapter.

No alteration of an existing element, space or area of a building shall impose a requirement for greater accessibility than that which would be required for new construction.

1111.1.2 Existing elements. If existing elements, spaces, essential features or common areas are altered, each such altered element, space, feature or area shall comply with the applicable provisions in Part I of this chapter and Part IV of this chapter.

- EXCEPTIONS:**
1. Accessible means of egress required by Section 1104 need not be provided in alterations of existing buildings and facilities.
 2. Where the alteration work is limited solely to the electrical, mechanical or plumbing system or hazardous materials removal, and does not involve the alteration, structural or otherwise, of any elements and spaces required to be accessible under these standards, Chapter 11 does not apply.

OPTION 1:

When an alteration is to an area of primary function the accessible route to the altered area shall be made accessible. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function.

OPTION 2:

Where an alteration is to an area of primary function, to the maximum extent feasible, the path of travel to the altered area shall be made accessible.

EXCEPTIONS:

OPTION 1: For exception 1

1. The costs of providing the path of travel need not exceed 20 percent of the costs of the alterations affecting the area of primary function.

OPTION 2: For exception 1

1. Subject to the approval of the building official, the path need not be made fully accessible if the cost of compliance with this part would exceed 20 percent of the total cost of construction, inclusive of the cost of eliminating barriers, within a 36 month period.
2. Accessible means of egress need not be provided in an altered building.
3. Alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

In addition, the following shall apply to alterations of existing elements:

OPTION 1: Do not amend the U.B.C.

PROPOSED

OPTION 2: Add the following to the U.B.C.

1. Where an escalator or new stairway is planned or installed requiring major structural changes, then a means of vertical transportation (e.g., elevator, platform lift) shall be provided in accordance with this chapter.

OPTION 1: Do not add #2 to the U.B.C.**OPTION 2:** Add #2 to the U.B.C.

2. Where alterations of single elements, when considered together, amount to an alteration of a room or space, in a building or facility the entire area or space shall be accessible.

OPTION 1: Do not add #3 to the U.B.C. This option is related to options in 1103.2.4.2 Other signs and 1105.4.10 Telephones

OPTION 2: Add #3 to the U.B.C. This option is related to options in 1103.2.4.2 Other signs and 1105.4.10 Telephones

3. Where alterations would increase the number of public telephones to four, with at least one interior, or where the facility has four or more public telephones and one or more is altered; at least one interior text telephone shall be provided in accordance with Part IV of this chapter.

4. Where a building has an accessible entrance, altered entrances need not be made accessible unless they provide access to an area of primary function.

5. Where patient bedrooms are altered in existing Group I, Division 1.1 or 2 occupancies, a percentage of the altered bedrooms equal to the requirement of Section 1103.1.2.7, but in no case more than the total number of bedrooms required by Section 1103.1.2.7, shall comply with Part IV of this chapter. Where toilet or bathing facilities are part of the accessible rooms, they shall comply with Part IV of this chapter.

1111.1.3 Substantial alterations. Where substantial alterations as defined in Section 1110 occurs to a building or facility, the entire building or facility shall comply with Part II of this chapter.

EXCEPTION(S):**OPTION 1:** For exception 1

1. Accessible means of egress need not be added to substantially altered buildings.

OPTION 2: For exception 1, delete exception as shown above

2. Type B dwelling units need not be provided in buildings which are substantially altered.

1111.2 Modifications.

1111.2.1 General. Modifications set forth in this section may be used for compliance when the required standard is technically infeasible.

1111.2.2 Hotel guest rooms. Where sleeping rooms are altered in an existing Group R, Division 1 hotel, at least one sleeping room that complies with Part IV of this chapter shall be provided for each 25 sleeping rooms or fraction thereof. In addition, at least one sleeping room for each 25 sleeping rooms or fraction thereof shall have telephones,

visible alarms and visible notification devices in accordance with Section 1103.1.9.3.

1111.2.3 Performance areas. Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

1111.2.4 Platform lifts. Platform lifts may be used when installation of an elevator is technically infeasible. Platform lifts must comply with Chapter 296-81 of the Washington Administrative Code.

1111.2.5 Toilet rooms.

1111.2.5.1 Shared facilities. The addition of one accessible unisex toilet facility accessible to occupants on the floor may be provided in lieu of making existing toilet facilities accessible when it is technically infeasible to alter existing toilet and bathing facilities to be accessible. The unisex facility shall be located on the same floor and in the same area as the existing toilet facilities. Each unisex toilet facility shall contain one accessible water closet and lavatory, and the door shall be lockable from within the room.

1111.2.5.2 Number of facilities and water closets. The number of toilet facilities and water closets may be reduced below the number required by Chapter 29 of this code to the extent necessary to provide accessibility.

1111.2.5.3 Signage. Where existing toilet facilities are being altered and not all are made accessible, directional signs in accordance with Part IV of this chapter shall be provided indicating the location of the nearest accessible toilet or bathing facility within the building.

1111.2.6 Assembly areas.**OPTION 1:** Do not amend U.B.C.

Seating shall adjoin an accessible route that also serves as a means of egress. When it is technically infeasible to disperse accessible seating throughout an altered assembly area, accessible seating areas may be clustered. Each accessible seating area shall have provisions for companion seating.

OPTION 2: Amend U.B.C. as follows

Seating shall adjoin an accessible route that also serves as a means of egress. When it is technically infeasible to disperse accessible seating throughout an altered assembly area, accessible seating areas may be clustered. Each accessible seating area shall have provisions for companion seating, equivalent to other seating provided.

1111.2.7 Dressing rooms. Where it is technically infeasible to provide accessible dressing rooms in each group of rooms, one dressing room for each sex, or a unisex dressing room, on each level shall be accessible.

1111.2.8 Dining areas. In alterations, accessibility to raised or lowered dining areas, or to all parts of outdoor seating areas is not required provided that the same services and amenities are provided in an accessible space usable by the general public and not restricted to use by people with disabilities.

1111.2.9 Stairways. Full extension of stair handrails is not required when such extension would be hazardous or impossible due to plan configuration. Where an accessible elevator is provided, existing stairs need not be made to comply with Part IV of this chapter.

1111.2.10 Doors.

1111.2.10.1 Clearance. Where existing elements prohibit strict compliance with the clearance requirements, a projection of 5/8 inch (16 mm) maximum is permitted for the latch side door stop.

1111.2.10.2 Thresholds. Existing thresholds measuring 3/4 inch (19 mm) high or less which are modified to provide a beveled edge on each side, may be retained.

1111.2.11 Curb ramps and ramps. Curb ramps and ramps constructed on existing sites, or in existing buildings or facilities, may have slopes and rises greater than specified in Part IV of this chapter, where space limitations preclude the use of 1 vertical in 12 horizontal slope or less.

1111.3 Additions. New additions may be made to existing buildings and facilities without making the entire building or facility comply, provided the new additions conform to the provisions of Part II and Part IV of this chapter. Additions also shall comply with the following:

1. **Entrances.** Where a new addition to a building or facility does not have an accessible entrance, at least one entrance in the existing building or facility shall be accessible.

2. **Accessible route.** Where the only accessible entrance to the addition is located in the existing building or facility, at least one accessible route shall be provided through the existing building or facility to all rooms, elements and spaces in the new addition which are required to be accessible.

3. **Toilet and bathing facilities.** Where there are no toilet rooms and bathing facilities in an addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing facility shall comply with Part IV of this chapter or with Section 1111.2.5.

4. **Group I Occupancies.** Where patient rooms are added to an existing Group I, Division 1.1 or 2 occupancy, a percentage of the additional rooms equal to the requirement of Section 1103.1.7, but in no case more than the total number of rooms required by Section 1103.1.7, shall comply with Part IV of this chapter. Where toilet or bathing facilities are part of the accessible rooms, they shall comply with Part IV of this chapter.

5. **Group R, Division 1 apartment buildings.** Additions of three or fewer dwelling units in Group R, Division 1 apartment buildings need not comply with Part II or Part IV of this chapter.

6. **Path of travel.** Where an addition affects the access to or use of an area of primary function, to the maximum extent feasible, the path of travel to the area of primary function shall be made accessible.

OPTION 1:

EXCEPTION: Subject to the approval of the building official, the path of travel need not be made fully accessible if the cost of compliance with this part would exceed 20 percent of the total cost of construction, inclusive of the cost of eliminating barriers within a 36 month period.

OPTION 2:

EXCEPTION: Subject to the approval of the building official, the path of travel need not be made fully accessible if the cost of compliance with this part would exceed 20 percent of the total cost of construction, inclusive of the cost of eliminating barriers.

NEW SECTION

WAC 51-30-1112 Section 1112—Change of occupancy.

OPTION 1: Amend U.B.C. language

Requirements for new construction provided in Chapter 11 shall apply to each building element altered within existing buildings that undergo a change of occupancy group, unless technically infeasible.

OPTION 2: Amend U.B.C. language

Requirements for new construction provided in Chapter 11 shall apply to each building element altered within existing buildings that undergo a change of occupancy group, unless technically infeasible. Accessible parking, an accessible entrance, and an accessible route between parking and the entrance must be provided. If the new occupancy requires a public restroom, then that restroom must also be made accessible.

Where a Group LC Occupancy is being established by a change of occupancy in an existing building, the building shall be altered to comply with Section 1103.1.12, if any of the clients is a person with disability. The alterations shall provide the minimum necessary accessibility appropriate for the disabilities of the clients. Any alteration, whether to accommodate a client with disability or for another purpose shall comply with Section 1111.1.2.

NEW SECTION

WAC 51-30-1113 Section 1113—Historic preservation.

1113.1 General. Accessibility provisions of this part shall be applied to historic buildings and facilities as defined in Section 3403.5 of this code.

The building official, after consulting with the appropriate historic preservation officer, shall determine whether provisions required by this part for accessible routes, ramps, entrances, toilets, parking or signage would threaten or destroy the historic significance of the building or facility.

If it is determined that any of the accessibility requirements listed above would threaten or destroy the historic significance of a building or facility, the modifications of Section 1111.2 for that feature may be utilized.

1113.2 Special Provisions. Where removing architectural barriers or providing accessibility would threaten or destroy

the historic significance of a building or facility, the following special provisions may be used:

1. At least one accessible route from a site access point to an accessible route shall be provided.
2. At least one accessible entrance which is used by the public shall be provided.

EXCEPTION: Where it is determined by the building official that no entrance used by the public can comply, access at any accessible entrance which is unlocked during business hours may be used provided directional signs are located at the primary entrance, and the accessible entrance has a notification system. The route for the accessible entrance shall not pass through hazardous areas, storage rooms, closets, kitchens or spaces used for similar purposes.

3. Where toilet facilities are provided, at least one toilet facility complying with Section 1111.1 shall be provided along an accessible route. Where only one accessible toilet facility is provided, such toilet facility shall be a shared facility available to both sexes.

4. Accessible routes from an accessible entrance to all publicly used spaces, on at least the level of accessible entrance, shall be provided. Access should be provided to all levels of a building or facility when practical. Displays and written information and documents shall be located where they can be seen by a seated person.

1113.3 Waiver or Modification of Requirements. Limitations of Section 105.2 notwithstanding, subject to an appeal under Section 105, the appeals board may waive or modify the requirements of this section when it is determined that compliance with accessibility requirements would threaten or destroy the historic significance of a building or facility.

PART IV - STANDARDS

NEW SECTION

WAC 51-30-1114 Section 1114—General.

1114.1 Design. Where buildings and facilities are required to be accessible by Parts II and III of this chapter, they shall be designed, constructed and maintained to comply with the provisions of this part.

1114.2 Standard Adoption. CABO/ANSI Standard A117.1-1992 is adopted by reference as the standard for accessible design.

NEW SECTION

WAC 51-30-1115 Section 1115—Specific design standards.

1115.1 General. This section provides standards for accessible design in addition to those provided by CABO/ANSI A117.1-1992. In the case of conflict between the provisions of this section and CABO/ANSI A117.1-1992, the provisions of this section shall govern.

1115.2 Space Allowances and Reach Ranges.

1115.2.1 Unobstructed floor space. Unobstructed floor space is a floor space, including the vertical space above such floor space, which is free of any physical obstruction

including door swings, to a height of 29 in (737 mm). Where a pair of doors occurs, the swing of the inactive leaf may be considered to be unobstructed floor space. Unobstructed floor space may include toe spaces that are a minimum of 9 in (250 mm) in height and not more than 6 in (152 mm) in depth.

1115.2.2 Knee and toe clearances. Knee clearance shall be 25 in (635 mm) in depth maximum, 30 in (760 mm) wide minimum, and 27 in (685 mm) high minimum. Toe clearance shall be 6 in (150 mm) deep maximum and 9 in (230 mm) high minimum. Toe spaces under obstructions, work spaces or fixtures which comply with requirements for unobstructed floor space may be included in the clear floor space.

1115.2.3 Side reach.

1115.2.3.1 Unobstructed. If the clear floor space allows a parallel approach by a person in a wheelchair, and the reach depth to any operable part as measured from the vertical plane perpendicular to the edge of the clear floor space is 10 in (255 mm) or less, the high side reach permitted shall be 54 in (1370 mm) maximum and the low side reach shall be 15 in (380 mm) minimum above the floor. See ANSI Fig. B4.2.6.1.

1115.2.3.2 Obstructed. Where the reach depth to any operable part as measured from the vertical plane perpendicular to the edge of the clear floor space is more than 10 in (255 mm), the maximum height above the finished floor or grade shall be as follows:

REACH DEPTH		MAXIMUM HEIGHT	
INCHES	MILLIMETERS	INCHES	MILLIMETERS
10	255	54	1370
11	280	53½	1360
12	305	53	1345
13	330	52½	1335
14	355	51½	1310
15	380	51	1295
16	405	50½	1285
17	430	50	1270
18	455	49½	1255
19	485	49	1245
20	510	48½	1230
21	535	47½	1205
22	560	47	1195
23	585	46½	1180
24	610	46	1170

1115.3 Accessible Route.

1115.3.1 Width. Clear width of an interior accessible route shall be 36 in (915 mm) minimum, except at doors (see ANSI Section 4.13.5). See ANSI Fig. B4.3.3(a). Clear width of an exterior accessible route shall be 44 in (1118 mm) minimum, except at doors. Clear width of the accessible route with turns around an obstruction less than 48 in (1220 mm) wide shall have a clear space of 42 in by 48 in (1065 mm by 1220 mm) minimum. See ANSI Fig. 4.3.3(b).

EXCEPTION: The minimum width of a single wheelchair passage may be 32 in (813 mm) for a maximum distance of 24 in (610 mm).

1115.3.2 Handrails.

PROPOSED

1115.3.2.2 Extensions. At the bottom of a stair flight, a 12 in (305 mm) minimum horizontal extension of the handrail, shall be provided in addition to the extension required by ANSI Section 4.3.11.3. The height of this extension shall be equal to the height of the handrail above the stair nosing. Such extension shall return to a wall, guard or the walking surface, or shall be continuous to the handrail of an adjacent stair flight. See ANSI Fig. B4.3.11.4.

1115.3.3 Illumination. Illumination shall be provided along an exterior accessible route at any time the building is occupied, with an intensity of not less than one footcandle (10.76 lx) on the surface of the route.

1115.4 Protruding Objects.

1115.5 Ground and Floor Surfaces.

1115.5.1 Expansion and construction joints. Expansion and construction joints in exterior accessible routes shall have a width 1/2 in (13 mm) maximum, shall be filled with a firm, compressible, elastic material, and shall be substantially level with the surface of the accessible route.

1115.6 Parking spaces and passenger loading zones.

1115.6.1 General. Accessible parking spaces shall comply with ANSI Section 4.6.2. Accessible passenger loading zones shall comply with ANSI Section 4.6.3. Accessible parking spaces, access aisles and passenger loading zones shall have surface slopes not steeper than 1:48 in all directions. Access aisles serving accessible parking spaces or passenger loading zones shall be at the same level as the spaces or loading zones they serve. Parking spaces, passenger loading zones and access aisles shall be firm, stable, smooth and slip-resistant.

1115.6.2 Parking spaces. Parking spaces for persons with disabilities shall be 96 in (2440 mm) wide minimum and shall have an adjacent access aisle 60 in (1525 mm) wide minimum. Van parking spaces shall have an adjacent access aisle of 96 in (2440 mm) wide minimum. See ANSI Fig. B4.6.2. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with ANSI Section 4.3. Two accessible parking spaces shall be permitted to share a common access aisle.

Access aisles shall be marked to distinguish the aisles from parking spaces.

Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

OPTION 1: Revise ANSI 4.6.2 by adding

Every accessible parking space required by this section shall be identified by a sign, centered between 3 and 5 feet (915 to 1525 mm) above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required".

OPTION 2: Revise ANSI 4.6.2 by adding

Every accessible parking space required by this section shall be identified by a sign, centered between 3 and 5 feet (915 to 1525 mm) above the parking surface. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required".

1115.6.3 Van parking space. Accessible parking spaces for vans used by persons with disabilities shall have a height of 98 in (2490 mm) minimum at the space and along the vehicular route thereto.

Van accessible parking spaces shall be identified by additional text signage as "Van Accessible".

EXCEPTION: Where all of the accessible spaces comply with the standards for van accessible parking spaces, the additional information need not be provided by the signage.

1115.6.4 Curb ramps in access aisles. Built up curb ramps shall not be located within the access aisle of any accessible or van accessible parking space.

1115.7 Curb Ramps.

1115.7.1 Detectable warnings at curb ramps. Curb ramps shall have detectable warnings which extend the full width and depth of the curb ramp. Where the side slopes of the curb ramps have a 1:12 slope or less, side slopes also shall have detectable warnings.

1115.8 Ramps.

OPTION 1: Do not amend ANSI

OPTION 2: Amend ANSI as follows

1115.8.1 General. A slope steeper than 1:48 shall be considered a ramp and shall comply with ANSI Section 4.8.

OPTION 1: Do not amend ANSI

OPTION 2: Amend ANSI as follows

1115.8.2 Clear width. The clear width of a interior ramp shall be 36 in (915 mm) minimum. See ANSI Fig. B4.8.3. The clear width of an exterior ramp shall be 44 in (1118 mm) minimum.

OPTION 1: Do not amend ANSI

OPTION 2: Amend ANSI as follows

1115.8.3 Handrails. Ramps with a slope greater than 1:20 and with a rise greater than 6 in (150 mm) or a run greater than 72 in (1830 mm) shall have handrails complying with ANSI Sections 4.3.10 and 4.3.11.

OPTION 1: Amend ANSI as follows

1115.8.4 Edge protection. Any portion of a ramp run or associated landing which is more than 1/2 in (13 mm) above the adjacent grade or floor, shall be provided with edge protection in accordance with Sections 1115.8.4.1 and 1115.8.4.2.

1115.8.4.1 Walls and curbs. Where used, walls or curbs shall be 2 in (51 mm) minimum in height above the surface of the ramp or landing.

1115.8.4.2 Railings. Where used, railings shall comply with Section 1115.8.3 and also shall have one of the following features:

1. An intermediate rail mounted 17 to 19 in (430 to 485 mm) above the ramp or landing surface.
2. A guardrail complying with Section 509.

OPTION 2: Amend ANSI as follows

1115.8.4 Edge protection. Where a ramp has a slope greater than 1:20, any portion of a ramp run or associated landing which is more than 1/2 in (13 mm) above the adjacent grade or floor, shall be provided with edge protection in accordance with Sections 1115.8.4.1 and 1115.8.4.2.

1115.8.4.1 Walls and curbs. Where used, walls or curbs shall be 2 in (51 mm) minimum in height above the surface of the ramp or landing.

1115.8.4.2 Railings. Where used, railings shall comply with Section 1115.8.3 and also shall have one of the following features:

1. An intermediate rail mounted 17 to 19 in (430 to 485 mm) above the ramp or landing surface.
2. A guardrail complying with Section 509.

1115.9 Stairs.

1115.10 Elevators. New and existing elevators shall comply with Chapter 296-81 of the Washington Administrative Code.

1115.11 Wheelchair lifts. Wheelchair lifts shall comply with Chapter 296-81 of the Washington Administrative Code.

1115.12 Windows.

1115.13 Doors.

1115.13.1 Revolving doors and turnstiles. Where revolving or overhead doors or turnstiles are used, an adjacent accessible gate or door also shall be provided.

1115.13.2 Double-leaf doorways. At least one of the active leaves of doorways with two independently operated leaves shall comply with ANSI Sections 4.13.5 and 4.13.6.

OPTION 1: Amend ANSI as follows

1115.13.3 Doors in alcoves. Doors in alcoves which are more than 4 in (102 mm) deep shall comply with ANSI Sections 4.13.6.1, 4.13.6.2 and 4.13.6.7, clearances for front approach.

OPTION 2: Amend ANSI as follows

1115.13.3 Doors in alcoves. Doors in alcoves which are more than 12 in (305 mm) deep shall comply with ANSI Sections 4.13.6.1, 4.13.6.2 and 4.13.6.7, clearances for front approach.

OPTION 1: Amend ANSI as follows

1115.13.4 Doors to hospital and nursing home rooms. Doors to hospital and nursing home bedrooms shall be exempt from the requirement for space at the latch side of door provided the door is 44 in (1120 mm) wide minimum.

OPTION 2: Amend ANSI as follows

1115.13.4 Doors to hospital and nursing home rooms. Doors to hospital bedrooms shall comply with maneuvering clearances specified for other doors in ANSI Section 4.13.6.

1115.13.5 Door closers. Where provided, door closers shall be adjusted to close from an open position of 70 degrees to a point 3 in (76 mm) from the latch, in not less than 3 seconds, when measured to the leading edge of the door.

1115.13.6 Door-opening force. Doors shall comply with the opening force requirements of Section 1004.2.

1115.13.7 Actuation device location. Touch switches used to activate an automatic, power-assisted or power-operated doors shall be mounted 36 in (915 mm) above the floor and not less than 18 in (455 mm), nor more than 36 in (915 mm), horizontally from the nearest point of travel of the moving door. Other doors shall be actuated from a location not less than 36 in (915 mm) from the nearest point of travel to the moving door.

OPTION 1: Do not amend ANSI

OPTION 2: Amend ANSI as follows

1115.13.8 Door surface. Reserved.

1115.13.9 Vision panels. Where a door contains one or more vision panels, the bottom of the glass of at least one panel shall be 40 in (1015 mm) maximum above the floor.

1115.14 Entrances.

1115.15 Drinking fountains.

1115.16 Toilet, bath, dressing and shower rooms and bathing facilities.

OPTION 1: Do not amend ANSI

OPTION 2: Amend ANSI as follows

1115.16.1 Mirrors. Mirrors, mounted above lavatories or sinks, shall have the bottom edge of the reflecting surface 40 in (1015 mm) maximum above the floor. See ANSI Fig. B4.20.3.1. Full length mirrors used in conjunction with wheelchair accessible dressing rooms shall be 18 in (455 mm) wide minimum and shall be mounted with the bottom edge 18 in (455 mm) high maximum above the floor and the top edge 72 in (1830 mm) high minimum. Mirrors shall be located in a position affording a view to a person seated on a bench or a wheelchair, as well as to a person in a standing position.

1115.17 Water closets.

1115.17.1 Clear floor space. Clear floor space for water closets not in stalls shall be 32 in (815 mm) minimum in front of the water closet and 42 in (1065 mm) from the center line of the water closet on the side not adjacent to the wall. See ANSI Fig. B4.17.2.

EXCEPTION: A lavatory may be located within the clear floor space required for a water closet provided that knee and toe clearances for the lavatory comply with Section 1115.2.2, and the edge of the lavatory is located 18 in (455 mm) minimum from the centerline of the closet.

OPTION 1: Do not amend ANSI

OPTION 2: Amend ANSI as follows

1115.17.2 Rear grab bar. The rear wall grab bar shall be 36 in (915 mm) long minimum, with the additional length provided on the transfer side of the water closet. See ANSI Fig. B4.17.4.

1115.18 Toilet stalls.

1115.18.1 Door swing. If the door swings into the stall, a clear floor space 30 in by 48 in (760 mm by 1220 mm)

minimum shall be provided beyond the arc of the swing of the door.

1115.18.2 Ambulatory accessible stalls. Ambulatory accessible stalls shall be 36 in (915 mm) wide maximum and 56 in (1420 mm) deep where wall hung water closets are installed; and 59 in (1500 mm) where floor mounted water closets are installed.

1115.18.3 Coat hooks and shelves. Coat hooks provided within toilet stalls shall be 54 in (1370 mm) maximum above the floor. Coat hooks shall not be installed on the door. Where provided, a fold down shelf shall be located between 40 in (1015 mm) minimum and 48 in (1220 mm) maximum above the floor.

1115.19 Urinals.

1115.20 Lavatories and sinks.

1115.20.1 Faucets. Faucets shall comply with ANSI Section 4.25.4. Self-closing faucets, where used, shall remain open for 10 seconds minimum. Faucet control handles shall be located within forward reach range as specified in ANSI Section 4.2.5.

1115.21 Bathtubs.

1115.22 Shower stalls.

1115.22.1 Shower unit. A shower spray unit shall be provided with a hose 60 in (1525 mm) long minimum that can be used as a fixed shower head or as a hand-held shower. In transfer type showers, the controls and shower unit shall be located on the control wall within 15 in (380 mm), left or right, of the centerline of the seat. In roll-in type showers, shower spray units mounted on the back wall shall be mounted 27 in (685 mm) maximum from the side wall. If an adjustable-height shower head mounted on a vertical bar is used, the bar shall be installed so as not to obstruct the use of grab bars.

EXCEPTION: In unmonitored facilities where vandalism or patient security and safety are a consideration, a fixed shower head may be installed 48 in (1220 mm) maximum above the stall floor.

OPTION 1: Do not amend ANSI

OPTION 2: Amend ANSI as follows

1115.22.2 Thresholds. Thresholds in transfer type shower stalls shall be 1/2 in (13 mm) high maximum in accordance with ANSI Section 4.5. Thresholds in roll-in type shower stalls shall be level with the adjacent clear floor space.

1115.23 Storage.

1115.24 Grab bars, and tub and shower seats.

1115.24.1 Method of mounting. Reserved.

1115.24.2 Structural strength. Allowable stresses in bending, shear and tension shall not be exceeded for materials used when a vertical or horizontal force of 250 lb (1112 N) is applied at any point on the grab bar, seat, fastener mounting device or supporting structure. Finished installation shall be capable of sustaining a point load of 250 lb (1112 N) at any point without permanent deflection or displacement.

1115.25 Controls and operating mechanisms.

1115.25.1 General. Controls, hardware and other operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements shall comply with Section 1115.25.

1115.25.2 Clear floor space. Clear floor space complying with ANSI Section 4.2.4 that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, hardware and other operating mechanisms.

1115.25.3 Height. Controls, hardware and other operating mechanisms shall be placed within one or more of the reach ranges specified in ANSI Sections 4.2.5 and 4.2.6.

EXCEPTION: Electrical and communications system receptacles on walls shall be mounted 15 in (380 mm) minimum above the floor unless the use of special equipment requires location at a different position.

1115.25.4 Operation. Controls, hardware and other operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. The force required to activate controls, hardware and other operating mechanisms shall be 5 lb (22.2 N) maximum.

1115.26 Alarms. Where required, alarms shall be installed in accordance with the Uniform Fire Code Article 14.

1115.27 Detectable Warnings Standardization.

1115.28 Signage.

1115.28.1 Pictograms. Where pictograms are used, they shall have a 6 in (150 mm) minimum dimension measured at the inside edge of the border. Pictograms are not required to be raised. Any text associated with a pictogram shall be placed outside the pictogram area.

1115.28.2 Raised characters. Letters and numerals shall be raised 1/32 in (0.8 mm) upper case, sans serif or simple serif type. Raised characters shall be 5/8 in (16 mm) high minimum, and 2 in (51 mm) maximum. Raised characters shall be accompanied by Braille, in accordance with ANSI Section 4.28.6.2.

OPTION 1: Amend ANSI as follows

1115.28.3 International Symbol of Access. Where the International Symbol of Access is required, it shall be proportioned and displayed as shown in ANSI Fig. 4.28.8.1. All interior and exterior signs and pictograms depicting the International Symbol of Access shall be white on a blue background.

EXCEPTION: Where the International Symbol of Access is applied to the parking surface, the background need not be blue.

OPTION 2: Amend ANSI as follows

1115.28.3 International Symbol of Access. Where the International Symbol of Access is required, it shall be proportioned and displayed as shown in ANSI Fig. 4.28.8.1. All interior and exterior signs and pictograms depicting the International Symbol of Access shall be white on a blue background. Where the International Symbol of Access is used within a pictogram, or as part of a required sign, the symbol shall be 2 in (51 mm) minimum in height.

EXCEPTION: Where the International Symbol of Access is applied to the parking surface, the background need not be blue.

OPTION 3: Amend ANSI as follows

1115.28.3 International Symbol of Access. Where the International Symbol of Access is required, it shall be proportioned and displayed as shown in ANSI Fig. 4.28.8.1. All interior and exterior signs and pictograms depicting the International Symbol of Access shall be white on a blue background. Where the International Symbol of Access is used within a pictogram, or as part of a required sign, the symbol shall be 3 in (76 mm) minimum in height.

EXCEPTION: Where the International Symbol of Access is applied to the parking surface, the background need not be blue.

1115.29 Telephones.

1115.30 Automatic Teller Machines.

1115.31 Seating, Tables, Work Surfaces and Service Counters.

1115.31.1 Service counters. The tops of accessible portions of service counters shall be between 28 in (710 mm) and 34 in (865 mm) maximum above the finished floor or ground. Service counters shall not be less than 36 in (914 mm) in length.

1115.31.2 Service windows. The tops of accessible portions of service windows shall be between 28 in (710 mm) and 34 in (865 mm) maximum above the finished floor or ground.

1115.32 Auditorium and Assembly Areas.

1115.33 Dwelling Units.

1115.33.1 Bathroom clearances and doors. Doors shall not swing into the clear floor space required for any fixture unless the toilet or bathroom is for individual use only, or:

1. **Type A Units.** An unobstructed floor space is provided within the bathroom of sufficient size to inscribe a circle with a diameter of 60 in (1525 mm) minimum. Doors in any position may encroach into this space by 12 in (305 mm) maximum.

2. **Type B Units.** A clear floor space complying with ANSI Section 4.2.4.1 is provided beyond the arc of the door swing within the room.

OPTION 1: Amend ANSI as shown below

1115.33.2 Water closets. Water closets shall be located such that the lateral distance from the centerline of the water closet to the nearest obstruction shall be 18 in (455 mm) on one side, and not less than 42 in (1065 mm) on the other side. In addition, clear floor space in front of the water closet shall be 32 in (815 mm) minimum.

EXCEPTION: An accessible lavatory may be placed in the clear floor space of the water closet provided that the distance from the centerline of the water closet to the accessible lavatory is 18 in (455 mm) minimum.

OPTION 2: Amend ANSI as shown below

1115.33.2 Water closets. Water closets shall be located such that the lateral distance from the centerline of the water closet to the nearest obstruction shall be 18 in (455 mm) on one side, and not less than 42 in (1065 mm) on the other

side. In addition, clear floor space in front of the water closet shall be 32 in (815 mm) minimum.

EXCEPTIONS:

1. In Type A dwelling units, an accessible lavatory may be placed in the clear floor space of the water closet provided that the distance from the centerline of the water closet to the accessible lavatory is 18 in (455 mm) minimum.
2. In Type B dwelling units, an accessible lavatory may be placed in the clear floor space of the water closet provided that the distance from the centerline of the water closet to the accessible lavatory is 15 in (380 mm) minimum.

1115.33.3 Water closet height. Water closet height shall be from 17 in (432 mm) minimum to 19 in (485 mm) maximum, measured from the floor to the top of the toilet seat.

1115.33.4 Clearances.

1115.33.4.1 Type A units. In kitchens in Type A accessible dwelling units, an unobstructed floor space shall be provided within kitchens of sufficient size to inscribe a circle with a diameter 60 in (1525 mm) maximum. Doors in any position may encroach into this space by 12 in (305 mm) maximum. The [clear floor space at appliances, the] accessible route and the unobstructed floor space may overlap.

1115.33.4.2 Type B units. In kitchens in Type B accessible dwelling units, where counters provide the knee clearances specified in ANSI Section 4.20.2, clearances between those counters and all opposing base cabinets, countertops, appliances, or walls in kitchens shall be 40 in (1015 mm) minimum, except in U-shaped kitchens, where such clearances shall be 60 in (1525 mm) minimum.

NEW SECTION

WAC 51-30-1120 Table 11-A.

TABLE 11-A WHEELCHAIR SPACES REQUIRED IN ASSEMBLY AREAS

Capacity of Seating	Number of Required Wheelchair Spaces
4 - 25	1
26 - 50	2
51 - 300	4
301 - 500	6
Over 500	6 spaces plus 1 space for each 200 spaces over 500

NEW SECTION

WAC 51-30-1121 Table 11-B.

TABLE 11-B REQUIRED TYPE A DWELLING UNITS

Total Number of Dwelling Units on Site	Required Number of Type A Dwelling Units
0-10	None
11-20	1
21-40	2
41-60	3
61-80	4
81-100	5
For every 20 units or fractional part thereof, over 100	1 additional dwelling unit

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NEW SECTION

WAC 51-30-1122 Table 11-C.

TABLE 11-C NUMBER OF ACCESSIBLE GUEST ROOMS AND ACCESSIBLE GUEST ROOMS WITH ROLL-IN SHOWERS

Total Number of Rooms ¹	Minimum Required Accessible Rooms	Rooms With Roll-In Showers
1-25	1	None
26-50	2	None
51-75	3	1
76-100	4	1
101-150	5	2
151-200	6	2
201-300	7	3
301-400	8	4
401-500	9	4 rooms Plus 1 room for every 100 rooms or fraction thereof, over 400
501-1000	2% of total rooms	
Over 1000	20 rooms plus 1 room for every 100 rooms or fraction thereof over 1000	

¹ For congregate residences the numbers in these columns shall apply to beds rather than rooms.

NEW SECTION

WAC 51-30-1123 Table 11-D.

TABLE 11-D NUMBER OF ROOMS FOR PERSONS WITH HEARING IMPAIRMENTS

Total Number of Rooms	Minimum Required Number
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total rooms
Over 1000	20 rooms plus 1 room for every 100 rooms, or fraction thereof, over 1,000

NEW SECTION

WAC 51-30-1124 Table 11-E.

TABLE 11-E REQUIRED CHECKOUT AISLES

Total Checkout Aisles Units on Site	Minimum Number of Accessible Checkout Aisles
1-4	1
5-8	2
9-15	3
Over 15	3 aisles plus 20% of additional aisles

NEW SECTION

WAC 51-30-1125 Table 11-F.

TABLE 11-F NUMBER OF ACCESSIBLE PARKING SPACES REQUIRED

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1,000

NEW SECTION

WAC 51-30-1200 Chapter 12—Interior environment.

NEW SECTION

WAC 51-30-1203 Section 1203—Light and ventilation in Group R Occupancies.

1203.1 General. For the purpose of determining the light or ventilation for Group R Occupancies required by this section, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet (2.3 m²), whichever is greater.

Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court as set forth in Section 1203.4.

- EXCEPTIONS:**
1. Required exterior openings may be open into a roofed porch where the porch:
 - 1.1 Abuts a public way, yard or court; and
 - 1.2 Has a ceiling height of not less than 7 feet (2134 mm); and
 - 1.3 Has a longer side at least 65 percent open and unobstructed.
 2. Skylights.

1203.2 Light. Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of exterior glazed openings with an area not less than one tenth of the floor area of such rooms with a minimum of 10 square feet (0.93 m²).

EXCEPTION: Kitchens in Group R Occupancies may be provided with artificial light.

1203.3 Ventilation. Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one twentieth of the floor area of such rooms with a minimum of 5 square feet (0.46 m²).

In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing two air changes per hour in guest rooms, dormitories, habitable rooms and in public corridors with a minimum of 15 cubic feet per minute

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(7 L/s) of outside air per occupant during such time as the building is occupied.

Bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one twentieth of the floor area of such rooms with a minimum of 1 1/2 square feet (0.14 m²).

In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five air changes per hour shall be provided. The point of discharge shall be at least 3 feet (914 mm) from any opening which allows air entry into occupied portions of the building. Bathrooms which contain only a water closet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors for the air.

1203.4 Yards or Courts.

1203.4.1 General. This section shall apply to yards and courts adjacent to exterior openings that provide required natural light or ventilation. Such yards and courts shall be on the same property as the building.

1203.4.2 Yards. Yards shall not be less than 3 feet (914 mm) in width for one-story and two-story buildings. For buildings more than two stories in height, the minimum width of the yard shall be increased at the rate of 1 foot (305 mm) for each additional story. For buildings exceeding 14 stories in height, the required width of the yard shall be computed on the basis of 14 stories.

1203.4.3 Courts. Courts shall not be less than 3 feet (914 mm) in width. Courts having windows opening on opposite sides shall not be less than 6 feet (1829 mm) in width. Courts bounded on three or more sides by the walls of the building shall not be less than 10 feet (3048 mm) in length unless bounded on one end by a public way or yard. For buildings more than two stories in height, the court shall be increased 1 foot (305 mm) in width and 2 feet (610 mm) in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet (0.93 m²) in area and leading to the exterior of the building unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire resistive.

NEW SECTION

WAC 51-30-1600 Chapter 16—Structural forces.

NEW SECTION

WAC 51-30-1614 Section 1614—Definitions.

The following definitions apply only to this part:

BASIC WIND SPEED is the fastest-mile wind speed associated with an annual probability of 0.02 measured at a point 33 feet (10 000 mm) above the ground for an area having exposure category C.

EXPOSURE B has terrain with buildings, forest or surface irregularities, covering at least 20 percent of the ground level area extending 1 mile (1.61 km) or more from the site.

EXPOSURE C has terrain which is flat and generally open, extending one-half mile (0.81 km) or more from the site in any full quadrant.

EXPOSURE D represents the most severe exposure in areas with basic wind speeds greater than 80 miles per hour (mph) (129 km/h) and has terrain which is flat and unobstructed facing large bodies of water over one mile (1.61 km) or more in width relative to any quadrant of the building site. Exposure D extends inland from the shoreline 1/4 mile (0.40 km) or 10 times the building height, whichever is greater.

FASTEST-MILE WIND SPEED is the wind speed obtained from wind velocity maps prepared by the National Oceanographic and Atmospheric Administration and is the highest sustained average wind speed based on the time required for a mile-long sample of air to pass a fixed point.

OPENINGS are apertures or holes in the exterior wall boundary of the structure. All windows or doors or other openings shall be considered as openings unless such openings and their frames are specifically detailed and designed to resist the loads on elements and components in accordance with the provisions of this section.

PARTIALLY ENCLOSED STRUCTURE OR STORY is a structure or story which has more than 15 percent of any windward projected area open and in which the area of opening on all other projected areas is less than half of that on the windward projection.

SPECIAL WIND REGION is an area where local records and terrain features indicate 50-year fastest-mile basic wind speed is higher than shown in Figure 16-1.

UNENCLOSED STRUCTURE OR STORY is a structure which has 85 percent or more openings on all sides.

NEW SECTION

WAC 51-30-1700 Chapter 17—Structural test and inspections.

NEW SECTION

WAC 51-30-1702 Section 1702—Structural observation.

Structural observation shall be provided in Seismic Zone 3 or 4 when one of the following conditions exists:

1. The structure is defined in Table 16-K as Occupancy Category I, II or III, or
2. The structure is required to comply with Section 403, or
3. When so designated by the architect or engineer of record, or
4. When such observation is specifically required by the building official for unusual lateral force-resisting structures or irregular structures as defined in Section 1627.

The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer or architect responsible for the structural design, to perform structural observations as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identifying any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved.

NEW SECTION

WAC 51-30-1900 Chapter 19—Concrete.

NEW SECTION

WAC 51-30-1909 Section 1909—Strength and serviceability requirements.

1909.0 Notations.

- A_g = gross area of section, square inches (mm²).
- A'_s = area of compression reinforcement, square inches (mm²).
- b = width of compression face of member, inches (mm).
- D = dead loads, or related internal moments and forces.
- d = distance from extreme compression fiber to centroid of tension reinforcement, inches (mm).
- d' = distance from extreme compression fiber to centroid of compression reinforcement, inches (mm).
- d_s = distance from extreme tension fiber to centroid of tension reinforcement, inches (mm).
- E = load effects of earthquake, or related internal moments and forces.
- E_c = modulus of elasticity of concrete, pounds per square inch (MPa). See Section 1908.1.
- F = loads due to weight and pressures of fluids with well-defined densities and controllable maximum heights, or related internal moments and forces.
- f'_c = specified compressive strength of concrete, pounds per square inch (MPa).
- $\sqrt{f'_c}$ = square root of specified compressive strength of concrete, pounds per square inch (MPa).
- f_{ct} = average splitting tensile strength of lightweight aggregate concrete, pounds per square inch (MPa).
- f_r = modulus of rupture of concrete, pounds per square inch (MPa).
- f_y = specified yield strength of nonprestressed reinforcement, pounds per square inch (MPa).
- H = loads due to weight and pressure of soil, water in soil, or other materials, or related internal moments and forces.
- h = overall thickness of member, inches (mm).
- I_{cr} = moment of inertia of cracked section transformed to concrete.
- I_e = effective moment of inertia for computation of deflection.
- I_g = moment of inertia of gross concrete section about centroidal axis, neglecting reinforcement.
- L = live loads, or related internal moments and forces.
- l = span length of beam or one-way slab, as defined in Section 1908.7; clear projection of cantilever, inches (mm).
- l_n = length of clear span in long direction of two-way construction, measured face to face of supports in slabs without beams and face to face of beams or other supports in other cases.

- M_a = maximum moment in member at stage deflection is computed.
- M_{cr} = cracking moment. See Formula (9-8).
- P_b = nominal axial load strength at balanced strain conditions. See Section 1910.3.2.
- P_n = nominal axial load strength at given eccentricity.
- T = cumulative effects of temperature, creep, shrinkage and differential settlement.
- U = required strength to resist factored loads or related internal moments and forces.
- W = wind load, or related internal moments and forces.
- w_c = weight of concrete, pounds per cubic foot (kg/m³).
- y_i = distance from centroidal axis of gross section, neglecting reinforcement, to extreme fiber in tension.
- α = ratio of flexural stiffness of beam section to flexural stiffness of a width of slab bounded laterally by center line of adjacent panel (if any) on each side of beam. See Section 1913.
- α_m = average value of α for all beams on edges of a panel.
- β = ratio of clear spans in long-to-short direction of two-way slabs.
- ξ = time-dependent factor for sustained load. See Section 1909.5.2.5.
- λ = multiplier for additional long-time deflection as defined in Section 1909.5.2.5.
- ρ' = reinforcement ratio for nonprestressed compression reinforcement, A'_s/bd .
- ϕ = strength-reduction factor. See Section 1909.3.

1909.1 General.

1909.1.1 Structures and structural members shall be designed to have design strengths at all sections at least equal to the required strengths calculated for the factored loads and forces in such combinations as are stipulated in this code.

1909.1.2 Members also shall meet all other requirements of this code to ensure adequate performance at service load levels.

1909.2 Required Strength.

1909.2.1 Required strength U to resist dead load D and live load L shall be at least equal to

$$U = 1.4D + 1.7L \tag{9-1}$$

1909.2.2 If resistance to structural effects of a specified wind load W are included in design, the following combinations of D , L and W shall be investigated to determine the greatest required strength U

$$U = 0.75 (1.4D + 1.7L + 1.7W) \tag{9-2}$$

where load combinations shall include both full value and zero value of L to determine the more severe condition, and

$$U = 0.9D + 1.3W \tag{9-3}$$

but for any combination of D , L and W , required strength U shall not be less than Formula (9-1).

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1909.2.3 If resistance to specified earthquake loads or forces *E* are included in design, load combinations of Section 1909.2.2 shall apply, except that 1.1*E* shall be substituted for *W*. *Load factors contained in Section 1921 and 1926 shall be used where applicable.*

1909.2.4 If resistance to earth pressure *H* is included in design, required strength *U* shall be at least equal to

$$U = 1.4D + 1.7L + 1.7H \tag{9-4}$$

except that where *D* or *L* reduces the effect of *H*, 0.9*D* shall be substituted for 1.4*D* and zero value of *L* shall be used to determine the greatest required strength *U*. For any combination of *D*, *L* and *H*, required strength *U* shall not be less than Formula (9-1).

1909.2.5 If resistance to loadings due to weight and pressure of fluids with well-defined densities and controllable maximum heights *F* is included in design, such loading shall have a load factor of 1.4 and be added to all loading combinations that include live load.

1909.2.6 If resistance to impact effects is taken into account in design, such effects shall be included with live load *L*.

1909.2.7 Where structural effects *T* of differential settlement, creep, shrinkage or temperature change may be significant in design, required strength *U* shall be at least equal to

$$U = 0.75 (1.4D + 1.4T + 1.7L) \tag{9-5}$$

but required strength *U* shall not be less than

$$U = 1.4 (D + T) \tag{9-6}$$

Estimations of differential settlement, creep, shrinkage or temperature change shall be based on a realistic assessment of such effects occurring in service.

1909.3 Design Strength.

1909.3.1 Design strength provided by a member, its connection to other members and its cross sections, in terms of flexure, axial load, shear and tension, shall be taken as the nominal strength calculated in accordance with requirements and assumptions of this code, multiplied by a strength-reduction factor ϕ .

1909.3.2 Strength-reduction factor ϕ shall be as follows:

- 1909.3.2.1** Flexure, without axial load 0.90
- 1909.3.2.2** Axial load and axial load with flexure. (For axial load with flexure, both axial load and moment nominal strength shall be multiplied by appropriate single value of ϕ .)
 - Axial tension and axial tension with flexure . . . 0.90
 - Axial compression and axial compression with flexure:
 - Members with spiral reinforcement conforming to Section 1910.9.3 0.75
 - Other reinforced members 0.70

except that for low values of axial compression, ϕ may be increased in accordance with the following:

For members in which f_y does not exceed 60,000 psi (413.7 MPa), with symmetric reinforcement, and with $(h - d' - d_s)/h$ not less than 0.70, ϕ may be increased linearly to 0.90 as ϕP_n decreases from $0.10 f'_c A_g$ to zero.

For other reinforcing members, ϕ may be increased linearly to 0.90 as ϕP_n decreases from $0.10 f'_c A_g$ or ϕP_b , whichever is smaller, to zero.

1909.3.2.3 Shear and torsion (See also Section 1909.3.4 for shear walls and frames in Seismic Zones 3 and 4) . . 0.85

1909.3.2.4 Bearing on concrete (See also Section 1918.13) 0.70

1909.3.3 Development lengths specified in Section 1912 do not require a ϕ factor.

1909.3.4 In *Seismic Zones 3 and 4*, strength-reduction factors shall be as given above except for the following:

1909.3.4.1 *The shear strength-reduction factor shall be 0.6 for the design of walls, topping slabs used as diaphragms over precast concrete members and structural framing members, with the exception of joints, if their nominal shear strength is less than the shear corresponding to development of their nominal flexural strength. The shear strength-reduction factor for joints shall be 0.85.*

1909.4 Design Strength for Reinforcement. Designs shall not be based on a yield strength of reinforcement f_y in excess of 80,000 psi (551.6 MPa), except for prestressing tendons.

1909.5 Control of Deflections.

1901.5.1 Reinforced concrete members subject to flexure shall be designed to have adequate stiffness to limit deflections or any deformations that affect strength or serviceability of a structure adversely.

1909.5.2 One-way construction (nonprestressed).

1909.5.2.1 Minimum thickness stipulated in Table 19-C-1 shall apply for one-way construction not supporting or attached to partitions or other construction likely to be damaged by large deflections, unless computation of deflection indicates a lesser thickness may be used without adverse effects.

1909.5.2.2 Where deflections are to be computed, deflections that occur immediately on application of load shall be computed by usual methods or formulas for elastic deflections, considering effects of cracking and reinforcement on member stiffness.

1909.5.2.3 Unless stiffness values are obtained by a more comprehensive analysis, immediate deflection shall be computed with the modulus of elasticity E_c for concrete as specified in Section 1908.5.1 (normal-weight or lightweight concrete) and with the effective moment of inertia as follows, but not greater than I_g .

$$I_c = \left(\frac{M_{cr}}{M_a} \right)^3 I_g + \left[1 - \left(\frac{M_{cr}}{M_a} \right)^3 \right] I_{cr} \quad (9-7)$$

WHERE:

$$M_{cr} = \frac{f_r I_g}{y_t} \quad (9-8)$$

and for normal-weight concrete

$$f_r = 7.5 \sqrt{f'_c} \quad (9-9)$$

For SI: $f_r = 0.62 \sqrt{f'_c} \quad (9-9)$

When lightweight aggregate concrete is used, one of the following modifications shall apply:

1. When f_{ct} is specified and concrete is proportioned in accordance with Section 1905.2, f_r shall be modified by substituting $f_{ct}/6.7$ (For SI: $1.8\sqrt{f'_c}$) for $\sqrt{f'_c}$, but the value of $f_{ct}/6.7$ (For SI: $1.8\sqrt{f'_c}$) shall not exceed $\sqrt{f'_c}$.
2. When f_{ct} is not specified, f_r shall be multiplied by 0.75 for "all-lightweight" concrete, and 0.85 for "sand-lightweight" concrete. Linear interpolation may be used when partial sand replacement is used.

1909.5.2.4 For continuous members, effective moment of inertia may be taken as the average of values obtained from Formula (9-7) for the critical positive and negative moment sections. For prismatic members, effective moment of inertia may be taken as the value obtained from Formula (9-7) at midspan for simple and continuous spans, and at support for cantilevers.

1909.5.2.5 Unless values are obtained by a more comprehensive analysis, additional longtime deflection resulting from creep and shrinkage of flexural members (normal-weight or lightweight concrete) shall be determined by multiplying the immediate deflection caused by the sustained load considered, by the factor

$$\lambda = \frac{\xi}{1 + 50\rho'} \quad (9-10)$$

where ρ' shall be the value at midspan for simple and continuous spans, and at support for cantilevers. It is permitted to assume the time-dependent factor for sustained loads to be equal to

Five years or more	2.0
12 months	1.4
Six months	1.2
Three months	1.0

1909.5.2.6 Deflection computed in accordance with this section shall not exceed limits stipulated in Table 19-I.

1909.5.3 Two-way construction (nonprestressed).

1909.5.3.1 This section shall govern the minimum thickness of slabs or other two-way construction designed in accordance with the provisions of Section 1913 and conforming with the requirements of Section 1913.6.1.2. The thickness of slabs without interior beams spanning between the supports on all sides shall satisfy the requirements of Section

1909.5.3.2 or 1909.5.3.4. Thickness of slabs with beams spanning between the supports on all sides shall satisfy the requirements of Section 1909.5.3.3 or 1909.5.3.4.

1909.5.3.2 For slabs without interior beams spanning between the supports and having a ratio of long to short span not greater than 2, the minimum thickness shall be in accordance with the provisions of Table 19-C-2 and shall not be less than the following values:

1. Slabs without drop panels as defined in Sections 1913.4.7.1 and 1913.4.7.2 . . . 5 inches (127 mm)
2. Slabs with drop panels as defined in Sections 1913.4.7.1 and 1913.4.7.2 . . . 4 inches (102 mm)

1909.5.3.3 For slabs with beams spanning between the supports on all sides, the minimum thickness shall be as follows:

1. For α_m equal to or less than 0.2, the provisions of Section 1909.5.3.2 shall apply.
2. For α_m greater than 0.2 but not greater than 2.0, the thickness shall not be less than

$$h = \frac{I_n \left(0.8 + \frac{f_y}{200,000} \right)}{36 + 5\beta(\alpha_m - 0.2)} \quad (9-11)$$

For SI:
$$h = \frac{I_n \left(0.8 + \frac{f_y}{1370} \right)}{36 + 5\beta(\alpha_m - 0.2)}$$

but not less than 5 inches (127 mm).

3. For α_m greater than 2.0, the thickness shall not be less than

$$h = \frac{I_n \left(0.8 + \frac{f_y}{200,000} \right)}{36 + 9\beta} \quad (9-12)$$

For SI:
$$h = \frac{I_n \left(0.8 + \frac{f_y}{1370} \right)}{36 + 9\beta}$$

but not less than 3.5 inches (89 mm).

4. At discontinuous edges, an edge beam shall be provided with a stiffness ratio α not less than 0.80; or the minimum thickness required by Formula (9-11) or (9-12) shall be increased by at least 10 percent in the panel with a discontinuous edge.

1909.5.3.4 Slab thickness less than the minimum thickness required by Section 1909.5.3.1, 1909.5.3.2 and 1909.5.3.3 may be used if shown by computation that the deflection will not exceed the limits stipulated in Table 19-C-1. Deflections shall be computed taking into account size and shape of the panel, conditions of support, and nature of restraints at the panel edges. The modulus of elasticity of concrete E_c shall be as specified in Section 1908.5.1. The effective moment of inertia shall be that given by Formula (9-7); other values may be used if they result in computed

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deflections in reasonable agreement with the results of comprehensive tests. Additional long-term deflection shall be computed in accordance with Section 1909.5.2.5.

1909.5.4 Prestressed concrete construction.

1909.5.4.1 For flexural members designed in accordance with provisions of Section 1918, immediate deflection shall be computed by usual methods or formulas for elastic deflections, and the moment of inertia of the gross concrete section may be used for uncracked sections.

1909.5.4.2 Additional long-time deflection of prestressed concrete members shall be computed taking into account stresses in concrete and steel under sustained load and including effects of creep and shrinkage of concrete and relaxation of steel.

Deflection computed in accordance with this section shall not exceed limits stipulated in Table 19-I.

1909.5.5 Composite construction.

1909.5.5.1 Shored Construction. If composite flexural members are supported during construction so that, after removal of temporary supports, dead load is resisted by the full composite section, the composite member may be considered equivalent to a monolithically cast member for computation of deflection. For nonprestressed members, the portion of the member in compression shall determine whether values in Table 19-C-1 for normal-weight or lightweight concrete shall apply. If deflection is computed, account should be taken of curvatures resulting from differential shrinkage of precast and cast-in-place components, and of axial creep effects in a prestressed concrete member.

1909.5.5.2 Unshored construction. If the thickness of a nonprestressed precast flexural member meets the requirements of Table 19-C-1, deflection need not be computed. If the thickness of a nonprestressed composite member meets the requirements of Table 19-D, deflection occurring after the member becomes composite need not be computed, but the long-time deflection of the precast member should be investigated for magnitude and duration of load prior to beginning of effective composite action.

1909.5.5.3 Deflection computed in accordance with this section shall not exceed limits stipulated in *Table 19-I*.

NEW SECTION

WAC 51-30-2200 Chapter 22—Steel.

NEW SECTION

WAC 51-30-2211 Section 2211—Steel structures resisting forces induced by earthquake motions in seismic zones 3 and 4.

2211.1 General. Design and construction of steel framing in lateral-force-resisting systems in Seismic Zones 3 and 4 shall conform to the requirements of the code and to the requirements of this section.

2211.2 Definitions.

ALLOWABLE STRESSES are prescribed in Divisions V and IX.

CHEVRON BRACING is that form of bracing where a pair of braces located either above or below a beam terminates at a single point within the clear beam span.

CONNECTION is the group of elements that connect the member to the joint.

DIAGONAL BRACING is that form of bracing that diagonally connect joints at different levels.

ECCENTRICALLY BRACED FRAME (EBF) is a diagonal braced frame in which at least one end of each bracing member connects to a beam a short distance from a beam-to-column connection or from another beam-to-brace connection.

GIRDER is the horizontal member in a seismic frame. The words beam and girder may be used interchangeably.

JOINT is the entire assemblage at the intersections of the members.

K BRACING is that form of bracing where a pair of braces located on one side of a column terminates at a single point within the clear column height.

LINK BEAM is that part of a beam in an eccentrically braced frame which is designed to yield in shear and/or bending so that buckling of the bracing members is prevented.

STRENGTH is the strength as prescribed in Section 2211.4.2.

V BRACING is that form of chevron bracing that intersects a beam from above and inverted V bracing is that form of chevron bracing that intersects a beam from below.

X BRACING is that form of bracing where a pair of diagonal braces cross near midlength of the bracing members.

2211.3 Symbols and Notations. The symbols and notations unique to this section are as follows:

M_S	= flexural strength.
P_{DL}	= axial dead load.
P_E	= axial load on member due to earthquake.
P_{LL}	= axial live load.
P_{Sc}	= compressive axial strength of member.
P_{St}	= tensile axial strength of member.
V_S	= shear strength of member.
Z	= plastic section modulus.

2211.4 Materials.

2211.4.1 Quality. Structural steel used in lateral-force-resisting systems shall conform to A 36, A 500, A 501, A 572 (Grades 42 and 50) and A 588. Structural steel conforming to A 283 (Grade D) may be used for base plates and anchor bolts.

EXCEPTION: Other steels permitted in this code may be used for the following:

1. One-story buildings.
2. Light-framed wall systems in accordance with Section 2211.10.

2211.4.2 Member Strength. Where this section requires that the strength of the member be developed, the following shall be used:

	Strength
Flexure	$M_s = ZF_y$
Shear	$V_s = 0.55 F_y d t$
Axial compression	$P_{sc} = 1.7 F_a A$
Axial tension	$P_{st} = F_y A$
Connectors	
Full-penetration welds	$F_y A$
Partial penetration welds	1.7 allowable
Bolts and fillet welds	1.7 allowable

Members need not be compact unless otherwise required by this section.

2211.5 Column Requirements.

2211.5.1 Column strength. Columns shall satisfy the load combinations required by Section 603.6 at allowable stress limits, with stress increases allowed by Section 1603.5. In addition, in Seismic Zones 3 and 4, columns in frames shall have the strength to resist the axial loads resulting from the load combinations in Items 1 and 2 following.

1. Axial compression

$$1.0 P_{DL} + 0.7 P_{LL} + 3(R_w/8)PE$$

2. Axial tension

$$0.85 P_{DL} \pm 3(R_w/8)PE$$

EXCEPTION: The axial load combination as outlined in Items 1 and 2 above:

1. Need not exceed either the maximum force that can be transferred to the column, by elements of the structure, or the limit as determined by the overturning uplift which the foundation is capable of resisting.
2. Need not apply to columns in moment-resisting frames complying with Formula (11-3.1) or (11-3.2) where f_a is equal to or less than $0.3 F_y$ for all load combinations.

The load combinations from Items 1 and 2 need be used only when specifically referred to.

2211.5.2 Column splices. Column splices shall have sufficient strength to develop the column forces determined from Section 2211.5.1. Welded column splices subject to net tensile forces shall comply with the more critical of the following:

1. Partial penetration welds shall be designed to resist 150 percent of the force determined from Section 2211.5.1, Item 2.

2. Welding shall develop not less than 50 percent of the flange area strength of the smaller column.

Splices employing partial penetration welds shall be located at least three feet (914 mm) from girder flanges.

2211.5.3 Slenderness evaluation. This paragraph is applicable when the provisions are applied to the effective length determination of columns of moment frames resisting earthquake forces. In the plane of the earthquake forces the factor K may be taken as unity when all of the following conditions are met:

1. The column is either continuous or is fixed at each joint.
2. The maximum axial compressive stress, f_a , does not exceed $0.4 F_y$ under design loads.
3. The calculated story drift ratios are less than the values given in Section 1628.8.

2211.6 Ordinary Moment Frame Requirements. Ordinary moment frames (OMF) shall be designed to resist the load combinations in Section 1603.6.

All beam-to-column connections in OMFs which resist earthquake forces shall meet one of the following requirements:

1. Fully restrained (Type F.R. or Type 1) conforming with Section 2211.7.1.
2. Fully restrained (Type F.R. or Type 1) connections with the design strengths of the connections capable of resisting a combination of gravity loads and $3(R_w/8)$ times the design seismic forces.
3. Partially restrained (Type P.R. or Type 3) connections are permitted provided:

- 3.1 The connections are designed to resist the load combinations in Section 1603.6, and
- 3.2 The connections have been demonstrated by cyclic tests to have adequate rotation capacity to accommodate a story drift due to $3(R_w/8)$ times the design seismic forces.
- 3.3 The moment frame drift calculations shall include the contribution due to the rotation and distortion of the connection.

See Divisions VIII and IX for definitions of fully restrained and partially restrained connections.

2211.7 Special Moment-resisting Frame (SMRF) Requirements.

2211.7.1 Girder-to-column connection.

2211.7.1.1 Required strength. The girder-to-column connection shall be adequate to develop the lesser of the following:

1. The strength of the girder in flexure.
2. The moment corresponding to development of the panel zone shear strength as determined from Formula (11-1).

EXCEPTION: Where a connection is not designed to contribute flexural resistance at the joint, it need not develop the required

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strength if it can be shown to meet the deformation compatibility requirements of Section 1631.2.4.

2211.7.1.2 Connection strength. The girder-to-column connection may be considered to be adequate to develop the flexural strength of the girder if it conforms to the following:

1. The flanges have full-penetration butt welds to the columns.
2. The girder web-to-column connection shall be capable of resisting the girder shear determined for the combination of gravity loads and the seismic shear forces which result from compliance with Section 2211.7.2.1. This connection strength need not exceed that required to develop gravity loads plus $3(R_w/8)$ times the girder shear resulting from the prescribed seismic forces.

Where the flexural strength of the girder flanges is greater than 70 percent of the flexural strength of the entire section [i.e., $b_t f_f (d - t_f) F_y > 0.7 Z_x F_y$] the web connection may be made by means of welding or high-strength bolting.

For girders not meeting the criteria in the paragraph above, the girder web-to-column connection shall be made by means of welding the web directly or through shear tabs to the column. That welding shall have a strength capable of developing at least 20 percent of the flexural strength of the girder web. The girder shear shall be resisted by means of additional welds or friction-type slip-critical high-strength bolts or both.

2211.7.1.3 Alternate connection. Connection configurations utilizing welds or high-strength bolts not conforming with Section 2211.7.1.2 may be used if they are shown by test or calculation to meet the criteria in Section 2211.7.1.1. Where conformance is shown by calculation, 125 percent of the strengths of the connecting elements may be used.

2211.7.1.4 Flange detail limitations. For steel whose specified ultimate strength is less than 1.5 times the specified yield strength, plastic hinges shall not form at locations in which the beam flange area has been reduced, such as for bolt holes. Bolted connections of flange plates of beam-column joints shall have the net-to-gross area ratio A_n/A_g equal to or greater than $1.2 F_y/F_u$.

2211.7.2 Panel zone.

2211.7.2.1 Strength. The panel zone of the joint shall be capable of resisting the shear induced by beam bending moments due to gravity loads plus 1.85 times the prescribed seismic forces, but the shear strength need not exceed that required to develop $0.8 \sum M_s$ of the girders framing into the column flanges at the joint. The joint panel zone shear strength may be obtained from the following formula:

$$v = 0.55 F_y d_c t \left[1 + \frac{3 b_c d_c^2}{d_b d_c t} \right] \quad (11-1)$$

WHERE:

- b_c = the width of the column flange.
- d_b = the depth of the beam.
- d_c = the column depth.
- t = the total thickness of the joint panel zone including doubler plates.
- t_{cf} = the thickness of the column flange.

2211.7.2.2 Thickness. The panel zone thickness, t_z , shall conform to the following formula:

$$t_z \geq (d_z + w_z)/90 \quad (11-2)$$

WHERE:

- d_z = the panel zone depth between continuity plates.
- w_z = the panel zone width between column flanges.

For this purpose, t_z , shall not include any double plate thickness unless the doubler plate is connected to the column web with plug welds adequate to prevent local buckling of the plate.

2211.7.2.3 Doubler plates. Doubler plates provided to reduce panel zone shear stress or to reduce the web depth thickness ratio shall be placed not more than 1/16 inch (1.6 mm) from the column web and shall be welded across the plate width top and bottom with at least a 3/16-inch (4.7 mm) fillet weld. They shall be either butt or fillet welded to the column flanges to develop the shear strength of the doubler plate. Weld strength shall be as given in Section 2211.4.2.

2211.7.3 Width-thickness ratio. Girders shall comply with Division IX, except that the flange width-thickness ratio, $b_f/2t_f$, shall not exceed $52/\sqrt{F_y}$ (For SI: $0.31 \sqrt{E/F_y}$). The width-thickness ratio of the column sections shall meet the requirements of Division IX, Section 22.1502N. The outside wall width-thickness ratio of rectangular tubes used for columns shall not exceed $110/\sqrt{F_y}$ (For SI: $0.65 \sqrt{E/F_y}$), unless otherwise stiffened.

2211.7.4 Continuity plates. When determining the need for girder tension flange continuity plates, the value of P_{bf} in Division IX shall be taken as $1.8 (b_t f) F_{yb}$.

2211.7.5 Strength ratio. At any moment frame joint, the following relationships shall be satisfied:

$$\Sigma Z_c (F_{yc} - f_a) / \Sigma Z_b F_{yb} > 1.0 \quad (11-3.1)$$

or

$$\Sigma Z_c (F_{yc} - f_a) / 1.25 \Sigma M_{pz} > 1.0 \quad (11-3.2)$$

WHERE:

- $f_a > 0$
- M_{pz} = the sum of beam moments when panel zone shear strength reaches the value specified in Formula (11-1).

EXCEPTION: Columns meeting the compactness limitations for beams given in Section 2211.7.3 need not comply with this requirement provided they conform to one of the following conditions:

1. Columns with f_a less than $0.4 F_y$ for all load combinations other than loads specified in Section 2211.5.1, and
 - 1.1 Which are used in the top story of a multistory building with building period greater than 0.7 second; or
 - 1.2 Where the sum of their resistance is less than 20 percent of the shear in a story, and is less than 33 percent of the shear on each of the column lines within that story. A column line is defined for the purpose of this exception as a single line of columns, or parallel lines of columns located within 10 percent of the plan dimension perpendicular to the line of columns; or
 - 1.3 When the design for combined axial compression and bending is proportioned to satisfy Division IX without the one-third permissible stress increase.
2. Columns in any story which have lateral shear strength 50 percent greater than that of the story above.

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3. Columns which lateral shear strengths are not included in the design to resist code-required shears.

2211.7.6 Trusses in SMRF. Trusses may be used as horizontal members in SMRF if the sum of the truss seismic force flexural strength exceeds the sum of the column seismic force flexural strength immediately above and below the truss by a factor of at least 1.25. For this determination the strengths of the members shall be reduced by the gravity load effects. In buildings of more than one story, the column axial stress shall not exceed $0.4F_y$ and the ratio of the unbraced column height to the least radius of gyration shall not exceed 60. Columns shall have allowable stresses reduced 25 percent when one end frames into a truss, and 50 percent when both ends frame into trusses. The connection of the truss chords to the column shall develop the lesser of the following:

1. The strength of the truss chord.
2. The chord force necessary to develop 125 percent of the flexural strength of the column.

2211.7.7 Girder-column joint restraint.

2211.7.7.1 Restrained joint. Where it can be shown that the columns of SMRF remain elastic, the flanges of the columns need to be laterally supported only at the level of the girder top flange.

Columns may be assumed to remain elastic if one of the following conditions is satisfied:

1. The ratio in Formula (11-3.1) or (11-3.2) is greater than 1.25.
2. The flexural strength of the column is at least 1.25 times the moment that corresponds to the panel zone shear strength.
3. Girder flexural strength or panel zone strength will limit column stress ($f_a + f_{bx} + f_{by}$) to F_y of the column.
4. The column will remain elastic under gravity loads plus $3(R_w/8)$ times the prescribed seismic forces.

Where the column cannot be shown to remain elastic, the column flanges shall be laterally supported at the levels of the girder top and bottom flanges. The column flange lateral support shall be capable of resisting a force equal to one percent of the girder flange capacity at allowable stresses and at a limiting displacement perpendicular to the frame of 0.2 inch (5.1 mm). Required bracing members may brace the column flanges directly or indirectly through the column web or the girder flanges.

2211.7.7.2 Unrestrained joint. Columns without lateral support transverse to a joint shall conform to the requirements of Division IX, with the column considered as pin ended and the length taken as the distance between lateral supports conforming with Section 2211.7.7.1 above. The column stress, f_a , shall be determined from gravity loads plus the lesser of the following:

1. $3(R_w/8)$ times the prescribed seismic forces.
2. The forces corresponding to either 125 percent of the girder flexural strength or the panel zone shear strength.

The stress, f_{by} , shall include the effects of the bracing force specified in Section 2211.7.7.1 and $P\Delta$ effects.

l/r for such columns shall not exceed 60.

At truss frames the column shall be braced at each truss chord for a lateral force equal to one percent of the compression yield strength of the chord.

2211.7.8 Beam bracing. Both flanges of beams shall be braced directly or indirectly. The beam bracing between column center lines shall not exceed $96 r_y$. In addition, braces shall be placed at concentrated loads where a hinge may form.

2211.7.9 Changes in beam flange area. Abrupt changes in beam flange area are not permitted within possible plastic hinge regions of special moment-resistant frames.

2211.7.10 Moment frame drift calculations. Moment frame drift calculations shall include bending and shear contributions from the clear girder and column spans, column axial deformation and the rotation and distortion of the panel zone.

EXCEPTIONS: 1. Drift calculations may be based on column and girder center lines where either of the following conditions is met:

- 1.1 It can be demonstrated that the drift so computed for frames of similar configuration is typically within 15 percent of that determined above.
- 1.2 The column panel zone strength can develop $0.8 \sum M_s$ of girders framing to the column flanges at the joint.
2. Column axial deformations may be neglected if they contribute less than 10 percent to the total drift.

2211.8 Requirements for Braced Frames.

2211.8.1 General. The provisions of this section apply to all braced frames except special concentrically braced frames designed in accordance with Section 2211.9 or eccentrically braced frames (EBF) designed in accordance with Section 2211.10. Those members which resist seismic forces totally or partially by shear or flexure shall be designed in accordance with Section 2211.7 except Section 2211.7.3.

2211.8.2 Bracing members.

2211.8.2.1 Slenderness. In Seismic Zones 3 and 4, the l/r ratio for bracing members shall not exceed $720/\sqrt{F_y}$ (For SI: $4.23 \sqrt{E/F_y}$), except as permitted in Sections 2211.8.5 and 2211.8.6.

2211.8.2.2 Stress reduction. The allowable stress, F_{as} , for bracing members resisting seismic forces in compression shall be determined from the following formula:

$$F_{as} = BF_a \tag{11-4}$$

WHERE:

$$B = \text{the stress-reduction factor determined from the following formula: } B = 1/[1 + [(Kl/r)/2C_1]] \tag{11-5}$$

F_a = the allowable axial compressive stress allowed in Division IX.

EXCEPTION: Bracing members carrying gravity loads may be designed using the column strength requirement and load combinations of Section 2211.5.1, Item 1.

2211.8.2.3 Lateral-force distribution. The seismic lateral force along any line of bracing shall be distributed to the various members so that neither the sum of the horizontal

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components of the forces in members acting in tension nor the sum of the horizontal components of forces in members acting in compression exceed 70 percent of the total force.

EXCEPTION: Where compression bracing acting alone has the strength, neglecting the strength-reduction factor B, to resist $3(R_w/8)$ times the prescribed seismic force such distribution is not required.

A line of bracing is defined, for the purpose of this provision, as a single line or parallel lines within 10 percent of the dimension of the structure perpendicular to the line of bracing.

2211.8.2.4 Built-up members. The l/r of individual parts of built-up bracing members between stitches, when computed about a line perpendicular to the axis through the parts, shall not be greater than 75 percent of the l/r of the member as a whole.

2211.8.3 Bracing connection.

2211.8.3.1 Forces. Bracing connections shall have the strength to resist the least of the following:

1. The strength of the bracing in axial tension, P_{st} .
2. $3(R_w/8)$ times the force in the brace due to the prescribed seismic forces, in combination with gravity loads.
3. The maximum force that can be transferred to the brace by the system.

Bracing connections shall, as a minimum, satisfy the load combinations required by Section 1603.6 at allowable stress limits, with stress increases allowed by Section 1603.5. These combinations shall include the provisions for Section 2211.8.2.2 and 2211.8.4.1.

Beam-to-column connections for beams that are part of the bracing system shall have the capacity to transfer the force determined above. Where eccentricities in the frame geometry or connection load path exist, the affected members and connections shall have the strength to resist all secondary forces resulting from the eccentricities in combination with all primary forces using the lesser of the forces determined above.

2211.8.3.2 Net area. In bolted brace connections, the ratio of effective net section area to gross section area shall satisfy the formula:

$$\frac{A_e}{A_g} \geq \frac{1.2 \alpha F^*}{F_u} \tag{11-6}$$

WHERE:

- A_e = effective net area as defined in Division IX.
- F_u = minimum tensile strength.
- F^* = stress in brace as determined in Section 2211.8.3.1.
- α = fraction of the member force from Section 2211.8.3.1 that is transferred across a particular net section.

2211.8.4 Bracing configuration.

2211.8.4.1 Chevron bracing. Chevron bracing shall conform with the following:

1. Bracing members shall be designed for 1.5 times the otherwise prescribed seismic forces, in addition to the requirements of Section 2211.8.2.2.

2. The beam intersected by chevron braces shall be continuous between columns.

3. Where chevron braces intersect a beam from below, i.e., inverted V brace, the beam shall be capable of supporting all tributary gravity loads presuming the bracing not to exist.

EXCEPTION: This limitation need not apply to penthouses, one-story buildings or the top story of buildings.

2211.8.4.2 K bracing. K bracing is prohibited except as permitted in Section 2211.8.5.

2211.8.4.3 Nonconcentric bracing. Nonconcentric bracing shall conform with the following:

1. Any member intersected by the brace shall be continuous through the connection.

2. When the eccentricity of the brace is greater than the depth of the intersected member at the eccentric location, the affected member shall have the strength to resist the forces prescribed in Section 2211.8.3.1, including the effects of all secondary forces resulting from the eccentricities.

2211.8.5 One- and two-story buildings. Braced frames not meeting the requirements of Sections 2211.8.2 and 2211.8.4 may be used in buildings not over two stories in height and in roof structures as defined in Chapter 15 if the braces have the strength to resist $3(R_w/8)$ times the code equivalent static forces.

2211.8.6 Nonbuilding structures. Nonbuilding structures with R_w values defined by Table 16-P need comply only with the provisions of Section 2211.8.3.

2211.9 Requirements for Special Concentrically Braced Frames.

2211.9.1 General. The provisions of this section apply to special concentrically braced frame structures as defined in Section 1625. All members and connections in special braced frames shall be designed and detailed to resist shear and flexure caused by eccentricities in the geometry of the members comprising the frame in accordance with Section 2211.9. Any member intersected by a brace shall be continuous through the connection. Horizontal bracing that transfers forces between horizontally offset bracing in the vertical plane shall be subject to the requirements of Section 2211.9, except Sections 2211.9.2.3; 2211.9.4.1, Item 3; and 2211.9.4.2. Horizontal bracing other than the above is not subjected to the requirements of Section 2211.9.

2211.9.2 Bracing members.

2211.9.2.1 Slenderness. The kl/r ratio for bracing members shall not exceed $1,000/\sqrt{F_y}$ (For SI: $5.87\sqrt{E/F_y}$), except as permitted in Section 2211.9.6.

2211.9.2.2 Lateral-force distribution. The seismic lateral force along any line of bracing shall be distributed to the various members so that neither the sum of the horizontal components of forces in members acting in compression or tension exceed 70 percent of the total force.

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EXCEPTION: Where compression bracing acting alone has the strength to resist $3(R_w/8)$ times the prescribed seismic force, such distribution is not required.

A line of bracing is defined, for the purposes of this provision, as a single line or parallel lines within 10 percent of the dimension of the structure perpendicular to the line of bracing.

2211.9.2.3 Built-up members. The spacing of stitches shall be such that the slenderness ratio (l/r) of individual elements between the stitches does not exceed 0.4 times the governing slenderness ratio of the built-up member. The total shear strength of the stitches shall be at least equal to the tensile strength of each element. The spacing of the stitches shall be uniform and not less than two stitches shall be used. Bolted stitches shall not be located within the middle one fourth of the clear brace length.

EXCEPTION: Where it can be shown that braces can buckle without causing shear in the stitches, the spacing of the stitches shall be such that the slenderness ratio (l/r) of the individual element between the stitches does not exceed 0.75 times the governing slenderness ratio of the built-up member.

2211.9.2.4 Compression elements in braces. The width-thickness ratio of compression elements used in braces shall meet the requirements of Division IX, Table B5.1, for compact sections. The width-thickness ratio of angle section shall be limited to $52/\sqrt{F_y}$ (For **SI:** $0.31\sqrt{E/F_y}$). Circular sections shall have outside diameter-wall thickness ratio not exceeding $1,300/F_y$ (For **SI:** $7.63 E/F_y$), rectangular tubes shall have outside wall width-thickness ratio not exceeding $110/\sqrt{F_y}$ (For **SI:** $0.65\sqrt{E/F_y}$).

EXCEPTION: Compression elements stiffened to resist local buckling.

2211.9.3 Bracing connections.

2211.9.3.1 Forces. Bracing connections shall have the strength to resist the lesser of the following:

1. The strength of the brace in axial tension, P_{st} .
2. $3(R_w/8)$ times the force in the brace due to the prescribed seismic forces, in combination with gravity loads.
3. The maximum force that can be transferred to the brace by the system.

Bracing connection shall, as a minimum, satisfy the load combinations required by Section 1603.6 at allowable stress limits with stress increases allowed by Section 1603.5. Beam-to-column connections for beams that are part of the bracing system shall have the capacity to transfer the force determined above. Where eccentricities in the frame geometry or connection load path exist, the affected members and connections shall have the strength to resist all secondary forces resulting from the eccentricities in combination with all primary forces using the lesser of the forces determined above.

2211.9.3.2 Net area. In bolted brace connections, the ratio of effective net section area to gross section shall satisfy Formula (11-6) of Section 2211.8.3.2.

2211.9.3.3 Gusset plates. End connections of braces shall provide a flexural strength in excess of that of the brace gross section about the critical buckling axis.

EXCEPTION: Where the out-of-plane buckling strength of the brace is less than the in-plane buckling strength and the brace terminates on a single gusset plate connection with a setback of two times the gusset thickness from a line about which the gusset plate may bend unrestrained by the column or beam joints, and the gusset plate shall be designed to carry the compressive strength of the brace without buckling.

2211.9.4 Bracing configuration.

2211.9.4.1 Chevron bracing. Chevron bracing shall conform with the following:

1. The beam intersected by chevron braces shall be continuous between columns.
2. Where chevron braces intersect a beam from below, i.e., inverted V brace, the beam shall be capable of supporting all tributary gravity loads presuming the bracing not to exist.
3. A beam intersected by chevron braces shall have the strength to support the following tributary gravity loads and unbalanced brace force combinations:

$$\frac{1.2D + 0.5L + P_b}{0.9D - P_b}$$

WHERE:

- D = tributary dead load.
- L = tributary live load.
- P_b = the maximum unbalanced post-buckling force that can be applied to the beam by the braces. For this purpose, the maximum unbalanced force may be computed using a minimum of P_{st} for the tension and a maximum of $0.3 P_{sc}$ for the compression brace.

4. Both flanges of beams at the point of intersection of chevron braces shall be laterally supported directly or indirectly.

EXCEPTION: Limitations 2 and 3 need not apply to penthouses, one-story buildings or the top story of buildings.

2211.9.4.2 K bracing. K bracing is prohibited.

2211.9.5 Columns. Columns in braced frames shall meet the requirements of Section 2211.7.3. In addition to meeting the requirements of Sections 2211.5.1 and 2211.5.2, column splices shall be designed to develop the full shear strength and 50 percent of the full moment strength of the section. Splices shall be located in the middle one third of the column clear height.

2211.9.6 Nonbuilding structures. Nonbuilding structures with R_w values defined by Table 16-P need comply only with the provisions of Sections 2211.9.3.1 and 2211.9.3.2.

2211.10 Eccentrically Braced Frame (EBF) Requirements.

2211.10.1 General. Eccentrically braced frames shall be designed in accordance with this section.

2211.10.2 Link beam. There shall be a link beam provided at least at one end of each brace. Beams in EBFs shall comply with the requirements of Division IX, except that the flange width-thickness ratio $b_f/2t_f$ shall not exceed $52/\sqrt{F_y}$.

2211.10.3 Link beam strength. Link beam shear strength, V_{st} , and flexural strength, M_{st} , are the strengths as defined in Section 2211.4.2. Where link beam strength is governed by

shear, the flexural and axial capacities within the link shall be calculated using the beam flanges only.

A reduced flexural strength, M_{rs} , for use in Sections 2211.10.8 and 2211.10.13 is defined as $Z(F_y - f_a)$. Where f_a is less than $0.15F_y$, f_a may be neglected.

2211.10.4 Link beam rotation. The rotation of the link segment relative to the rest of the beam, at a total frame drift of $3(R_w/8)$ times the drift determined for prescribed seismic forces, shall not exceed the following:

1. 0.060 radians for link segments having clear lengths of $1.6 M_s/V_s$ or less.
2. 0.015 radians for link segments having clear lengths of $3.0 M_s/V_s$ or greater.
3. A value obtained by linear interpolation for clear lengths between the above limits.

2211.10.5 Link beam web. The web of the link beam shall be single thickness without doubler plate reinforcement. No openings shall be placed in the web of the link beam. The web shear shall not exceed $0.8V_s$ under prescribed lateral forces.

2211.10.6 Beam connection braces. Brace-to-beam connections shall develop the compression strength of the brace and transfer this force to the beam web. No part of the brace-to-beam connection shall extend into the web area of a link beam.

2211.10.7 Link beam stiffeners. Link beams shall have full-depth web stiffeners on both sides of the beam web at the brace end of the link beam. In addition, for link beams with clear lengths within the limits in Section 2211.10.4, Item 3, full-depth stiffeners shall be placed at a distance b_f from each end of the link. The stiffeners shall have a combined width not less than $b - 2t_w$ and a thickness not less than $0.75 t_w$ or less than $3/8$ inch (9.5 mm).

2211.10.8 Intermediate stiffeners. Intermediate full-depth web stiffeners shall be provided in either of the following conditions:

1. Where the link beam strength is controlled by V_s .
2. Where the link beam strength is controlled by flexure and the shear determined by applying the reduced flexural strength, M_{rs} , exceeds $0.45 F_y d t$.

2211.10.9 Web stiffener spacing. Where intermediate web stiffeners are required, the spacing shall conform to the requirements given below.

1. For link beams with rotation angle of 0.06 radians, the spacing shall not exceed $38t_w - d/5$.
2. For link beams with a rotation angle of 0.03 radians or less, the spacing shall not exceed $56t_w - d/5$. Interpolation may be used for rotation angles between 0.03 and 0.06 radians.

2211.10.10 Web stiffener location. For beams 24 inches (610 mm) in depth and greater, intermediate full-depth web stiffeners are required on both sides of the web. Such web stiffeners are required only on one side of the beam web for beams less than 24 inches (610 mm) in depth. The stiffener thickness, t_w , of one side stiffeners shall not be less than $3/8$

inch (9.5 mm) and the width shall not be less than $(b_f/2) - t_w$.

2211.10.11 Stiffener welds. Fillet welds connecting the stiffener to the beam web shall develop a stiffener force of $A_{st}F_y$. Fillet welds connecting the stiffener to the flanges shall develop a stiffener force of $A_{st}F_y/4$.

$$A_{st} = bt \text{ of stiffener.}$$

$$b = \text{width of stiffener plate.}$$

2211.10.12 Link beam-column connections. Length of link beam connected to columns shall not exceed $1.6 M_s/V_s$.

1. Where a link beam is connected to the column flange, the following requirements shall be met:

1.1 The beam flanges shall have full-penetration welds to the column.

1.2 Where the link beam strength is controlled by shear in conformance with Section 2211.10.8, the web connection shall be welded to develop the full link beam web shear strength.

2. Where the link beam is connected to the column web, the beam flanges shall have full-penetration welds to the connection plates and the web connection shall be welded to develop the link beam web shear strength. Rotation between the link beam and the column shall not exceed 0.015 radians at $3(R_w/8)$ times the drift due to the prescribed seismic forces.

2211.10.13 Brace and beam strengths. The controlling link beam strength is either the shear strength, V_s , or the reduced flexural strength, M_{rs} , whichever results in the lesser axial force in the brace.

Each brace and beam outside the link shall have axial strength at least 1.5 times the force corresponding to the controlling link beam strength. Each brace and beam outside the link shall have combined reduced flexural strength, M_{rs} , at least 1.0 times the force corresponding to the controlling link beam strength.

2211.10.14 Column strength. Columns shall be designed to remain elastic at 1.25 times the strength of the EBF bay, as defined in Section 2211.10.13 above. Column strength need not exceed the requirements of Section 2211.5.

2211.10.15 Roof link beam. A link beam is not required in roof beams for EBF over five stories.

2211.10.16 Concentric brace in combination. The first story of an EBF bay over five stories in height may be concentrically braced if this story can be shown to have an elastic capacity 50 percent greater than the yield capacity of the story frames above the first story.

2211.10.17 Axial forces. Axial forces in beams of EBF frames due to braces and due to transfer of seismic force to the end of the frames shall be included in the frame calculations.

2211.10.18 Beam flanges. Top and bottom flanges of EBF beams shall be laterally braced at the ends of link beams and at intervals not exceeding $76/\sqrt{F_y}$ (For SI: $0.45\sqrt{E/F_y}$) times the beam flange width. End bracing shall be designed to resist 6.0 percent of the beam flange strength, defined as $F_y b_f t_f$. Intermediate bracing shall be designed to resist 1.0 percent of the beam flange force at the brace point using the link beam strength determined in Section 2211.10.13.

2211.10.19 Beam-column connection. Beam connections to columns may be designed as pins in the plane of the beam web if the link beam is not adjacent to the column. Such connection shall have the capacity to resist a torsional moment of $0.01 F_y b_f t_f d$.

2211.11 Stud Wall Systems. Stud wall systems may be used to resist the specified seismic forces in buildings not over five stories in height. Such systems shall comply with the following:

1. The l/r of the brace may exceed 200 and is unlimited.
2. All boundary members, chords and collectors shall be designed and detailed to transmit the induced axial forces.
3. Connection of the diagonal bracing member, top chord splices, boundary members and collectors shall be designed to develop the full tensile strength of the member or $3(R_w/8)$ times the otherwise prescribed seismic forces.
4. Vertical and diagonal members of the braced bay shall be anchored so the bottom track is not required to resist uplift forces by bending of the track web.
5. Both flanges of studs in a bracing panel shall be braced to prevent lateral torsional buckling. Wire tied bracing shall not be considered to provide such restraint.
6. Screws shall not be used to resist lateral forces by pullout resistance.
7. Provision shall be made for pretensioning or other methods of installation of tension-only bracing to guard against loose diagonal straps.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 51-30-2400 Chapter 24—Glass and glazing.

NEW SECTION

WAC 51-30-2406 Section 2406—Safety glazing.

2406.1 General. Glazing subject to human impact shall comply with this section.

2406.2 Identification. Each light of safety glazing material installed in hazardous locations as defined in Section 2406.4 shall be identified by a permanent label which specifies the labeler, whether the manufacturer or installer, and state that safety glazing material has been utilized in such installation. For additional identification requirements and for limitations on size and use by category classification, see U.B.C. Standard 24-2, Part I.

Each unit of tempered glass shall be permanently identified by the manufacturer. The identification shall be etched or ceramic fired on the glass and be visible when the unit is glazed. Tempered spandrel glass is exempted from permanent labeling but such glass shall be identified by the manufacturer with a removable paper label.

2406.3 Human Impact Loads. Individual glazed areas in hazardous locations such as those indicated in Section 2406.4, including glazing used in fire assemblies in accordance with Section 713, shall pass the test requirements of Part I of U.B.C. Standard 24-2.

EXCEPTIONS:

1. Louvered windows and jalousies complying with Section 2405 need not comply with Section 2406.3.
2. Polished wire glass complying with Part II of U.B.C. Standard 24-2 may be used in fire-rated assemblies and in locations specified in Items 6 and 7 of Section 2406.4.

Plastic glazing used in exterior applications also shall comply with the weathering requirements in Part II of U.B.C. Standard 24-2.

2406.4 Hazardous Locations. The following shall be considered specific hazardous locations for the purpose of glazing:

1. Glazing in ingress and egress doors except jalousies.
2. Glazing in fixed and sliding panels of sliding door assemblies and panels in swinging doors other than wardrobe doors.
3. Glazing in storm doors.
4. Glazing in all unframed swinging doors.
5. Glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers. Glazing in any portion of a building wall enclosing these compartments where the bottom exposed edge of the glazing is less than 60 inches (1525 mm) above a standing surface and drain inlet.
6. Glazing in fixed or operable panels adjacent to a door where the nearest exposed edge of the glazing is within a 24-inch (610 mm) arc of either vertical edge of the door in a closed position and where the bottom edge of the glazing is less than 60 inches (1525 mm) above the walking surface.
7. Glazing in an individual fixed or operable panel, other than those locations described in Items 5 and 6 above, that meets all of the following conditions:

- 7.1 Exposed area of an individual pane greater than 9 square feet (0.84 m²).
- 7.2 Exposed bottom edge less than 18 inches (457 mm) above the floor.
- 7.3 Exposed top edge greater than 36 inches (914 mm) above the floor.
- 7.4 One or more walking surfaces within 36 inches (914 mm) horizontally of the plane of the glazing.
8. Glazing in railings regardless of height above a walking surface. Included are structural baluster panels and nonstructural in-fill panels.

EXCEPTION: The following products and applications are exempt from the requirements for hazardous locations as listed in Items 1 through 8 above:

1. Glazing in Item 6 when there is an intervening wall or other permanent barrier between the door and the glazing.
2. Glazing in Item 7 when a protective bar is installed on the accessible sides of the glazing 34 inches (864 mm) to 38 inches (965 mm) above the floor. The bar shall be capable of withstanding a horizontal load of 50 pounds per linear foot (729 N/m) without contacting the glass and be a minimum of 1½ inches (38.1 mm) in height.
3. Outboard pane in insulating glass units and in other multiple glazed panels in Item 7 when the bottom exposed edge of the glass is 25 feet (7620 mm) or more above any grade, roof, walking surface or other horizontal or sloped (within 45 degrees of horizontal) surface adjacent to the glass exterior.
4. Openings in doors through which a 3-inch-diameter (76.2 mm) sphere will not pass.
5. Assemblies of leaded, faceted or carved glass in Items 1, 2, 6 and 7 when used for decorative purposes.
6. Curved panels in revolving door assemblies.
7. Door in commercial refrigerated cabinets.
8. Glass block panels complying with Section 2110.

9. Glazing in walls and fences used as the barrier for indoor and outdoor swimming pools and spas when all of the conditions are present:

9.1 The bottom edge of the glazing is less than 60 inches (1525 mm) above the pool side of the glazing.

9.2 The glazing is within 5 feet (1525 mm) of a swimming pool or spa deck area.

10. Glazing in walls at stairway landings within 5 feet (1525 mm) beyond the bottom and top of flights of stairs, where the bottom edge of the glazing is less than 60 inches (1525 mm) above a walking surface.

2406.5 Wardrobe Doors. Glazing in wardrobe doors shall meet the impact test requirements for safety glazing as set forth in U.B.C. Standard 24-2, Part II. Laminated glass must also meet the boil test requirements of U.B.C. Standard 24-2, part II.

EXCEPTION: The impact test shall be modified so that if no breakage occurs when the impacting object is dropped from the height of 18 inches (457 mm), the test shall progress in height increments of 6 inches (152 mm) until the maximum of 48 inches (1219 mm) is reached.

2406.6 Glass Railings. Glass used as structural balustrade panels in railings shall be one of the following types:

1. Single fully tempered glass.
2. Laminated fully tempered glass.
3. Laminated heat-strengthened glass.

The panels and their support system shall be designed to withstand the load specified in Table 16-B. A safety factor of 4 shall be used.

Each handrail or guardrail section shall be supported by a minimum of three glass balusters or otherwise supported so that it remains in place should one baluster panel fail.

Glass balusters shall not be installed without a handrail or guardrail attached.

For all glazing types the minimum nominal thickness shall be 1/4 inch (6.35 mm).

Glazing materials shall not be installed in railings in parking garages except for those locations where the railing is not exposed to impact from vehicles.

NEW SECTION

WAC 51-30-2900 Chapter 29—Plumbing systems.

NEW SECTION

WAC 51-30-2902 Section 2902—Number of fixtures.

2902.1 General. The number of plumbing fixtures within a building shall not be less than set forth in Section 2902 and Table 29-A.

2902.2 Group A Occupancies. In Group A Occupancies at least one drinking fountain shall be provided at each floor level in an approved location.

EXCEPTION: A drinking fountain need not be provided in a drinking or dining establishment.

For other requirements on plumbing fixtures, see Sections 807, 2903, 2904, and Table 29-A.

2902.3 Group B, F, H, M and S Occupancies. In Groups B, F, H, M, and S Occupancies, buildings or portions thereof where persons are employed shall be provided with at least one water closet. Separate facilities shall be provided for each sex when the number of employees exceeds four. Such toilet facilities shall be located in such building or conveniently in a building adjacent thereto on the same property.

Such water closet rooms in connection with food establishments where food is prepared, stored or served shall have a nonabsorbent interior finish as specified in Section 807.1, shall have hand washing facilities therein or adjacent thereto, and shall be separated from food preparation or storage rooms as specified in Section 302.6.

For other requirements on plumbing fixtures, see Sections 807, 2903, 2904 and Table 29-A.

2902.4 Group E Occupancies. The number of plumbing fixtures within a building shall not be less than set forth in Table 29-A.

For other requirements on plumbing fixtures, see Sections 807, 2903 and 2904.

2902.5 Group I Occupancies. The number of plumbing fixtures within a building shall not be less than set forth in Table 29-A.

For other requirements on plumbing fixtures, see Sections 807, 2903 and 2904.

2902.6 Group R Occupancies. The number of plumbing fixtures within a building shall not be less than set forth in Table 29-A.

Dwelling units shall be provided with a kitchen equipped with a kitchen sink.

Each sink, lavatory and either a bathtub or shower shall be equipped with hot and cold running water necessary for its normal operation.

For other requirements on plumbing fixtures, see Section 807, 2903 and 2904.

NEW SECTION

WAC 51-30-2903 Section 2903—Accessibility.

For accessibility requirements for all plumbing fixtures see Chapter 11.

NEW SECTION

WAC 51-30-2904 Section 2904—Plumbing fixtures.

2904.1 Water closet space requirements. The water closet stool in all occupancies shall be located in a clear space not less than 30 inches (762 mm) in width. The clear space in front of the water closet stool shall not be less than 24 inches (610 mm).

2904.2 Drinking Fountains. Drinking fountains shall not be installed in toilet rooms.

2904.3 Finishes. See Section 807 for wall and floor finishes.

NEW SECTION

WAC 51-30-2910 Table 29-A—Minimum plumbing fixtures.

TABLE 29-A -- MINIMUM PLUMBING FIXTURES 1,2,3,4,6

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS ³ (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Group A Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including restaurants classified as Group B Occupancies	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females.	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400	one per 2 water closets		
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m ²) per occupant for the minimum number of plumbing fixtures.					
Assembly places -- Theaters, auditoriums, convention halls, dance floors, lodge rooms, and casinos	1:1-100 2:101-200 3:201-400 Over 400 males, add one fixture for each additional 500, and over 400 females add one for each 50.	One per 25 up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons.	1:1-200 2:201-400 3:401-750	

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TABLE 29-A -- MINIMUM PLUMBING FIXTURES ^{1,2,3,4,6} (continued)

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS ³ (fixtures per person)		LAVATORIES ³ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE	FEMALE	MALE	FEMALE	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m ²) per occupant for the minimum number of plumbing fixtures.					
Group A Assembly places -- Stadiums, arena and sporting facilities	1:1-100 2:101-200 3:201-400 Over 400 males, add one fixture for each additional 500, and over 400 females add one for each 100.	One per 50 up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons.	1:1-200 2:201-400 3:401-750	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Worship places Principal assembly area	one per 150	one per 75	one per 2 water closets		
Worship places Educational and activity unit	one per 125	one per 75	one per 2 water closets		
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures					
Group B	1:1-15 2:16-35 3:36-55 Over 55, add one for each 75 persons.	1:1-15 2:16-35 3:36-55	one per 2 water closets		

PROPOSED

TABLE 29-A -- MINIMUM PLUMBING FIXTURES ^{1,2,3,4,6} (continued)

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS ³ (fixtures per person)		LAVATORIES ³ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 100 square feet (9.3 m ²) per student for the minimum number of plumbing fixtures.					
Group E	1:1-15	1:1-15	one per two water closets		
Schools -- for staff use	2:16-35	2:16-35			
All schools (One staff per 20 students)	3:36-55	3:36-55			
	Over 55, add one fixture for each additional 40 persons.				
Schools -- for student use	1:1-20	1:1-20	1:1-20	1:1-20	
Day care	2:21-50	2:21-50	2:21-50	2:21-50	
	Over 50, add one fixture for each additional 50 persons.		Over 50, add one fixture for each additional 50 persons.		
Elementary	one per 30	one per 25	one per two water closets		
Secondary	one per 40	one per 30	one per two water closets		
For the occupancies listed below, use 50 square feet (4.65 m ²) per occupant for the minimum number of plumbing fixtures.					
Education Facilities other than Group E					
Others (colleges, universities, adult centers, etc.)	one per 40	one per 25	one per two water closets		
For the occupancies listed below, use 2,000 square feet (185.8 m ²) per occupant for the minimum number of plumbing fixtures.					
Group F	1:1-10	1:1-10	one for each two water closets		one shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
Workshop, foundries and similar establishments, and Group H Occupancies	2:11-25	2:11-25			
	3:26-50	3:26-50			
	4:51-75	4:51-75			
	5:76-100	5:76-100			
	Over 100, add one fixture for each additional 300 persons.				

PROPOSED

TABLE 29-A -- MINIMUM PLUMBING FIXTURES 1,2,3,4,6 (continued)

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS ³ (fixtures per person)		LAVATORIES ³ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE	FEMALE	MALE	FEMALE	
For the occupancies listed below, use the designated application and 200 square feet (18.58 m ²) per occupant of the general use area for the minimum number of plumbing fixtures.					
Group I Hospital waiting rooms Hospital general use areas	one per room (usable by either sex) 1:1-15 1:1-15 2:16-35 3:16-35 3:36-55 4:36-55 Over 55, add one fixture for each additional 40 persons.		one per room one per each two water closets		
Hospital patient rooms: Single Bed	one adjacent to and directly accessible from		one per toilet room		one per toilet room
Isolation	one adjacent to and directly accessible from		one per toilet room		one per toilet room
Multi-Bed	one per four patients		one per four patients		one per eight patients
Long-term	one per four patients		one per four patients		one per 15 patients
Jails and reformatories Cell	one per cell		one per cell		
Exercise room	one per exercise room		one per exercise room		
Other institutions (on each occupied floor)	one per 25	one per 25	one per two water closets		one per eight
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group M Retail or wholesale stores	1:1-50 2:51-100 3:101-400	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	one for each two water closets		
	Over 400, add one fixture for each additional 500 males and one for each 150 females.				

TABLE 29-A -- MINIMUM PLUMBING FIXTURES ^{1,2,3,4,6} (continued)

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS ³ (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE	FEMALE	MALE	FEMALE	
For Group R Occupancies, dwelling units and hotel guest rooms, use the chart. For congregate residences, use 200 square feet (18.58 m ²) for Group R, Division 1 Occupancies and 300 square feet (27.87 m ²) for Group R, Division 3 Occupancies for the minimum plumbing fixtures.					
Group R					
Dwelling units	one per dwelling unit		one per dwelling unit		one per dwelling unit
Hotel guest rooms	one per guest room		one per guest room		one per guest room
Congregate residences	one per 10	one per 8	one per 12	one per 12	one per eight
	Over 10, add one fixture for each additional 25 males and over 8, add one for each additional 20 females.		over 12, add one fixture for each additional 20 males and one for each additional 15 females.		For females, add one additional unit per each additional 30. Over 150, add one additional unit per each additional 20 females.
For the occupancies listed below, use 5,000 square feet (464.5 m ²) per occupant for the minimum number of plumbing fixtures.					
Group S	1:1-10		1:1-10		one shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials.
Warehouses	2:11-25		2:11-25		
	3:26-50		3:26-50		
	4:51-75		4:51-75		
	5:76-100		5:76-100		
	Over 100, add one for each 300 males and females.		One per 40 occupants of each sex.		

¹The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.
²Any category not mentioned specifically or about which there are any questions shall be classified by the building official and included in the category which it most nearly resembles, based on the expected use of the plumbing facilities.
³Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one half of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.
⁴Occupant loads over 30 shall have one drinking fountain for each 150 occupants.
⁵Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.
⁶When the design occupant load is less than 10 persons, a facility usable by either sex may be approved by the building official.
⁷See WAC 246-318-690 for definitions, other fixtures and equipment for hospitals.

NEW SECTION

WAC 51-30-3400 Chapter 34—Existing structures.

NEW SECTION

WAC 51-30-3404 Section 3404—Moved buildings.

Buildings or structures moved into or within a jurisdiction shall comply with the provisions of this code, the Uniform Mechanical Code (WAC 51-32), the Uniform Fire Code and Standards (WAC 51-34 and 51-35), the Uniform Plumbing Code and Standards (WAC 51-26 and 51-27), the Washington State Energy Code (WAC 51-11) and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13) for new buildings or structures.

EXCEPTION: Group R, Division 3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed, and
2. The original building is not substantially remodeled or rehabilitated.
 - 2.1 The original occupancy classification is not changed, and
 - 2.2 The original building is not substantially remodeled or rehabilitated. For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

**WSR 94-16-144
 WITHDRAWAL OF PROPOSED RULES
 DEPARTMENT OF
 LABOR AND INDUSTRIES
 [Filed August 3, 1994, 11:21 a.m.]**

The Department of Labor and Industries is hereby withdrawing the following proposed amendments of chapter 296-45 WAC, Safety standards—Electrical workers: WAC 296-45-65009 Employer's responsibility.

These proposed changes were filed on May 18, 1994, with a public hearing held on June 21, 1994. (WSR 94-11-124.)

Mark O. Brown
 Director

**WSR 94-16-147
 PROPOSED RULES
 OFFICE OF THE
 SECRETARY OF STATE
 [Filed August 3, 1994, 11:26 a.m.]**

Original Notice.

Title of Rule: Limited liabilities companies, chapter 434-130 WAC.

Purpose: To provide information on filing a limited liability company in the state of Washington with the Office of the Secretary of State.

Statutory Authority for Adoption: Title 25 RCW, chapter 211, Laws of 1994.

PROPOSED

Statute Being Implemented: Title 25 RCW.

Summary: Rules state working hours of Secretary of State, Corporation Division for filing a limited liability company. Also states formation requirements, fees and due dates.

Name of Agency Personnel Responsible for Drafting and Implementation: Linda Mackintosh, 505 East Union, (206) 753-2896; and Enforcement: Linda York, 505 East Union, (206) 586-6782.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules will provide information on the requirements to file a limited liability company in the state of Washington. Includes provisions for in person and by mail registrations, due dates for annual reports and associated fees. Will go into effect October 1, 1994, with emergency rules and October 8th with permanent rules.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Rules are not beyond the scope of enacting legislation and are for clarifying purposes only.

Hearing Location: John L. O'Brien Building, Hearing Room "C", Main Floor, on September 7, 1994, at 8:30-10:00 a.m.

Assistance for Persons with Disabilities: Contact Barbara Siemion by September 1, 1994, TDD (206) 664-2092, or (206) 586-0393.

Submit Written Comments to: Secretary of State, P.O. Box 40234, Olympia, 98504-0234, by September 5, 1994.

Date of Intended Adoption: September 8, 1994.

August 3, 1994

Donald F. Whiting

Assistant Secretary of State

Chapter 434-130 WAC LIMITED LIABILITY COMPANIES

NEW SECTION

WAC 434-130-010 Purpose and authority. These rules are adopted under authority of chapter 25.— RCW (chapter 211, Laws of 1994), the Washington Limited Liability Company Act.

NEW SECTION

WAC 434-130-020 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 East Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (206) 753-7115. Callers will hear a menu of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

NEW SECTION

WAC 434-130-030 Office hours. (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:30 p.m. (see WAC 434-110-060) and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

NEW SECTION

WAC 434-130-040 Telephone services. The telephone numbers of the corporations information unit are (206) 753-7115 and (206) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability companies and on filing a document relating to a new limited liability company which is immediately available at this number includes the following:

- (1) Exact name of limited liability company on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Expiration date of license;
- (5) Name of registered agent;
- (6) Scheduled dissolution date (if any);
- (7) Registered office address;
- (8) Status of limited liability company;
- (9) Filing date of most recent annual report;
- (10) Whether management is vested in members or managers;
- (11) Name of members or managers;
- (12) State of registration;
- (13) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system and pressing the appropriate number.

NEW SECTION

WAC 434-130-050 Original signature required. The corporations division will retain the original document when a limited liability company submits for filing an original document with original signature and an exact or conformed copy. If the organization provides only the original copy, the division may charge a photocopy fee to make an exact copy. The copy returned to the organization will be date stamped on the day it was processed and filed.

NEW SECTION

WAC 434-130-060 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and

(2) The post office box address is in the same Washington city or town as the registered office address; and

(3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

NEW SECTION

WAC 434-130-070 Annual reports—Due date. Each limited liability company shall file an annual report by the last day of the month of its original registration as a limited liability company. The corporations division shall notify all limited liability companies of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failure to file the statutorily required annual report.

NEW SECTION

WAC 434-130-080 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:30 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited liability company file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Initial reports;
- (b) License renewal and required annual report;
- (c) Amended annual reports;
- (d) Reinstatements;
- (e) In-person inspection or review of limited liability company files or other public documents located in the corporations division office;

(f) Documents left at the counter for processing with mail-in documents received the same day; or

(g) A search for nonactive limited company files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three

corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

NEW SECTION

WAC 434-130-090 Fees. For Washington registered domestic and foreign limited liability companies fees are as follows:

- (1) Certificate of formation or application for registration, one hundred seventy-five dollars;
- (2) Annual license renewal, fifty dollars;
- (3) Amendment, restated certificate, or amended and restated certificate, thirty dollars;
- (4) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the renewal fee of fifty dollars;
- (5) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;
- (6) Articles of merger, twenty dollars for each listed company;
- (7) Certificate of change of registered agent, registered office address, resignation of registered agent or designation of new registered agent, thirty dollars per entity name;
- (8) An initial report or amended annual report, ten dollars;
- (9) Registration, reservation, or transfer of name, thirty dollars;
- (10) Certificate of cancellation, administrative dissolution or dissolution by judicial decree, or revocation of certificate of authority, no fee;
- (11) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and
- (12) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

NEW SECTION

WAC 434-130-100 Miscellaneous fees. (1) For photocopies, fees are as follows:

- (a) Each annual report, five dollars;
- (b) Certificate of formation or any single document, ten dollars;
- (c) Amendments to articles and mergers, twenty dollars;
- (d) All charter documents, thirty dollars;
- (e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(2) For certificates of existence fees are as follows:

- (a) With complete or specific historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For each certified copy of any document the fee is ten dollars plus the copy fee.

(4) For any service of process the fee is fifty dollars.

(5) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

WSR 94-16-148
PROPOSED RULES
OFFICE OF THE
SECRETARY OF STATE
[Filed August 3, 1994, 11:29 a.m.]

Original Notice.

Title of Rule: Limited partnership filings, chapter 434-55 WAC.

Purpose: To update filing requirements of limited partnerships.

Statutory Authority for Adoption: Chapter 25.10 RCW.

Statute Being Implemented: RCW 25.10.600 - 25.10.610.

Summary: Update WACs, remove optional indexing sheet and fees and make fees consistent with 23B, corporation.

Name of Agency Personnel Responsible for Drafting and Implementation: Linda Mackintosh, 505 East Union, (206) 753-2896; and Enforcement: Linda York, 505 East Union, (206) 586-6782.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules are to update in WACs, division's address, telephone number and hours of operation. Repeals need of an optional index sheet and corresponding fee requirements, states requirements for original signature, defines name reservation and sets fees at same rate as 23B entities as required by chapter 25.10 RCW. Will go into effect on October 8, 1994. Anticipated effect is less confusion on the part of the filer of documents.

Proposal Changes the Following Existing Rules: Housekeeping changes in address and telephone numbers. Repeals optional index sheet and corresponding fee. Requires documents with original signature. Changes fees to correspond with Title 23B RCW as recorded by chapter 25.10 RCW. Changes \$7.50 dishonored check penalty to

\$25.00. Requires a geographical address with certain defined exceptions.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Provides housekeeping changes and fee changes as authorized by chapter 25.10 RCW.

Hearing Location: John L. O'Brien Building, Hearing Room "C", Main Floor, on September 7, 1994, at 8:30 - 10:00 a.m.

Assistance for Persons with Disabilities: Contact Barb Siemion by September 1, 1994, TDD (206) 664-2092, or (206) 586-0393.

Submit Written Comments to: Secretary of State, P.O. Box 40234, Olympia, 98504-0234, by September 5, 1994.

Date of Intended Adoption: September 8, 1994.

August 3, 1994

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

~~WAC 434-55-015 ((Filing office location and address)) Official address and telephone number.~~ (1) Effective October 1, 1982, limited partnership filings under chapter 25.10 RCW are to be made at the Corporations Division of the Office of the Secretary of State, Olympia, Washington, rather than at the offices of the respective county clerks.

(2) ~~((Mail address for the corporations division is: Corporations Division, Office of the Secretary of State, 505 E. Union St., Olympia, WA 98504. Use of any other address may delay mail delivery.))~~ The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(3) ~~((The offices of the corporations division are located at Republic Building, 2nd Floor, 505 E. Union St., Olympia, WA.))~~ In-person transactions may be made at the Corporations Division, 505 E. Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(4) The telephone number is (206) 753-7115 or (206) 753-7120. Callers will hear a menu system of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

WAC 434-55-016 Office hours. (1) ~~((Hours of operation for personnel in the division are 8:00 a.m. to 12 noon and 1:00 to 4:30 p.m., Monday through Friday.))~~ Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays. Over-the-counter service is available to provide same day service for individuals requests brought in before 4:30 p.m. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) ~~((Over the counter or walk in, same day processing of documents is available only between 8:30 - 11:30 a.m. and 1:00 to 3:30 p.m. each day. Documents can be received, but not processed on a same day basis, at other times when the office is open. Same day or expedited counter service is~~

~~available at other hours only under exigent circumstances or by approval of the administrator of the corporations division.~~) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

(3) Certain expedited or over-the-counter services are subject to the special service fees established elsewhere in these regulations.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

~~WAC 434-55-040 ((Execution of documents, duplicate originals and reproduction quality.))~~ **Original signature required.** (1) At any time that the statute requires a limited partnership document filing with the secretary of state to be in duplicate form, the secretary of state will accept the following:

- (a) Two original copies, each with original signatures; or
- ~~(b) ((Two original copies, one with original signatures and one with true and correct copies of the original signatures; or~~
- ~~(e)))~~ One original with original signatures and a true and correct photocopy thereof.

In the case of duplicate originals submitted with only one original and one copy thereof, the secretary of state will retain as its official file copy the certificate or document with original signatures and will return to the limited partnership for its records the document version bearing copied signatures. If the entity provides only the original copy, the division may charge a photocopy fee to make an exact copy.

~~(2)((a) Certificates for domestic limited partnerships shall be executed as provided in RCW 25.10.110.~~

~~(b) Filings for foreign limited partnerships must be signed and sworn to by at least one general partner of the foreign limited partnership. The secretary of state will accept as a "sworn" document an application or amendment witnessed or attested to by an appropriate notary or official of the foreign limited partnership's home state, or a statement that the signature of the general partner is executed under penalties of perjury, and is, to the best of his or her knowledge, true and correct.~~

~~(3)))~~ All documents presented to the secretary of state for filing under the Limited Partnership Act shall be of no larger size than standard legal paper (8-1/2 x 14). The materials shall be submitted in form and quality which is suitable for future microfilming or reproduction by a similar photographic process. The secretary of state will not accept documents for filing which are not typed, or with illegible text.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

WAC 434-55-055 Pre-October 1, 1982, limited partnership filings. (1) Except as otherwise provided by law or these regulations, limited partnership filings originally made at the respective county clerks' offices before October

1, 1982, shall be deemed to be filings at the secretary of state's office, and shall continue in full force and effect as when previously filed at the respective county clerks' offices.

(2) Pre-October 1, 1982, conflicts between limited partnership names in the separate 39 counties' files, between filings in the same county, and between pre-October 1, 1982, limited partnership filings and active corporation filings since 1889 render a satisfactory integration of pre-October 1, 1982, limited partnership filings into the corporate name protection system impossible. Except as provided below, the secretary of state will therefore not consider or research the name of any pre-October 1, 1982, limited partnership in determining whether a proposed name for a post-October 1, 1982, limited partnership is acceptable under RCW 25.10.020. The post-October 1, 1982, name will be checked as against other post-October limited partnership names and the names of active profit and nonprofit corporations and limited liability companies filed, registered or reserved at the office of the secretary of state.

Nothing in this section is intended to limit any judicial remedies which may be available to a pre-October 1, 1982, limited partnership for protection of its business name. In addition, if the probable existence of a name conflict between (a) a specific pre-October 1, 1982, limited partnership, and (b) a post-October 1, 1982, limited partnership filing that would have been filed in that same county if the centralized system had not been established, is brought to the attention of the secretary of state, the secretary of state may determine that an unacceptable conflict exists and/or would be perpetuated if the proposed name of the post-October 1, 1982, limited partnership were accepted. Under those circumstances, the secretary of state may refuse to accept the proposed name without modification, or without consent of the existing pre-October 1, 1982, limited partnership, sufficient to comply with RCW 25.10.020.

(3) Pre-October 1, 1982, limited partnerships are not prohibited from "refiling" under chapter 25.10 RCW. Such optional "refiling" is accomplished by submitting a regular certificate/application as outlined in chapter 25.10 RCW. However, a "refiling" limited partnership is not guaranteed the use of its pre-October 1, 1982, name.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

WAC 434-55-060 Document filing fees—Limited partnerships. The following fees are due and must be submitted concurrently with the limited partnership documents presented to the secretary of state for filing under the Washington Uniform Limited Partnership Act:

(1) Filing of a certificate of limited partnership for a domestic limited partnership: ~~(((\$175.00 with index sheet, \$225.00 without index sheet))~~ One hundred seventy-five dollars.

(2) Filing an application for registration of a foreign limited partnership: ~~(((\$175.00))~~ One hundred seventy-five dollars.

(3) ~~((Filing a certificate of dissolution))~~ Dissolution or cancellation by judicial decree: No charge.

(4) Filing of a certificate of cancellation for a domestic or foreign limited partnership: No charge.

(5) Filing of a certificate of amendment for a domestic or foreign limited partnership: ~~(((\$25.00))~~ Thirty dollars.

(6) Filing a certificate of restatement: ~~(((\$25.00))~~ Thirty dollars.

(7) Filing an application to reserve or transfer a limited partnership name: ~~(((\$10.00))~~ Thirty dollars.

(8) ~~((Filing any other statement or report required by the Limited Partnership Act: \$10.00))~~ Application for reinstatement: One hundred dollars plus all delinquent fees and a twenty-five percent penalty computed on total amount.

(9) ~~((Furnishing a certified copy of any certificate of limited partnership or of any other document or instrument relating to a limited partnership: \$5.00 plus \$.20 per page copied))~~ Articles of merger: Twenty dollars for each listed company.

(10) ~~((Furnishing a certificate, under seal, attesting to the fact that a limited partnership is on file with the office of the secretary of state, or to facts on record in a particular limited partnership file: \$5.00))~~ Agent's consent to act as agent or agent's resignation if appointed without consent: No charge.

(11) ~~((Furnishing copies of any document, instrument, or paper relating to a limited partnership: \$1.00 first page, \$.20 each page thereafter))~~ Filing any other statement or report required by the Limited Partnership Act: Ten dollars.

(12) For each certified copy of any document the fee is ten dollars plus the copy fee.

(13) For certificates of existence fees are as follows:

(a) With complete or specific historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(14) For photocopies fees are as follows:

(a) Certificate of limited partnership or any single document, ten dollars;

(b) Amendments to certificates and mergers, twenty dollars;

(c) All charter documents, thirty dollars;

(d) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(15) Service of process on the office of the secretary of state as agent of a limited partnership: ~~(((\$25.00))~~ Fifty dollars.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-065 In-person or expedited counter service—Special fees. ~~((1) Same day processing of limited partnership documents is available during counter service hours (8:30—11:30 a.m., 1:00—3:30 p.m.) at the offices of the corporations division.~~

~~(2) Fees for same day services provided in person, over the counter at the corporations division are as follows:~~

~~(a) A copy of limited partnership records: Five dollars expedited service fee plus regular fees;~~

~~(b) Certificate or certified copies: Five dollars expedited service fee, plus regular fee~~

~~(c) Same day processing of limited partnership charter documents: Ten dollars expedited service fee per document, plus regular fees for the form of the filing;~~

~~(d) Same day processing of name reservation or registration requests: Ten dollars expedited service fee, plus regular filing fee for each action or document processed;~~

~~(e) Processing of service of process on the secretary of state on a same day basis: Ten dollars expedited service fee, plus regular \$25.00 service of process fee, for each action or document filed;~~

~~(f) Same day processing of any other documents or materials submitted for filing under the limited partnership laws: Ten dollars expedited service fee, plus any other applicable statutory fee, for each action or document processed;~~

~~(g) Search of pre-October 1, 1982, limited partnerships: Ten dollars expedited search fee, for each request.~~

~~(3)(a) Special service fees, as established above, will be charged when same day, over the counter service is requested. (Allow four hour turn around time for same day service.) If the office of the secretary of state is unable to complete the requested action, by approval, denial or other definite disposition of the matter, by 4:30 p.m. of the day of receipt, the documents or other work will be processed first on the following business day.~~

~~(b) If special emergency services beyond same day or over the counter services are provided by the division, including but not limited to delivery of documents, employee overtime, special copying, certifying or approval of materials, special research, or making long distance phone calls related to the emergency situation, a special emergency fee of \$75.00 per hour will be charged, in addition to regular fees which may be due for the form of the filing. When a request qualifying as an emergency is received by the agency, the agency will notify the requestor of the emergency service fee. The requestor must agree to the fee and any other reasonable conditions set by the agency before emergency services will be provided. Emergency requests require intensive amounts of agency effort for a short period, and will not be accepted by the agency except under exigent and compelling circumstances.~~

~~(4) Because of limited staff, the corporations division reserves the right to limit the availability of counter service or to limit the number of service requests submitted by one person during one day.~~

~~(5) There are no fees or other expedited service charges for:~~

~~(a) In person inspection or review of limited partnership or other public records located at the corporation division offices;~~

~~(b) Documents or other service requests left at the corporations division for regular, nonexpedited processing. Such documents will be receipt stamped only, and reviewed and processed as if otherwise received in the mail.)~~ (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

(a) Charter document review and filing;

(b) Name reservation review and filing;

- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited partnership file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Reinstatements;
- (b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;

(c) Documents left at the counter for processing with mail-in documents received the same day; or

(d) A search for nonactive limited partnership files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-066 Miscellaneous charges—Special service fees. ~~((+))~~ Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a ~~((seven-dollar reprocessing fee))~~ **twenty-five dollar penalty**, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

~~((2))~~ **Error in document—Resubmission fees.** If a person or limited partnership submits a limited partnership document for filing to the office of the secretary of state and the document must be returned to sender for correction of

~~one or more of the errors identified below, a resubmission fee of three dollars to cover postage and handling will be assessed by the secretary of state when the documents are returned to sender. Reasons for document rejection which will trigger a resubmission fee are:~~

~~(a) Submission of limited partnership document(s) lacking required signature(s), required duplicate copies, information required by the limited partnership statute for the form of the filing, or required supportive documents.~~

~~(b) Submission of limited partnership filings without proper document filing fees (WAC 434-55-060 attached.)~~

NEW SECTION

WAC 434-55-070 Telephone services. The telephone numbers of the corporations information unit are (206) 753-7115 and (206) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited partnerships and on filing a new limited partnership immediately available at this number includes the following:

- (1) Exact name of limited partnership on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Name of registered agent;
- (5) Registered office address;
- (6) Status of limited partnership;
- (7) Name of general partner(s);
- (8) State of registration;
- (9) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system.

NEW SECTION

WAC 434-55-080 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and
- (2) The post office box address is in the same Washington city or town as the registered office address; and
- (3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-55-030 Filing domestic limited partnerships—Optional index sheet.

WSR 94-16-149
PROPOSED RULES
OFFICE OF THE
SECRETARY OF STATE

[Filed August 3, 1994, 11:30 a.m.]

Original Notice.

Title of Rule: Corporation and trademarks, chapter 434-110 WAC.

Purpose: To update information on corporations and incorporate new trademark laws.

Statutory Authority for Adoption: Titles 23, 23B, 24, and 46 RCW, chapters 19.77 and 43.07 RCW.

Statute Being Implemented: Title 23B RCW and chapter 19.77 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Linda Mackintosh, 505 East Union, (206) 753-2896; and Enforcement: Linda York, 505 East Union, (206) 586-6782.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change WACs to comply with legislation passed this session regarding trademark articles; add penalty for dishonored checks; and removes the filing of the initial report at the same time as the original filing of a corporate document.

Proposal Changes the Following Existing Rules: Establishes that a trademark is valid for six years, allows for expedited service in filing for trademarks. Allows a reservation of a trademark for up to 180 days. Sets fee for verification of a notary or public official for an apostil. Sets penalty for dishonored checks.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Revision of WACs is to comply with current legislation.

Hearing Location: John L. O'Brien Building, Hearing Room "C", Main Floor, on September 7, 1994, at 8:30-10:30 a.m.

Assistance for Persons with Disabilities: Contact Barbara Siemion by September 1, 1994, TDD (206) 664-2092, or (206) 586-0393.

Submit Written Comments to: Secretary of State, P.O. Box 40234, Olympia, 98504-0234, by September 5, 1994.

Date of Intended Adoption: September 8, 1994.

August 3, 1994
 Donald F. Whiting
 Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-010 Purpose. These rules establish procedures and fee schedules for filings, for expedited and telephone services, and for access to public records in the corporations division of the office of the secretary of state. These rules are adopted pursuant to Titles 23, 23B, 24, and 46 RCW, and chapters 19.77 and 43.07 RCW.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-060 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying or status certificates;
- (e) Status change filings; and
- (f) Trademark filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;
- (e) Reinstatements;
- (f) In-person inspection or review of corporation files or other public documents located in the corporations division office;

(g) Documents left at the counter for processing with mail-in documents received the same day; or

(h) A search for nonactive corporations (~~or trademark files~~) less than twenty years old or trademark files less than six years old.

A request for search of nonactive corporation (~~or trademark~~) files more than twenty years old or trademark files more than six years old should be made directly to the archives division of the office of the secretary of state.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the Secretary in writing to request a waiver of emergency or penalty fees.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-070 Fees. (1) For Washington registered profit domestic and foreign corporations fees are as follows:

(a) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(b) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars.

(c) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(d) Articles of merger or exchange, twenty-dollars for each listed company;

(e) Resignation of registered agent, twenty dollars;

(f) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(g) Registration, reservation, or transfer of name, thirty dollars;

(h) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(i) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(j) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign nonprofit corporations, nonprofit miscellaneous and mutual corporations, and building corporations fees, when applicable, are as follows:

(a) Articles of amendment, restatement, or correction, twenty dollars;

(b) Articles of dissolution or certificate of withdrawal, no fee;

(c) Revocation of dissolution, twenty dollars;

(d) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five dollar penalty;

(e) Articles of merger or exchange, twenty dollars for each listed corporation;

(f) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(g) Resignation of registered agent, twenty dollars;

(h) Registration, reservation, or transfer of reservation of name, twenty dollars;

(i) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(j) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a six-year registration or renewal, fifty dollars;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars;

(e) Cancellation of trademark, no fee; and

(f) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

AMENDATORY SECTION (Amending WSR 94-01-074, filed 12/9/93, effective 1/10/94)

WAC 434-110-075 Miscellaneous fees. (1) For photocopies, fees are as follows:

(a) Each annual report, five-dollars;

(b) Articles of incorporation or any single document, ten dollars;

(c) Amendments to articles and mergers, twenty dollars;

(d) All charter documents, thirty dollars;

(e) All trademark registrations, assignments or cancellations, fifty cents per page;

(f) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty-dollars;

(b) Computer generated, under embossed seal, twenty-dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For verifying the signature of a notary or public official for an apostil or certification authenticating a sworn document, the fee is ten dollars in addition to the fee for the apostil or certificate under RCW 43.07.120 (1)(b).

(4) For each certified copy of any document the fee is ten-dollars plus the copy fee.

~~((4))~~ (5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

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

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-120 Initial and annual reports—Form of content. (1) Any corporation filing under the Washington Business Corporations Act shall file its initial (annual) report on the form provided by the secretary of state or shall clearly and concisely provide the information topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation, and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. Address of principal place of business in Washington or, if a foreign corporation, the principal office address in state of original incorporation, the corporation telephone number, and a brief statement of nature of business;

(d) Section 4. A list of names and addresses of all corporate officers and directors; and

(e) Section 5. Signature of either the chair or president of the board of directors or an officer listed within the report.

~~((There is no fee for filing an initial report at the same time as filing articles of incorporation if the following conditions exist: the initial directors named in the articles are the same directors elected or appointed at the organizational meeting; the officers are named; the by laws are accepted; and the purposes of the corporation are defined. The chairman of the board or an officer listed within the report shall sign this initial report attesting to its truth. When the initial report is filed at a later date, it must be filed concurrently with the fee listed in WAC 434-110-070 (2)(f).))~~

(2) All profit and nonprofit corporations shall file their annual reports on the form prescribed by the secretary of state or clearly and concisely topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. A list of names and addresses of all corporate officers and directors; and

(d) Section 4. The signature of either the chair or president of the board of directors or an officer listed within the report.

All annual reports must be accompanied by the statutory fee in RCW 23B.01.530 or 24.03.450 (1)(b).

WSR 94-16-008
PERMANENT RULES
GAMBLING COMMISSION
 [Order 254—Filed July 20, 1994, 5:00 p.m.]

Date of Adoption: July 15, 1994.

Purpose: New rule will allow bingo operators to presell an entry guarantee to persons desiring to reserve the right to participate in special bingo games.

Citation of Existing Rules Affected by this Order:
 Amending [new section] WAC 230-20-103.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 94-13-101 on June 15, 1994.

Changes Other than Editing from Proposed to Adopted Version: Subsection (1) reference to subsection (6)(b) is changed to subsection (9); and subsections (2), (3), (4), (5), (6), (7), (8), and (9) were all changed. Changes were made to clarify wording and intent of the rule.

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

July 20, 1994
 Shanna R. Lingel
 Rules Coordinator

NEW SECTION

WAC 230-20-103 Bingo cards to be sold upon the premises—Exceptions. Bingo cards shall be sold upon the licensed premises during or immediately preceding the session for which the cards are intended for play: *Provided*, That licensees may sell an entry guarantee to persons desiring to reserve the right to participate in special bingo games. Such shall not be deemed sales of bingo cards for purposes of this title if licensees comply with the following restrictions:

(1) Entry guarantee events are limited to four sessions each calendar year: *Provided*, That each separate event shall be completed in its entirety, including all refunds authorized by subsection (9) of this section, prior to beginning sales for another event;

(2) Tickets shall not be sold prior to sixty days in advance of the event;

(3) Tickets must be used to document the sale of an entry guarantee. The following procedures and requirements apply to tickets used to document sale of entry guarantees:

(a) All requirements of WAC 230-20-101 (2)(a), (b), (c), and (d) shall be followed; and

(b) The following information must be imprinted on the tickets:

(i) The name of the organization sponsoring the event;

(ii) The time, date, and location of the event;

(iii) The total number of tickets available for the event;

(iv) The value of the ticket; and

(v) Any conditions or contingencies related to redemption of the ticket, refunds, or cancellation of the event;

(4) The licensee shall record the name, mailing address, and phone number of each person purchasing an entry guarantee;

(5) The number of tickets sold shall not exceed the seating capacity of the premises;

(6) The value of an entry guarantee ticket shall not exceed fifty percent of the minimum "buy-in" for the event;

(7) Entry guarantee tickets shall be controlled as follows:

(a) All unaccounted for tickets shall be treated as a cash shortage at the redemption value;

(b) A record shall be maintained of all ticket disbursements;

(c) Tickets shall only be redeemed for bingo cards upon the licensed premises during the session noted on the ticket;

(d) Tickets redeemed for bingo cards shall be immediately cancelled by use of a hand stamp that imprints "REDEEMED" on each ticket;

(e) Tickets redeemed shall be treated as gross gambling receipts for bingo at the session they are redeemed, and the daily bingo records shall be modified in the cash reconciliation section of the approved record format to document the number and dollar value of tickets redeemed; and

(f) Gross receipts from the sale of tickets shall be deposited separately into the gambling account no later than two banking days after receipt. The ticket numbers relating to the funds deposited shall be a part of the deposit record;

(8) An event may be cancelled any time prior to the start of the scheduled bingo session. When an event is cancelled, the following procedures must be followed:

(a) The entire purchase price of the tickets must be refunded to the customer;

(b) All refunds must be made by check payable to the ticket purchaser. The ticket number must be recorded on the check; and

(c) The check must be mailed to the customer no later than three days following cancellation of the event;

(9) Licensees must refund the entire purchase price to a customer requesting such prior to the start of the scheduled bingo session. The following procedures and restrictions apply to refunds:

(a) Refunds must be made no later than thirty days following the event. After thirty days, all unredeemed tickets shall be considered void and recorded as contributions to the organization;

(b) All refunds must be made by check payable to the ticket purchaser. The ticket number must be recorded on the check;

(c) The person receiving the refund shall sign the back of the ticket; and

(d) All refunded tickets shall be retained as a part of the records for the event.

WSR 94-16-012
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed July 21, 1994, 8:45 a.m.]

Date of Adoption: June 23, 1994.

Purpose: To adopt rules regarding cooperation with investigation and license renewal and clarify existing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-807-173 and 246-807-300.

Statutory Authority for Adoption: RCW 18.26.110.

Pursuant to notice filed as WSR 94-11-080 on May 16, 1994.

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

June 23, 1994
David Butters, D.C.
Chairman
Chiropractic Disciplinary Board

AMENDATORY SECTION (Amending Order 162B, filed 4/26/91, effective 5/27/91)

WAC 246-807-173 Documentation of care. (1) The record keeping procedures of a chiropractor shall be adequate to provide documentation of the necessity and rationale for examination, diagnostic/analytical procedures, and chiropractic services. The required documentation shall include, but not necessarily be limited to, the patient's history and/or subjective complaints; examination findings and/or objective findings; and a record of all chiropractic services performed.

(2) ~~((An accepted method of record keeping is the utilization of "SOAP" notes for examinations and "chart notes" for daily records.~~

~~(a) An examination shall involve the recording of a complete "SOAP" note:~~

~~(i) "S" denotes subjective complaints;~~

~~(ii) "O" denotes objective findings;~~

~~(iii) "A" denotes assessment or appraisal of the patient as to diagnosis/analysis; and~~

~~(iv) "P" denotes plan for case management.)~~ (a)

Chiropractic examinations shall be documented by specifying subjective complaints, objective findings, an assessment or appraisal of the patient's condition and the plan for care.

(b) Daily chart notes ~~((are))~~ may be brief notations recorded in the patient's chart file between examinations. These notations shall ~~((include the chiropractic and diagnostic/analytical services performed and/or ordered and/or))~~ indicate any changes in the care or progress of the patient~~((Complete SOAP notes are not generally included on every visit when examinations are performed at reasonable intervals and include complete SOAP notations. Chart notes on each visit shall record care administered to a patient and any change in subjective and/or objective findings))~~ and the chiropractic, diagnostic, or analytical services performed or ordered. Detailed entries as required in subsection (2)(a) of this section need not be documented on every visit as long as examinations are performed at reasonable intervals and those examinations are documented as specified in subsection (2)(a) of this section.

(3) If a code is utilized by the doctor in connection with record keeping, a code legend shall be included in the records.

AMENDATORY SECTION (Amending Order 319B, filed 11/25/92, effective 12/26/92)

WAC 246-807-300 Scope of practice—Revocation or suspension of license authorized for practice outside scope. (1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the

provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the diagnosis or analysis and care or treatment of the vertebral subluxation complex and its effects, articular dysfunction, and musculoskeletal disorders, for the restoration and maintenance of health and recognizing the recuperative power of the body; it includes the use of procedures involving spinal adjustment, and extremity manipulation insofar as any such procedure is complementary or preparatory to a chiropractic spinal adjustment, the use of heat, cold, water, exercise, massage, trigger point therapy, dietary advice and recommendation of nutritional supplementation except for medicines of herbal, animal, or botanical origin, the normal regimen and rehabilitation of the patient, first aid, and counseling on hygiene, sanitation, and preventative measures, physiological therapeutic procedures such as traction and light, physical examination, which may include diagnostic x-rays, to determine the appropriateness of chiropractic care, or the need for referral to other health care providers: *Provided*, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays or any other form of radiation for therapeutic purposes colonic irrigation, or any form of venipuncture, nor procedures involving the application of sound, diathermy, or electricity, nor treat disorders originating in the extremities.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

(a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.

(b) The use of any form of electrocardiogram.

(c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).

(d) Hair analysis.

(e) The use of iridology.

(f) The taking of blood samples.

(g) Female breast examinations.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

(a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.

(b) Electrotherapy.

(c) The use of a transcutaneous electrical nerve stimulator (TENS).

(d) The use of the endonasal technique.

(e) The use of any type of casting other than light body casting.

(f) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names unless complementary or preparatory to a chiropractic spinal adjustment.

(g) The use of hypnosis.

(h) The use of clinical herbology.

~~((i) Treatment of disorders originating in the extremities.))~~

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) of this section shall constitute unprofessional conduct under RCW 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

NEW SECTION

WAC 246-807-135 Cooperation with investigation.

(1) A chiropractor must comply with a request for records, documents or explanation from an investigator who is acting on behalf of the board by submitting the requested items within fourteen calendar days of receipt of the request by the chiropractor or the chiropractor's attorney, whichever is first. If the chiropractor fails to comply with the request within fourteen calendar days, the investigator shall contact the chiropractor or the chiropractor's attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the chiropractor requests an extension for a period not to exceed seven calendar days.

(3) If the chiropractor fails to comply with the request within three business days after the receipt of the reminder, then a subpoena shall be served upon the chiropractor to obtain the requested items.

(4) If the chiropractor fails to comply with the subpoena, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

(5) If the chiropractor complies with the request after the issuance of the statement of charges, the board's assistant attorney general-prosecutor shall decide whether the charges based on RCW 18.130.180(8) will be prosecuted or settled. If the charges based on RCW 18.130.180(8) are to be settled, the settlement proposal shall be presented to the board or a duly constituted panel of the board for a decision on ratification and until ratified, the settlement is not final.

NEW SECTION

WAC 246-807-125 License renewal form. A license shall not be renewed until the applicant has submitted completed renewal forms and the full amount of the renewal fee, including any penalty fee for late renewal of the license.

WSR 94-16-017

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 94-61—Filed July 21, 1994, 4:32 p.m.]

Date of Adoption: June 17, 1994.

Purpose: Amend commercial fishing rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 94-09-070 on April 20, 1994; and WSR 94-13-013 on June 3, 1994.

Changes Other than Editing from Proposed to Adopted Version: September and October net fishery moved to east of Buoy 12.

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

June 30, 1994

Judith Freeman

Deputy

for Robert Turner

Director

AMENDATORY SECTION (Amending Order 93-54, filed 6/29/93, effective 7/30/93)

WAC 220-40-027 Salmon—Willapa Bay fall fishery.

From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. August ~~((18))~~ 22 to 6:00 p.m. August ~~((19))~~ 23, 6:00 p.m. August ~~((25))~~ 29 to 6:00 p.m. August ~~((26))~~ 31, 6:00 p.m. September ~~((4))~~ 6 to 6:00 p.m. September ~~((2))~~ 8, and 6:00 p.m. September ~~((7))~~ 13 to 6:00 p.m. September ~~((9))~~ 15, ~~((1993))~~ 1994, in SMCRA 2J, 2K, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy ~~((13))~~ 12, and that portion of SMCRA 2H west of Willapa Channel Marker 35;

(b) 6:00 p.m. September ~~((13))~~ 19 to 6:00 p.m. ~~((September 16, 1993))~~ October 5, 1994, in SMCRA 2H, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy ~~((13))~~ 12 and that part of SMCRA 2J north of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2);

(c) ~~((6:00 p.m. September 19 to 6:00 p.m. October 14 in SMCRA 2H, 2M and that portion of 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 10;~~

~~((4)) 6:00 p.m. September ((13)) 19 to 6:00 p.m. September ((14, 1993)) 20, 6:00 p.m. September ((20)) 22 to 6:00 p.m. September ((21, 1993)) 23, 6:00 p.m. September ((23)) 26 to 6:00 p.m. September ((24, 1993)) 27, 6:00 p.m. September ((27)) 29 to 6:00 p.m. September ((28, 1993, 6:00 p.m. September 30 to 6:00 p.m. October 1, 1993)) 30, and 6:00 p.m. October ((4)) 3 to 6:00 p.m. October ((5, 1993, 6:00 p.m. October 7 to 6:00 p.m. October 8, 1993, 6:00 p.m. October 11 to 6:00 p.m. October 12, 1993)) 4, 1994, in SMCRA ((2J and)) 2K, ((except that 6:00 p.m. September 12 to 6:00 p.m. September 17, 1993, and 6:00 p.m. September 19 to 6:00 p.m. October 1, 1993,)) and that part of SMCRA 2J ((north)) south of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2) ((is open continuously;~~

~~(e) 6:00 p.m. October 14 to 6:00 p.m. November 1, 1993, in SMCRA 2H and that portion of SMCRA 2G east of Willapa River Channel Marker 24;~~

~~(f) 6:00 p.m. November 1 to 6:00 p.m. November 30, 1993, in SMCRA 2G, 2H, 2J, 2K and 2M and that portion of SMCRA 2 east of a line from Shoalwater Light to Leadbetter Point)).~~

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

~~((2)) (3) Gill net gear shall be used as provided in WAC 220-40-015 except((:~~

~~((a)) that before 6:00 p.m. September ((14)) 20, the maximum mesh size is 8-1/2 inches((; and~~

~~((b) After November 19, the minimum mesh size is 7-1/2 inches)).~~

**WSR 94-16-019
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 22, 1994, 10:21 a.m.]**

Date of Adoption: July 20, 1994.

Purpose: To set forth policies and procedures for a teacher assistance program.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-196-015, 392-196-025, 392-196-030, 392-196-035, 392-196-037, 392-196-040, 392-196-045, 392-196-050, 392-196-066, 392-196-080, 392-196-085, 392-196-095 and 392-196-105; and amending WAC 392-196-020, 392-196-055, 392-196-060, and 392-196-100; and new sections WAC 392-196-077, 392-196-086, and 392-196-089.

Statutory Authority for Adoption: RCW 28A.415.250 and 28A.415.010.

Pursuant to notice filed as WSR 94-11-120 on May 18, 1994.

Changes Other than Editing from Proposed to Adopted Version: The proposed amendments included an amendment

to WAC 392-196-011 which would have expanded slightly the scope of the program. A decision was made to leave this aspect of the program as it has been.

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

July 20, 1994
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-196-020 Definition—((Mentor)) Teacher stipend. As used in this chapter, the term "~~((mentor))~~ teacher stipend" shall mean an amount paid by a school district to a ~~((mentor))~~ teacher for ~~((services as a mentor teacher including three days attendance at the required workshops or training sessions. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.405.240))~~ participation in a teacher assistance program.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-055 Mentor teacher—Qualifications for nomination. In order to be nominated to serve as a mentor teacher ~~((pursuant to WAC 392-196-035)),~~ the teacher shall meet the following minimum qualifications:

(1) ~~((Be employed full time primarily as a teacher.~~

~~((2) Have been employed primarily as a teacher for one school year within the district and two additional school years within any public or private school in any grade, preschool through twelve.~~

~~((3)) The individual shall be a superior teacher based on his or her evaluations.~~

~~((2) The individual shall hold a valid continuing or standard certificate issued pursuant to chapter 180-79 WAC ((or be eligible for conversion to such certificate pursuant to WAC 180-79-045)).~~

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-060 Mentor teacher—Selection process. Mentor teachers shall be selected by the district and may serve as mentors up to and including full time. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process.

NEW SECTION

WAC 392-196-077 Conditions of the program. Each teacher assistance program shall meet the following conditions:

(1) The program shall provide for:

(a) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers who are having difficulties, or both, in and outside the classroom.

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(b) Stipends for mentor, beginning and experienced teachers, which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200.

(c) Workshops for the training of mentor and beginning teachers.

(d) The use of substitutes to give mentor, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom.

(2) Mentor teachers shall not be involved in evaluations of their beginning and experienced teachers conducted pursuant to RCW 28A.405.100.

(3) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

NEW SECTION

WAC 392-196-086 Coordination. Each ESD shall coordinate the teacher assistance program within its region, pursuant to RCW 28A.415.010.

NEW SECTION

WAC 392-196-089 Program accountability. (1) The superintendent of each school district shall supply the educational service district, at times specified by the educational service district, such information as requested regarding the teacher assistance program, including program design and evaluations.

(2) Each educational service district shall submit to the superintendent of public instruction, at times specified by the superintendent of public instruction, information as requested regarding the teacher assistance program, including demographic data.

AMENDATORY SECTION (Amending Order 92-02, filed 2/18/92, effective 3/20/92)

WAC 392-196-100 Distribution of state moneys for the teacher assistance program. The superintendent of public instruction shall issue grant awards to the educational service districts (~~which in turn shall reimburse school districts according to the dollar amount per team established pursuant to WAC 392-196-095~~). The ESD shall, in turn, provide funds to the school districts which participate in the program.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-196-015 Definition—Mentor teacher.
- WAC 392-196-025 Definition—Beginning teacher.
- WAC 392-196-030 Definition—Beginning teacher stipend.
- WAC 392-196-035 Definition—Experienced teacher.
- WAC 392-196-037 Experienced teacher participation.
- WAC 392-196-040 Definition—Educational service district sponsored workshop.

- WAC 392-196-045 Definition—School district workshops.
- WAC 392-196-050 Mentor teacher stipend—Minimum amount.
- WAC 392-196-066 Beginning teacher stipend—Minimum amount.
- WAC 392-196-080 School district application to ESD for participation in the teacher assistance program.
- WAC 392-196-085 Selection process.
- WAC 392-196-095 Annual amount for distribution to participating school districts.
- WAC 392-196-105 Carryover prohibition.

**WSR 94-16-026
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed July 25, 1994, 1:59 p.m.]

Date of Adoption: July 22, 1994.

Purpose: To control commercial solicitation in state park areas.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-195.

Statutory Authority for Adoption: RCW 43.51.040, 43.51.180.

Pursuant to notice filed as WSR 94-12-064 on May 31, 1994.

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

July 22, 1994

Anne Cox Preecs
Chair

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-195 Solicitation. Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165, or a cooperative agreement pursuant to RCW 43.51.060(2), no person shall engage in commercial solicitation, or sell or peddle any goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession granted by the commission. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

**WSR 94-16-027
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed July 25, 1994, 2:00 p.m.]

Date of Adoption: July 22, 1994.

Purpose: To set the requirements for the operation and equipment of recreational vessels.

Citation of Existing Rules Affected by this Order: Amending chapter 352-60 WAC.

Statutory Authority for Adoption: RCW 43.51.400, 88.12.065, 88.12.125, and 88.12.245.

Other Authority: Chapter 33, CFR, Part 175.15.

Pursuant to notice filed as WSR 94-12-065 on May 31, 1994.

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

July 22, 1994

Anne Cox Preece

Chair

Chapter 352-60 WAC
((BOATING SAFETY))
RECREATIONAL VESSEL
EQUIPMENT AND OPERATION

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-010 Purpose. This chapter is promulgated in order to establish standards for boating safety ((standards)) equipment and related activities in recreational boating in accordance with RCW 43.51.400.

Application. These requirements apply to all recreational vessels used on waters of the state of Washington.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

~~((1)) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.~~

~~(2) "Coastal waters" means the high seas within the territorial limits of Washington state and the bays and sounds which empty into these waters. "Coastal waters" does not mean rivers, inside of a line drawn tangent to their headlands, unless the distance across a river is over two miles, in which case "coastal waters" means all portions of a river from the mouth to the point at which the river first narrows to two miles.~~

~~((3)) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.~~

"Coastal waters" means those waters (i.e., bays, sounds, harbors, rivers, inlets, etc.) directly connected to the territorial seas of the state of Washington where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

"International waters" means the high seas within the territorial limits of Washington state seaward of the demarcation lines dividing the high seas from the harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, and are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A.

"Inland waters" means the waters within the territorial limits of Washington state shoreward of the demarcation lines dividing the high seas from harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, which are not governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A.

~~((4)) "Length" means a straight line measurement of the overall distance from the foremost point of a vessel to the aftermost part of a vessel, measured parallel to the centerline not including bow sprits, bumpkins, boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments.~~

~~((5) "Motorboat" means any vessel identified in Title 46, Code of Federal Regulations, Table 24.05-1(a), Column 6, which is sixty five feet or less in length and equipped with propulsion machinery, including vessels propelled with steam machinery, and including vessels which are temporarily or permanently equipped with a detachable motor.~~

~~(6) "Motor vessel" means any vessel which is more than sixty five feet in length and propelled by machinery other than steam.~~

~~(7) "Passenger" means every person on board a vessel other than the following:~~

~~(a) The owner of a vessel or the representative of the owner;~~

~~(b) The operator of a vessel;~~

~~(c) The bona fide members of the crew of a vessel who are engaged in the business of a vessel, who have not contributed for their carriage, and who are paid for their services; and~~

~~(d) Guests who are on board a vessel which is being used exclusively for pleasure purposes and who have not contributed for their carriage.~~

~~((8)) "Observer" means an individual riding in a vessel who is responsible for observing a water skier at all times.~~

"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

"Personal flotation device" means a wearable Type I off-shore life jacket, Type II wearable near-shore buoyant vest, Type III wearable flotation aid, Type IV throwable ring buoy or buoyant cushion, or Type V special use device or hybrid inflatable device, that is approved by the United States Coast Guard Commandant under Chapter 46, Code of Federal Regulations, Part 160.

"PFD" means a personal flotation device.

"Power-driven vessel" means any vessel propelled by machinery.

"Sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

"Racing shell, rowing scull, and racing kayak" means any manually propelled boat that is recognized by a national or international racing association for use in competitive racing, in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and which is not designed to carry and does not carry any equipment not solely for competitive racing.

~~((9)) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use, or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.~~

~~((10)) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.~~

"Use" means to operate, navigate, moor or employ.

~~((11)) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.~~

~~((12)) "Vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.~~

"Vessel not under command" means a vessel which through some exceptional circumstance is unable to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel.

"Vessel restricted in her ability to maneuver" means a vessel which from the nature of her work is restricted in her ability to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel. Vessels restricted in their ability to maneuver include, but are not limited to:

- A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable, or pipeline;

- A vessel engaged in dredging, surveying, or underwater operations;

- A vessel engaged in replenishment or transferring persons, provisions, or cargo while underway;

- A vessel engaged in the launching or recovery of aircraft;

- A vessel engaged in mineclearance operations; and

- A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

"Visual distress signal" means any signalling device approved by the United States Coast Guard for use on recreational vessels.

"Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

"Waters of ((Washington)) the state" means any waters within the territorial limits of Washington state.

~~((13)) "Waters of Washington state which are governed by the International Regulations for Preventing Collisions at~~

~~Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A," means the waters within the territorial limits of Washington state which are identified in Title 33, Code of Federal Regulations, 80.1365, 80.1370, 80.1375, 80.1380, 80.1385, 80.1390, and 80.1395-))~~

"Whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with specifications found in Title 33, Code of Federal Regulations, Part 81, Appendix A.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-030 Personal flotation devices required. ~~((When a person uses a recreational boat on the waters of Washington state that is propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except racing shells, rowing sculls, and racing kayaks, such persons shall comply with Title 33, Code of Federal Regulations 175.3, 175.13, 175.15, 175.17, 175.19, 175.21, and 175.23-))~~ No person shall operate or permit the operation of a vessel on the waters of the state unless the vessel has on board United States Coast Guard approved personal flotation devices as follows:

(1) Vessels less than sixteen feet (4.9 meters) in length, and canoes and kayaks of any length, must have one Type I, II, or III PFD of the proper size for each person on board.

(2) Vessels sixteen feet (4.9 meters) or more in length, except a canoe or kayak, must have one Type I, II, or III wearable PFD of the proper size for each person on board and, in addition, one Type IV throwable PFD.

(3) Alternate PFD requirement. A United States Coast Guard approved Type V PFD may be carried in lieu of any required PFD under this section if it is approved for the activity in which the vessel is engaged in and used in compliance with requirements on the approval label.

(4) Stowage and condition. All personal flotation devices required by this section shall be readily accessible to all persons on board and be in good and serviceable condition. All devices shall be approved by the United States Coast Guard and marked in compliance with Coast Guard standards.

(5) Exemptions. Racing shells, rowing sculls and racing kayaks are exempt from the requirements of this section provided they are manually propelled, recognized by a national or international racing association and designed solely for competitive racing.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-040 Visual distress signals. ~~((When a person uses a boat on the coastal waters of Washington state such person shall comply with Title 33, Code of Federal Regulations, 175.3, 175.105(a), 175.110, 175.113, 175.115, 175.120, 175.125, 175.128, 175.130, and 175.140-))~~ (1) Application. The requirements for this section apply to coastal waters.

(2) No person shall operate or permit the operation of a vessel unless visual distress signals are carried on board under the following conditions:

(a) For vessels sixteen feet (4.9 meters) or more in length, devices suitable for day use and devices suitable for

night use, or devices suitable for both day and night use must be carried on board.

(b) For vessels less than sixteen feet (4.9 meters) in length, visual distress signals for night use must be carried on board when operating between sunset and sunrise.

(3) Visual distress signals accepted. Any of the following signals as specified in Title 46, Code of Federal Regulations, Part 160, when carried in the number required, can be used to meet the requirements of this section:

(a) An electric distress light meeting the standards of Chapter 46, Code of Federal Regulations, Part 161.013. One is required to meet the night only requirement.

(b) An orange flag meeting the standards of Chapter 46, Code of Federal Regulations, Part 160.072. One is required to meet the day only requirement.

(c) Pyrotechnics meeting the standards noted in the table below:

<u>Distress Signal Description</u>	<u>USCG Approval Number</u>	<u>Use</u>	<u>Number Required</u>
<u>Hand-Held Red Flare Signals</u>	<u>160.021</u>	<u>Day and Night</u>	<u>3</u>
<u>Floating Orange Smoke Signals</u>	<u>160.022</u>	<u>Day Only</u>	<u>3</u>
<u>Parachute Red Flare Signals</u>	<u>160.024</u>	<u>Day and Night</u>	<u>3</u>
<u>Hand-Held Rocket Propelled Parachute Red Flare Signals</u>	<u>160.036</u>	<u>Day and Night</u>	<u>3</u>
<u>Hand-Held Orange Smoke Signals</u>	<u>160.037</u>	<u>Day Only</u>	<u>3</u>
<u>Floating Orange Smoke Signals</u>	<u>160.057</u>	<u>Day Only</u>	<u>3</u>
<u>Red Aerial Pyrotechnic Flares</u>	<u>160.066</u>	<u>Day and Night</u>	<u>3</u>

(4) Marking and stowage. Visual distress signals required by this section must be legibly marked with the United States Coast Guard approval number and must be readily accessible.

(5) Condition and expiration date. Visual distress signals required by this section must be in serviceable condition, and if marked with an expiration date, shall not be expired.

(6) Launchers. Any vessel that carries a visual distress signal required by this section where a launcher is necessary to activate the signal, must also have on board a launcher approved by the United States Coast Guard.

(7) Prohibited use. No person in a vessel shall display a visual distress signal on the waters of Washington state under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

(8) Exceptions. The following vessels, when operating between sunset and sunrise, must carry visual distress signals that meet the requirements of this section and are suitable for night use:

(a) A vessel competing in any organized marine parade, regatta, race or similar authorized event;

(b) A vessel being manually propelled; or

(c) A sailing vessel of completely open construction, less than twenty-six feet (7.9 meters) in length, and not equipped with propulsion machinery.

(9) Any combination of signal devices selected from the types noted in subsection (3)(a), (b) and (c) of this section, when carried in the number required, may be used to meet both day and night requirements. Examples - the combination of two hand-held red flares (160.021), and one para-

chute red flare (160.024 or 160.036) meets both day and night requirements. Three hand-held orange smoke (160.037) with one electric distress light (161.013) meet both day and night requirements.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-050 Ventilation. ((When a person uses a boat on the waters of Washington state that has a gasoline engine for electrical generation, mechanical power, or propulsion such person shall comply with Title 33, Code of Federal Regulations, 175.3 and 175.201. When used on the waters of Washington state a motorboat or a motor vessel shall comply with Title 46, Code of Federal Regulations, 25.40 1-)) (1) No person shall operate or permit to be operated any vessel having on board a gasoline engine used for any purpose, unless it shall be provided with proper ventilation.

(2) Compartments with gasoline engines. Each compartment in a vessel that has a permanently installed gasoline engine with a cranking motor must be open to the atmosphere, or be ventilated by a natural ventilation system and a mechanical exhaust blower system as required by the Federal Boat Safety Act of 1971, as amended, and applicable federal regulations.

(3) Natural ventilation system. A natural ventilation system must be approved for use by the United States Coast Guard and include a supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere, and an exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere. Each exhaust opening or duct must originate in the lower third of the compartment; and each supply opening or duct and each exhaust opening or duct in a compartment must be above the normal accumulation of bilge water.

(4) Exhaust blowers. Each vessel that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information: "WARNING - GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS."

(5) In lieu of the ventilation and warning label required in this section, a vessel may be provided with any type of ventilating system as required by the Federal Boat Safety Act of 1971, as amended, and applicable federal regulations.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-060 Navigation lights and shapes ((and sound and light signals)). ((1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall be equipped with the navigation lights and shapes and sound and light signals as required by such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Parts 81-72 and 82-72.

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(2) ~~When used on the inland waters of Washington state, a vessel shall be equipped either with the navigation lights and shapes and sound and light signals as required by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72 or as required by the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34, and the Inland Navigational rules, Title 33, Code of Federal Regulations, Parts 84, 85, 86, 87, 88, and 89.)~~ The requirements of this section are equal to the rules established in Chapter 33, Code of Federal Regulations, Parts 81 and 82.

Application.

(1) The requirements in this section shall be complied with in all weathers. The requirements concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for lights specified by the United States Coast Guard, or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. Lights and shapes shall meet the requirements for visibility, color, shape, and location as required by Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A, Rules 21, 22, and Annex I, as amended.

(2) The lights herein prescribed shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(3) The requirements concerning shapes shall be complied with by day.

(4)(a) Power-driven vessels underway - International waters.

(i) A power-driven vessel underway shall exhibit:

(A) A masthead light forward;

(B) A second masthead light abaft of and higher than the forward one; except that a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such light but may do so;

(C) Sidelights; and

(D) A sternlight.

(ii) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in (a)(i) of this subsection, exhibit an all-round flashing yellow light where it can best be seen.

(iii) A power-driven vessel of less than twelve meters (39.4 feet) in length may, in lieu of the lights prescribed in (a)(i) of this subsection, exhibit an all-round white light and sidelights.

(A) A power-driven vessel of less than seven meters (23.0 feet) in length whose maximum speed does not exceed seven knots may in lieu of the lights prescribed in (a)(i) of this subsection exhibit an all-round white light and shall, if practicable, also exhibit sidelights;

(B) The masthead light or all-round white light on a power-driven vessel of less than twelve meters (39.4 feet) in length may be displaced from the fore and aft centerline of the vessel if centerline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centerline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

(b) Power-driven vessels underway - Inland waters.

(i) A power-driven vessel underway shall exhibit:

(A) A masthead light forward; except that a vessel of less than twenty meters (65.6 feet) in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;

(B) A second masthead light abaft of and higher than the forward one; except that a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such light but may do so;

(C) Sidelights; and

(D) A sternlight.

(ii) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in (a)(i) of this subsection, exhibit an all-round flashing yellow light where it can best be seen.

(iii) A power-driven vessel of less than twelve meters (39.4 feet) in length may, in lieu of the lights prescribed in (a)(i) of this subsection, exhibit an all-round white light and sidelights.

(5) Towing and pushing.

(a) International waters.

(i) A power-driven vessel when towing astern shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(a)(i)(A) or (B) of this section, two masthead lights in a vertical line. When the length of the tow, measuring from stern of the towing vessel to the after end of the tow exceeds two hundred meters (656.2 feet), three such lights in a vertical line;

(B) Sidelights;

(C) A sternlight;

(D) A towing light in a vertical line above the sternlight; and

(E) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(ii) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in subsection (4)(a) of this section.

(iii) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

(A) Instead of the light prescribed in subsection (4)(a)(i)(A) or (B) of this section, two masthead lights in a vertical line;

(B) Sidelights;

(C) A sternlight.

(iv) A power-driven vessel to which (a)(i) or (iii) of this subsection apply shall also comply with subsection (4)(a)(i)(B) of this section.

(v) A vessel or object being towed, other than those mentioned in (a)(vii) of this subsection, shall exhibit:

(A) Sidelights;

(B) A sternlight;

(C) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(vi) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel.

(A) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights;

(B) A vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(vii) An inconspicuous, partly submerged vessel or object being towed shall exhibit:

(A) If it is less than twenty-five meters (82.0 feet) in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;

(B) If it is twenty-five meters (82.0 feet) or more in breadth, two additional all-round white lights at or near the extremities of its breadth;

(C) If it exceeds one hundred meters (328.1 feet) in length, additional all-round white lights between the lights prescribed in (a)(vii)(A) and (B) of this subsection so that the distance between the lights shall not exceed 100 meters (328.1 feet);

(D) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and if the length of the tow exceeds two hundred meters (656.2 feet) an additional diamond shape where it can best be seen and located as far forward as is practicable.

(viii) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in (a)(v) or (vii) of this subsection, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of such vessel or object.

(ix) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights or shapes prescribed by (a)(i) or (iii) of this subsection, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by WAC 352-60-066(5), in particular by illuminating the towline.

(b) Inland waters.

(i) A power-driven vessel when towing astern shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(b)(i)(A) or (B) of this section, two masthead lights in a vertical line. When the length of the tow, measuring from stern to the towing vessel to the after end of the tow exceeds two hundred meters (656.2 feet), three such lights in a vertical line;

(B) Sidelights;

(C) A sternlight;

(D) A towing light in a vertical line above the sternlight; and

(E) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(ii) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in subsection (4)(b) of this section.

(iii) A power-driven vessel when pushing ahead or towing alongside, except as required by (b)(ii) of this subsection, shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(b)(i)(A) or (B) of this section, two masthead lights in a vertical line;

(B) Sidelights; and

(C) Two towing lights in a vertical line.

(iv) A power-driven vessel to which (b)(i) or (iii) of this subsection apply shall also comply with subsection (4)(b)(i)(A) and (B) of this section.

(v) A vessel or object other than those referred to in (b)(vii) of this subsection being towed shall exhibit:

(A) Sidelights;

(B) A sternlight; and

(C) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(vi) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:

(A) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights, and a special flashing light; and

(B) A vessel being towed alongside shall exhibit a sternlight and at the forward end sidelights.

(vii) An inconspicuous, partly submerged vessel or object being towed shall exhibit:

(A) If it is less than twenty-five meters (82.0 feet) in breadth, one all-round white light at or near each end;

(B) If it is twenty-five meters (82.0 feet) or more in breadth, four all-round white lights to mark its length and breadth;

(C) If it exceeds one hundred meters (328.1 feet) in length, additional all-round white lights between the lights prescribed in (b)(vii)(A) and (B) of this subsection so that the distance between the lights shall not exceed one hundred meters (328.1 feet): *Provided*, That any vessels or objects being towed alongside each other shall be lighted as one vessel or object;

(D) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and

(E) The towing vessel may direct a searchlight in the direction of the tow to indicate its presence to an approaching vessel.

(viii) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in (b)(v) or (vii) of this subsection, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

(ix) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed by (b)(i) or (iii) of this subsection, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being assisted. The searchlight authorized by WAC 352-60-066(5) may be used to illuminate the tow.

(b) Sailing vessels underway and vessels under oars - International and inland waters.

(a) A sailing vessel underway shall exhibit:

(i) Sidelights; and

(ii) A sternlight.

(b) In a sailing vessel of less than twenty meters (65.6 feet) in length the lights prescribed in (a) of this subsection may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel underway may, in addition to the lights prescribed in (a) of this subsection, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by (b) of this subsection.

(d)(i) A sailing vessel of less than seven meters (23.0 feet) in length shall, if practicable, exhibit the lights prescribed in (a) or (b) of this subsection, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this subsection for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward: *Provided*, That for inland waters only, a vessel of less than twelve meters (39.4 feet) in length is not required to exhibit this shape, but may do so.

(7) Fishing vessels - International and inland waters.

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this subsection.

(b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

(i) Two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than twenty meters (65.6 feet) in length may instead of this shape exhibit a basket;

(ii) A masthead light abaft of and higher than the all-round green light; a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such a light but may do so; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c) A vessel engaged in fishing, other than trawling, shall exhibit:

(i) Two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than twenty meters (65.6 feet) in length may instead of this shape exhibit a basket;

(ii) When there is outlying gear extending more than one hundred fifty meters (492.1 feet) horizontally from the vessel, an all-round white light or a cone apex upward in the direction of the gear; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals as found in Chapter 33, Code of Federal Regulations, Part 81, Annex II and Part 85, Annex II.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this subsection, but only those prescribed for a vessel of her length.

(8) Vessels not under command or restricted in their ability to maneuver - International and inland waters.

(a) A vessel not under command shall exhibit:

(i) Two all-round red lights in a vertical line where they can best be seen;

(ii) Two balls or similar shapes in a vertical line where they can best be seen; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to maneuver, except a vessel engaged in mineclearance operations, shall exhibit:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(iii) When making way through the water, a masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in (b)(i) of this subsection; and

(iv) When at anchor, in addition to the lights or shapes prescribed in (b)(i) and (ii) of this subsection, the light, lights or shapes prescribed in subsection (11) of this section.

(c) A vessel engaged in a towing operation which severely restricts the towing vessel and her tow in their ability to deviate from their course shall exhibit:

(i) For inland waters, in addition to the lights or shapes prescribed in (b)(i) and (ii) of this subsection, exhibit the lights or shape prescribed in WAC 352-60-066 (5)(b);

(ii) For international waters, in addition to the lights or shapes prescribed in subsection (5)(a)(i) of this section, exhibit the lights or shapes prescribed in (b)(i) and (ii) of this subsection.

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to maneuver, shall exhibit the lights and shapes prescribed in (b)(i), (ii), and (iii) of this subsection and shall in addition, when an obstruction exists, exhibit:

(i) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(ii) Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass; and

(iii) When at anchor, the lights or shape prescribed by this paragraph, instead of the lights or shapes prescribed in subsection (11) of this section for anchored vessels.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in (d) of this subsection, the following shall be exhibited:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) A rigid replica of the International Code flag "A" not less than one meter (3.3 feet) in height. Measures shall be taken to insure its all-round visibility.

(f) A vessel engaged in mineclearance operations shall in addition to the lights prescribed for a power-driven vessel in subsection (4) of this section or to the lights or shape prescribed for a vessel at anchor in subsection (11) of this section as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within one thousand meters (3280.8 feet) of the mineclearance vessel.

(g) A vessel of less than twelve meters (39.4 feet) in length, except when engaged in diving operations, is not required to exhibit the lights or shapes prescribed in this subsection.

(h) The signals prescribed in this subsection are not signals of vessels in distress and requiring assistance. Such signals are contained in Chapter 33, Code of Federal Regulations, Part 87, Annex IV: Distress Signals.

(9) Vessels constrained by their draft - International waters. A vessel constrained by her draft may, in addition to the lights prescribed for power-driven vessels in subsection (4)(a) of this section, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

(10) Pilot vessels - International and inland waters.

(a) A vessel engaged on pilotage duty shall exhibit:

(i) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(ii) When underway, in addition, sidelights and a sternlight; and

(iii) When at anchor, in addition to the lights prescribed in (a)(i) of this subsection, the anchor light, lights, or shape prescribed in subsection (11) of this section for anchored vessels.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a vessel of her length.

(11) Anchored vessels and vessels aground - International and inland waters.

(a) A vessel at anchor shall exhibit where it can best be seen:

(i) In the fore part, an all-round white light or one ball; and

(ii) At or near the stern and at a lower level than the light prescribed in (a)(i) of this subsection, an all-round white light.

(b) A vessel of less than fifty meters (164.0 feet) in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in (a) of this subsection.

(c) A vessel at anchor may, and a vessel of one hundred meters (328.1 feet) or more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in (a) or (b) of this subsection and in addition, where they can best be seen:

(i) Two all-round red lights in a vertical line; and

(ii) Three balls in a vertical line.

(e) A vessel of less than seven meters (23.0 feet) in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in (a) and (b) of this subsection.

(f) A vessel of less than twelve meters (39.4 feet) in length when aground shall not be required to exhibit the lights or shapes prescribed in (d)(i) and (ii) of this subsection.

(g) For inland waters only, a vessel of less than twenty meters (65.6 feet) in length, when at anchor in a special anchorage area designated by the United States Coast Guard, shall not be required to exhibit the anchor lights and shapes required by this subsection.

(12) Seaplanes - International and inland waters. Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the requirements section she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

(13) Law enforcement vessels - Inland waters.

(a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement or public safety activities. This light must be located so that it does not interfere with the visibility of the vessel's navigation lights.

(b) The blue light described in this subsection may only be displayed by law enforcement vessels of the United States, Washington, and its political subdivisions. The use of blue lights by other vessels is prohibited.

(14) Public safety activities - Inland waters.

(a) Vessels engaged in government sanctioned public safety activities, and commercial vessels performing similar functions, may display an alternately flashing red and yellow light signal. This identification light signal must be located so that it does not interfere with the visibility of the vessel's navigation lights. The identification light signal may be used only as an identification signal and conveys no special privilege. Vessels using the identification light signal during public safety activities must abide by the rules found in WAC 352-60-060, 352-60-065, 352-60-066, and 352-60-070, and must not presume that the light or the exigency gives them precedence or right of way.

(b) Public safety activities include but are not limited to patrolling marine parades, regattas, or special water celebrations; traffic control; salvage; fire fighting; medical assistance; assisting disabled vessels; and search and rescue.

NEW SECTION

WAC 352-60-065 Sound producing devices. No person shall operate, or permit to be operated, a vessel on the waters of this state without sound producing devices as follows:

(1) A vessel of twelve meters (39.4 feet) or more in length shall be provided with a whistle and a bell and a vessel of one hundred meters (328.1 feet) or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with Chapter 33, Code of Federal Regulations, Part 86. The bell or gong, or both, may be replaced by other equipment having the same

respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(2) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to carry the sound signaling appliances prescribed in subsection (1) of this section, but if she does not, she shall be provided with some other means of making an efficient sound signal.

NEW SECTION

WAC 352-60-066 Sound and light signals. For the purposes of this section, the term "short blast" means a blast of about one second's duration, and the term "prolonged blast" means a blast of from four to six seconds' duration.

(1) Maneuvering and warning signals - International waters.

(a) When vessels are in sight of one another, a power-driven vessel underway, when maneuvering as authorized or required by these requirements, shall indicate that maneuver by the following signals on her whistle:

- One short blast to mean "I am altering my course to starboard";
- Two short blasts to mean "I am altering my course to port";
- Three short blasts to mean "I am operating astern propulsion."

(b) Any vessel may supplement the whistle signals prescribed in (a) of this subsection by light signals, repeated as appropriate, whilst the maneuver is being carried out:

(i) These light signals shall have the following significance:

- One flash to mean "I am altering my course to starboard";
- Two flashes to mean "I am altering my course to port";
- Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(iii) The light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of five miles, and shall comply with the provisions of Chapter 33, Code of Federal Regulations, Part 81, Appendix A, Annex I.

(c) When in sight of one another in a narrow channel or fairway:

(i) A vessel intending to overtake another shall in compliance with WAC 352-60-070 (6)(e)(i) indicate her intention by the following signals on her whistle:

- Two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";
- Two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";

(ii) The vessel about to be overtaken when acting in accordance with WAC 352-60-070 (6)(e)(i) shall indicate her agreement by the following signal on her whistle:

- One prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to

understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than one hundred meters (328.1 feet), one whistle only shall be used for giving maneuvering and warning signals.

(2) Maneuvering and warning signals - Inland waters.

(a) When power-driven vessels are in sight of one another and meeting or crossing at a distance within one-half mile of each other, each vessel underway, when maneuvering as authorized or required by these requirements:

(i) Shall indicate that maneuver by the following signals on her whistle:

- One short blast to mean "I intend to leave you on my port side";
- Two short blasts to mean "I intend to leave you on my starboard side"; and
- Three short blasts to mean "I am operating astern propulsion."

(ii) Upon hearing the one or two blast signal the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in (d) of this subsection and each vessel shall take appropriate precautionary action until a safe passing agreement is made.

(b) A vessel may supplement the whistle signals prescribed in (a) of this subsection by light signals:

(i) These signals shall have the following significance:

- One flash to mean "I intend to leave you on my port side";
- Two flashes to mean "I intend to leave you on my starboard side";
- Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second; and

(iii) The light used for this signal shall, if fitted, be one all-around white or yellow light, visible at a minimum range of two miles (3219.1 meters), synchronized with the whistle, and shall comply with the provisions of Chapter 33, Code of Federal Regulations, Part 84, Annex I.

(c) When in sight of one another:

(i) A power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle:

- One short blast to mean "I intend to overtake you on your starboard side";
- Two short blasts to mean "I intend to overtake you on your port side"; and

(ii) The power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in (d) of this subsection.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. This signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than one hundred meters (328.1 feet), one whistle only shall be used for giving maneuvering and warning signals.

(g) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.

(h) A vessel that reaches agreement with another vessel in a meeting, crossing, or overtaking situation by using the radiotelephone as prescribed by the Federal Bridge-to-Bridge Radiotelephone Act (85 Stat. 165; 33 U.S.C. 1207), is not obliged to sound the whistle signals prescribed by this subsection, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.

(3) Sound signals in restricted visibility - International waters. In or near an area of restricted visibility, whether by day or night, the signals prescribed in this subsection shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than two minutes, one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than two minutes, two prolonged blasts in succession with an interval of about two seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in (a) or (b) of this subsection, sound at intervals of not more than two minutes, three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel engaged in fishing, when at anchor, and a vessel restricted in her ability to maneuver when carrying out her work at anchor, shall instead of the signals prescribed in (g) of this subsection sound the signal prescribed in (c) of this subsection.

(e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than two minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in (a) or (b) of this subsection.

(g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds. In a vessel of one hundred meters (328.1 feet) or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about five seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(h) A vessel aground shall give the bell signal and if required the gong signal prescribed in (g) of this subsection and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(i) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than two minutes.

(j) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in (a), (b), or (g) of this subsection sound an identity signal consisting of four short blasts.

(4) Sound signals in restricted visibility - Inland waters. In or near an area of restricted visibility, whether by day or night, the signals prescribed in this subsection shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than two minutes, one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than two minutes, two prolonged blasts in succession with an interval of about two seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, whether under way or at anchor; a sailing vessel; a vessel engaged in fishing, whether underway or at anchor; and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in (a) or (b) of this subsection, sound at intervals of not more than two minutes, three blasts in succession, namely, one prolonged followed by two short blasts.

(d) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than two minutes sound four blasts in succession; namely, one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(e) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in (a) or (b) of this subsection.

(f) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds. In a vessel of one hundred meters (328.1 feet) or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall

be sounded rapidly for about five seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession; namely, one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(g) A vessel aground shall give the bell signal and if required the gong signal prescribed in (f) of this subsection and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(h) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than two minutes.

(i) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in (a), (b), or (f) of this subsection sound an identity signal consisting of four short blasts.

(j) The following vessels shall not be required to sound signals as prescribed in (f) of this subsection when anchored in a special anchorage area designated by the United States Coast Guard:

(i) A vessel of less than twenty meters (65.6 feet) in length; and

(ii) A barge, canal boat, scow or other nondescript craft.

(5) Signals to attract attention - International and inland waters.

(a) If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these requirements, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

(b) For international waters only, any light to attract the attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this subsection the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-070 Steering and sailing. ~~(((1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall comply with the steering and sailing rules of such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72.~~

(2) When used on the inland waters of Washington state, a vessel shall comply with the steering and sailing rules of the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34.)) The requirements in this section meet the rules established in Chapter 33, Code of Federal Regulations, Parts 81 and 82, and shall be construed to supplement federal laws and regulations. Federal laws and regulations shall control if any requirement is inconsistent with federal laws and regulations.

(1) Application - International and inland waters. The requirements in this section shall apply in any conditions of visibility.

(2) Look-out - International and inland waters. Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

(3) Safe speed - International and inland waters. Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed the following factors shall be among those taken into account by:

(a) All vessels:

(i) The state of visibility;

(ii) The traffic density including concentrations of fishing vessels or any other vessels;

(iii) The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(iv) At night the presence of background light such as from shore lights or from back scatter of her own lights;

(v) The state of wind, sea, and current, and the proximity of navigational hazards;

(vi) The draft in relation to the available depth of water;

(b) Additionally, by vessels with operational radar:

(i) The characteristics, efficiency and limitations of the radar equipment;

(ii) Any constraints imposed by the radar range scale in use;

(iii) The effect on radar detection of the sea state, weather, and other sources of interference;

(iv) The possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

(v) The number, location, and movement of vessels detected by radar; and

(vi) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

(4) Risk of collision - International and inland waters. Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(a) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(b) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(c) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change; and

(ii) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow, or when approaching a vessel at close range.

(5) Action to avoid collision - International and inland waters.

(a) Any action to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f)(i) A vessel which, by any of these requirements, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.

(ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the requirements of this part.

(iii) A vessel, the passage of which is not to be impeded remains fully obliged to comply with the requirements of this part when the two vessels are approaching one another so as to involve risk of collision.

(6) Narrow channels - International waters.

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in WAC 352-60-066 (1)(d) if in doubt as to the intention of the crossing vessel.

(e) In a narrow channel or fairway:

(i) When overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in WAC 352-60-066 (1)(c)(i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in WAC 352-

60-066 (1)(c)(ii) and take steps to permit safe passing. If in doubt she shall sound the signals prescribed in WAC 352-60-066 (1)(d).

(ii) This subsection does not relieve the overtaking vessel of her obligation under subsection (11) of this section.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in WAC 352-60-066 (1)(e).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(7) Narrow channels - Inland waters.

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in WAC 352-60-066 (2)(d) if in doubt as to the intention of the crossing vessel.

(e) In a narrow channel or fairway:

(i) When overtaking, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in WAC 352-60-066 (2)(c) and take steps to permit safe passing. The overtaken vessel, if in agreement, shall sound the same signal. If in doubt she shall sound the danger signal prescribed in WAC 352-60-066 (2)(d).

(ii) This requirement does not relieve the overtaking vessel of her obligation under subsection (11) of this section.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in WAC 352-60-066 (2)(e).

(g) Every vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(8) Vessel traffic separation schemes - International and inland waters.

(a) This subsection applies to traffic separation schemes and does not relieve any vessel of her obligation under any other requirement.

(b) A vessel using a traffic separation scheme shall:

(i) Proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

(ii) So far as practicable keep clear of a traffic separation line or separation zone;

(iii) Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading as nearly as practicable at right angles to the general direction of traffic flow.

(d)(i) A vessel shall not use an inshore traffic zone when she can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than twenty meters (65.6 feet) in length, sailing vessels and vessels engaged in fishing may use the inshore traffic zone.

(ii) Notwithstanding (d)(i) of this subsection, a vessel may use an inshore traffic zone when enroute to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone, or to avoid immediate danger.

(e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:

(i) In cases of emergency to avoid immediate danger;

(ii) To engage in fishing within a separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

(k) A vessel restricted in her ability to maneuver when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this subsection to the extent necessary to carry out the operation.

(l) A vessel restricted in her ability to maneuver when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this subsection to the extent necessary to carry out the operation.

(9) Conduct of vessels in sight of one another - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Sailing vessels - When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purposes of this subsection the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged

vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

(10) Conduct of vessels in sight of one another - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Sailing vessels - When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward; and

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purpose of this subsection the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

(11) Overtaking situation - International and inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Notwithstanding anything contained in this section, any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these requirements or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(12) Head-on situation - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(13) Head-on situation - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Unless otherwise agreed, when two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(14) Crossing situation - International waters. The requirements in this subsection apply to vessels in sight of one another. When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(15) Crossing situation - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(16) Action by give-way vessel - International waters. The requirements in this subsection apply to vessels in sight of one another. Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

(17) Action by give-way vessel - Inland waters. The requirements in this subsection apply to vessels in sight of one another. Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

(18) Action by stand-on vessel - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Where one of two vessels is to keep out of the way, the other shall keep her course and speed. The latter vessel may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these requirements.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with (a) of this subsection to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This subsection does not relieve the give-way vessel of her obligation to keep out of the way.

(19) Action by stand-on vessel - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Where one of two vessels is to keep out of the way, the other shall keep her course and speed. The latter vessel may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these requirements.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with (a) of this subsection to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This subsection does not relieve the give-way vessel of her obligation to keep out of the way.

(20) Responsibilities between vessels - International waters. The requirements in this subsection apply to vessels in sight of one another. Except where subsections (6), (8), and (11) of this section otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing;
- (iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver.

(d) Any vessel other than a vessel not under command or a vessel restricted in her ability to maneuver shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draft, exhibiting the signals in WAC 352-60-060(9). A vessel constrained by her draft shall navigate with particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the requirements of this section.

(21) Responsibilities between vessels - Inland waters. The requirements in this subsection apply to vessels in sight of one another. Except where subsections (7), (8), and (11) of this section otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing;
- (iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;

(iii) A vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

(i) A vessel not under command;

(ii) A vessel restricted in her ability to maneuver.

(d) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the requirements of this section.

(22) Conduct of vessels in restricted visibility - International waters.

(a) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsections (1) through (8) of this section.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

(23) Conduct of vessels in restricted visibility - Inland waters.

(a) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsections (1) through (8) of this section.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears, apparently forward of her beam, the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-080 Fire (~~extinguishing equipment~~) ~~extinguisher required.~~ ((When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the fire extinguishing equipment as required by Title 46, Code of Federal Regulations, Subpart 25.30.))

(1) Every vessel with a motor, except vessels with an outboard motor, less than twenty-six feet (7.9 meters) in length and of open construction, shall carry on board, fully charged and in serviceable condition the following hand portable United States Coast Guard approved fire extinguishers:

(a) Motorboats with no fixed fire extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) in length - One extinguisher;

(ii) Twenty-six feet (7.9 meters) but less than forty feet (12 meters) in length - Two extinguishers;

(iii) Forty feet (12 meters) or longer in length - Three extinguishers.

(b) Motorboats with a fixed extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) - No hand portable extinguisher required;

(ii) Twenty-six feet (7.9 meters) or longer in length, but less than forty feet (12 meters) in length - One extinguisher;

(iii) Forty feet (12 meters) or longer in length - Two extinguishers.

(2) The fire extinguishers required by this section are Class B-I as described in Title 46, Code of Federal Regulations, 25.30, however, one Class B-II described in that regulation may be substituted for two Class B-I extinguishers.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-090 Backfire flame control. ((~~When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the backfire flame control devices as required by Title 46, Code of Federal Regulations, Subpart 25.35.~~)) No person shall operate or permit the operation of a vessel powered by a gasoline engine unless it meets the following requirements:

(1) All gasoline engines, except outboard motors, must be equipped with an acceptable means of backfire flame control. Installations consisting of backfire flame arresters approved by the United States Coast Guard under 46 Code of Federal Regulations Parts 25 and 58 are acceptable.

(2) A United States Coast Guard approved flame arrester bearing basic Approval Numbers 162.015 or 162.041 or engine air and fuel induction systems bearing basic

Approval Numbers 162.015 or 162.042 may be continued in use as long as they are serviceable and in good condition. New installations or replacements must meet the applicable requirements of subsection (3) of this section.

(3) The following are acceptable means of backfire flame control for gasoline engines:

(a) A backfire flame arrester complying with SAE J-1928 or UL 1111, and marked accordingly. The flame arrester must be suitably secured to the air intake with a flamtight connection.

(b) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an acceptable backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester, must either include a reed valve assembly or be installed in accordance with SAE J-1928.

(c) An arrangement of the carburetor or engine air induction system that will disperse any flames caused by the engine backfire. The flames must be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine air induction system. All attachments shall be of metallic construction with flamtight connections and firmly secured to withstand vibration, shock, and engine backfire. Such installations do not require formal approval and labeling, but must comply with this requirement.

NEW SECTION

WAC 352-60-120 Water ski observer. Qualifications. These rules are to establish minimum requirements for the observer required when water skiing on the waters of the state.

(1) The observer shall be physically capable and mentally competent of performing the following requirements:

- (a) Continuously observe the skier or skiers;
- (b) Inform the operator of the vessel towing the skier or skiers when they are no longer being towed;
- (c) Raise the skier down flag as required when a person is in the water preparing to ski or returning to the ski vessel.

(2) Nothing in this section shall preempt local government from exercising any power that it possesses under the laws or Constitution of the state of Washington to adopt more stringent regulations on the qualifications for water ski observer.

NEW SECTION

WAC 352-60-130 Whitewater river guides. Lifesaving qualifications.

(1) Any person who is charged with the responsibility to perform or act as a whitewater river guide for a commercial whitewater company that takes passengers for hire onto the waters of the state is required to have a valid first-aid card from a course that is approved by the Washington department of labor and industries or the department of health, qualifying that person to perform first aid and cardiopulmonary resuscitation (CPR).

(2) The outline of the first-aid course will include cardiopulmonary resuscitation (CPR) instruction consistent with the most current guidelines of the most recent supplement to the *Journal of the American Medical Association* (JAMA). The course outline will include instruction criteria consistent with current Washington state medical protocols.

**WSR 94-16-031
PERMANENT RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
[Filed July 26, 1994, 1:34 p.m.]**

Date of Adoption: July 11, 1994.

Purpose: To update Energy Facility Site Evaluation Council's air rules to be consistent with the requirements of the 1990 Clean Air Act amendments and Washington's Clean Air Act and ecology's rules.

Citation of Existing Rules Affected by this Order: New sections WAC 463-39-070, 463-39-090 and 463-39-230; and amending WAC 463-39-005, 463-39-115, 463-54-020, 463-54-040, 463-54-050, 463-54-060, and 463-54-070.

Statutory Authority for Adoption: RCW 80.50.040(1).

Pursuant to notice filed as WSR 94-12-036 on May 25, 1994.

Effective Date of Rule: Thirty-one days after filing.
July 19, 1994
Jason Zeller
Manager

AMENDATORY SECTION (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

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.

- 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 173-400-075: Emission standards for sources emitting hazardous air pollutants.
- 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.

PERMANENT

- 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.
 WAC 173-401-200: Definitions.
 WAC 173-401-300: Applicability.
 WAC 173-401-500: Permit applications.
 WAC 173-401-520: Certification.
 WAC 173-401-600: Permit content.
 WAC 173-401-605: Emission standards and limitations.
 WAC 173-401-610: Permit Duration.
 WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
 WAC 173-401-620: Standard terms and conditions. Except (2)(i)
 WAC 173-401-625: Federally enforceable requirements.
 WAC 173-401-630: Compliance requirements.
 WAC 173-401-635: Temporary sources.
 WAC 173-401-640: Permit shield.
 WAC 173-401-645: Emergency provision.
 WAC 173-401-650: Operational flexibility.
 WAC 173-401-700: Action on application.
 WAC 173-401-705: Requirement for a permit.
 WAC 173-401-710: Permit renewal, revocation and expiration.
 WAC 173-401-720: Administrative permit amendments.
 WAC 173-401-722: Changes not requiring permit revisions.
 WAC 173-401-725: Permit modifications.
 WAC 173-401-730: Reopening for cause.
 WAC 173-401-750: General permits.
 WAC 173-401-800: Public involvement.
 WAC 173-401-810: EPA Review.
 WAC 173-401-820: Review by affected states.

NEW SECTION

WAC 463-39-070 Radioactive emissions. (1) Energy facilities subject to chapter 80.50 RCW which emit radionuclides to the air shall meet standards and conditions pursuant to RCW 70.94.331, as promulgated by chapters 173-480 and 246-247 WAC.

(2) The council will enter into a memorandum of agreement with the state department of health regarding the regulation of radionuclides.

(3) The monitoring and regulation of radionuclides emissions from major energy facilities shall be consistent with the memorandum of agreement referenced in subsection (2) of this section between the state department of health and the council.

NEW SECTION

WAC 463-39-090 Permit application form. Applications for air operating permits shall be on the standard form(s) developed by the department of ecology and shall contain the information required pursuant to WAC 173-401-510.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

WAC 463-39-115 Standards of performance for new stationary sources. Subparts A, D, Da, GG, J, K, Kb, Y, KKK, LLL, QQQ of Title 40, Code of Federal Regulations, Part 60 (standards of performance for new stationary sources), are by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council.

Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC ((463-39-110)) 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

NEW SECTION

WAC 463-39-230 Regulatory actions. The council may take any of the following regulatory actions to enforce this chapter to meet the provisions of RCW 80.50.040 or 70.94.422.

(1) Enforcement actions—Notice of violation. At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431 (1) through (7), the council shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or rule or regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the council may require that the alleged violator or violators appear before it for the purpose of providing the council information pertaining to the violation or the charges

complained of. Every notice of violation shall offer the alleged violator an opportunity to meet with the council prior to the commencement of enforcement action.

(2) Civil penalty.

(a) All penalties assessed as the result of air emission violations shall be consistent with RCW 70.94.332, 70.94.430, 70.94.431(1) through (7), and 70.94.435. Any person who violates any of the provisions of chapter 70.94 RCW may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be separate and distinct and, for a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(b) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amount established in RCW 70.94.431 may be increased annually to account for inflation as determined by the state office of economic and revenue forecast council.

(c) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 70.94.422.

(d) All penalties recovered under this section by the council shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015.

(e) In addition to other penalties provided by this chapter, persons knowingly under-reporting emission or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) Assurance of discontinuance. The chair, or his/her authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the council, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The council may issue such orders as authorized by chapter 80.50 RCW, whenever an air pollution episode forecast is declared.

(6) Compliance orders. The council may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-54-020 Compliance to be determined. Compliance determination procedures shall be implemented by the council as necessary to keep it and the public properly informed as to the status of compliance with the terms of certification agreements ~~((and))~~, PSD, NPDES ((permits)), or other permits issued by the council.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-54-040 Compliance reports and determinations. Written reports by state agencies, or their authorized representatives reporting to the council under interagency agreements shall be submitted regularly and contain certifications as to the certificate holders satisfactory compliance or noncompliance with the appropriate terms of the site certification agreement. Certifications of satisfactory compliance in the absence of compelling evidence to the contrary shall be deemed by the council as bona fide compliance by the certificate holder.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-54-050 Noncompliance determinations and enforcement. The council shall make the determination of noncompliance with the terms of a certification agreement ~~((or))~~, PSD, NPDES, or other permits where circumstances so warrant and on such finding of noncompliance will institute appropriate enforcement action.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-54-060 ((DOE)) Ecology monitoring and enforcement ((role)). (1) The ((DOE)) department of ecology, or its authorized representative, is delegated the monitoring activities pertaining to air and water discharges except as provided in subsection (2) of this section, and when it reports to the council that appropriate enforcement activities are required relative thereto the council shall take or initiate action to enforce the terms of the appropriate certification agreement and the incorporated PSD, NPDES, or other permits. Immediate enforcement action as needed may be undertaken by ((DOE)) ecology, or its authorized representative, subject to subsequent confirmation or modification by the council.

(2) The department of health is responsible for monitoring activities pertaining to radionuclide emission to the air in accordance with an approved memorandum of agreement. When it reports to the council that appropriate enforcement

activities are required relative thereto the council shall take or initiate action to enforce the terms of the appropriate certification agreement or attached permit. Immediate enforcement action as needed may be undertaken by health subject to subsequent confirmation or modification by the council.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

WAC 463-54-070 Enforcement actions. Consistent with RCW 70.94.422, all enforcement actions and penalties for all air emission violations shall be consistent with RCW 70.94.332, 70.94.430, 70.94.431 (1) through (7), and 70.94.435.

(1) General. The council establishes four types of enforcement action in order to provide the council with a range of responses to apparent violations of a site certification agreement or the laws and rules enforced by the council. The range allows the chair or the council to choose an approach which it determines, in its discretion, to be best suited in light of the apparent seriousness of an apparent violation, the potential danger to humans or the environment, the willingness and ability of the violator to make required corrections, and the speed with which corrective action should be taken.

(2) Emergency action by chair.

(a) Emergency action is appropriate when the chair or chair's designee believes that the nature of an apparent violation requires action too swiftly to allow for deliberation and decision by the full council or that action is required pending the completion of other enforcement action.

(b) The chair of the council or the chair's designee is authorized to take immediate action to halt or eliminate any imminent or actual substantial danger to health or welfare of persons or the environment resulting from violation of law or of terms of the site certification agreement, including the release of pollutants from facilities sited under chapter 80.50 RCW. The chair may:

(i) Order the immediate termination of an endangerment or an endangering release and the immediate suspension of ~~((an))~~ a PSD, NPDES, or other permits issued by the council, or order the immediate commencement of corrective action;

(ii) Notify appropriate agencies that protective measures are required immediately to safeguard public health and safety;

(iii) Request the prosecuting attorney of an affected county or the attorney general to take immediate enforcement action for violations of certification agreements or permits pursuant to RCW 80.50.150(6).

(c) The council shall consider any emergency action at a regular or special meeting as soon as practical after the action is taken. It may adopt, rescind, or modify emergency action and may take other enforcement action as specified in this rule. The council retains jurisdiction to maintain or modify emergency action until the circumstances requiring the action are cured to the council's satisfaction or until other enforcement actions supersede the emergency action, whichever first occurs.

(d) If feasible, the council shall allow the subject of emergency action to present its views prior to adopting, affirming, or modifying the action.

(3) Notice of incident and request for assurance of compliance.

(a) A notice of incident is appropriate when the council believes that a violation has occurred; that it is being corrected quickly and effectively by the violator; that the violation caused no substantial danger to humans or the environment; and that a penalty assessment does not appear to be appropriate in light of the seriousness of the violation or as an incentive to secure future compliance.

(b) Whenever the council has probable cause to believe that any term or condition of a certificate agreement or permit has been violated, the council may serve a notice of incident and request for assurance of compliance upon the certificate holder. Within thirty days after service of the notice, the certificate holder shall provide the council with a report of the incident and assurance of compliance, including appropriate measures to preclude a recurrence of the incident. The council shall review the assurance of compliance. It may close out the matter by resolution or take such further action as it believes to be necessary.

(4) Notice of violation.

(a) A notice of violation is appropriate when the council believes: That a violation has occurred; that a violation is not being timely or effectively corrected; that a violation may cause a substantial risk of harm to humans or the environment; or that a penalty may be appropriate as an incentive to future compliance.

(b) Whenever the council has probable cause to believe that a violation of any term or condition of a certificate agreement or permit has occurred, the council may serve upon the certificate holder a notice of violation and may include the assessment of a penalty pursuant to RCW 80.50.150(5) or RCW 74.90.431 if the violation is of the Washington Clean Air Act. The notice shall specify the provisions of law or rule or the certificate agreement or permit which are alleged to have been violated and shall include a requirement that corrective action be taken.

(c) Review procedure. The certificate holder named in a notice of violation may appeal the notice to the council and it may seek remission or mitigation of any penalty.

(i) A request for mitigation or remission of a penalty must be filed within fifteen days after service of the notice of violation. A decision upon a request for remission or mitigation of a penalty is an administrative decision which the council may make in its discretion.

(ii) An appeal of a notice of violation must be filed within thirty days after service of the notice of violation. The appeal is an application for an adjudicative proceeding under RCW 34.05.410. It must be in writing, timely filed in the offices of the council, and state the basis of the contention and exactly what change or remedy is sought from the council. Unless the application is denied or settled, the council shall conduct an adjudicative proceeding upon the challenge pursuant to chapter 34.05 RCW.

(iii) Any penalty imposed in a notice of violation shall be due and payable thirty days after the following: Service of the notice of violation, if no review is sought; service of the council's decision upon remission or mitigation, if no appeal is made; or service of the council's final order on

review of an appeal of a notice of violation. If the penalty is not paid when due, the council shall request the attorney general to commence an action in the name of the state to recover the penalty pursuant to RCW 80.50.150.

(5) Air pollution episodes. The council may enter such orders as authorized by chapter 80.50 RCW regarding air pollution episodes, as set forth in WAC (~~463-39-130~~) 463-39-230.

(6) Judicial enforcement.

(a) Judicial enforcement is available through chapter 80.50 RCW. It is appropriate when the council believes that judicial action may be of substantial assistance in securing present or future compliance or resolution of the underlying problem.

(i) The council may request the attorney general or the prosecuting attorney of any county affected by a violation to commence civil proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(ii) The council may request the prosecuting attorney of any county affected by a violation to commence criminal proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(b) The council may also secure judicial enforcement of its rules or orders pursuant to RCW 34.05.578.

WSR 94-16-038
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3757—Filed July 27, 1994, 11:22 a.m., effective September 1, 1994]

Date of Adoption: July 27, 1994.

Purpose: Adds persons coming out of institutionalization to the "homeless individual" definition. Adds an exception to the "nonhousehold member" and changes a rule reference in the "under parental control" definition.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020 Definitions.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to notice filed as WSR 94-13-133 on June 20, 1994.

Effective Date of Rule: September 1, 1994.

July 27, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3551, filed 5/12/93, effective 7/1/93.)

WAC 388-49-020 Definitions. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d) who is a:

(a) Person paying reasonable compensation to the household for lodging and meals; or

(b) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

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

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

- (a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;
- (b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;
- (c) Is a veteran:
 - (i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or
 - (ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.
- (d) Is a surviving:
 - (i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or
 - (ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;
- (e) A surviving spouse or child of a veteran and:
 - (i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and
 - (ii) Has a disability considered permanent under section 221(i) of the Social Security Act.
- (f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;
- (g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:
 - (i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or
 - (ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.
- (h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.
- (20) "Documentary evidence" means written confirmation of a household's circumstances.
- (21) "Documentation" means the process of recording the source, date, and content of verifying information.
- (22) "Elderly person" means a person sixty years of age or older.
- (23) "Eligible food" means:
 - (a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or
 - (b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.
- (24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.
- (25) "Equity value" means fair market value less encumbrances.
- (26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:
 - (a) Has liquid resources of one hundred dollars or less; and
 - (b) Has gross monthly income under one hundred fifty dollars; or
 - (c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:
 - (i) Standard utility allowance as set forth in WAC 388-49-505; or
 - (ii) Actual utility costs, whichever is higher; or

- (d) Includes all members who are homeless individuals; or
- (e) Includes a destitute migrant or seasonal farmworker.
- (27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.
- (28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.
- (29) "Food coupon" means food stamps and the two terms are interchangeable.
- (30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.
- (31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.
- (32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.
- (33) "Group living arrangement" means a public or private nonprofit residential setting which:
 - (a) Serves ~~((no))~~ not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and
 - (b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.
- (34) "Head of household" means:
 - (a) The person designated by the household to be named on the case file, identification card, and FCA card;
 - (b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:
 - (i) The employment involves at least twenty hours per week; and
 - (ii) The person is not living with a parent or a person fulfilling that role who is:
 - (A) Registered for work,
 - (B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or
 - (C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.
- (35) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.
- (36) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:
 - (a) Supervised shelter designed to provide temporary accommodations;
 - (b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;
 - (c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(37) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and nutrition service (FNS).

(38) "Household" means the basic client unit in the food stamp program.

(39) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

(40) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(41) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

(42) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

(43) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(44) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(45) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

(46) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(47) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(48) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(49) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(50) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

(51) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(52) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant; or

(c) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

(53) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

(54) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(55) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(56) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(57) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment

is affected by information reported on the monthly report for the budget month.

(58) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(59) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(60) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(61) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(62) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

(63) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(64) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(65) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(66) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(67) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(68) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

(69) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

(70) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(71) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

(72) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

(73) "Shelter costs" means:

- (a) Rent or mortgage payments plus taxes on a dwelling and property;
- (b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
- (c) Assessments;
- (d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;
- (e) Standard basic telephone allowance;
- (f) Initial installation fees for utility services; and

(g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

(74) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(75) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.

(76) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(77) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

(78) "Spouse" means:

- (a) Married under applicable state law; or
- (b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(79) "Striker" means any person:

- (a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or
- (b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(80) "Student" means any person:

- (a) At least eighteen but less than fifty years of age;
- (b) Physically and mentally fit for employment; and
- (c) Enrolled at least half time in an institution of higher education.

(81) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(82) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

(83) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(84) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

- (a) Receiving an AFDC grant as the person's own payee;
- (b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under ~~((WAC 388-29-100(3)(b)))~~ WAC 388-250-1400(2); or
- (c) Married.

(85) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(86) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(87) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

WSR 94-16-039
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3762—Filed July 27, 1994, 11:23 a.m., effective September 1, 1994]

Date of Adoption: July 27, 1994.

Purpose: Allows adult children living with parents and adult siblings living together to be separate households for food stamps when they purchase and prepare meals separately. Deletes requirement that they must be one household regardless of purchase and prepare arrangements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-190 Household concept.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Public Law 103-66, Administrative Notices 94-01, 94-02, 94-03.

Pursuant to notice filed as WSR 94-13-132 on June 20, 1994.

Effective Date of Rule: September 1, 1994.

July 27, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3172, filed 5/1/91, effective 6/1/91)

WAC 388-49-190 Household concept. (1) The department shall consider the following as households:

(a) A person living alone;

(b) A ~~((person))~~ group of persons living ~~((with others))~~ together and purchasing and preparing meals ~~((separate and apart from the others))~~ together;

(c) ~~((A group of persons who live together and purchase and prepare meals together))~~ A person living with others and purchasing and preparing meals separate from the others;

(d) A permanently disabled~~((;))~~ and elderly person unable to prepare meals provided the:

(i) Person's spouse shall be included in the household; and

(ii) Income of other individuals, except the person's spouse, living with the person does not exceed one hundred sixty-five percent of the poverty level.

(e) A person ~~((who is the parent of a)), spouse, and child~~ ~~((seventeen years of age or younger, along with that person's child and spouse, if the person and the person's child are:~~

~~((i))~~ living with the person's parent ~~((or sibling, and~~
~~((ii) Purchasing and preparing))~~ when the person, spouse, and child purchase and prepare meals separate from the parent ~~((or sibling-));~~

(f) ~~((A person who is a parent or sibling living with the person described in WAC 388-49-190 (1)(e) or (h);~~

~~((g) A person living with the person's natural, adoptive, or stepchild, or the child living with parents when one parent is:~~

~~((i) Elderly or disabled, and~~

~~((ii) Purchasing and preparing meals separate from the child.~~

~~((h))~~ A person twenty-two years of age or older living with a parent when the person purchases and prepares meals separate from the parent; or

(g) A person, living with a sibling, who ~~((is:~~

~~((i) Elderly or disabled, and~~

~~((ii) Purchasing and preparing))~~ purchases and prepares meals separate from the sibling when the sibling is not under parental control of the person.

(2) The department shall ~~((not grant separate household status to))~~ consider the following as households regardless of the purchase and prepare arrangements:

(a) A ~~((child))~~ person seventeen years of age or younger~~((, and))~~ who is under parental control of a member of the household and the person who is maintaining the control;

(b) A parent ~~((living with the parent's))~~ and the parent's natural, adoptive, or stepchild~~((, or the child living with the parent unless the child and parent qualify as separate households as described under WAC 388-49-190 (1)(d), (e), (f), or (g))~~ twenty-one years of age or younger; or

(c) A person and the person's spouse ~~((of a household member;~~

~~((d) Siblings unless they qualify as separate households as described under WAC 388-49-190 (1)(d), (e), (f), or (h);~~
~~((e) A boarder)).~~

(3) The department shall consider the following persons living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:

(a) Roomers~~((;))~~;

(b) Live-in attendants~~((;))~~; or

(c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.

(4) The department shall consider the following persons living with the household as ineligible household members:

(a) Persons disqualified for intentional program violation;

(b) Persons disqualified because of noncompliance with work requirements as described under WAC 388-49-360;

(c) Persons who are ineligible aliens;

(d) Persons disqualified for failure to apply for or provide a Social Security number;

(e) Persons who are ineligible students; or

(f) Persons who fail to sign the application attesting to their citizenship or alien status.

WSR 94-16-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3760—Filed July 27, 1994, 11:25 a.m., effective September 1, 1994]

Date of Adoption: July 27, 1994.

Purpose: Allows children who reside in a drug and alcohol treatment facility with a parent to be included in the food stamp household with the parent when the parent is otherwise eligible for food stamps as described under Section 13932 of Public Law 103-66 (Mickey Leland Act of 1990).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-210 Alcohol and drug treatment centers.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Public Law 103-66, Administrative Notices 94-01, 94-02, 94-03.

Pursuant to notice filed as WSR 94-13-131 on June 20, 1994.

Effective Date of Rule: September 1, 1994.

July 27, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-210 Alcohol and drug treatment centers. (1) Persons participating in a drug or alcohol treatment program on a resident basis may apply for food stamps provided the treatment program is administered by a public or private nonprofit organization certified by a state agency.

(2) The department shall determine ~~((the))~~ a person's eligibility:

(a) As a one-person household, ~~((and))~~ or

(b) As a household consisting of the resident and resident's child when:

(i) The resident's child resides in the facility with the parent; and

(ii) The resident is otherwise eligible for food stamps.

(3) The department shall determine a household's eligibility through an authorized representative who is an employee of and designated by the treatment center.

~~((3))~~ (4) The authorized representative shall:

(a) Be aware of the person's circumstances;

(b) Receive and use the food coupon allotment for meals served to the ~~((resident))~~ household; and

(c) Notify the department of changes in a household's income, resources, or circumstances within ten days of the change.

~~((4))~~ (5) The treatment facility shall:

(a) Be responsible for any misrepresentation or intentional program violation,

(b) Assume total liability for food coupons held on behalf of ~~((resident))~~ the household, and

(c) Send a monthly list of participating ~~((residents))~~ households signed by a center official to the CSO.

WSR 94-16-041
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3756—Filed July 27, 1994, 11:27 a.m., effective September 1, 1994]

Date of Adoption: July 27, 1994.

Purpose: Implements provisions of the Mickey Leland Childhood Hunger Relief Act that changes the treatment of vehicles for the food stamp program. The act raises the fair market value (FMV) limit on licensed vehicles from \$4,500 to \$4,550 and excludes the entire value of any vehicle that a household uses to carry fuel or water. Revises the treatment of unlicensed vehicles to conform to federal regulations and clarifies the treatment of vehicles in general.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-410 Resources—Exempt and 388-49-430 Resources—Vehicles.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Administrative Notice 94-03 Sections 13923 and 13924, Public Law 103-66, CFR 273.8 (e)(3), CFR 273.8(g), and CFR 273.8(h).

Pursuant to notice filed as WSR 94-13-026 on June 3, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-49-430 (2)(a) removed "... even during periods of temporary unemployment ..." and added "... even if only used on a seasonable basis ..." This change does not change intent, only changes editorial wording.

Effective Date of Rule: September 1, 1994.

July 27, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3375, filed 4/21/92, effective 5/22/92)

WAC 388-49-410 Resources—Exempt. (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if the household:

(i) Is making a good faith effort to sell; or

(ii) Intends to return to the home and the house is unoccupied due to:

(A) Employment;

(B) Training for future employment;

(C) Illness; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

- (i) Life insurance policies; and
- (ii) Pension funds.
- (h) Vehicles as provided under WAC 388-49-430;
- (i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and ~~((f))~~ (g);
- (j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;
- (k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;
- (l) Property essential to the employment or self-employment of a household member. Property excluded under this provision because the property is used by a self-employed farmer shall retain its exclusion for one year from the date the household member terminates self-employment from farming;
- (m) Resources held separately by a nonhousehold member or an ineligible student;
- (n) Indian lands:
 - (i) Held jointly with the tribe; or
 - (ii) Sold only with the approval of the Bureau of Indian Affairs.
- (o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;
- (p) Cash value of resources not accessible to the household;
- (q) Funds in a trust and the income produced by that trust, to the extent they are not available;
- (r) Resources excluded by express provision of federal law from consideration in the food stamp program;
- (s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;
- (t) Value of the property sold under an installment contract;
- (u) The value of property held for security if the purchase price is consistent with fair market value;
- (v) Real or personal property when:
 - (i) Secured by a lien as a result of obtaining a business loan; and
 - (ii) The security or lien agreement prohibits the household from selling the asset or assets.
- (w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;
- (x) Energy assistance payments or allowances made under federal, state, or local laws;
- (y) Resources of persons residing in shelters for battered women and children if:
 - (i) The resources are jointly owned with members of the former household; and
 - (ii) Access to the resources depends on the agreement of the joint owner.
- (z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:
 - (i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;

(ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and

(iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member.

(2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

(3) The department shall exempt a resource of a household member who receives a supplemental security income (SSI) or aid to families with dependent children (AFDC) grant.

AMENDATORY SECTION (Amending Order 3605, filed 7/28/93, effective 8/28/93)

WAC 388-49-430 Resources—Vehicles. (1) The department shall exclude the entire value of a licensed vehicle even during periods of temporary unemployment if ~~((#))~~ the vehicle is:

(a) Used for income-producing purposes over fifty percent of the time ~~((#))~~ the vehicle is in use. A vehicle excluded under this provision because the vehicle is used by a self-employed farmer ~~((shall))~~ retains its exclusion for one year from the date the household member terminates self-employment from farming;

(b) Annually producing income consistent with its fair market value;

(c) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ~~((an))~~ ineligible alien, or ~~((a))~~ disqualified person whose resources are considered available to the household~~((— This exclusion applies only if the vehicle is necessary for long distance travel other than daily commuting))~~;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home; ~~((or))~~

(f) Used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household; or

(g) Necessary to transport ~~((one of the following persons who has a temporary or permanent physical disability))~~ a temporarily or permanently physically disabled:

(i) Household member;

(ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall ~~((exclude))~~ count the ~~((entire))~~ equity value of an unlicensed ~~((vehicles))~~ vehicle even during periods of temporary unemployment unless the vehicle is:

(a) ~~((Driven by an Indian tribal member on those reservations not requiring vehicle licensing; and))~~ Annually producing income consistent with its fair market value (FMV) even if only used on a seasonal basis; or

(b) ~~((Meeting one of the provisions in subsection (1) of this section))~~ Work-related equipment necessary for employment or self-employment of a household member.

(3) The department shall ~~((continue the exclusions described in subsections (1) and (2) of this section when the vehicle is not in use because of temporary unemployment.~~

~~(4) The department shall:~~

~~(a) Determine the fair market value of all licensed vehicles not excluded in subsections (1) and (2) of this section by the value of those vehicles as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies; and~~

~~(b) Count the fair market value of each vehicle in excess of four thousand five hundred dollars toward the household's resource maximum)) consider unlicensed vehicles the same as licensed vehicles if the vehicles are driven by Indian tribal members on those reservations not requiring vehicle licensing.~~

~~((5)) (4) The department shall ~~((determine the equity value of all licensed vehicles except:~~~~

~~(a) Those excluded in subsections (1) and (2) of this section;~~

~~(b) One licensed vehicle per household regardless of the use of the vehicle; and~~

~~(c) Any other licensed vehicle used for:~~

~~(i) Transportation to and from employment;~~

~~(ii) Seeking employment; or~~

~~(iii) Transportation for training or education which is preparatory to employment.~~

~~(6) The department shall count the equity value of licensed and unlicensed vehicles not excluded in subsections (1), (2), and (5) of this section toward the household's maximum allowable resource limit.~~

~~(7) The department shall consider the value of a countable vehicle to be the greater amount of either:~~

~~(a) Fair market value in excess of four thousand five hundred dollars; or~~

~~(b) Equity value)) count toward the household's resource maximum either the FMV in excess of four thousand five hundred fifty dollars or the equity value of licensed vehicles, whichever is greater. Except, the department shall only count the FMV in excess of four thousand five hundred fifty dollars for the following vehicles:~~

~~(a) One licensed vehicle per household regardless of the vehicle's use; and~~

~~(b) Any other licensed vehicle used for:~~

~~(i) Transportation to and from employment;~~

~~(ii) Seeking employment; or~~

~~(iii) Transportation for training or education.~~

~~(5) The department shall determine the FMV using vehicles listed in publications written for the purpose of providing guidance to automobile dealers and loan companies.~~

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

WSR 94-16-042
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

(Order 3761—Filed July 27, 1994, 11:28 a.m., effective September 1, 1994)

Date of Adoption: July 27, 1994.

Purpose: 7 CFR 273.11(k) states that a household's food stamp benefits cannot increase resulting from money withheld to repay an intentional noncompliance overpayment from a federal, state, or local means-tested program. Such repayments must be counted. However, WAC 388-49-460 (1)(p) limits.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-49-460 Income—Unearned.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.11(k).

Pursuant to notice filed as WSR 94-13-130 on June 20, 1994.

Effective Date of Rule: September 1, 1994.

July 27, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2911, filed 12/1/89, effective 1/1/90)

WAC 388-49-460 Income—Unearned. (1) The department shall consider unearned income to include, but not be limited to:

- (a) An annuity, pension, or retirement;
- (b) Veteran or disability benefits;
- (c) Workmen or unemployment compensation;
- (d) Old-age, survivors, or social security benefits;
- (e) Strike benefits;
- (f) Payment from federally aided assistance programs based on need;
- (g) Support and alimony payments made directly to the household from a person residing outside the household;
- (h) Child support refund payments received by AFDC recipients from office of support enforcement;
 - (i) Adult foster care payments;
 - (j) Child foster care payments provided the foster child is a food stamp household member;
 - (k) Educational benefits less excluded amounts (see income exclusions in WAC 388-49-470):
 - (i) Scholarships;
 - (ii) Educational grants including loans where repayment is deferred;
 - (iii) Fellowships; and
 - (iv) Veteran benefits.
 - (l) Payments from government-sponsored programs;
 - (m) Cash prizes, awards, lottery winnings, or gifts;
 - (n) Dividends, interest, or royalties;
 - (o) Gross income minus the cost of doing business from rental property if a household member is not managing the property at least twenty hours a week;
 - (p) Money withheld ~~((from public assistance))~~ to recoup an intentional noncompliance overpayment ~~((for intentional failure to comply with the public assistance program requirements))~~ from a federal, state, or local means-tested program;

(q) Direct money payments, such as interest, dividends, and royalties which are a gain or benefit;

(r) Money legally obligated and otherwise payable to the household, but diverted by the provider of the payment to a third party, for a household expense; and

(s) Deemed income from an alien's sponsor.

(2) The department shall disregard the following as unearned income:

(a) Money from any source voluntarily returned by a household member to repay a prior overpayment from the same source;

(b) Child support payments assigned to office of support enforcement received by AFDC recipients.

(3) The department shall verify gross nonexempt unearned income except for expedited service households:

(a) Before initial certification;

(b) At recertification if amount changes more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting if the income changes.

WSR 94-16-043

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3758—Filed July 27, 1994, 11:30 a.m.]

Date of Adoption: July 27, 1994.

Purpose: Adds new subsection (6) to WAC 388-49-670.

Citation of Existing Rules Affected by this Order:

Amending WAC 388-49-670 Intentional program violations—Disqualification penalties.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Public Law 103-66 Section 13942.

Pursuant to notice filed as WSR 94-13-024 on June 3, 1994.

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

July 27, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2803, filed 6/1/89)

WAC 388-49-670 Intentional program violations—Disqualification penalties. (1) The department shall disqualify the person or persons committing an intentional program violation, but not the entire household, as defined in WAC 388-49-020.

(2) The department shall apply disqualification penalties as follows:

(a) If the violation occurred in whole or in part after the household was notified of the following penalties, ~~((these))~~ the department shall apply the following disqualification periods ~~((shall apply))~~:

(i) Six months for the first disqualification~~((;))~~;

(ii) Twelve months for the second disqualification~~((;))~~; and

(iii) Permanently for the third disqualification.

(b) The department shall disqualify the person or persons for three months:

(i) If the violation ended ~~((prior to))~~ before the department notified the household ((being notified)) of the penalties in subsection (2)(a) of this section~~((;))~~; and

(ii) If the department determined the disqualification ~~((was determined))~~ in an administrative hearing.

(c) The department shall consider multiple violations ~~((occurring prior to))~~ as only one disqualification when the violations occur before the department notified the household ((being notified)) of the penalties, as described in subsection (2)(a) of this section ~~((as only one disqualification))~~.

(d) Court-ordered disqualifications are for the length of time specified by the court. The department shall:

(i) Recommend that a disqualification penalty, as provided in subsection (2)(a) of this section, be imposed in addition to any civil or criminal intentional program violation penalties;

(ii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the date the:

(A) ~~((Date the))~~ Disqualification is ordered if the court does not specify a date; or

(B) ~~((Date the))~~ Court finds such person or persons guilty if the court specifies a disqualification date.

(iii) Impose a disqualification period as specified in subsection (2)(a) of this section if the court fails to address or specify a disqualification period; and

(iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.

(3) The department shall provide written notice of disqualification to the person or persons ~~((prior to))~~ before the disqualification. The department shall ensure the notice ((shall inform)) informs the:

(a) Participating person or persons of the disqualification and the effective date of the disqualification~~((;))~~; or

(b) Nonparticipating person or persons that the disqualification period ~~((shall))~~ will be deferred until such time as the person or persons applies for and is found eligible for benefits.

(4) The department shall provide written notice to the remaining household member or members, if any~~((;))~~:

(a) Of the allotment the household will receive during the period of disqualification; or ((that))

(b) That the household must re-apply because the certification period has expired.

(5) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

(6) The department shall apply disqualification penalties against a person for trading food coupons for controlled substances or firearms. The department shall impose:

(a) A one year disqualification penalty for the first occasion of a finding by a federal, state, or local court of the trading of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(b) A permanent disqualification for:

(i) The second occasion of a finding by a federal, state, or local court of the trading of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) The first occasion of a finding by a federal, state, or local court of the trading of food coupons for firearms, ammunition, or explosives.

WSR 94-16-044
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3759—Filed July 27, 1994, 11:35 a.m., effective September 1, 1994]

Date of Adoption: July 27, 1994.

Purpose: The department recently rewrote most of the rules related to financial assistance. It was not our intent to make any substantive changes to the prior rules. It has been recently noted that some of these rewritten rules could be interpreted to affect a change from the prior rule. The purpose of this issuance is to assure that the rewritten rules reflect the intent of the prior rules.

Citation of Existing Rules Affected by this Order: New sections WAC 388-24-2070 Aid to families with dependent children-foster care—Summary of eligibility, 388-24-2100 Aid to families with dependent children-foster care—Assistance unit, 388-24-2150 Aid to families with dependent children-foster care—Requirements, 388-24-2200 Aid to families with dependent children-foster care—Standards and requirements, 388-24-2250 Aid to families with dependent children-foster care—Income and nonexempt resources, 388-24-2350 Aid to families with dependent children-foster care—Medical care and 388-24-2430 Aid to families with dependent children-foster care—Nonprofit agency placement; and amending WAC 388-218-1010 Financial need—Rules and procedures, 388-218-1050 Definitions, 388-218-1130 Community income, 388-218-1200 Exempt income types, 388-218-1210 Exempt and disregarded income—Educational assistance, 388-218-1220 Disregarded income—Native American benefits, 388-218-1230 Disregarded income types, 388-230-0090 Eligibility conditions—Financial criteria, 388-233-0060 Eligibility conditions—Support enforcement cooperation, 388-233-0070 Eligibility conditions—Financial criteria, 388-235-0070 Residence—Temporary absences, 388-235-2000 Resources, 388-235-3000 income, and 388-275-0060 Payments.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-13-008 on June 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: Changed pronouns to nouns, placed sentences into active verb voice and does not change intent, identified "who" shall do something within sentences to clarify the actor, within WAC 388-235-3000 changed "applicant's/recipient's" to "client's."

Effective Date of Rule: September 1, 1994.

July 27, 1994
 Dewey Brock, Chief
 Office of Vendor Services

Chapter 388-24 WAC
AID TO FAMILIES WITH DEPENDENT CHILDREN—FOSTER CARE ELIGIBILITY

NEW SECTION

WAC 388-24-2070 Aid to families with dependent children-foster care—Summary of eligibility conditions. To be eligible for aid to families with dependent children-foster care a child shall:

(1) Meet all the eligibility requirements in WAC 388-215-1000, except for ~~((his))~~ the child's removal from ~~((his))~~ the child's or a relative's home as specified in subsection (2); and

(2) Have been removed from a relative's home as a result of a judicial determination to the effect that remaining in the relative's home would be contrary to ~~((his))~~ the child's welfare, for any reason, and who has been placed in foster care as a result of such determination; and

(3) Be under the direct care or supervision of the department in a licensed family foster home, nonprofit group home, or nonprofit child care institution; and

(4) Meet one of the following conditions:

(a) Be receiving AFDC for the month in which court proceedings leading to such determination were initiated~~((?))~~; or

(b) Have been eligible to receive AFDC, had application been made, for the month in which court action for ~~((his))~~ the child's removal was initiated~~((?))~~; or

(c) Lived with a specified relative within six months prior to the month in which court proceedings were initiated, and would have been eligible for AFDC in and for the month in which court proceedings were initiated if in that month ~~((he))~~ the child had been living with such relative and application for AFDC had been made.

Reviser's note: The unnecessary underscoring and deletion marks 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 388-24-2100 Aid to families with dependent children-foster care—Assistance unit. The AFDC foster care assistance unit shall consist of only the eligible child.

NEW SECTION

WAC 388-24-2150 Aid to families with dependent children-foster care—Requirements. (1) The basic requirements of the eligible child shall be foster family home care, clothing, and personal incidentals.

(2) Additional requirements for the eligible child shall be school supplies when not provided by the school, needed transportation costs, and psychological services.

NEW SECTION

WAC 388-24-2200 Aid to families with dependent children-foster care—Standards and requirements. The basic requirements of the eligible child shall be care according to:

(1) The monthly cost standards for family foster home care in WAC 388-70-042, or

(2) The monthly cost standard for foster care and related services paid by the department to licensed nonprofit child caring agencies and institutions.

NEW SECTION

WAC 388-24-2250 Aid to families with dependent children-foster care—Income and nonexempt resources. The department shall take the income and resources of the child into consideration in determining need according to the rules in chapters 388-216, 388-217, and 388-218 WAC. The department shall determine and secure support from parents according to the rules in WAC 388-70-075. When the child's parents receive public assistance, the parents' nonexempt income and resources are used first to meet the parents' need including the need of the parents' other minor children.

NEW SECTION

WAC 388-24-2350 Aid to families with dependent children-foster care—Medical care. The department shall provide medical care to children receiving AFDC-FC in accordance with the rules and procedures which govern the granting of medical care to other children receiving care from foster care funds.

NEW SECTION

WAC 388-24-2430 Aid to families with dependent children-foster care—Nonprofit agency placement. (1) When a child is eligible for AFDC-FC and placed with a licensed nonprofit child-caring agency, the custody, planning and casework service shall be developed and maintained by the nonprofit agency. The agency or institution caring for the child shall maintain direct contact with the child and foster home, and casework service to the parents where appropriate. The child-caring agency or institution shall make a quarterly progress report to the department authorizing payment for the child's care.

(2) The department has final responsibility for determining initial and ongoing eligibility for financial support and for approval of the placement and the plan for child care. No payment for care shall be made without the department's approval of such placement and plan by the department. The department shall maintain this control through written agreements, documentary reports and supervisory conferences with the nonprofit agency.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1010 Financial need—Rules and procedures. (1) To be eligible for public assistance a client must be in financial need.

(2) Financial need exists when:

(a) The client's payment level (~~as adjusted for the maximum grant limitations~~) plus authorized additional requirements exceeds the amount of the client's nonexempt recurrent and nonrecurrent income. The difference thus computed represents the extent of need which exists; and

(b) The client's total nonexempt resources are within applicable program ceiling values.

(3) The rules in chapter 388-218 WAC governing determination of an applicant's financial need for assistance also govern the determination of the continuing need of a recipient unless specifically stated otherwise.

(4) Need is subject to change whenever the client's financial circumstances change in such a way that the appropriate payment level or the client's income is increased or decreased in relation to the standards for assistance.

(5) The department shall take into account the net recurrent or nonrecurrent nonexempt income in cash or in-kind known at the time of application in computing eligibility for payment for an applicant and when determining the continuing grant amount of the recipient.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1050 Definitions. (1) "Allocation" means the process of determining the amount of income possessed by someone outside the AFDC assistance unit considered available to meet the needs of legal dependents in the assistance unit, or the process of determining the amount of income possessed by the assistance unit considered available to meet the needs of legal dependents outside the assistance unit.

(2) "Available income" means any income which the client possesses and can currently use to supply all or part of his/her requirements.

(3) "Budget month" means the second calendar month preceding the payment month.

(4) "Deeming" means the process of determining the amount of an alien sponsor's income available to the alien.

(5) "Earned income" means income in cash or in-kind earned as wages, salary, commissions, or profit from activities in which the client is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. Earned income also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock, or poultry. Income from rentals is earned income, provided the client has managerial responsibility for the rental property.

(6) The definition of "earned income" includes:

((*) (a) Earnings under Title I of the Elementary and Secondary Education Act;

((*) (b) All earnings received under the Economic Opportunity Act;

((*) (c) Wages from on-the-job training and work experience; and

((*) (d) Wages paid under the Job Training Partnership Act (JTPA).

(7) The definition of "earned income" excludes:

((*) (a) Returns from capital investment with respect to which the client is not actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income."

((*) (b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment. For example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, Social Security, etc.

(*) (c) Income from incentive payments and training-related expenses derived from institutional or work experience training.

(*) (d) Income received under the Job Training Partnership Act for training allowances, payments for support services, etc.

(8) "Earned income in-kind" means the in-kind item is earned by work performed for another person by the client such as earning rent from a landlord, etc.

(9) "Entitlement" means any claim or interest, payable in cash or in-kind, a client may have in the following:

(*) (a) Benefit;

(*) (b) Compensation;

(*) (c) Insurance;

(*) (d) Pension (retirement, military, etc.);

(*) (e) Bonus;

(*) (f) Allotment; and

(*) (g) Allowance, etc.

(10) "Gross income" means all income not specifically exempted by rule or regulation before applicable program disregards are applied.

(11) "Income" shall include, but is not limited to, all types of:

(*) (a) Income from the lease or rental of real or personal property;

(*) (b) Support from parent, stepparent, or other nonrelated adult;

(*) (c) Interest or dividends from stocks and bonds as specified in WAC 388-218-1920 (3)(a);

(*) (d) Wages, including garnished wages;

(*) (~~Interest in an estate;~~)

(*) (e) Income from farming;

(*) (f) Benefits and entitlements from private and public agencies, such as OASDI, veterans' agencies, and U.C.;

(*) (g) Gifts and prizes in the form of cash or marketable securities; and

(*) (h) Lump sum payments.

(12) "Initial investments" means real or personal property purchased directly with funds from an annuity fund or per capita payment up to the amount of the funds from the annuity fund or per capita payment.

(13) "Lump sum payment" means a nonrecurring unearned income. Lump sum payments may include, but are not limited to:

(*) (a) Lottery, bingo, or gambling winnings;

(*) (b) An inheritance;

(*) (c) Personal injury award;

(*) (d) Workers compensation awards; or

(*) (e) Social Security back payments.

(14) "Minor parent" means a person who:

(*) (a) Is seventeen years of age or younger; and

(*) (b) Resides in the same household with an adult responsible for the minor parent's support.

(15) "Net income" means gross income less applicable disregards and deductions for which the client is eligible.

(16) "Newly acquired income" means any previously unreported or undiscovered income a client possesses or controls in whole or in part.

(17) "Payment month" means the calendar month for which payment is made.

(18) "Process month" means the calendar month between the budget month and the payment month.

(19) "Self-produced" means an item (~~made~~) produced by a client (~~for personal use~~), as opposed to an item purchased by a client, given to a client, or earned by a client in lieu of wages.

(20) "Student" means a client attending a school, college or university, or a course of vocational or technical training designed to fit the client for gainful employment. A full-time student must have a school schedule equal to a full-time curriculum. A part-time student must have a school schedule equal to at least one-half of a full-time curriculum. A student enrolled during the school term just completed and planning to return to school when school reopens shall retain status as a student during the summer vacation.

(21) "Supplied" means the in-kind item is furnished to the client without work or cost.

(22) "Unearned income" means income not directly resulting from a client's employment or self-employment.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1130 Community income. (1) The department shall (~~consider~~) presume the following to be community income:

(a) All income held in the name of either the husband or wife or both;

(b) Any income received by either the husband or wife; or

(c) The earnings of the husband, or wife, or both, if not legally separated.

(2) The department shall (~~consider~~) presume income subject to the disposition of either the client or the client's spouse, to be community income for the purpose of determining eligibility. This (~~consideration~~) presumption stands until overcome by positive evidence to the contrary.

(3) Community income is considered to constitute a benefit available to the family unit and hence to both or either spouse.

(4) Each member of the marital community shall have eligibility determined on the basis of a family unit and on the basis of the total community income, regardless of whether one or both are clients.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94.)

WAC 388-218-1200 Exempt income types. The department shall exempt the following from consideration as income when determining need:

(1) The income of a supplemental security income recipient. The department shall not count nonrecurring lump sum SSI retroactive payments made to an AFDC client as income in the month paid nor in the next following month;

(2) AFDC benefits resulting from a court order modifying a department policy;

(3) Title IV-E, state and/or local foster care maintenance payments;

(4) Adoption support payments if the adopted child is excluded from the assistance unit;

(5) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, section 218;

(6) The food coupon allotment under Food Stamp Act of 1977;

(7) Compensation to volunteers under the Domestic Volunteer Act of 1973, P.L. 93-113, Titles I, II, and III;

(8) Benefits under women, infants and children program (WIC);

(9) Food service program for children under the National School Lunch Act of 1966, P.L. 92-433 and 93-150;

(10) Energy assistance payments;

(11) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(12) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall disregard income and resources derived from restitution payments;

(13) A previous underpayment of assistance under WAC 388-33-195. The department shall not consider such retroactive corrective AFDC payments as income in the month paid nor in the next following month;

(14) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims, P.L. 101-201. The effective date of the disregard is retroactive to January 1, 1989;

(15) Payments made under the Disaster Relief Act of 1974, P.L. 93-288, as amended by Disaster and Relief and Emergency Assistance Amendments of 1988, P.L. 100-707. This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(16) Payments from the Radiation Exposure Compensation Act, P.L. 101-426, made to an injured person, surviving spouse, children, grandchildren, or grandparents; ~~(and)~~

(17) Earned income tax credit; and

(18) Income specifically excluded by any other federal statute from consideration as income.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94.)

WAC 388-218-1210 Exempt and disregarded income—Educational assistance. (1) The department shall exempt from consideration as income when determining need educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

(a) Title IV of the Higher Education Amendments; or

(b) Bureau of Indian Affairs student assistance programs.

(2) The department shall ~~((take))~~ disregard the following ~~((into consideration as))~~ types of income ~~((and disregard as specified))~~ when determining need:

(a) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes.

(b) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391, for attendance costs as identified by the institution. For a student attending school:

(i) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(ii) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(c) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (1), (2)(a) and (b) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

(d) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (1), (2)(a), (b), and (c) of this section, as allowed under WAC 388-218-1540 Assistance from other agencies and organizations.

(e) Apply any applicable earned income disregards to any work study earnings received and not disregarded in subsections (1), (2)(a), (b), (c), and (d) of this section.

(f) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94.)

WAC 388-218-1220 Disregarded income—Native American benefits. The department shall ~~((take))~~ disregard the following ~~((into consideration as))~~ types of income ~~((and disregard as specified))~~ when determining need:

(1) Two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act, P.L. 92-203 and 100-241;

(2) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian tribe or individual tribal member;

(3) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134 as amended by P.L. 97-458 and 98-64. In addition:

(a) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income.

(b) When the initial investments are nonexempt resources see WAC 388-216-2000.

(c) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited.

(4) Income received by Native Americans which is derived from leases or other uses of individually owned trust

or restricted lands up to two thousand dollars per person per year (P.L. 103-66).

(5) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup Tribe member upon reaching twenty-one years of age.

(a) The department shall treat the income derived either from the annuity fund payment or the initial investments as newly acquired income.

(b) When the initial investments are nonexempt resources see WAC 388-216-2000.

(6) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94.)

WAC 388-218-1230 Disregarded income types. The department shall ~~((take))~~ disregard the following ~~((into consideration as))~~ types of income ~~((and disregard as specified))~~ when determining need:

(1) Child's earned income. Earned income of a child when student eligibility conditions in WAC 388-218-1410 Earned income of a child, have been met.

(2) ~~((Earned income tax credit (EITC).))~~

~~((3))~~ (3) Foster care payments. Disregard as income a foster care payment made for the care of a child. See WAC 388-218-1400 Earned income types, for the treatment of foster care retainer fees.

~~((4))~~ (3) Gifts:

(a) Cash gifts. Nonrecurring cash gifts up to thirty cumulative dollars received by each member of the AFDC assistance unit per calendar quarter. The department, unless otherwise specified by the donor, shall determine an individual's share in a gift to more than one person by dividing the amount of the gift by the number of persons receiving the gift.

(b) Noncash gifts. Gifts other than cash as defined under chapter 388-22 WAC provided such gifts are within the allowable program resource limits.

~~((5))~~ (4) Household cost funds. Funds representing another person's or family's share of household costs.

~~((6))~~ (5) Loans.

(a) Bona fide loans. The department shall consider a loan bona fide when the loan is a debt the borrower has an obligation to repay.

(b) Loan repayments. The department shall not consider as income to a client money received from loan repayment; however, the department shall consider any interest paid in the loan as newly acquired income.

~~((7))~~ (6) Office of support enforcement pass-through payments. The monthly child support incentive payment from the office of support enforcement (OSE);

~~((8))~~ (7) Overpayments recovered by source agency. Any overpayment amount withheld from a client's benefit in order to recover an overpayment by the source agency.

~~((9))~~ (8) Per diem and transportation. Per diem and transportation funds paid to AFDC advisory committee members.

~~((10))~~ (9) Settlements. Settlements for destroyed, stolen exempt property, or back medical bills when condi-

tions in, WAC 388-218-1530 Determining net income—Other income, have been met.

~~((11))~~ (10) Self-produced or supplied items. The value of self-produced or supplied items except as specified in, WAC 388-218-1340 Self-produced or supplied items, when:

(a) Self-produced items are sold for cash; or

(b) The household's requirement for shelter is supplied.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0090. Eligibility conditions—Financial criteria. In determining financial eligibility and grant amounts, the department shall follow aid to families with dependent children income, resource, transfer of property, and payment rules.

AMENDATORY SECTION (Amending Order 3610, filed 8/11/93, effective 9/11/93)

WAC 388-233-0060 Eligibility conditions—Support enforcement cooperation. (1) The department shall require the court-appointed legal guardian to cooperate with the office of support enforcement in the collection of child support.

(2) The department shall waive the requirement for cooperation if the guardian claims and the department establishes good cause as specified under ~~((WAC 388-24-111))~~ chapter 388-215 WAC.

AMENDATORY SECTION (Amending Order 3610, filed 8/11/93, effective 9/11/93)

WAC 388-233-0070 Eligibility conditions—Financial criteria. In determining financial eligibility, the department shall follow aid to families with dependent children income ~~((and)),~~ resource, and transfer of property rules. The department shall consider only the income and resources of the eligible child.

AMENDATORY SECTION (Amending Order 3559, filed 7/29/93, effective 8/29/93)

WAC 388-235-0070 Residence—Temporary absences. (1) The department shall find that a recipient is maintaining residence in Washington state when the ~~((+))~~ person's absences of more than one month were for:

(a) A visit as specified ~~((under chapter 388-26 WAC))~~ for the AFDC program; or

(b) Reasons other than a visit, and the person provides adequate information to establish a continuing residence in the state.

(2) The department shall determine the adequacy of the information on a person's absence of more than one month. In such cases, the department shall assume the person is no longer a resident unless the person provides evidence to the contrary.

AMENDATORY SECTION (Amending Order 3559, filed 7/29/93, effective 8/29/93)

WAC 388-235-2000 Resources. The department shall treat resources and transfer of property for GAU the same as for AFDC (~~(under chapter 388-28 WAC)~~) as required under chapters 388-216 and 388-217 WAC.

AMENDATORY SECTION (Amending Order 3559, filed 7/29/93, effective 8/29/93)

WAC 388-235-3000 Income. In determining a person's financial eligibility and assistance amount, the department shall:

- (1) Follow income ~~((,))~~ rules in chapter 388-219 WAC; and resource, transfer of property, and payment rules applicable to GAU as required under chapters ~~((388-28 and 388-33 WAC))~~ 388-216, 388-217, and 388-265 WAC; and
- (2) Exempt the first eighty-five dollars plus one-half the remainder of the ~~((applicant's/recipient's))~~ client's total gross monthly earned income.

AMENDATORY SECTION (Amending Order 3695, filed 1/26/94, effective 2/26/94)

WAC 388-275-0060 Payments. (1) The amounts of state supplementary payment standards are as specified under ~~((WAC 388-29-295))~~ chapter 388-250 WAC and the state supplementary agreement between the department and SSA.

(2) A state supplementary payment is made on a monthly basis and is included in the same check as a federal benefit is payable.

(3) The state supplementary payment is for the same month as the federal benefit.

**WSR 94-16-045
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3755—Filed July 27, 1994, 11:39 a.m., effective September 1, 1994]

Date of Adoption: July 27, 1994.

Purpose: Requires the department to issue a full month's benefit instead of a prorated benefit to any eligible household that reapplies within one calendar month of being off the food stamp program. It limits proration to anew [new] applicants and households off the program for one or more months.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-550 Monthly allotments.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Administrative Notice 94-03 and Public Law 103-66, Section 13916.

Pursuant to notice filed as WSR 94-12-083 on June 1, 1994.

Effective Date of Rule: September 1, 1994.

July 27, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3656, filed 10/27/93, effective 11/27/93)

WAC 388-49-550 Monthly allotments. (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	112
2	206
3	295
4	375
5	446
6	535
7	591
8	676
9	761
10	846
Each additional member	+ 85

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full ~~((month))~~ month's allotment to ~~((migrant and seasonal farmworker))~~ households applying within ~~((thirty days after))~~ one calendar month of a prior certification ~~((ends))~~ period.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

**WSR 94-16-046
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3763—Filed July 27, 1994, 11:41 a.m.]

Date of Adoption: July 27, 1994.

PERMANENT

Purpose: Implements section 31 of HB 2798. A child is allowed to transfer or accumulate up to \$4,000 of that child's income or resources into one irrevocable educational trust which is earmarked for that child's future educational use.

Citation of Existing Rules Affected by this Order: Amending WAC 388-217-3150 Transfer of property—Establishing intent to qualify for public assistance.

Statutory Authority for Adoption: RCW 74.12.350.

Pursuant to notice filed as WSR 94-13-054 on June 8, 1994.

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

July 27, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3696, filed 1/27/94, effective 2/27/94)

WAC 388-217-3150 Transfer of property—Establishing intent to qualify for public assistance. (1) The client shall have the opportunity to demonstrate that the transfer was for reasons other than to qualify or maintain eligibility for public assistance.

(2) Reasons (noninclusive) below shall, if verified, establish that the transfer was not for the purpose of qualifying or maintaining eligibility for public assistance:

(a) The client was the victim of fraud, misrepresentation or coercion and the transfer was based upon such fraud, misrepresentation or coercion; provided that the client has been attempting and continues to attempt to recover the property or its equivalent value;

(b) At the time of the transfer, the client was not receiving assistance and did not consider any probable need for assistance in the foreseeable future;

(c) The property was transferred to a spouse pursuant to a divorce or legal separation settlement approved by or ordered by a court of competent jurisdiction;

(d) The client held title only as a trustee for the use and benefit of another person with no beneficial interest himself or herself;

(e) The transfer was to clear title to a resource in which the client had no real beneficial enforceable interest; ~~((e))~~

(f) The client can show that his or her eligibility for assistance would not have been affected if he or she had retained, rather than transferred, the transferred property; or

(g) Within an assistance unit, up to four thousand dollars of each child's income or resources may be transferred or accumulated into one irrevocable educational trust per child without penalty when the educational trust is adequately earmarked for that child's future educational use. The department shall provide the client with clear and simple information regarding the creation of irrevocable educational trusts, including all relevant state and federal regulations governing the creation of such trusts.

WSR 94-16-047
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3765—Filed July 27, 1994, 11:43 a.m.]

Date of Adoption: July 27, 1994.

Purpose: Specifies that the unit head is the disclosure coordinator unless the unit head delegated the responsibility. Limits disclosure of a confidential client file to another agency to two situations: A release is included with the request for records, or disclosure is necessary for the Department of Social and Health Services to administer the program correctly. Clarifies language and edits to make rules easier to read.

Citation of Existing Rules Affected by this Order: Amending WAC 388-320-115 Disclosure coordinator, 388-320-130 Request for disclosure of a public record, 388-320-135 Disclosure to client's representative, 388-320-220 Exemptions to public records disclosure, and 388-320-240 Disclosure for other than program purposes.

Statutory Authority for Adoption: RCW 74.08.090 and 42.17.260.

Pursuant to notice filed as WSR 94-13-025 on June 3, 1994.

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

July 27, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 1609, filed 2/19/81)

WAC 388-320-115 ((Public)) Disclosure coordinator. The head of each ((departmental)) department administrative unit—for example, each CSO or institution—((shall designate from among its employees at least one public)) or the department designee shall be the disclosure coordinator((; who shall:

(1) Have responsibility to respond to written requests for disclosure of the department's nonexempt public records located in that office; and

(2) Refer the person requesting disclosure to any other office where the record is located, and assist further in the disclosure process; and

(3) Verify, if necessary, the identity of any person requesting information)) for that unit. The coordinator shall, upon request, assist the public or department staff in disclosure matters in that unit.

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

WAC 388-320-130 Request for disclosure of a public record. (1) A request for disclosure of a public record may be oral or written. A request need merely identify with reasonable certainty the record sought to be disclosed.

(2) A request for disclosure shall be made during customary business hours and may be made at ~~((my))~~ any office of the department. A request for research purposes should be made at the human research section (mailing

address: in care of the Office of the Secretary, P.O. Box 45010, Olympia WA 98504).

(3) When the law makes a record disclosable to a specific person, a requestor may be required to provide personal identification.

~~((7) Nothing in this section or elsewhere in this chapter shall be construed to require the department to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the department and is not required for litigation by rules of pretrial discovery.))~~

AMENDATORY SECTION (Amending Order 1609, filed 2/19/81)

WAC 388-320-135 Disclosure to client's representative. (1) ~~((f))~~ When a (client requests disclosure to a) representative (, that request) who is not a legislator or attorney requests a client's record, the request must be accompanied by a written release signed by the client ((, except that, as an accommodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative)). A written release must include:

- (a) The identity of the person(s) or organization(s) to whom disclosure is to be made;
- (b) An identification of the record, or portion thereof, to be disclosed;
- (c) A statement of when the authorization for disclosure expires.

(2) ~~((Disclosures))~~ When a representative who is a legislator or attorney requests a client's record, no written release signed by the client is required.

(3) Disclosure of information to a representative shall be made to the same extent as to the client.

~~((3))~~ (4) The legal guardian of a client has any and all rights accorded to a client by this section.

AMENDATORY SECTION (Amending Order 3456, filed 9/23/92, effective 10/24/92)

WAC 388-320-220 Exemptions to public records disclosure. Nondisclosable department records exempted by law include:

- (1) Personal information in any file maintained for clients of public institutions or welfare recipients, to the extent required by RCW 42.17.310 (1)(a);
- (2) Information regarding applicants and recipients of public assistance to the extent required by RCW 74.04.060 and/or ~~((42.17.320 (1)(a)))~~ 42.17.310 (1)(a);
- (3) Vocational rehabilitation records to the extent required by 34 C.F.R. 361.49;
- (4) Juvenile justice or juvenile care records to the extent required by chapter 13.50 RCW;
- (5) Alcohol and drug abuse patient records to the extent required by 42 C.F.R. chapter 1 part II or other federal law and regulations;
- (6) Records concerning applicants or recipients of support enforcement activities to the extent required by 45 C.F.R. 302.18 or RCW 26.23.120;

(7) Office of support enforcement information regarding location of parents to the extent required by RCW 74.20.280;

(8) Adoption and voluntary termination of parent-child relationship records to the extent required by chapter 26.32 RCW and financial information received from adoptive parents to the extent required by RCW 74.13.121;

(9) Mental illness and inebriacy records to the extent required by RCW 71.05.390;

(10) ~~((The central registry of reported cases of child abuse or abuse of developmentally disabled persons to the extent required by RCW 26.44.070;~~

~~((11))~~ Records of patients and inmates of state institutions to the extent required by RCW 72.01.290;

~~((12))~~ (11) Nursing home records to the extent required by RCW 18.51.190, 70.124.010, and 74.46.820;

~~((13))~~ (12) Records maintained by rape crisis centers to the extent required by RCW 70.125.065;

~~((14))~~ (13) Competitive contract procurement instruments, such as a request for proposals or an invitation for bids, prior to the release to potential bidders; proposals and bids received in response to competitive contract procurement instruments until either the public opening of bids or, for proposals, the contractor and the department have signed the contract, under RCW 43.20A.050;

~~((15))~~ (14) Personal information in files maintained for an employee or volunteers of the department to the extent required by RCW 42.17.310 (1)(b) and (u);

~~((16))~~ (15) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy under RCW 42.17.310 (1)(d). Under the rules set forth in chapter 388-08 WAC, administrative law and review judges may make determinations in the following program areas only: Public assistance and/or food stamp programs as to whether the circumstances of a particular case, when weighing the public interest in protecting the flow of information against the individual's right to prepare ~~((his or her))~~ the individual's defense, necessitates nondisclosure of particular intelligence or investigative information~~((-))~~. Nothing in this regulation shall be deemed to deny adequate opportunity to the appellant or his or her representative, to examine any intelligence or investigative information to be used by the agency at the hearing. As used in these regulations, intelligence and investigative information includes the following:

(a) Allegations or complaints of suspected criminal activity;

(b) Identification of informants, complainants, any person whose physical safety or property may be endangered by such disclosure, and potential witnesses regarding alleged criminal activity;

(c) Identification of and reports concerning criminal suspects other than the person who is the subject of the fair hearing;

(d) Assessments, reports, notes or voice recordings of law enforcement officials or officials of a criminal justice agency, as defined in RCW 10.97.030, concerning the person who is the subject of the fair hearing, informants or potential witnesses; and

(e) Criminal history information relating to persons or organizations other than the person or persons who are the subject of the fair hearing.

((17)) (16) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern pursuant to RCW 42.17.310 (1)(e);

((18)) (17) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the department in connection with any action under RCW 42.17.310 (1)(i); (and

(19)) (18) Records relevant to a controversy to which the department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts under RCW 42.17.310 (1)(j)((-20)); and

(19) Information as described under RCW 42.17.320 (1)(cc) that identifies a person who, while an agency employee:

(a) Seeks advice, under an informal process established by the employing agency, in order to ascertain such person's rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and

(b) Requests such person's identity or any identifying information not be disclosed.

AMENDATORY SECTION (Amending Order 1609, filed 2/19/81)

WAC 388-320-240 Disclosure for other than program purposes. To the extent not otherwise prohibited or authorized by law, ((inquiries)) a request to disclose a client's record from ((agencies)) an agency outside the department seeking disclosure for a purpose other than the administration of the department's program, will be honored only if ((written and only if)) the client's authorization is included with the request.

WSR 94-16-048
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Order 3764—Filed July 27, 1994, 11:45 a.m.]

Date of Adoption: July 27, 1994.

Purpose: Removes the detailed per diem rates and ancillary rates per relative value unit (RVU) from the WAC and adds a reference indicating schedules of current charge rates are available at each hospital. Enables the hospitals to more timely revise rates to keep them more concurrent with changing operating costs. This better enables the hospitals to fulfill the requirement of RCW 43.20B.325 that charges

for hospitalization of patients in state mental health hospitals be based on the cost of operations.

Citation of Existing Rules Affected by this Order: Amending WAC 275-16-030 Schedule of charges.

Statutory Authority for Adoption: RCW 43.20B.325. Pursuant to notice filed as WSR 94-13-051 on June 8, 1994.

Effective Date of Rule: Thirty-one days after filing.
July 27, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3659, filed 10/27/93, effective 11/27/93)

WAC 275-16-030 Schedule of charges. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month((, based on the following schedule:

~~(1) COSTING AND BILLING RATES~~

	Child Study and	
	Western Treat Eastern	
	State ment State	
	Hospital Center Hospital	

~~(a) INPATIENT SERVICES~~

Hospital Costs Per Day	\$ 286.20	342.30	293.70
Physician Costs	*	N/A	*

*The department shall bill the client for physician costs on a fee for service basis.

~~(b) OUTPATIENT SERVICES~~

Per diem

Outpatient	
Day Treatment	
Per Day	37.26
Per Hour	6.21

~~(c) ANCILLARY SERVICES~~

Per relative value unit^{1/2}

Radiology	14.09	14.09	13.20
Laboratory	.86	.86	.60
Medical Clinics	15.07	15.07	4.40
Electroencephalography	2.11	2.11	
Electrocardiology	.39	.39	1.10
Physical Therapy	10.18	10.18	17.23
Occupational Therapy	71.23	71.23	27.36
Speech Therapy			28.69
Dental	39.81	39.81	46.03
Podiatry			1.50

~~(d) RESIDENTIAL SERVICES~~

	Pals	Portal
Costs Per Day	171.00	94.35

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~~(2) The department shall purchase services required by the patient, not provided by hospital staff, from private sources and the patient shall be charged actual cost of services.~~

~~[†]California Medical Association. *Relative Value Studies*. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp. Dental relative value units are calculated based on the American Dental Association Survey of 1990 national dental fees). A schedule of each hospital's charge rates will be computed under this section based on actual operating costs of the hospital for the previous year. The schedule will be prepared by the secretary's designee, from financial and statistical information contained in hospital records. The schedule will be updated at least annually. All changes under this section shall be prepared in advance of the effective date. Each hospital will make available the schedule of current charge rates upon request.~~

WSR 94-16-049

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 27, 1994, 2:48 p.m., effective September 1, 1994]

Date of Adoption: July 14, 1994.

Purpose: This rule details the classifications, positions, and employees of higher education institutions/related boards which are exempted from coverage of the general provisions of Title 251 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 251-04-040.

Statutory Authority for Adoption: Chapter 41.06 RCW, RCW 41.06.150.

Pursuant to notice filed as WSR 94-12-059 on May 27, 1994.

Effective Date of Rule: September 1, 1994.

July 22, 1994

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 94-02-031, filed 12/29/93, effective 2/1/94)

WAC 251-04-040 Exemptions. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a

community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Are employed in a position directly related to their major field of study to provide training opportunity; or

(c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/ study programs.

(5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.

(6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(8) The personnel director of the higher education personnel board and his confidential secretary.

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, as determined by the higher education personnel board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

(12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

~~((13) All employees of a bargaining unit which is recognized as exempt as provided in RCW 41.56.201.)~~

WSR 94-16-060

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5054—Filed July 28, 1994, 10:22 a.m.]

Date of Adoption: July 28, 1994.

Purpose: To generate funds for Washington state's pest certification programs through an assessment of fresh apple shipments.

Citation of Existing Rules Affected by this Order: Amending WAC 16-400-210.

Statutory Authority for Adoption: Chapters 15.17 and 17.24 RCW.

Pursuant to notice filed as WSR 94-13-041 on June 7, 1994.

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

July 28, 1994

James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 4019, filed 3/23/93, effective 4/23/93)

WAC 16-400-210 Other charges. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty dollars.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty dollars.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as

specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-seven dollars.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: *Provided*, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards. ~~((Such fee shall apply from February 1 to May 31, 1993.))~~

WSR 94-16-074
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3766—Filed July 29, 1994, 12:40 p.m., effective September 1, 1994]

Date of Adoption: July 29, 1994.

Purpose: Complies with 1993 Mickey Leland Act. The act at Section 13911 excludes earned income of a person who is an elementary or secondary school student and who is twenty-one years of age or younger. Clarifies intent of the Code of Federal Regulations related to income exclusions for program repayments. Avoids confusion of what programs are public assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-470 Income—Exclusions.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Public Law 103-66 (August 10, 1993) and 7 CFR 273.11(k).

Pursuant to notice filed as WSR 94-12-003 on May 19, 1994.

Effective Date of Rule: September 1, 1994.

July 29, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3614, filed 8/11/93, effective 9/11/93)

WAC 388-49-470 Income—Exclusions. (1) The department shall exclude the following income:

(a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional ~~((public assistance program))~~ noncompliance overpayment from a federal, state, or local means-tested program;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of household members who are:
(i) ~~((Seventeen))~~ Twenty-one years of age or under; and
(ii) Attending elementary or secondary school at least half time.

(d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:

- (i) Cannot be reasonably anticipated as available; and
- (ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

- (f) Nonrecurring lump sum payments;
- (g) The cost of producing self-employment income;
- (h) Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;

(i) Educational expenses earmarked by the school or actually paid by the student for:

- (i) Tuition;
- (ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;
- (iii) Books;
- (iv) Supplies;
- (v) Transportation; and
- (vi) Miscellaneous personal expenses.

(j) Reimbursements for past or future expenses to the extent the reimbursements do not:

- (i) Exceed the actual expense; and
- (ii) Represent a gain or benefit to the household.
- (k) Any gain or benefit not in money;
- (l) Vendor payments as defined in WAC 388-49-020;
- (m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

(n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

(o) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117

PERMANENT

6	133
7	154
8 or more	170

WSR 94-16-076
PERMANENT RULES
OFFICE OF MARINE SAFETY

[Filed July 29, 1994, 2:42 p.m., effective October 29, 1994]

(p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

(q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

(r) Payments from the individual and family grant program;

(s) Public assistance payments:

(i) Over and above the regular warrant amount;

(ii) Not normally a part of the regular warrant; and

(iii) Paid directly to a third party on behalf of the household.

(t) From Jobs Training Partnership Act programs:

(i) Allowances; and

(ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

(u) Cash donations based on need:

(i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and

(iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(v) Earned income credit.

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) The lessor of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

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.

Date of Adoption: July 29, 1994.

Purpose: To establish procedures for vessel refueling operations to reduce the likelihood of oil spills.

Statutory Authority for Adoption: RCW 88.46.170.

Other Authority: RCW 43.211.030.

Pursuant to notice filed as WSR 94-12-093 on June 1, 1994; and WSR 94-16-059 on July 28, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 317-40-030(8) Definitions, persons in charge, delete language after the first "who" which lists in detail the certificates or licenses required for a person in charge. Instead, simplify the text to read "who meets the qualifications under 33 CFR Section 155.710"; WAC 317-40-030(12) Definitions, topping off, delete the language after "means" and replace with "the receipt of bunker oil into the last ten percent of available capacity in any bunker tanks." This change allows crew to begin stop filling the tanks based on the percent that they are filled rather than the estimated time that they will be filled; WAC 317-40-040(1) Compliance with federal law and regulations, delete the language "including but not limited to" and replace it with "under." This change clarifies that this WAC builds on CFR sections applicable to bunkering and not other provisions in 33 or 46 CFR; WAC 317-40-050 (1)(d) Receiving vessel procedures, delete current text which refers to an OMS issued brochure and replace with language that clarifies the types of English phrases and hand signals required for bunkering operations. English phrases are listed in a subsection (8)(b) of this section; WAC 317-40-050 (8)(b) Receiving vessel procedures, add subsection (b) explaining which hand signals and English phrases must be used during bunking. This addition does not make the reader depend on an OMS generated "communication guide"; WAC 317-40-080(7) Delivering vessel procedures, the current text is ambiguous about whether an interpreter can be requested. The sentence is restructured to clarify that if the delivering vessel's person in charge is not satisfied that the receiving vessel has a person proficient in English, that the delivering vessel's person in charge may request an interpreter; WAC 317-40-090 Record keeping, add a new subsection (4) describing the existing record-keeping documents that will demonstrate compliance with work hours allowed; WAC 317-40-150(2) Enforcement, subsections (2)(c) and (d) are combined into one reference to OMS' penalties under RCW 88.46.080; and WAC 317-40-900 Effective date, change the effective date to ninety days instead of sixty days to allow time to inform the maritime community about rule requirements and to allow OMS staff time to produce and disseminate educational materials.

Effective Date of Rule: October 29, 1994.

July 29, 1994
 Barbara Herman
 Director

PERMANENT

WASHINGTON STATE OFFICE OF MARINE SAFETY
Chapter 317-40 WAC
BUNKERING OPERATIONS

NEW SECTION

WAC 317-40-010 Purpose. This chapter establishes minimum standards for safe bunkering operations to reduce the likelihood of an oil spill by:

- (1) Emphasizing the importance of proper procedures, communication and monitoring before, during and after a bunkering operation;
- (2) Ensuring that the duties of each person involved in a bunkering operation are clearly defined; and
- (3) Requiring vessel owners and operators to adopt company policies that improve the safety of bunkering.

NEW SECTION

WAC 317-40-020 Application. This chapter applies to all bunkering operations to refuel a self-propelled covered vessel 300 gross tons or more, and to all owners, operators, persons-in-charge, and other personnel involved in bunkering in state waters.

NEW SECTION

WAC 317-40-030 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:

- (1) "Bunkering" means an oil transfer operation to replenish a self-propelled covered vessel 300 gross tons or more with fuel or bunkers used to propel the vessel.
- (2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred gross tons or more, including but not limited to, commercial fish processing vessels and freighters .
- (3) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.
- (4) "Innage" means the difference from the surface of the liquid to a fixed datum plate or to the tank bottom.
- (5) "Office" means the office of marine safety.
- (6) "Oil transfer procedure" means the document required under 33 C.F.R. Sec. 155.720 that contains information required under 33 C.F.R. Sec. 155.750 including bunkering procedures.
- (7) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.
- (8) "Person in charge" means, for vessels, the person designated under 33 C.F.R. Sec. 155.700 who meets the qualifications under 33 C.F.R. Sec. 155.710. For facilities, it is the person designated under 33 C.F.R. Sec. 154.700 who meets the qualifications of 33 C.F.R. Sec. 154.710.
- (9) "Proficient in English" means the ability to clearly speak the English language so personnel from other vessels and facilities understand and may safely complete a vessel operation.
- (10) "Tank vessel" means a ship 300 gross tons or more that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:
 - (a) Operates on the waters of the state; or
 - (b) Transfers oil in a port or place subject to the jurisdiction of the state.

A ship is constructed or adapted to carry oil in bulk as cargo or cargo residue if authorized to do so under the ship's certification. A vessel carries oil as cargo or cargo residue if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. A vessel being used to collect spilled oil from the water, and may have some recovered oil storage capacity, does not carry oil as cargo.

(11) "Training" means instructional, materials, and procedures, including shipboard materials, practical exercises, and drills.

(12) "Topping off" means the receipt of bunker oil into the last ten percent of available tank capacity in any bunker tank.

(13) "Ullage" or "outage" means the depth of space above the free surface of the fluid to the tank top.

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 317-40-040 Compliance with federal law and regulations. (1) All bunkering and personnel involved in bunkering must comply with applicable provisions of federal law and regulations governing licensing, documentation, and oil transfer operations under 33 C.F.R. Sec. 155 and 156, and 46 C.F.R. Sec. 12, 15, and 35.

(2) Federal law and regulations applicable to bunkering on the effective date of these rules are hereby incorporated. Any amendment or recodification of an applicable federal law or regulation is also hereby incorporated unless expressly stated otherwise.

NEW SECTION

WAC 317-40-050 Receiving vessel procedures. Receiving vessel personnel on a covered vessel being refueled in state waters shall comply with the requirements of this section.

(1) Training. Except for a receiving vessel subject to subsection (2) of this section, a receiving vessel's person in charge shall conduct a training session for all personnel with duties under the vessel's oil transfer procedure within 48 hours before a vessel's scheduled bunkering. If personnel not assigned bunkering duties in the oil transfer procedure are assigned such duties, the person in charge shall train such personnel before they assume bunkering responsibilities. Training shall be conducted in a language common to both the person in charge and personnel being trained. The training shall include, but is not limited to, a review of the:

- (a) Vessel's pre-loading plan as described in subsection (3) of this section;
- (b) Civil and criminal penalties and liabilities for not complying with federal and state regulations, and for spilling oil in Washington waters;
- (c) Vessel's oil transfer procedure, including each person's responsibilities and station;
- (d) English phrases and hand signals to communicate the instructions listed in subsection (8)(b) of this section; and

(e) Emergency shutdown procedures described under WAC 317-40-065.

(2) Intrastate Operation. A receiving vessel underway in state waters more than 50 percent of the time in a calendar year and that bunkers three or more times in a month shall conduct the training session described in subsection (1) of this section at least once every month.

(a) The receiving vessel's owner or operator shall submit a written schedule of the vessel's operations to the office stating:

- (i) The vessel's name, call sign, and official number;
- (ii) The typical routes served by the vessel; and
- (iii) The typical number of bunkering operations performed in any 30 days.

(b) The receiving vessel's owner or operator shall notify the office in writing within 30 days of making a change in the vessel's typical operations

(3) Pre-loading plan. The receiving vessel's person in charge shall prepare a pre-loading plan prior to conducting the training session required under subsection (1) of this section. The person in charge shall ensure that a copy of the plan is posted at a place where the plan is easily seen by, and in a language common to, vessel personnel engaged in bunkering. The pre-loading plan must include the:

- (a) Identification, location and capacity of the vessel's bunker tanks receiving oil;
- (b) Level and type of liquid in each bunker tank prior to the scheduled time for bunkering;
- (c) Final ullage or innage, and percent of each bunker tank to be filled;
- (d) Sequence in which the bunker tanks are to be filled; and
- (e) Procedures to regularly monitor all bunker tank levels and valve alignments.

(4) Watchstanders. The vessel's oil transfer procedure must designate a point-of-transfer watch and a deck-rover watch. Each watch must be equipped with two-way communications to communicate with the person in charge and vessel master or officer in charge.

(a) A point-of-transfer watch must remain at the point of connection with the delivering vessel during bunkering.

(b) The primary duty of the deck-rover is to monitor for oil spills on deck or over the side during bunkering. The deck-rover may perform other duties not in conflict with his or her primary duty. The deck-rover shall:

(i) Visually inspect the deck and water near or opposite all bunker tanks and each tank's sounding tube and vent, if accessible; and

(ii) Remain in a position during changing over of tanks or topping off to view any spillage on deck or in the water.

(5) Personnel duties. Except for the deck-rover watch, personnel assigned bunkering responsibilities may perform only those duties assigned while the vessel is bunkering. All personnel assigned to bunkering shall comply with their assigned duties under the vessel's oil transfer procedure and remain at their work stations during topping off.

(6) Vessel access. A receiving vessel must have an accommodation ladder in place to use for access between the receiving and delivering vessels, or between the receiving vessel and facility. If the vessel's master determines that the ladder is inaccessible from the delivering vessel another means of access must be provided that meets the standards

established in the International Convention for the Safety of Life at Sea, 1974, as consolidated in 1986 (SOLAS). If the vessel master determines access is not safe due to weather or seastate, the master may allow communication by radio or by means set forth in subsection 8 of this section.

(7) Soundings. The receiving vessel's person in charge shall ensure that he or she receives sounding reports on tank levels according to the monitoring procedure established in the vessel's pre-loading plan.

(8) Communication. (a) The receiving vessel's person in charge shall ensure that communication between the receiving and delivering vessel or facility is accomplished either visually and by voice, sound-powered phones, radio, or air horn as required under 33 C.F.R. Sec. 155.785. The receiving vessel's person in charge shall notify the delivering vessel's or facility's person in charge immediately before topping off begins.

(b) The person in charge shall ensure that bunkering personnel know and use English phrases and hand signals to communicate the following instructions during bunkering: "stop", "hold", "okay", "wait", "fast", "slow", and "finish".

NEW SECTION

WAC 317-40-060 Bunkering by a facility. During the pre-transfer conference, the person in charge for a receiving vessel being refueled by a facility shall ensure that the receiving vessel's personnel comply with these rules and with the facility's operations manual as required under chapter 173-180B WAC.

NEW SECTION

WAC 317-40-065 Emergency shut down procedures.

(1) If any of the receiving vessel's personnel discovers an oil spill either on deck outside fixed containment, or on the water, or believes an oil spill is likely, he or she shall request immediate shutdown of the bunkering operation.

(2) The delivering vessel's personnel shall immediately activate the emergency shutdown device at the request of any person on the receiving vessel.

NEW SECTION

WAC 317-40-070 Pre-transfer conference.

(1) Before any oil is transferred during bunkering, the receiving vessel's person in charge and the delivering vessel's or facility's person in charge shall hold a pre-transfer conference as required under 33 C.F.R. Sec. 156.120. The persons in charge shall meet in person onboard either vessel or at the facility unless the receiving vessel's master determines it is unsafe under WAC 317-40-050(6). The persons in charge shall:

(a) State and discuss the contents of the declaration of inspection required under 33 C.F.R. Sec. 156.150;

(b) Discuss procedures for informing the delivering vessel's or facility's person in charge before the receiving vessel changes over tanks or begins topping off; and

(c) Discuss emergency shutdown procedures and identify each vessel's means to shut down the transfer in an emergency.

(2) The receiving vessel's person in charge shall identify for the delivering vessel's or facility's person in charge those

personnel designated as point-of-transfer watch and deck-rover watch.

(3) A receiving vessel may not receive bunkers unless a person proficient in English and a language common to the vessel's officers and crew is present at the pre-transfer conference. The receiving vessel's owner or operator shall provide an interpreter proficient in English and a language common to the vessel's officers and crew at the request of the office, the delivering vessel's or facility's person in charge, or the U.S. Coast Guard.

(4) If the delivering vessel's person-in-charge is not satisfied with the receiving vessel's representative's English proficiency, he or she shall request an interpreter.

NEW SECTION

WAC 317-40-080 Delivering vessel procedures.

Delivering vessel personnel may not begin bunkering unless:

(1) The tanker man meets the certification requirements under 46 C.F.R. Subpart 12.20 and has undergone annual training to become familiar with the requirements of this chapter.

(2) Access is provided to and from the receiving vessel that meets WAC 317-40-050(5).

(3) A pre-transfer conference was held that met the requirements of WAC 317-40-070;

(4) A declaration of inspection was discussed in the pre-transfer conference and signed by both persons in charge as required under 33 C.F.R. Sec. 156.120;

(5) The delivering vessel's person in charge ensures that communication between the receiving and delivering vessel is accomplished either visually and by voice, sound-powered telephone, radio, or air horn, as required under 33 C.F.R. Sec. 155.785; and

(6) The receiving vessel's person in charge has discussed procedures for informing the delivering vessel's person in charge before changing over tanks and beginning topping off.

NEW SECTION

WAC 317-40-085 Work hours. Receiving and delivering vessel personnel involved in bunkering may not work more than 15 hours in any 24-hour period nor more than 36 hours in any 72-hour period except in an emergency or spill response operation. For purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

NEW SECTION

WAC 317-40-090 Record keeping. (1) The master of a receiving vessel or his designee shall record in the vessel's official or deck log the date and time of the receiving vessel training session required under WAC 317-40-060(1), and the name and rating of who attended, immediately upon completion of the session.

(2) The master or officer in charge shall record in the receiving vessel's official or deck log that a pre-transfer conference was held prior to bunkering that complied with the requirements of WAC 317-40-070.

(3) The receiving vessel's pre-loading plan and declaration of inspection shall be retained on the vessel for 30 days from the date of bunkering.

(4) The receiving and delivering vessels' owner or operator shall maintain records, such as log book entries, maintenance records or payroll records, demonstrating compliance with work hour restrictions in Section 317-40-085 and shall, upon request, provide that information to the Office of Marine Safety.

NEW SECTION

WAC 317-40-100 Owner and operator responsibilities. (1) Owners and operators of receiving and delivering vessels must ensure that the procedures required under this chapter are implemented and followed on their vessels.

(2) Owners and operators shall ensure that records are kept as required by this chapter and federal regulations.

NEW SECTION

WAC 317-40-110 Location of bunkering (reserved).

NEW SECTION

WAC 317-40-120 Best achievable technology (reserved).

NEW SECTION

WAC 317-40-130 Oil spills. (1) In the event oil is spilled into the water, or discharged onto either the receiving or delivering vessel's deck outside fixed containment, the vessel's persons in charge shall immediately shut down the bunkering operation. (2) Bunkering may not resume until: (a) Notification is made as required in RCW 90.56.280; and (b) The persons in charge determine that there is no threat of subsequent oil spills.

NEW SECTION

WAC 317-40-140 Compliance. (1) Upon request by the office, an owner or operator of a receiving or delivering vessel involved in bunkering in state waters shall demonstrate compliance with this chapter. The owner or operator shall make available to the office any or all of the following: (a) the receiving vessel's official and engineering logs; (b) written company policies; (c) standing orders; (d) the receiving vessel's pre-loading plan; (e) each vessel's declaration of inspection form; (f) the vessel's oil transfer procedures; and (g) training materials.

NEW SECTION

WAC 317-40-150 Enforcement. (1) Failure to comply with the requirements of chapter 88.46 RCW, the provisions of this chapter, or any order or administrative action issued by the office under this chapter, the office may:

(1) Order an immediate shutdown of the bunkering procedure;

(2) Require additional personnel;

(3) Refer the violations for criminal prosecution pursuant to 88.46.080 RCW; or

(4) Take other appropriate actions to address the violation.

NEW SECTION

WAC 317-40-900 Effective date. This chapter shall take effect 90 days after the order adopting these rules is filed with the Office of the Code Reviser.

NEW SECTION

WAC 317-40-910 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

WSR 94-16-085

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 94-05—Filed August 1, 1994, 8:11 a.m.]

Date of Adoption: August 1, 1994.

Purpose: Adoption of revised shoreline master program for Asotin County into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-100 Asotin County shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 94-03-093 on January 19, 1994.

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

August 1, 1994

Terry Husseman
for Mary Riveland
Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-100 Asotin County. Asotin County master program approved October 22, 1974. Revision approved August 1, 1994.

WSR 94-16-086

PERMANENT RULES

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed August 1, 1994, 10:47 a.m., effective August 1, 1994]

Date of Adoption: August 1, 1994.

Purpose: To implement the provisions of chapter 177, Laws of 1994, providing that certain types of standby pay constitute compensation earnable.

Statutory Authority for Adoption: RCW 41.50.050, 41.40.020.

Pursuant to notice filed as WSR 94-13-197 on June 21, 1994.

Changes Other than Editing from Proposed to Adopted Version: There are three changes between the rule proposed in WSR 94-13-197 and the adopted rule: Examples have been added under WAC 415-108-461(1) to illustrate the distribution between pay for time actually worked and pay that is not for time actually worked; the Department of Personnel rule that authorizes standby pay for state employees is explicitly cross-referenced in WAC 415-108-461(4). This was done in response to concerns raised at the rule-making hearing requesting an explicit cross-referencing; and the definitions of "specific location" and "immediate vicinity" were broadened slightly such that a person would be within the immediate vicinity of a specific location if they were limited to parcels of property that abut a specific location. The adopted rule is not substantially different from the proposed rule. A reasonable person affected by the adopted rule would have understood that the published proposed rule would affect his or [her] interest. The subject of the adopted rule and the issues determined in it are not substantially different from the subject or issues involved in the published proposed rule. The effect of the adopted rule does not differ substantially from the effect of the adopted [proposed] rule. While a person is afforded slightly greater mobility under the adopted rule, the adopted rule still excludes compensation received by persons whose only limitation is that they remain within a certain area defined by response time or beeper range.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Section 3, chapter 177, Laws of 1994, extended a period for forgiveness of past misreporting of standby pay, which has expired. The rule shown below needs to be effective upon filing so that it can be used to give guidance to employers and employees regarding what types of standby pay are reportable. This guidance is necessary as soon as possible since, following the expiration of the forgiveness period, all misreporting must be corrected.

Effective Date of Rule: August 1, 1994.

July 29, 1994

Sheryl Wilson
Director

NEW SECTION

WAC 415-108-461 Standby pay—Location restricted compensation. (1) Payments made from employers to employees that are not pay for time actually worked are not compensation earnable under RCW 41.40.010 (8)(a) or (b) except as provided in those sections and further described in this section.

Example: Payments made to an employee are not pay for time actually worked if, after leaving work, an employee earns payment in consideration for being available to return to work should the need arise.

Example: Conversely, payments made to an employee are pay for time actually worked if the employee is required to transport students or other individuals to a location away from the employer's primary worksite and await the conclusion of an activity at the remote location

before transporting the passengers to the point of origin or other location.

(2) As used in RCW 41.40.010 (8)(a) and (b), this section and WAC 415-108-462, with regard to compensation that a member receives for time not actually worked:

(a) "Specific location" means a single, specific parcel of property, such as the job site or the employee's residence, designated by the employer where the employee must remain while earning payment for time not actually worked;

(b) "Immediate vicinity" means a parcel of property abutting the specific location;

(c) "Location pay" means a type of standby pay that an employee receives, not for time actually worked, but rather in consideration for being required to:

(i) Remain at, or in the immediate vicinity of, a specific location; and

(ii) Report immediately to work should the need arise, although the need may not arise.

Location pay is the pay earned by a member when he or she is in standby status, only as defined in RCW 41.40.010(8). Location pay is considered compensation earnable.

(3) Payment received by a member for time not actually worked is not considered location pay if the member is allowed to leave the immediate vicinity of a specific location and is required to report to work only after being notified by pager or other similar notification device.

(4) Standby pay to state employees authorized by WAC 356-15-080 (1)(a), as codified on August 1, 1994, is limited to persons required to remain at a specific location and is location pay. Standby pay to state employees authorized by WAC 356-15-080 (1)(b), as codified on August 1, 1994, is paid to persons who are not required to remain at a specific location or in the immediate vicinity of a specific location and is not location pay.

(5) This section is effective August 1, 1994.

NEW SECTION

WAC 415-108-462 Location restricted compensation—Employer policy. (1) Payment received by a member for time not actually worked will only be considered location pay as defined in WAC 415-108-461 only if the employer adopts a written policy identifying the compensation as earned:

(a) For time not actually worked; where

(b) The member is required to remain at a specific location or in the immediate vicinity of a specific location as defined in WAC 415-108-461; and

(c) The employer requires the employee to be prepared to report immediately to work if the need arises, although the need may not arise.

(2) If an employer does not adopt a policy as described in subsection (1) of this section, the department will presume that the employee is not restricted to a specific location or the immediate vicinity of a specific location and that any payment received for time not actually worked is not earnable compensation under RCW 41.40.010 (8)(a) or (b).

**WSR 94-16-109
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD**
[Filed August 2, 1994, 9:44 a.m.]

Date of Adoption: July 29, 1994.

Purpose: Provides guidance and procedures for increasing RATA funding to projects approved after July 1, 1995.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-13-184 on June 21, 1994.

Effective Date of Rule: Thirty-one days after filing, July 29, 1994

Reid C. Wheeler
for Vern E. Wagar
Executive Director

**INCREASED ALLOCATIONS OF
RATA FUNDS TO PROJECTS**

NEW SECTION

WAC 136-165-010 Purpose and effective date. RCW 36.79.150 provides for increasing the amount of RATA funds allocated to a project. This chapter describes the manner in which counties may request an increase in the amount of RATA funds allocated to a project and the manner in which the CRABoard will respond to such requests. This chapter will apply only to projects for which RATA funds have been allocated after July 1, 1995.

NEW SECTION

WAC 136-165-020 Requirements for consideration of RATA fund increases. (1) When a county submits its final prospectus as described in WAC 136-161-050, CRAB presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation only twice in the course of a project's development: At the completion of preliminary engineering, and prior to commencing construction. All cost increases during the course of construction shall be the responsibility of the county. Requests for increases in excess of 50% of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) below;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) below;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation; and

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(d) The request is not to pay for an expansion of the originally approved project.

(4) At the time of preparation and submittal of the final project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgement and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including pre-project scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right of way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The CRABoard will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; and/or

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds.

NEW SECTION

WAC 136-165-030 CRABoard evaluation, consideration and action. (1) In deciding whether to grant a request for a RATA allocation increase submitted under the provisions of WAC 136-165-020, the CRABoard will consider the following factors:

(a) Whether the county, at the time of preparing its final project prospectus, considered the factors listed in WAC 136-165-020(4);

(b) Whether the county's request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in WAC 136-165-020(5);

(c) Whether it is feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) Whether the request is to pay for an expansion of the project; and

(e) Whether the increased allocation will have an adverse effect on other approved or requested RATA funded projects.

(2) Where the requested increase is less than or equal to 25% of the original RATA allocation, and \$100,000, the request may be acted upon by the Executive Director; all approvals or denials will be appropriately documented and described to the CRABoard at its next quarterly meeting. Where the requested increase is more than 25% of the original RATA allocation, or \$100,000, the request will be acted upon by the CRABoard.

(3) If the CRABoard finds that an increase in RATA funds for a previously approved project is justified, some or all of the requested increase may be allocated.

NEW SECTION

WAC 136-165-040 Effect of receiving RATA increase. A county's increased RATA funds for a project program period shall correspondingly reduce the amount of any RATA funds for which it is eligible to compete in the next project program period; provided that the CRABoard may grant a county's request to decrease such a reduction by the total amount of increased but unexpended RATA funds.

All reductions and reduction adjustments as described shall be effective in the project program period following the period in which the increase in the RATA funds is approved.

NEW SECTION

WAC 136-165-050 Amendment of CRAB/county contract. All changes in approved RATA allocations and other CRABoard actions taken under the provisions of this chapter shall be reflected by amending the CRAB/County contract. Failure of a county to execute an amended CRAB/County contract within 45 days of receipt shall nullify all allocation increases and other CRABoard actions.

**WSR 94-16-110
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed August 2, 1994, 9:46 a.m.]

Date of Adoption: July 29, 1994.

Purpose: Provides guidance and procedures for RATA funded project withdrawals, early termination and lapsing of RATA fund authorization.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-13-183 on June 21, 1994.

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

July 29, 1994

Reid C. Wheeler
for Vern E. Wagar
Executive Director

WITHDRAWALS, EARLY TERMINATION, AND LAPSING OF APPROVED PROJECTS

NEW SECTION

WAC 136-167-010 Purpose. RCW 36.79.060 provides for the CRABoard to adopt rules relating to the allocation of funds in the rural arterial trust account. This chapter describes the manner in which the CRABoard will administer project withdrawals, early termination, and lapsing of approved projects.

NEW SECTION

WAC 136-167-020 Withdrawal of approved project before RATA reimbursement. At any time after the submittal of a final prospectus and prior to the time the first RATA reimbursement has been sent to the county, a county may withdraw a RATA funded project. Withdrawal may occur either before or after the CRABoard has allocated RATA funds to the project. The statement of withdrawal must be in writing and signed by the chairman of the board of county commissioners or the county executive, as appropriate. The withdrawal shall be effective upon receipt by the CRABoard. If RATA funds have been allocated to the project and a CRAB/County contract has been executed, the contract will be voided and, at the next regular CRABoard meeting, the RATA funds will be allocated to other projects within the region.

NEW SECTION

WAC 136-167-030 Termination of approved project after RATA reimbursement. (1) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made and is prepared to repay the RATA for all RATA funds received, the county shall, by means of a letter signed by the chairman of the board of county commissioners or the county executive as appropriate, inform the CRABoard of its termination of the project. The letter shall state the reasons for termination and commit to repaying all RATA funds received for the project. Upon acknowledgement of such termination by the CRABoard, the county shall repay the CRABoard for all RATA funds paid to the county on that project within 60 days of such CRABoard acknowledgement. Upon receipt of the RATA repayment, the CRABoard will void the CRAB/County contract and, at the next regular CRABoard meeting, allocate the RATA funds to other projects within the region.

(2) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made and does not want to be required to repay the CRABoard for all RATA funds received, a letter of request signed by the chairman of the board of county commissioners or the county executive as appropriate must be sent to

the CRABoard. The request must include (a) an explanation of the reasons that the project will not proceed to completion, (b) a statement of the amount of RATA funds which the county does not want to repay, and (c) an explanation of why the county believes full repayment should not be made. If the CRABoard grants the request, the county shall repay all RATA funds not exempted from repayment by the CRABoard, the CRAB/County contract will be amended, and the remaining RATA funds will be allocated to other projects within the region. If the CRABoard denies the request, full repayment shall be made as provided in subsection (1).

NEW SECTION

WAC 136-167-040 Lapsing of RATA allocation for approved projects. To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will result in CRABoard action to withdraw RATA funds from the project. This provision will only apply to those projects for which RATA funds have been allocated after July 1, 1995.

For the purposes of this section, a project will be subject to lapsing and withdrawal of its RATA allocation if (a) the project has not begun the preliminary engineering phase within four years of project approval by the CRABoard, or (b) the project has not begun construction within six years of the date of project approval by the CRABoard. A project shall be considered in preliminary engineering if authorization to expend funds for preliminary engineering has been granted by the county legislative authority as provided for in RCW 36.75.050. A project shall be considered in construction if (a) the construction contract for the work has been advertised for bids as provided for in RCW 36.77.020, (b) a contract has been awarded under the provisions of the small works roster contract award process, or (c) if done by day labor, the work has commenced.

If an approved project does not meet a required project development milestone, the CRABoard will, at its next regular meeting, withdraw RATA funds from the project. At any time up to 10 days before such meeting, the county may, in writing, request an extension of the lapse date. The CRABoard may grant such an extension if it finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county.

**WSR 94-16-111
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD**
[Filed August 2, 1994, 9:49 a.m.]

Date of Adoption: July 29, 1994.

Purpose: Concerning allocation of RATA funds to projects, add provisions for preliminary prospectuses, field reviews, evaluation of final prospectus, preliminary regional priority arrays, full funding of partially funded projects and initiation of advance project programming.

Citation of Existing Rules Affected by this Order:
Repealing chapter 136-160 WAC.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-13-182 on June 21, 1994.

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

July 29, 1994
Reid C. Wheeler
for Vern E. Wagar
Executive Director

PROJECT SUBMITTAL, SELECTION AND INITIAL ALLOCATION OF RATA FUNDS TO PROJECTS

NEW SECTION

WAC 136-161-010 Purpose. RCW 36.79.050, 36.79.090, 36.79.140, and 36.79.150 provide for the submittal of, selection of, and RATA allocations to, eligible projects within each of the regions by the CRABoard. This chapter describes the manner in which counties may request RATA funds for specific rural arterial projects and the manner in which the CRABoard will select projects and allocate RATA funds to such projects.

NEW SECTION

WAC 136-161-020 RAP program cycle - General. The RAP biennial program cycle consists of the following basic steps:

- (1) Each county prepares and submits a preliminary prospectus to CRAB;
- (2) CRAB staff conducts a field review of each preliminary prospectus and provides to each submitting county an evaluation and scoring of all priority elements which are based on a visual examination, using that region's priority rating process;
- (3) Each county prepares and submits a final prospectus to CRAB;
- (4) For each final prospectus submitted, CRAB staff computes the total priority rating score and assembles all projects into rank-ordered arrays by region; and
- (5) The CRABoard reviews the rank-ordered arrays in each region and, based upon the RATA funds projected to be available for the next project program period (see WAC 136-161-070), selects and approves specific projects for RATA funding.

NEW SECTION

WAC 136-161-030 RAP program cycle - Preliminary prospectus. By March 1 of each even-numbered year, each eligible county shall, for each project for which it seeks RATA funds estimated to be available in the next project program period, submit a preliminary prospectus to CRAB. The format and content of the preliminary prospectus shall be prescribed by CRAB. Each preliminary prospectus shall be signed by the County Engineer. The number of preliminary prospectuses submitted and the total amount of RATA funds requested by each eligible county shall be sufficient to assure that, based upon such prospectuses, each county will be able to compete up to its county limit within its region.

NEW SECTION

WAC 136-161-040 RAP program cycle - CRAB field review. After all preliminary prospectuses are received, CRAB will schedule and conduct an on-site field review of each project. During the field review, conducted jointly with the county engineer or his/her designee (unless waived by the county engineer), the assigned CRAB staff person will review the overall project scope with the county representative and, using that region's priority rating process, determine the rating score of all priority elements which are based on a visual examination. To ensure both uniformity and professional judgement in the visual ratings, the assigned CRAB staff person shall be a licensed professional civil engineer in the state of Washington, and the same person shall review and rate all projects within a region. All field reviews will be completed, and the visual rating scores returned to each submitting county, by July 1 of each even-numbered year.

NEW SECTION

WAC 136-161-050 RAP program cycle - Final prospectus. By September 1 of each even-numbered year, each eligible county shall submit a final prospectus for each project for which it seeks RATA funds. Each final prospectus shall be submitted on forms provided by CRAB and shall include a vicinity map, a typical cross section (existing and proposed), and, if a design deviation is required, an evaluation and determination by the county engineer. If a project is for the improvement of a road which continues into an adjacent county and the project terminus is within 1000 feet of the county line, the prospectus shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county will cooperate with the applicant county to the extent necessary to achieve a mutually acceptable design. All final prospectuses shall indicate that the construction of the project shall begin not later than six years from the date of project approval by the CRABoard. All final prospectuses shall come from the pool of preliminary prospectuses submitted and field reviewed as specified in WAC 136-161-030 and 136-161-040.

NEW SECTION

WAC 136-161-060 RAP program cycle - Total project rating and priority array. CRAB staff will review all final prospectuses and ensure that:

- (1) All necessary information is included;
- (2) The project is from the pool of preliminary prospectuses;
- (3) The project is eligible for RATA funding;
- (4) The project is on the current, adopted six-year program;
- (5) The project schedule indicates that the construction of the project will begin not later than six years from the date of project approval by the CRABoard; and
- (6) The total project priority rating is mathematically correct and the visual rating scores determined during the CRAB field review are included.

After CRAB staff review, all accepted final prospectuses within each region will be placed in a declining total project rating array in accordance with procedures specified in 136-

130 WAC. After review by the CRABoard at its next regular meeting, the priority array for each region will be provided to each county in the region. These arrays will be preliminary only and will be provided to the counties to assist them in their internal budgeting and programming. No notations as to whether a particular project will or will not be funded will be included.

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 136-161-070 RAP program cycle - Selection and approval of projects for RATA funding. (1) At its last regular meeting before the beginning of each biennium, the CRABoard will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that (a) no county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080, and (b) any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the CRABoard in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The statewide net amount of RATA funds available for allocation to projects in the project program period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation, less estimated administrative costs, and less any amounts set aside for emergent projects as described in WAC 136-161-100. The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in 136-110 WAC.

(3) For the biennium beginning July 1, 1995 the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995 and ending June 30, 1999). For the biennium beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001. For each biennium thereafter, the project program period will be two years in length, beginning and ending two years later than the preceding project program period.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to 90% of the net amount estimated to be available to each region for the project program period, with the remaining 10% allocated at such time as deemed appropriate by the CRABoard.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/County contract as described in 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final prospectus. All material changes to the scope, design or project limits must be approved by the CRABoard prior to the commencement of construction.

NEW SECTION

WAC 136-161-080 Limitations on allocations of RATA funds to counties. For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

(1) PSR: Maximum project RATA contribution is \$500,000; no limit on percentage of the forecasted regional apportionment amount;

(2) NWR: Maximum project RATA contribution is \$500,000; 25% limit on percentage of the forecasted regional apportionment amount;

(3) NER: No maximum project RATA contribution; 12.5%;

(4) SWR: No maximum project RATA contribution; 15%;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%
Walla Walla County	14%
Yakima County	20%

NEW SECTION

WAC 136-161-090 Limitations on use of RATA funds. RATA funds requested and allocated to a project are limited to 80% in the PSR and NWR, and 90% in the SWR, NER and SER, of the total eligible project development costs, which include preliminary engineering and construction costs in all regions, and right of way costs in the PSR, NWR, NER and SER. Even though additional and eligible project development costs may be incurred by a county for a specific project, the maximum amount of RATA funds for that project is limited to the amount allocated and shown in the CRAB/County contract (see 136-170 WAC), unless the allocation is increased pursuant to 136-165 WAC.

NEW SECTION

WAC 136-161-100 Use of RATA funds for emergent projects. If unallocated regional RATA funds are available, the CRABoard may, as provided in RCW 36.79.140, approve emergent RAP projects and allocate RATA funds for such projects beyond any county limit as defined in WAC 136-161-080. Such approval shall require a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the current six year program of the county was developed.

PERMANENT

WSR 94-16-112
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 2, 1994, 9:51 a.m.]

Date of Adoption: July 29, 1994.

Purpose: Amends existing rule regarding CRAB/county contract language. Adds a section for guidance and procedures for combining two or more projects under a single contract.

Citation of Existing Rules Affected by this Order: Amending chapter 136-170 WAC.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-13-185 on June 21, 1994.

Effective Date of Rule: Thirty-one days after filing.
 July 29, 1994
 Reid C. Wheeler
 for Vern E. Wagar
 Executive Director

EXECUTION OF A CRAB/COUNTY CONTRACT

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-170-010 Purpose. RCW 36.79.050 and 36.79.060 (~~(Section 5, chapter 49, Laws of 1983, 1st session)~~) provide ~~(s that the)~~ for CRABoard ~~((shall))~~ administ~~(er)~~ration of the rural arterial program (RAP). This chapter describes the individual project contract between the CRABoard and a county (CRAB/county contract) to be used to administer each approved RAP project.

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 56, filed 7/30/84)

WAC 136-170-030 Terms of CRAB/county contract.

(1) For projects for which RATA funds are allocated before July 1, 1995, ((F))the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) ((+)) The ((Such)) contract shall be valid and binding (and the county shall be entitled to receive RATA funds) only if such contract is signed and returned to the CRABoard within forty-five days of its mailing to the CRABoard.

(b) ((2)) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c) ((3)) The project will be constructed in accordance with ((+)) the scope, design and project limits as described in the final prospectus and in accordance with ((information furnished to the CRABoard, and (b))) the plans and specifications approved ((prepared)) by the county engineer.

(d) ((4)) The county will notify the CRABoard when a construction contract has been awarded and/or when construction has commenced ((started)), and when the project has been completed.

(e) ((5)) The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRAB office, ((and)) subject to the availability of RATA funds apportioned to the region; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

(f) ((6)) The county will reimburse the RATA in the event a project postaudit reveals improper expenditure of RATA funds:

(2) For projects for which RATA funds are allocated on or after July 1, 1995, the CRAB/County contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding, and the county shall be entitled to receive RATA funding in accordance with the vouchering/payment process as described in WAC 136-180, only if the contract is properly signed and returned to the CRABoard within 45 calendar days of its mailing by the CRABoard.

(b) The county certifies that it is in compliance with the provisions of 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.

(d) The county will notify the CRABoard when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.

(e) The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRAB office, subject to the availability of RATA funds apportioned to the region; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

(f) The county will reimburse the RATA in the event a project postaudit reveals improper expenditures of RATA funds.

(g) The county may be required to reimburse the RATA in the event of early termination in accordance with the provisions of 136-167 WAC.

(h) The county agrees to amend the contract in cases where: (a) additional RATA funds have been requested and approved under 136-165 WAC; (b) other relief from the original scope, design or project limits has been approved by the CRABoard under 136-165 WAC; or (c) a project has been terminated without full RATA reimbursement under WAC 136-167-030(2).

(i) The county agrees to provide periodic project development progress reports as requested by the CRABoard.

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 136-170-040 Combining of CRAB/county contracts. In those cases where a county desires to combine two or more adjacent RATA funded projects into a single construction contract, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be prosecuted by day labor, may request the CRABoard to combine the projects into a single project, regardless of the applicable maximum project RATA contribution. Upon receipt of a letter of request to combine, a revised CRAB/County contract will be prepared and sent to the county for its execution and return in the same manner as for the original contracts. Projects shall be considered adjacent if they have a common terminus.

**WSR 94-16-145
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 3, 1994, 11:24 a.m., effective September 12, 1994]

Date of Adoption: August 3, 1994.

Purpose: Chapter 296-54 WAC, Safety standard—Logging operations, state-initiated amendments to chapter 296-54 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-62 WAC, Part C, Hazard Communication. The amendments will not establish any additional compliance requirements; chapter 296-59 WAC, Safety standards for ski area facilities and operations, state-initiated amendments to chapter 296-59 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-62 WAC, Part C, Hazard Communication. The amendments will not establish any additional compliance requirements; chapter 296-62 WAC, General occupational health standards, federal-initiated amendments to chapter 296-62 WAC are made for clarification. These amendments are minor and technical to further clarify labeling requirements; duties of distributors, manufacturers, and importers to provide material safety data sheets to employees; clarifies MSDS provisions; and removes DOT reference. State-initiated amendments to chapter 296-62 WAC are made to correct references from section to part and to indicate that translation of documents by the department will be made with available resources. The amendments will not establish any additional compliance requirements; chapter 296-155 WAC, Safety standards for construction work, state-initiated amendments to chapter 296-155 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-62 WAC, Part C, Hazard Communication and to change the title for Part B-2. The amendments will not establish any additional compliance requirements; and chapter 296-305 WAC, Safety standards for firefighters, state-initiated amendments to chapter 296-305 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-62 WAC, Part C, Hazard Communication. The amendments will not establish any additional compliance requirements.

Citation of Existing Rules Affected by this Order: Amending chapter 296-54 WAC, Safety standard—Logging operations, WAC 296-54-507 Management's responsibility;

chapter 296-59 WAC, Safety standards for ski area facilities and operations, WAC 296-59-005 Incorporation of other standards; chapter 296-62 WAC, General occupational health standards, WAC 296-62-05403 Scope and application, WAC 296-62-05405 Definitions applicable to this part, WAC 296-62-05407 Hazard determination, WAC 296-62-05409 Written hazard communication program, WAC 296-62-05411 Labels and other forms of warning, WAC 296-62-05413 Material safety data sheets, WAC 296-62-05415 Employee information and training, WAC 296-62-05417 Trade secrets, WAC 296-62-05419 Effective dates, WAC 296-62-05421 Appendix A—Health hazard definitions (mandatory), WAC 296-62-05423 Appendix B—Hazard determination (mandatory), WAC 296-62-05425 Appendix C—Information sources (advisory), WAC 296-62-05427 Appendix D, WAC 296-62-07706 Communication among employers, WAC 296-62-3020 Site characterization and analysis, and WAC 296-62-3140 Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA); chapter 296-155 WAC, Safety standards for construction work, Part B-2 Asbestos, tremolite, anthophyllite and actinolite and WAC 296-155-180 Hazard communication; and chapter 296-305 WAC, Safety standards for firefighters, WAC 296-305-025 Management's responsibility.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 94-11-124 on May 18, 1994.

Changes Other than Editing from Proposed to Adopted Version: The following section is being withdrawn: Chapter 296-45 WAC, Safety standard—Electrical workers, WAC 296-45-65009 Employer's responsibility. The following proposed amendment is adopted with the following change: WAC Section and Title: WAC 296-62-05403. Order Typing Service (OTS) inadvertently missed underlining WAC 296-62-05403 (3)(d) on the OTS run filed with the CR-102. A change is being made to underline WAC 296-62-05403 (3)(d). This change was read into the public hearing record at the hearing on June 21, 1994. The corrected OTS run will be filed with the CR-103 adoption package. All other amendments are being adopted as proposed or with editing changes only.

Effective Date of Rule: September 12, 1994.

August 3, 1994

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-54-507 Management's responsibility. In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall develop and maintain a hazard communication program as required by (~~WAC 296-62-054 through 296-62-05427~~) chapter 296-62 WAC, Part C, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to

work in a position or location so isolated that he/she is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

Note: This does not apply to operators of motor vehicles, (~~watchmen~~) watchpersons or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(4) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his/her crew being accounted for. This standard also includes operators of all movable equipment.

(5) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(6) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(7) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

(8) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-59-005 Incorporation of other standards.

(1) Lifts and tows shall be designed, installed, operated, and maintained in accordance with American National Standard Institute (ANSI) B77.1-1982, Standards for Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows—Safety Requirements.

(2) Future revised editions of ANSI B77.1-1982 may be used for new installations or major modifications of existing installations, as recommended or approved by the equipment manufacturer or a qualified design engineer, except that, where specific provisions exist, variances shall be requested from the department.

(3) Commercial explosives shall be transported, stored, and used in compliance with chapter 296-52 WAC, Safety standards for the possession and handling of explosives, and chapter 70.74 RCW, Washington State Explosives Act, except that avalanche control blasting shall comply with the special provisions of this chapter.

(4) The use of military type weapons for avalanche control shall comply with all requirements of the United States government and/or the military branch having jurisdiction. Compliance shall include qualification of employees, security requirements, and storage and handling of ammunition.

(5) The employer shall develop and maintain a hazard communication program as required by (~~WAC 296-62-054 through 296-62-05427~~) chapter 296-62 WAC, Part C, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(6) When employees perform activities such as construction work or logging, the WAC chapter governing the specific activity shall apply, e.g., chapter 296-155 or 296-54 WAC, et seq.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05403 Scope and application. (1) This (~~section~~) part requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program (~~which includes~~), labels and other forms of warning, material safety data sheets, and information and training. In addition, this (~~section~~) part requires distributors to transmit the required information to employers.

Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers. Appendix E of this section is a general guide for such employers to help them determine their compliance obligations under the rule.

Employers within Washington state are required to use the permissible exposure limits (PELs) established in Washington state as listed in the general occupational health standard, WAC 296-62-075, for evaluation of employee exposures and training even though the Occupational Safety and Health Administration (OSHA) PELs or American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit values (TLVs) may be printed on a material safety data sheet (MSDS).

(2) This (~~section~~) part applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This (~~section~~) part applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazard-

ous chemicals, and ensure that they are readily accessible to laboratory employees when they are in their work areas; ~~((and;))~~

(c) Employers shall ensure that laboratory employees are ~~((apprised of the hazards of the chemicals in their workplaces in accordance with WAC 296-62-05415.))~~ provided information and training in accordance with WAC 296-62-05415, except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c); and

Note: Laboratories are not required to have a written hazard communication program, but they may be required to have a written chemical hygiene plan under WAC 296-62-400.

(d) Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with WAC 296-62-05411, and that a material safety data sheet is provided to distributors and other employers in accordance with WAC 296-62-05413.

(4) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this ~~((section))~~ part applies to these operations only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet as soon as possible for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and

(c) Employers shall ensure that employees are provided with information and training in accordance with WAC 296-62-05415 (except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c)) to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(5) This ~~((section))~~ part does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

(b) Any chemical substance or mixture as such terms are defined in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act and labeling requirements issued under that act by the Environmental Protection Agency;

(c) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21

U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under ((that act)) those acts, when they are subject to the labeling requirements ((of that act and labeling regulations issued)) under ((that act)) those acts by either the Food and Drug Administration or the department of agriculture;

~~((e))~~ (d) Any distilled spirits (beverage alcohols), wine, or malt beverage(s) intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms; ~~((and;~~

~~((d))~~ (e) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission; and

(f) Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling requirements issued under that act by the department of agriculture.

(6) This ~~((section))~~ part does not apply to:

(a) Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology which describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;

(b) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency;

(c) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency;

(d) Tobacco or tobacco products;

~~((e))~~ Wood or wood products;

(d) Articles;

~~((e))~~ Food, drugs, cosmetics, or alcoholic beverages in a retail establishment which are packaged for sale to consumers;

(f) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace;

~~((g))~~ Any transportation of a hazardous chemical or substance, provided such transportation is subject to regulations issued by the United States department of transportation or the Washington utilities and transportation commission;

(h) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can demonstrate it is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers; and

(i) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (i.e., tablets or pills.); (e) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility (wood or wood products which have been treated with hazardous chemicals covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);

(f) Articles (as that term is defined in WAC 296-62-05405(1));

(g) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

(h) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);

(i) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

(j) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

(k) Ionizing and nonionizing radiation; and

(l) Biological hazards.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05405 Definitions applicable to this ((section)) part. (1) Article means a manufactured item other than a fluid or particle:

(a) Which is formed to a specific shape or design during manufacture;

(b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) ~~((Which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.))~~ Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC 296-62-05407), and does not pose a physical hazard or health risk to employees.

(2) Chemical means any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(5) Combustible liquid means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up ninety-nine percent or more of the total volume of the mixture.

(6) Commercial account means an arrangement whereby a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

(7) Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

~~((7))~~ (8) Compressed gas means:

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

~~((8))~~ (9) Container means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this ~~((section))~~ part, pipes or piping systems are not considered to be containers.

~~((9))~~ (10) Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

~~((10))~~ (11) Director means the director of the department of labor and industries or his/her designee.

~~((11))~~ (12) Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

~~((12))~~ (13) Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this ~~((section))~~ part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock. This part applies to employees who may be exposed to

hazardous chemicals under normal operating conditions or in foreseeable emergencies.

~~((13))~~ (14) Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

~~((14))~~ (15) Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

~~((15))~~ (16) Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

~~((16))~~ (17) Flammable means a chemical that falls into one of the following categories:

(a) Aerosol flammable(~~(±)~~) means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields a flame projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable(~~(±)~~) means:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable(~~(±)~~) means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture(~~(±)~~).

(d) Solid, flammable(~~(±)~~) means a solid, other than a blasting agent or explosive as defined in WAC (~~296-52-030~~) 296-52-417 or 29 CFR 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

~~((17))~~ (18) Flashpoint means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS)

at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified (~~(in (a), (b), or (c) of this subsection)~~) above.

~~((18))~~ (19) Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

~~((19))~~ (20) Hazardous chemical means any chemical which is a physical hazard or a health hazard.

~~((20))~~ (21) Hazard warning means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the (~~hazard(s) of the chemical(s) in the container(s)~~) specific physical or health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See definition for "physical hazard" and "health hazard" to determine the hazards which must be covered.)

~~((21))~~ (22) Health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this (~~(section)~~) part, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

~~((22))~~ (23) Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

~~((23))~~ (24) Immediate use means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

~~((24))~~ (25) Importer means the first business within (~~Washington~~) the Customs Territory of the United States which receives hazardous chemicals produced in other (~~(states or)~~) countries, for the purpose of supplying them to distributors or (~~(purchasers within Washington)~~) employers within the United States.

~~((25))~~ (26) Label means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

~~((26))~~ (27) Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

~~((27))~~ (28) Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

~~((28))~~ (29) Organic peroxide means an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

~~((29))~~ (30) Oxidizer means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

~~((30))~~ (31) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The permissible exposure limits (PELs) shall include the following four categories:

(a) Permissible exposure limits - Time-weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-work week which shall not be exceeded.

(b) Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.

(c) Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

(d) "Skin" notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a "skin" notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

(32) Physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

~~((31))~~ (33) Produce means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

~~((32))~~ (34) Purchaser means an employer with a workplace who purchases a hazardous chemical for use within that workplace.

~~((33))~~ (35) Pyrophoric means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

~~((34))~~ (36) Responsible party means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

~~((35))~~ (37) Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

~~((36))~~ (38) Threshold limit values (TLVs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The TLV includes the TLV-Time weighted average (TLV-TWA), TLV-Short term exposure limit (TLV-STEL), TLV-Ceiling (TLV-Ceiling) and "skin" notation as stated in the most recent edition of the 'Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices' from the American Conference of Governmental Industrial Hygienists (ACGIH).

(39) Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.

~~((37))~~ (40) Unstable (reactive) means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

~~((38))~~ (41) Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

~~((39))~~ (42) Water-reactive means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

~~((40))~~ (43) Work area means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

~~((41))~~ (44) Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05407 Hazard determination. (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning physical and health hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted

in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this ~~((section))~~ part. WAC 296-62-05421, Appendix A, shall be consulted for the scope of health hazards covered, and WAC 296-62-05423, Appendix B, shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(a) Chapter 296-62 WAC, General occupational health standard~~((s— Safety standards for carcinogens))~~; ~~((or,))~~

(b) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA); or

(c) Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

Note: The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with ~~((the))~~ this requirement~~((s))~~ of the standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(a) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(b) International Agency for Research on Cancer (IARC) Monographs (latest editions); ~~((or))~~

(c) ~~((Chapter 296-62 WAC, Occupational health standards— Safety standards for carcinogens— Part F— Carcinogens—))~~ Chapter 296-62 WAC, General occupational health standards; or

(d) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

Note: The *Registry of Toxic Effects of Chemical Substances* published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemicals as follows:

(a) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(b) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under WAC 296-62-05407(4);

(c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use

whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and~~((s))~~

(d) If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established WISHA or OSHA permissible exposure limit or ACGIH threshold limit value, or could present a health ~~((hazard))~~ risk to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the director or his/her designee and the National Institute of Occupational Safety and Health (NIOSH). The written description may be incorporated into the written hazard communication program required under WAC 296-62-05409.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05409 Written hazard communication program. (1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their workplaces which at least describes how the criteria specified in WAC 296-62-05411, 296-62-05413 and 296-62-05415, for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

(a) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and

(b) The methods the employer will use to inform employees of the hazards of nonroutine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

(2) Multi-employer workplaces. Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on site) shall additionally ensure that the hazard communication programs developed and implemented under this ~~((section))~~ part include the following:

(a) The methods the employer will use to provide the other employer(s) with a copy of the material safety data sheet, or to make it available at a central location ~~((in the workplace))~~ on the worksite, for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(b) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and

(c) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

(3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this ~~((section))~~ part.

(4) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, ~~((and))~~ the director or his/her designee and the National Institute of Occupational Safety and Health (NIOSH), in accordance with the requirements of WAC 296-62-05209.

(5) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the written hazard communication program may be kept at the primary workplace facility.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05411 Labels and other forms of warning. (1) The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s);
 (b) Appropriate hazard warnings; and
 (c) Name and address of the chemical manufacturer, importer, or other responsible party.

(2)(a) For solid metal (such as a steel beam or a metal casting) ~~((that is))~~, solid wood, or plastic items that are not exempted as ~~((an))~~ articles due to ~~((its))~~ their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes~~((:))~~;

(b) The label may be transmitted with the initial shipment itself, or with the material safety data sheet that is to be provided prior to or at the time of the first shipment~~((:))~~; and

(c) This exception to requiring labels on every container of hazardous chemicals is only for the solid ~~((metal))~~ material itself and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the ~~((metal))~~ material and to which employees handling the ~~((metal))~~ items in transit may be exposed (for example, cutting fluids or ~~((lubricants-))~~ pesticides in grain).

(3) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this ~~((section))~~ part in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act ~~((48))~~ 49 U.S.C. 1801 et seq.) and regulations issued under that act by the department of transportation.

(4) If the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

(5) Except as provided in subsection (6) and (7) of this section, the employer shall ensure that each container of

hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s) contained therein; and

(b) Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide the employees with the specific information regarding the physical and health hazards of the hazardous chemical.

(6) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection (5) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(7) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer. For purposes of this part, drugs which are dispensed by a pharmacy to a health care provider for direct administration to a patient are exempted from labeling.

(8) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(9) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

(10) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this ~~((section))~~ part if existing labels already convey the required information.

(11) Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the chemical within three months of becoming aware of the new information. Labels on containers of hazardous chemicals shipped after that time shall contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05413 Material safety data sheets. (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet (MSDS) for each hazardous chemical they produce or import. Employers shall

have a material safety data sheet for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English (although the employer may maintain copies in other languages as one way to provide employees with effective information and training as required by WAC 296-62-05415) and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or(;-)

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and(;-)

(B) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise less than one percent (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established WISHA or OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health ~~((hazard))~~ risk to employees; and(;-)

(C) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The acute and chronic health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA or OSHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet (the PELs and TLVs include the 8-hour TWA, STEL, ceiling value and skin notation defined in WAC 296-62-05405), where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA or OSHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective

measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and(;-)

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer preparing the material safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6)(a) Chemical manufacturers or importers shall ensure that distributors and employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated(;-);

(b) The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment(;-);

(c) If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer ~~((, importer, or distributor))~~ or importer as soon as possible; and

(d) The chemical manufacturer or importer shall also provide distributors or employers with a material safety data sheet upon request.

~~(7) ((Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and employers. Retail distributors which sell hazardous chemicals to commercial customers shall provide a material safety data sheet to such employers upon request,~~

~~and shall post a sign or otherwise inform them that a material safety data sheet is available. Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors which have informed them that the retail distributor does not sell the product to commercial customers or open the sealed container to use it in their own workplaces.~~

~~(8) The employer shall maintain copies of the required material safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).)~~ (a) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a material safety data sheet is updated;

(b) The distributor shall either provide material safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;

(c) Retail distributors selling hazardous chemicals to employers having a commercial account shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material safety data sheet is available;

(d) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also, as an alternative to keeping a file of material safety data sheets for all hazardous chemicals they sell, provide material safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and shall post a sign or otherwise inform such employers that a material safety data sheet is available;

(e) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have material safety data sheets on file (i.e., the retail distributor does not have a commercial account and does not use the materials), the retail distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a material safety data sheet can be obtained;

(f) Wholesale distributors shall also provide material safety data sheets to employers or other distributors upon request; and

(g) Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

(8) The employer shall maintain in the workplace copies of the required material safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access, microfiche, and other alternatives to maintaining paper copies of the material safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at a central location at the primary

workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(10) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(11) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the requirements of WAC 296-62-05209. NIOSH shall also be given access to material safety data sheets in the same manner.

(12) If a purchaser has not received a material safety data sheet within thirty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, ((Industrial Hygiene Section,)) P.O. Box ((207)) 44610, Olympia, Washington 98504-4610. Such written request shall include:

(a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;

(b) The name of the product suspected of containing a hazardous chemical;

(c) The identification number of the product if available;

(d) A copy of the product label if available; and

(e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser. In providing this service priority will be given to small employers.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05415 Employee information and training. (1) Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new ((hazard)) physical or health hazard the employees have not previously been trained about is introduced into their work area. Such information and training shall be tailored to the types of hazards to which the employees will be exposed. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and material safety data sheets.

Note: See Appendix E for guidelines.

~~((4))~~ (2) Information. Employees shall be informed of:

- (a) The requirements of this ~~((section))~~ part;
- (b) Any operations in their work area where hazardous chemicals are present; and~~((;))~~
- (c) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and material safety data sheets required by this ~~((section))~~ part.

Note: Laboratories are not required to have a written hazard communication program, but it is recommended.

~~((2))~~ (3) Training. Employee training shall include at least:

(a) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

(b) The physical and health hazards of the chemicals in the work area including the likely physical symptoms or effects of overexposure;

(c) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and~~((;))~~

(d) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

~~((3))~~ (4) Upon receipt of a written or verbal request, the department shall prepare and make available (within available resources) to employers or the public a translation in Cambodian, Chinese, Korean, Spanish, or Vietnamese any of the following:

(a) An employer's written hazard communication program;

(b) A material safety data sheet; or

(c) Written materials prepared by the department to inform employees of their rights relating to hazard communication, WAC 296-62-054 through ~~((296-62-05427))~~ 296-62-05429.

Note: Written requests should be directed to the Department of Labor and Industries, Right-to-know Program, P.O. Box 44610, Olympia, Washington 98504-4610.

~~((4))~~ (5) An employer employing employees who have trouble communicating in English shall make reasonable efforts to post notices in the employees' native languages as provided by the department.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05417 Trade secrets. (1) The chemical manufacturer, importer, or employer may withhold the specific chemical identity, including the chemical name and other specific identification of a hazardous chemical, from the material safety data sheet, provided that:

(a) The claim that the information withheld is a trade secret can be supported;

(b) Information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(c) The material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and~~((;))~~

(d) The specific chemical identity is made available to health professionals, employees, and designated representatives, in accordance with the applicable provisions of this section.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of subsections (3) and (4) of this section, as soon as circumstances permit.

(3) In nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under subsection (1) of this section, to a health professional (i.e. physician, registered nurse, industrial hygienist, toxicologist, ~~((or))~~ epidemiologist or occupational health nurse) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

(a) The request is in writing;

(b) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(i) To assess the hazards of the chemicals to which employees will be exposed;

(ii) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;

(iii) To conduct preassignment or periodic medical surveillance of exposed employees;

(iv) To provide medical treatment to exposed employees;

(v) To select or assess appropriate personal protective equipment for exposed employees;

(vi) To design or assess engineering controls or other protective measures for exposed employees; and~~((;))~~

(vii) To conduct studies to determine the health effects of exposure.

(c) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information to the health professional, employee, or designated representatives, would not satisfy the purposes described in (b) of this subsection:

(i) The properties and effects of the chemical;

(ii) Measures for controlling workers' exposure to the chemical;

(iii) Methods of monitoring and analyzing worker exposure to the chemical; and~~((;))~~

(iv) Methods of diagnosing and treating harmful exposures to the chemical;

(d) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and((;))

(e) The health professional, and the employer or contractor of the services of the health professional (i.e., downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a written confidentiality agreement that the health professional employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to the department, as provided in subsection (6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

(4) The confidentiality agreement authorized by subsection (3)(e) of this section:

(a) May restrict the use of the information to the health purposes indicated in the written statement of need;

(b) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable preestimate of likely damages; and((;))

(c) May not include requirements for the posting of a penalty bond.

(5) Nothing in this ((section)) part is meant to preclude the parties from pursuing noncontractual remedies to the extent permitted by law.

(6) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to the department, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional, employee, or designated representative prior to, or at the same time as, such disclosure.

(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(a) Be provided to the health professional, employee, or designated representative, within thirty days of the request;

(b) Be in writing;

(c) Include evidence to support the claim that the specific chemical identity is a trade secret;

(d) State the specific reasons why the request is being denied; and((;))

(e) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

(8) The health professional, employee, or designated representative, whose request for information is denied under subsection (3) of this section may refer the request and the written denial of the request to the department for consideration.

(9) When a health professional, employee, or designated representative refers the denial to the department under subsection (8) of this section, the director or his/her designee shall consider the evidence to determine if:

(a) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity is a trade secret;

(b) The health professional, employee, or designated representative, has supported the claim that there is a medical or occupational health need for the information; and((;))

(c) The health professional, employee, or designated representative, has demonstrated adequate means to protect the confidentiality.

(10) If the director or his/her designee determines that the specific chemical identity requested under subsection (3) of this section is not a bona fide trade secret, or that it is a trade secret but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by the department.

(11) If a chemical manufacturer, importer, or employer demonstrates to the department that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the director or his/her designee may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

(12) If, following the issuance of a citation and any protective orders, the chemical manufacturer, importer, or employer continues to withhold the information, further action may be taken by the department in accordance with chapter 49.17 RCW.

(13) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the director or his/her designee any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the director or his/her designee so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(14) Nothing in this section shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is a trade secret.

AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

WAC 296-62-05419 Effective dates. ((Employers shall be in compliance with this section within the following time periods:

~~(1) Chemical manufacturers and importers shall label containers of hazardous chemicals leaving their workplaces, and provide material safety data sheets with initial shipments by November 25, 1985.~~

~~(2) Distributors shall be in compliance with all provisions of this section applicable to them by November 25, 1985.~~

~~(3) Employers shall be in compliance with all provisions of this section by May 25, 1986, including initial training for all current employees.)~~ Reserved.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05421 Appendix A—Health hazard definitions (mandatory). Although safety hazards related to the physical characteristics of a chemical can be objectively defined in terms of testing requirements (e.g., flammability), health hazard definitions are less precise and more subjective. Health hazards may cause measurable changes in the body—such as decreased pulmonary function. These changes are generally indicated by the occurrence of signs and symptoms in the exposed employees—such as shortness of breath, a nonmeasurable, subjective feeling. Employees exposed to such hazards must be apprised of both the change in body function and the signs and symptoms that may occur to signal that change.

The determination of occupational health hazards is complicated by the fact that many of the effects or signs and symptoms occur commonly in nonoccupationally exposed populations, so that effects of exposure are difficult to separate from normally occurring illnesses. Occasionally, a substance causes an effect that is rarely seen in the population at large, such as angiosarcomas caused by vinyl chloride exposure, thus making it easier to ascertain that the occupational exposure was the primary causative factor. More often, however, the effects are common, such as lung cancer. The situation is further complicated by the fact that most chemicals have not been adequately tested to determine their health hazard potential, and data do not exist to substantiate these effects.

There have been many attempts to categorize effects and to define them in various ways. Generally, the terms "acute" and "chronic" are used to delineate between effects on the basis of severity or duration. "Acute" effects usually occur rapidly as a result of short-term exposures, and are of short duration. "Chronic" effects generally occur as a result of long-term exposure, and are of long duration.

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-((1982)) 1988) — irritation, corrosivity, sensitization and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects which may occur as a result of occupational exposure, such as, for example, narcosis.

Similarly, the term chronic effect is often used to cover only carcinogenicity, teratogenicity, and mutagenicity. These effects are obviously a concern in the workplace, but again, do not adequately cover the area of chronic effects, excluding, for example, blood dyscrasias (such as anemia), chronic bronchitis and liver atrophy.

The goal of defining precisely, in measurable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them.

Appendix B, which is also mandatory, outlines the principles and procedures of hazard assessment.

For purposes of this ~~((section))~~ part, ~~((health hazards include but are not limited to))~~ any chemicals which meet any of the following definitions, as determined by the criteria set forth in Appendix B are health hazards. However, this is not intended to be an exclusive categorization scheme. If there are available scientific data that involve other animal species or test methods, they must also be evaluated to determine the applicability of the HCS.

(1) ~~Carcinogen((-))~~: A chemical is considered to be a carcinogen if:

(a) It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or

(b) It is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or((-))

(c) It is regulated by WISHA as a carcinogen.

(2) ~~Corrosive((-))~~: A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. For example, a chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described by the U.S. Department of Transportation in Appendix A to 49 CFR Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

(3) ~~Highly toxic((-))~~: A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD₅₀) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD₅₀) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC₅₀) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(4) ~~Irritant((-))~~: A chemical, which is not corrosive, but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A chemical is a skin irritant if, when tested on the intact skin of albino rabbits by the methods of 16 CFR 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques.

(5) ~~Sensitizer((-))~~: A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

(6) ~~Toxic((-))~~: A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD₅₀) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered

orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD₅₀) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(7) Target organ effects((-)): The following is a target organ categorization of effects which may occur, including examples of signs and symptoms and chemicals which have been found to cause such effects. These examples are presented to illustrate the range and diversity of effects and hazards found in the workplace, and the broad scope employers must consider in this area, but are not intended to be all-inclusive.

- (a) Hepatotoxins: Chemicals which produce liver damage.
 Signs & symptoms: Jaundice, liver enlargement.
 Chemicals: Carbon tetrachloride, nitrosamines.
- (b) Nephrotoxins: Chemicals which produce kidney damage.
 Signs & symptoms: Edema; proteinuria.
 Chemicals: Halogenated hydrocarbons; uranium.
- (c) Neurotoxins: Chemicals which produce their primary toxic effects on the nervous system.
 Signs & symptoms: Narcosis; behavioral changes; decrease in motor functions.
 Chemicals: Mercury, carbon disulfide.
- (d) Agents which act on the blood or hematopoietic system: Decrease hemoglobin function; deprive the body of oxygen.
 Signs & symptoms: Cyanosis; loss of consciousness.
 Chemicals: Carbon monoxide; cyanides.
- (e) Agents which damage the lung: Chemicals which irritate or damage the pulmonary tissue.
 Signs & symptoms: Cough; tightness in chest; shortness of breath.
 Chemicals: Silica; asbestos.
- (f) Reproductive toxins: Chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).
 Signs & symptoms: Birth defects; sterility.
 Chemicals: Lead; DBCP.

- (g) Cutaneous hazards: Chemicals which affect the dermal layer of the body.
 Signs & symptoms: Defatting of the skin; rashes; irritation.
 Chemicals: Ketones; chlorinated compounds.
- (h) Eye hazards: Chemicals which affect the eye or visual capacity.
 Signs & symptoms: Conjunctivitis; corneal damage.
 Chemicals: Organic solvents; acids.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05423 Appendix B—Hazard determination (mandatory). The quality of a hazard communication program is largely dependent upon the adequacy and accuracy of the hazard determination. The hazard determination requirement of this standard is performance-oriented. Chemical manufacturers, importers, and employers evaluating chemicals are not required to follow any specific methods for determining hazards, but they must be able to demonstrate that they have adequately ascertained the hazards of the chemicals produced or imported in accordance with the criteria set forth in this appendix.

Hazard evaluation is a process which relies heavily on the professional judgment of the evaluator, particularly in the area of chronic hazards. The performance-orientation of the hazard determination does not diminish the duty of the chemical manufacturer, importer or employer to conduct a thorough evaluation, examining all relevant data and producing a scientifically defensible evaluation. For purposes of this standard, the following criteria shall be used in making hazard determinations that meet the requirements of this standard.

(1) Carcinogenicity((-)): As described in WAC 296-62-05407(4) and Appendix A of this section, a determination by the National Toxicology Program, the International Agency for Research on Cancer, ((☞)) WISHA or OSHA that a chemical is a carcinogen or potential carcinogen will be considered conclusive evidence for purposes of this ((see-tion)) part. In addition, however, all available scientific data on carcinogenicity must be evaluated in accordance with the provisions of the appendix and the requirements of this standard.

(2) Human data((-)): Where available, epidemiological studies and case reports of adverse health effects shall be considered in the evaluation.

(3) Animal data((-)): Human evidence of health effects in exposed populations is generally not available for the majority of chemicals produced or used in the workplace. Therefore, the available results of toxicological testing in animal populations shall be used to predict the health effects that may be experienced by exposed workers. In particular, the definitions of certain acute hazards refer to specific animal testing results (see Appendix A).

(4) Adequacy and reporting of data. The results of any studies which are designed and conducted according to

established scientific principles, and which report statistically significant conclusions regarding the health effects of a chemical, shall be a sufficient basis for a hazard determination and reported on any material safety data sheet. In vitro studies alone generally do not form the basis for a definitive finding of a hazard under the HCS since they have a positive or negative result rather than a statistically significant finding.

The chemical manufacturer, importer, or employer may also report the results of other scientifically valid studies which tend to refute the findings of hazard.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-05425 Appendix C—Information sources (advisory). The following is a list of available data sources which the chemical manufacturer, importer, or employer may wish to consult to evaluate the hazards of chemicals they produce or import:

(1) Any information in their own company files, such as toxicity testing results or illness experience of company employees.

(2) Any information obtained from the supplier of the chemical, such as material safety data sheets or product safety bulletins.

(3) Any pertinent information obtained from the following source list (latest editions should be used):

Condensed Chemical Dictionary

Van Nostrand Reinhold Co.
135 West 50th Street
New York, NY 10020

The Merck Index: An Encyclopedia of Chemicals and Drugs

Merck and Company, Inc.
126 E. Lincoln Avenue
Rahway, NJ 07065

IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man

Geneva: World Health Organization
International Agency for Research on Cancer,
1972((1977)) Present (Multivolume work)
Summaries are available in ((supplemental)
supplement volumes.
49 Sheridan Street
Albany, New York 12210

Industrial Hygiene and Toxicology, by F.A. Patty

John Wiley & Sons, Inc.
New York, NY
(((Five volumes))) (Multivolume work)

Clinical Toxicology of Commercial Products

Gleason, Gosselin, and Hodge

Casarett and Doull's Toxicology; The Basic Science of Poisons

Doull, Klaassen, and Amdur
Macmillan Publishing Co., Inc.
New York, NY

Industrial Toxicology, by Alice Hamilton and Harriet L. Hardy

Publishing Sciences Group, Inc.
Acton, MA

Toxicology of the Eye, by W. Morton Grant

Charles C. Thomas
301-327 East Lawrence Avenue
Springfield, IL

Recognition of Health Hazards in Industry

William A. Burgess
John Wiley and Sons
605 Third Avenue
New York, NY 10158

Chemical Hazards of the Workplace

Nick H. Proctor and James P. Hughes
J.P. Lipincott Company
6 Winchester Terrace
New York, NY 10022

Handbook of Chemistry and Physics

Chemical Rubber Company
18901 Cranwood Parkway
Cleveland, OH 44128

Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment and Biological Exposure Indices with Intended Changes

American Conference of Governmental Industrial Hygienists (ACGIH)
6500 Glenway Avenue, Bldg. D-5
Cincinnati, OH 45211

Note: Information on the physical hazards of chemicals may be found in publication(s) of the National Fire Protection Association, Boston, MA.

National Toxicology Program (NTP) Annual Report on Carcinogens (Latest Edition)

National Technical Information Service (NTIS)
5285 Port Royal Road
Springfield, VA 22101

Note: The following documents may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Occupational Health Guidelines

NIOSH/OSHA (NIOSH Pub. No. 81-123)

NIOSH Pocket Guide to Chemical Hazards

NIOSH Pub. No. ((85-14)) 90-117

Registry of Toxic Effects of Chemical Substances

((NIOSH Pub. No. 80-102)) (Latest Edition)

Miscellaneous Documents published by the National Institute for Occupational Safety and Health:

- (1) Criteria documents
- (2) Special Hazard Reviews
- (3) Occupational Hazard Assessment
- (4) Current Intelligence Bulletins

~~((5) — WISHA's Occupational Health standards — Safety standards for carcinogens, chapter 296-62 WAC Part F — Carcinogens.))~~

WISHA's General Occupational Health Standards, chapter 296-62 WAC.

OSHA's General Industry Standards (29 CFR Part 1910)

NTP Annual Report on Carcinogens and Summary of the Annual Report on Carcinogens

BIBLIOGRAPHIC DATA BASES

Service Provider	File Name
Bibliographic Retrieval Services (BRS), 1200 Route 7, Latham, NY 12110.	Biosis Previews CA Search Medlars NTIS Hazardline American Chemical Society Journal (Excerpta) <u>Excerpta Medica</u> IRCS Medical Science Journal Pre-Med Intl. Pharmaceutical Abstracts Paper Chem
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Questel, Inc.,
1625 Eye Street, NW,
Suite 818,
Washington, DC 20006.

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Chemical Information System ICI (ICIS), Bureau of National Affairs,
1133 15th Street, NW,
Suite 300,
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Occupational Health Services,
400 Plaza Drive,
Secaucus, NJ 07094.

MSDS
Hazardline

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-05427 Appendix D. Definition of "trade secret" (mandatory)

The following is a reprint of the *Restatement of Torts* section 757, comment b (1939):

((²))b. *Definition of trade secret.* A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business (see § 759 of the *Restatement of Torts* which is not included in this Appendix) in that it is not simply information as to single or ephemeral events in the conduct of the business, as, for example, the amount or other terms of a secret bid for a contract or the salary of certain employees, or the security investments made or contemplated, or the date fixed for the announcement of a new policy or for bringing out a new model or the like. A trade secret is a process or device for continuous use in the operations of the business. Generally it relates to the production of goods, as, for example, a machine or formula for the production of an article. It may, however, relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to others pledged to secrecy. Others may also know of it independently, as, for example,

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when they have discovered the process or formula by independent invention and are keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not possible. Some factors to be considered in determining whether given information is one's trade secret are: (1) The extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and his competitors; (5) the amount of effort or money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability. These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind of novelty and invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this Section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

NEW SECTION

WAC 296-62-05429 Appendix E—Guidelines for employer compliance (advisory). The hazard communication standard (HCS) is based on a simple concept—that employees have both a need and a right to know the hazards and identities of the chemicals they are exposed to when working. They also need to know what protective measures are available to prevent adverse effects from occurring. The HCS is designed to provide employees with the information they need.

Knowledge acquired under the HCS will help employers provide safer workplaces for their employees. When employers have information about the chemicals being used, they can take steps to reduce exposures, substitute less

hazardous materials, and establish proper work practices. These efforts will help prevent the occurrence of work-related illnesses and injuries caused by chemicals.

The HCS addresses the issues of evaluating and communicating hazards to workers. Evaluation of chemical hazards involves a number of technical concepts, and is a process that requires the professional judgment of experienced experts. That is why the HCS is designed so that employers who simply use chemicals, rather than produce or import them, are not required to evaluate the hazards of those chemicals. Hazard determination is the responsibility of the producers and importers of the materials. Producers and importers of chemicals are then required to provide the hazard information to employers that purchase their products.

Employers that do not produce or import chemicals need only focus on those parts of the rule that deal with establishing a workplace program and communicating information to their workers. This appendix is a general guide for such employers to help them determine what is required under the rule. It does not supplant or substitute for the regulatory provisions, but rather provides a simplified outline of the steps an average employer would follow to meet those requirements.

1. Becoming Familiar With The Rule.

WISHA has provided a simple summary of the HCS in a pamphlet entitled "*Hazardous Chemicals - Right to Know - Washington Hazard Communication Standard*" WISHA Publication Number P413-014-000. Some employers prefer to begin to become familiar with the rule's requirements by reading this pamphlet. A copy may be obtained from your local WISHA office.

The standard is long, and some parts of it are technical, but the basic concepts are simple. In fact, the requirements reflect what many employers have been doing for years. You may find that you are already largely in compliance with many of the provisions, and will simply have to modify your existing programs somewhat. WISHA is an OSHA-approved state plan state, and you must comply with the state's requirements, which may be different than those of the federal rule.

The HCS requires information to be prepared and transmitted regarding all hazardous chemicals. The HCS covers both physical hazards (such as flammability), and health hazards (such as irritation, lung damage, and cancer). Most chemicals used in the workplace have some hazard potential, and thus will be covered by the rule.

One difference between this rule and many others adopted by WISHA is that this one is performance-oriented. That means that you have the flexibility to adapt the rule to the needs of your workplace, rather than having to follow specific, rigid requirements. It also means that you have to exercise more judgment to implement an appropriate and effective program.

The standard's design is simple. Chemical manufacturers and importers must evaluate the hazards of the chemicals they produce or import. Using that information, they must then prepare labels for containers, and more detailed technical bulletins called material safety data sheets (MSDS).

Chemical manufacturers, importers, and distributors of hazardous chemicals are all required to provide the appropriate labels and material safety data sheets to the employers to

which they ship the chemicals. The information is to be provided automatically. Every container of hazardous chemicals you receive must be labeled, tagged, or marked with the required information. Your suppliers must also send you a properly completed material safety data sheet (MSDS) at the time of the first shipment of the chemical, and with the next shipment after the MSDS is updated with new and significant information about the hazards.

You can rely on the information received from your suppliers. You have no independent duty to analyze the chemical or evaluate the hazards of it.

Employers that "use" hazardous chemicals must have a program to ensure the information is provided to exposed employees. "Use" means to package, handle, react, or transfer. This is an intentionally broad scope, and includes any situation where a chemical is present in such a way that employees may be exposed under normal conditions of use or in a foreseeable emergency.

The requirements of the rule that deal specifically with the hazard communication program are found in WAC 296-62-05409, Written hazard communication program; WAC 296-62-05411, Labels and other forms of warning; WAC 296-62-05413, Material safety data sheets; and WAC 296-62-05415, Employee information and training. The requirements of these paragraphs should be the focus of your attention. Concentrate on becoming familiar with them, using WAC 296-62-05403, Scope and application, and WAC 296-62-05405, Definitions applicable to this part, as references when needed to help explain the provisions.

There are two types of work operations where the coverage of the rule is limited. These are laboratories and operations where chemicals are only handled in sealed containers (e.g., a warehouse). The limited provisions for these workplaces can be found in WAC 296-62-05403, Scope and application. Basically, employers having these types of work operations need only keep labels on containers as they are received; maintain material safety data sheets that are received, and give employees access to them; and provide information and training for employees. Employers do not have to have written hazard communication programs and lists of chemicals for these types of operations. Some of these employers may have to comply with other similar standards which have requirements for a written program. For example, laboratories may be required to have a written chemical hygiene plan under WAC 296-62-400, Hazardous chemicals in laboratories.

The limited coverage of laboratories and sealed container operations addresses the obligation of an employer to the workers in the operations involved, and does not affect the employer's duties as a distributor of chemicals. For example, a distributor may have warehouse operations where employees would be protected under the limited sealed container provisions. In this situation, requirements for obtaining and maintaining MSDSs are limited to providing access to those received with containers while the substance is in the workplace, and requesting MSDSs when employees request access for those not received with the containers. However, as a distributor of hazardous chemicals, that employer will still have responsibilities for providing MSDSs to downstream customers at the time of the first shipment and when the MSDS is updated. Therefore, although they may not be required for the employees in the work opera-

tion, the distributor may, nevertheless, have to have MSDSs to satisfy other requirements of the rule.

2. Identify Responsible Staff.

Hazard communication is going to be a continuing program in your facility. Compliance with the HCS is not a "one shot deal." In order to have a successful program, it will be necessary to assign responsibility for both the initial and ongoing activities that have to be undertaken to comply with the rule. In some cases, these activities may already be part of current job assignments. For example, site supervisors are frequently responsible for on-the-job training sessions. Early identification of the responsible employees, and involvement of them in the development of your plan of action, will result in a more effective program design. Evaluation of the effectiveness of your program will also be enhanced by involvement of affected employees.

For any safety and health program, success depends on commitment at every level of the organization. This is particularly true for hazard communication, where success requires a change in behavior. This will only occur if employers understand the program, and are committed to its success, and if employees are motivated by the people presenting the information to them.

3. Identify Hazardous Chemicals in the Workplace.

The standard requires a list of hazardous chemicals in the workplace as part of the written hazard communication program. The list will eventually serve as an inventory of everything for which an MSDS must be maintained. At this point, however, preparing the list will help you complete the rest of the program since it will give you some idea of the scope of the program required for compliance in your facility.

The best way to prepare a comprehensive list is to survey the workplace. Purchasing records may also help, and certainly employers should establish procedures to ensure that in the future purchasing procedures result in MSDSs being received before a material is used in the workplace.

The broadest possible perspective should be taken when doing the survey. Sometimes people think of "chemicals" as being only liquids in containers. The HCS covers chemicals in all physical forms—liquids, solids, gases, vapors, fumes, and mists—whether they are "contained" or not. The hazardous nature of the chemical and the potential for exposure are the factors which determine whether a chemical is covered. If it is not hazardous, it is not covered. If there is no potential for exposure (e.g., the chemical is inextricably bound and cannot be released), the rule does not cover the chemical.

Look around. Identify chemicals in containers, including pipes, but also think about chemicals generated in the work operations. For example, welding fumes, dusts, and exhaust fumes are all sources of chemical exposures. Read labels provided by suppliers for hazard information. Make a list of all chemicals in the workplace that are potentially hazardous. For your own information and planning, you may also want to note on the list the location(s) of the products within the workplace, and an indication of the hazards as found on the label. This will help you as you prepare the rest of your program.

WAC 296-62-05403, Scope and application, includes exemptions for various chemicals or workplace situations. After compiling the complete list of chemicals, you should review paragraph (b) of this section to determine if any of the items can be eliminated from the list because they are exempted materials. For example, food, drugs, and cosmetics brought into the workplace for employee consumption are exempt. So rubbing alcohol in the first aid kit would not be covered.

Once you have compiled as complete a list as possible of the potentially hazardous chemicals in the workplace, the next step is to determine if you have received material safety data sheets for all of them. Check your files against the inventory you have just compiled. If any are missing, contact your supplier and request one. It is a good idea to document these requests, either by copy of a letter or a note regarding telephone conversations. If you have MSDSs for chemicals that are not on your list, figure out why. Maybe you do not use the chemical anymore, or maybe you missed it in your survey. Some suppliers do provide MSDSs for products that are not hazardous. These do not have to be maintained by you.

You should not allow employees to use any chemicals for which you have not received an MSDS. The MSDS provides information you need to ensure proper protective measures are implemented prior to exposure.

4. Preparing and Implementing a Hazard Communication Program.

All workplaces where employees are exposed to hazardous chemicals must have a written plan which describes how the standard will be implemented in that facility. Preparation of a plan is not just a paper exercise—all of the elements must be implemented in the workplace in order to be in compliance with the rule. See WAC 296-62-05409 for the specific requirements regarding written hazard communication programs. The only work operations which do not have to comply with the written plan requirements are laboratories and work operations where employees only handle chemicals in sealed containers. See WAC 296-62-05403, Scope and application, for the specific requirements for these two types of workplaces.

The plan does not have to be lengthy or complicated. It is intended to be a blueprint for implementation of your program—an assurance that all aspects of the requirements have been addressed.

Many trade associations and other professional groups have provided sample programs and other assistance materials to affected employers. These have been very helpful to many employers since they tend to be tailored to the particular industry involved. You may wish to investigate whether your industry trade groups have developed such materials.

Although such general guidance may be helpful, you must remember that the written program has to reflect what you are doing in your workplace. Therefore, if you use a generic program it must be adapted to address the facility it covers. For example, the written plan must list the chemicals present at the site, indicate who is to be responsible for the various aspects of the program in your facility, and indicate where written materials will be made available to employees.

If WISHA inspects your workplace for compliance with the HCS, the WISHA compliance officer will ask to see your written plan at the outset of the inspection. In general, the following items will be considered in evaluating your program.

The written program must describe how the requirements for labels and other forms of warning, material safety data sheets, and employee information and training, are going to be met in your facility. The following discussion provides the type of information compliance officers will be looking for to decide whether these elements of the hazard communication program have been properly addressed:

A. Labels and Other Forms of Warning.

In-plant containers of hazardous chemicals must be labeled, tagged, or marked with the identity of the material and appropriate hazard warnings. Chemical manufacturers, importers, and distributors are required to ensure that every container of hazardous chemicals they ship is appropriately labeled with such information and with the name and address of the producer or other responsible party. Employers purchasing chemicals can rely on the labels provided by their suppliers. If the material is subsequently transferred by the employer from a labeled container to another container, the employer will have to label that container unless it is subject to the portable container exemption. See WAC 296-62-05411 for specific labeling requirements.

The primary information to be obtained from a WISHA-required label is an identity for the material, and appropriate hazard warnings. The identity is any term which appears on the label, the MSDS, and the list of chemicals, and thus links these three sources of information. The identity used by the supplier may be a common or trade name ("Black Magic Formula"), or a chemical name (1,1,1-trichloroethane). The hazard warning is a brief statement of the hazardous effects of the chemical ("flammable," "causes lung damage"). Labels frequently contain other information, such as precautionary measures ("do not use near open flame"), but this information is provided voluntarily and is not required by the rule. Labels must be legible, and prominently displayed. There are no specific requirements for size or color, or any specified text.

With these requirements in mind, the compliance officer will be looking for the following types of information to ensure that labeling will be properly implemented in your facility:

1. Designation of person(s) responsible for ensuring labeling of in-plant containers;
2. Designation of person(s) responsible for ensuring labeling of any shipped containers;
3. Description of labeling system(s) used;
4. Description of written alternatives to labeling of in-plant containers (if used); and
5. Procedures to review and update label information when necessary.

Employers that are purchasing and using hazardous chemicals—rather than producing or distributing them—will primarily be concerned with ensuring that every purchased container is labeled. If materials are transferred into other

containers, the employer must ensure that these are labeled as well, unless they fall under the portable container exemption (WAC 296-62-05411(7)). In terms of labeling systems, you can simply choose to use the labels provided by your suppliers on the containers. These will generally be verbal text labels, and do not usually include numerical rating systems or symbols that require special training. The most important thing to remember is that this is a continuing duty—all in-plant containers of hazardous chemicals must always be labeled. Therefore, it is important to designate someone to be responsible for ensuring that the labels are maintained as required on the containers in your facility, and that newly purchased materials are checked for labels prior to use.

B. Material Safety Data Sheets.

Chemical manufacturers and importers are required to obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Distributors are responsible for ensuring that their customers are provided a copy of these MSDSs. Employers must have an MSDS for each hazardous chemical which they use. Employers may rely on the information received from their suppliers. The specific requirements for material safety data sheets are in WAC 296-62-05413.

There is no specified format for the MSDS under the rule, although there are specific information requirements. OSHA has developed a nonmandatory format, OSHA Form 174, which may be used by chemical manufacturers and importers to comply with the rule. The MSDS must be in English (although the employer may maintain copies in other languages as well). You are entitled to receive from your supplier a data sheet which includes all of the information required under the rule. If you do not receive one automatically, you should request one. If you receive one that is obviously inadequate, with, for example, blank spaces that are not completed, you should request an appropriately completed one. If your request for a data sheet or for a corrected data sheet does not produce the information needed, you should contact your local labor and industries field office for assistance in obtaining the MSDS as stated in WAC 296-62-05413(12).

The role of MSDSs under the rule is to provide detailed information on each hazardous chemical, including its potential hazardous effects, its physical and chemical characteristics, and recommendations for appropriate protective measures. This information should be useful to you as the employer responsible for designing protective programs, as well as to the workers. If you are not familiar with material safety data sheets and with chemical terminology, you may need to learn to use them yourself. A glossary of MSDS terms may be helpful in this regard. Generally speaking, most employers using hazardous chemicals will primarily be concerned with MSDS information regarding hazardous effects and recommended protective measures. Focus on the sections of the MSDS that are applicable to your situation.

Because many MSDSs are produced in states other than Washington, there may be a difference between the permissible exposure limit (PEL) listed on the MSDS and the WISHA required PEL. For this reason WISHA will accept the OSHA PEL on the MSDS, but for training and evalua-

tion of employee exposure, within Washington state, the WISHA PEL must be used. Most of the OSHA and WISHA PELs will be identical, but at times some will be different. For example, in April 1994, the OSHA PEL for carbon monoxide was 50 ppm for an 8 hour time-weighted average (TWA) with no short-term exposure limit (STEL) or ceiling value, but the WISHA PEL for carbon monoxide was 35 ppm for an 8 hour TWA, with a ceiling value of 200 ppm and no STEL. The current WISHA PELs are listed in WAC 296-62-075, Air contaminants.

MSDSs must be readily accessible to employees when they are in their work fields during their workshifts. This may be accomplished in many different ways. You must decide what is appropriate for your particular workplace. Some employers keep the MSDSs in a binder in a central location (e.g., in the pickup truck on a construction site). Others, particularly in workplaces with large numbers of chemicals, computerize the information and provide access through terminals. As long as employees can get the information when they need it, any approach may be used. The employees must have access to the MSDSs themselves—simply having a system where the information can be read to them over the phone is only permitted under the mobile worksite provision, WAC 296-62-05413(9) when employees must travel between workplaces during the shift. In this situation, they have access to the MSDSs prior to leaving the primary worksite, and when they return, so the telephone system is simply an emergency arrangement.

In order to ensure that you have a current MSDS for each chemical in the plant as required, and that employee access is provided, the compliance officers will be looking for the following types of information in your written program:

1. Designation of person(s) responsible for obtaining and maintaining the MSDSs;
2. How such sheets are to be maintained in the workplace (e.g., in notebooks in the work area(s) or in a computer with terminal access), and how employees can obtain access to them when they are in their work area during the work shift;
3. Procedures to follow when the MSDS is not received at the time of the first shipment;
4. For producers, procedures to update the MSDS when new and significant health information is found; and
5. Description of alternatives to actual data sheets in the workplace, if used.

For employers using hazardous chemicals, the most important aspect of the written program in terms of MSDSs is to ensure that someone is responsible for obtaining and maintaining the MSDSs for every hazardous chemical in the workplace. The list of hazardous chemicals required to be maintained as part of the written program will serve as an inventory. As new chemicals are purchased, the list should be updated. Many companies have found it convenient to include on their purchase orders the name and address of the person designated in their company to receive MSDSs.

C. Employee Information and Training.

Each employee who may be "exposed" to hazardous chemicals when working must be provided information and trained prior to initial assignment to work with a hazardous chemical, and whenever the hazard changes. "Exposure" or "exposed" under the rule means that "an employee is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.) and includes potential (e.g., accidental or possible) exposure." See WAC 296-62-05415 for specific requirements. Information and training may be done either by individual chemical, or by categories of hazards (such as flammability or carcinogenicity). If there are only a few chemicals in the workplace, then you may want to discuss each one individually. Where there are large numbers of chemicals, or the chemicals change frequently, you will probably want to train generally based on the hazard categories (e.g., flammable liquids, corrosive materials, carcinogens). Employees will have access to the substance-specific information on the labels and MSDSs.

Information and training is a critical part of the hazard communication program. Information regarding hazards and protective measures are provided to workers through written labels and material safety data sheets. However, through effective information and training, workers will learn to read and understand such information, determine how it can be obtained and used in their own workplaces, and understand the risks of exposure to the chemicals in their workplaces as well as the ways to protect themselves. A properly conducted training program will ensure comprehension and understanding. It is not sufficient to either just read material to the workers, or simply hand them material to read. You want to create a climate where workers feel free to ask questions. This will help you to ensure that the information is understood. You must always remember that the underlying purpose of the HCS is to reduce the incidence of chemical source illnesses and injuries. This will be accomplished by modifying behavior through the provision of hazard information and information about protective measures. If your program works, you and your workers will better understand the chemical hazards within the workplace. The procedures you establish regarding, for example, purchasing, storage, and handling of these chemicals will improve, and thereby reduce the risks posed to employees exposed to the chemical hazards involved. Furthermore, your workers' comprehension will also be increased, and proper work practices will be followed in your workplace.

If you are going to do the training yourself, you will have to understand the material and be prepared to motivate the workers to learn. This is not always an easy task, but the benefits are worth the effort. More information regarding appropriate training can be found in a booklet entitled "*Understanding Right to Know*," Publication Number P413-012-000. A copy may be obtained from your local labor and industries office.

In reviewing your written program with regard to information and training, the following items need to be considered:

1. Designation of person(s) responsible for conducting training;
2. Format of the program to be used (audiovisuals, classroom instruction, etc.);

3. Elements of the training program (should be consistent with the elements in WAC 296-62-05415; and

4. Procedure to train new employees at the time of their initial assignment to work with a hazardous chemical, and to train employees when a new hazard is introduced into the workplace.

The written program should provide enough details about the employer's plans in this area to assess whether or not a good faith effort is being made to train employees. WISHA does not expect that every worker will be able to recite all of the information about each chemical in the workplace. In general, the most important aspects of training under the HCS are to ensure that employees are aware that they are exposed to hazardous chemicals, that they know how to read and use labels and material safety data sheets, and that, as a consequence of learning this information, they are following the appropriate protective measures established by the employer. WISHA compliance officers will be talking to employees to determine if they have received training, if they know they are exposed to hazardous chemicals, and if they know where to obtain substance-specific information on labels and MSDSs.

The HCS does not require employers to maintain records of employee training, but many employers choose to do so. This may help you monitor your own program to ensure that all employees are appropriately trained. If you already have a training program, you may simply have to supplement it with whatever additional information is required under the HCS.

An employer can provide employees information and training through whatever means are found appropriate and protective. Although there would always have to be some training on-site (such as informing employees of the location and availability of the written program and MSDSs), employee training may be satisfied in part by general training about the requirements of the HCS and about chemical hazards on the job which is provided by, for example, trade associations, unions, colleges, and professional schools. In addition, previous training, education and experience of a worker may relieve the employer of some of the burdens of informing and training that worker. Regardless of the method relied upon, however, the employer is always ultimately responsible for ensuring that employees are adequately trained. If the compliance officer finds that the training is deficient, the employer will be cited for the deficiency regardless of who actually provided the training on behalf of the employer.

D. Other Requirements.

In addition to these specific items, compliance officers will also be asking the following questions in assessing the adequacy of the program:

Does a list of the hazardous chemicals exist in each work area or at a central location?

Are methods the employer will use to inform employees of the hazards of nonroutine tasks outlined?

Are employees informed of the hazards associated with chemicals contained in unlabeled pipes in their work areas?

On multi-employer worksites, has the employer provided other employers with information about labeling systems and precautionary measures where the other employers have employees exposed to the initial employer's chemicals?

Is the written program made available to employees and their designated representatives?

If your program adequately addresses the means of communicating information to employees in your workplace, and provides answers to the basic questions outlined above, it will be found to be in compliance with the rule.

5. Checklist for Compliance.

The following checklist will help to ensure you are in compliance with the rule:

- Obtained a copy of the rule.
- Read and understood the requirements.
- Assigned responsibility for tasks.
- Prepared an inventory of chemicals.
- Ensured containers are labeled.
- Obtained MSDS for each chemical.
- Prepared written program.
- Made MSDSs available to workers.
- Conducted training of workers.
- Established procedures to maintain current program.
- Established procedures to evaluate effectiveness.

6. Further Assistance.

If you have a question regarding compliance with the HCS, you should contact your local labor and industries field office for assistance. All field offices have industrial hygienists who can answer your questions. Free consultation services are also available to assist employers, and information regarding these services can be obtained through the field offices as well.

The telephone number for the labor and industries office closest to you should be listed in your local telephone directory. If you are not able to obtain this information, you may contact labor and industries, office of information and assistance, 1-800-4BE-SAFE for further assistance in identifying the appropriate contacts.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07706 Communication among employers. On multi-employer worksites, an employer performing asbestos work requiring the establishment of a regulated area shall inform other employers on the site of the nature of the employer's work with asbestos and of the existence of and requirements pertaining to regulated areas.

Note: Notified employers shall ensure their employees are informed and trained as required by the hazard communication standard, ((WAC 296-62-054 through 296-62-05427)) chapter 296-62 WAC, Part C.

AMENDATORY SECTION (Amending Order 90-14, filed 10/1/90, effective 11/15/90)

WAC 296-62-3020 Site characterization and analysis. (1) General. Hazardous waste sites shall be evaluated in accordance with this section to identify specific site hazards and to determine the appropriate safety and health

control procedures needed to protect employees from the identified hazards.

(2) Preliminary evaluation. A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a qualified person in order to aid in the selection of appropriate employee protection methods prior to site entry. Immediately after initial site entry, a more detailed evaluation of the site's specific characteristics shall be performed by a qualified person in order to further identify existing site hazards and to further aid in the selection of the appropriate engineering controls and personal protective equipment for the tasks to be performed.

(3) Hazard identification. All suspected conditions that may pose inhalation or skin absorption hazards that are immediately dangerous to life or health (IDLH), or other conditions that may cause death or serious harm, shall be identified during the preliminary survey and evaluated during the detailed survey. Examples of such hazards include, but are not limited to, confined space entry, potentially explosive or flammable situations, visible vapor clouds, or areas where biological indicators such as dead animals or vegetation are located.

(4) Required information. The following information to the extent available shall be obtained by the employer prior to allowing employees to enter a site:

- (a) Location and approximate size of the site.
- (b) Description of the response activity and/or the job task to be performed.
- (c) Duration of the planned employee activity.
- (d) Site topography and accessibility by air and roads.
- (e) Safety and health hazards expected at the site.
- (f) Pathways for hazardous substance dispersion.
- (g) Present status and capabilities of emergency response teams that would provide assistance to hazardous waste clean-up site employees at the time of an emergency.
- (h) Hazardous substances and health hazards involved or expected at the site and their chemical and physical properties.

(5) Personal protective equipment. Personal protective equipment (PPE) shall be provided and used during initial site entry in accordance with the following requirements:

(a) Based upon the results of the preliminary site evaluation, an ensemble of PPE shall be selected and used during initial site entry which will provide protection to a level of exposure below established permissible exposure limits and published exposure levels for known or suspected hazardous substances and health hazards, and which will provide protection against other known and suspected hazards identified during the preliminary site evaluation. If there is no permissible exposure limit or published exposure level, the employer may use other published studies and information as a guide to appropriate personal protective equipment. Level A and Level B personal protective equipment is required for the most hazardous actual or potential exposures.

(b) If positive-pressure self-contained breathing apparatus is not used as part of the entry ensemble, and if respiratory protection is warranted by the potential hazards identified during the preliminary site evaluation, an escape self-contained breathing apparatus of at least five minute's duration shall be carried by employees during initial site entry.

(c) If the preliminary site evaluation does not produce sufficient information to identify the hazards or suspected hazards of the site an ensemble providing protection equivalent to Level B PPE shall be provided as minimum protection and direct reading instruments shall be used as appropriate for identifying IDLH conditions. (See WAC 296-62-3170 - Appendix B for a description of Level B hazards and the recommendations for Level B protective equipment.)

(d) Once the hazards of the site have been identified, the appropriate PPE shall be selected and used in accordance with WAC 296-62-3060.

(6) Monitoring. The following monitoring shall be conducted during initial site entry when the site evaluation produces information that shows the potential for ionizing radiation or IDLH conditions, or when the site information is not sufficient to rule out these possible conditions:

(a) Monitoring with direct reading instruments for hazardous levels of ionizing radiation.

(b) Monitoring the air with appropriate direct reading equipment (i.e., combustible gas meters, detector tubes) for IDLH and other conditions that may cause death or serious harm (combustible or explosive atmospheres, oxygen deficiency, toxic substances).

(c) Visually observing for signs of actual or potential IDLH or other dangerous conditions.

(d) An ongoing air monitoring program in accordance with WAC 296-62-3070 shall be implemented after site characterization has determined the site is safe for the start-up of operations.

(7) Risk identification. Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated with these substances shall be identified. Employees who will be working on the site shall be informed of any risks that have been identified. In situations covered by ~~((WAC 296-62-054 through 296-62-05427))~~ chapter 296-62 WAC, Part C, training required by those standards need not be duplicated.

Note: Risks to consider include, but are not limited to:

- (a) Exposures exceeding the permissible exposure limits and published exposure levels.
- (b) IDLH concentrations.
- (c) Potential skin absorption and irritation sources.
- (d) Potential eye irritation sources.
- (e) Explosion sensitivity and flammability ranges.
- (f) Oxygen deficiency.

(8) Employee notification. Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform shall be made available to all employees prior to the commencement of their work activities. The employer may utilize information developed for the hazard communication standard, chapter 296-62 WAC, Part C, for this purpose.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-3140 Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA). Employers conducting operations at treatment, storage, and disposal (TSD) facilities specified in WAC 296-62-300 (1)(d) shall provide and implement the

programs specified in this section. See the "Notes and Exceptions" of WAC 296-62-300 (2)(c) for employers not covered.

(1) Safety and health program. The employer shall develop and implement a written safety and health program for employees involved in hazardous waste operations that shall be available for inspection by employees, their representatives and WISHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, to provide for emergency response meeting the requirements of WAC 296-62-3110 and to address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies.

(2) Hazard communication program. The employer shall implement a hazard communication program meeting the requirements of ~~((WAC 296-62-054 through 296-62-05427))~~ chapter 296-62 WAC, Part C, as part of the employer's safety and health program.

Note: The exemption for hazardous waste provided in WAC 296-62-054 is applicable to this section.

(3) Medical surveillance program. The employer shall develop and implement a medical surveillance program meeting the requirements of WAC 296-62-3050.

(4) Decontamination program. The employer shall develop and implement a decontamination procedure meeting the requirements of WAC 296-62-3100.

(5) New technology programs. The employer shall develop and implement procedures meeting the requirements of WAC 296-62-3138 for introducing new and innovative equipment into the workplace.

(6) Material handling program. Where employees will be handling drums or containers, the employer shall develop and implement procedures meeting the requirements of WAC 296-62-3090 (1)(b) through (h) and (k), as well as WAC 296-62-3090 (3) and (8), prior to starting such work.

(7) Training program.

(a) New employees. The employer shall develop and implement a training program, which is part of the employer's safety and health program, for employees exposed to health hazards or hazardous substances at TSD operations to enable the employees to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for 24 hours and refresher training shall be for eight hours annually. Employees who have received the initial training required by this section shall be given a written certificate attesting that they have successfully completed the necessary training.

(b) Current employees. Employers who can show by an employee's previous work experience and/or training that the employee has had training equivalent to the initial training required by this section, shall be considered as meeting the initial training requirements of this section as to that employee. Equivalent training includes the training that existing employees might have already received from actual site work experience. Current employees shall receive eight hours of refresher training annually.

(c) Trainers. Trainers who teach initial training shall have satisfactorily completed a training course for teaching

the subjects they are expected to teach or they shall have the academic credentials and instruction experience necessary to demonstrate a good command of the subject matter of the courses and competent instructional skills.

(8) Emergency response program.

(a) Emergency response plan. An emergency response plan shall be developed and implemented by all employers. Such plans need not duplicate any of the subjects fully addressed in the employer's contingency planning required by permits, such as those issued by the United States Environmental Protection Agency, provided that the contingency plan is made part of the emergency response plan. The emergency response plan shall be a written portion of the employer's safety and health program required in this section. Employers who will evacuate their employees from the worksite location when an emergency occurs and who do not permit any of their employees to assist in handling the emergency are exempt from the requirements of WAC 296-62-3140(8) if they provide an emergency action plan complying with WAC 296-24-567.

(b) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address, as a minimum, the following areas to the extent that they are not addressed in any specific program required in this section:

(i) Preemergency planning and coordination with outside parties.

(ii) Personnel roles, lines of authority, and communication.

(iii) Emergency recognition and prevention.

(iv) Safe distances and places of refuge.

(v) Site security and control.

(vi) Evacuation routes and procedures.

(vii) Decontamination procedures.

(viii) Emergency medical treatment and first aid.

(ix) Emergency alerting and response procedures.

(x) Critique of response and follow-up.

(xi) PPE and emergency equipment.

(c) Training.

(i) Training for emergency response employees shall be completed before they are called upon to perform in real emergencies. Such training shall include the elements of the emergency response plan, standard operating procedures the employer has established for the job, the personal protective equipment to be worn, and procedures for handling emergency incidents.

Exception #1: An employer need not train all employees to the degree specified if the employer divides the workforce in a manner such that a sufficient number of employees who have responsibility to control emergencies have the training specified, and all other employees, who may first respond to an emergency incident, have sufficient awareness training to recognize that an emergency response situation exists and that they are instructed in that case to summon the fully trained employees and not attempt to control activities for which they are not trained.

Exception #2: An employer need not train all employees to the degree specified if arrangements have been made in advance for an outside fully trained emergency response team to respond in a reasonable period and all employees, who may come to the incident first, have sufficient awareness training to recognize that an emergency response situation exists and they have been instructed to call the designated

outside fully trained emergency response team for assistance.

(ii) Employee members of TSD facility emergency response organizations shall be trained to a level of competence in the recognition of health and safety hazards to protect themselves and other employees. This would include training in the methods used to minimize the risk from safety and health hazards; in the safe use of control equipment; in the selection and use of appropriate personal protective equipment; in the safe operating procedures to be used at the incident scene; in the techniques of coordination with other employees to minimize risks; in the appropriate response to overexposure from health hazards or injury to themselves and other employees; and in the recognition of subsequent symptoms which may result from overexposures.

(iii) The employer shall certify that each covered employee has attended and successfully completed the training required in this subsection, or shall certify the employee's competency at least yearly. The method used to demonstrate competency for certification of training shall be recorded and maintained by the employer.

(d) Procedures for handling emergency incidents.

(i) In addition to the elements for the emergency response plan required in (b) of this subsection, the following elements shall be included for emergency response plans to the extent that they do not repeat any information already contained in the emergency response plan:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The emergency response plan shall be compatible and integrated with the disaster, fire, and/or emergency response plans of local, state, and federal agencies.

(iii) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(iv) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(v) An employee alarm system shall be installed in accordance with WAC 296-24-631 to notify employees of an emergency situation; to stop work activities if necessary; to lower background noise in order to speed communication; and to begin emergency procedures.

(vi) Based upon the information available at time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the site emergency response plan.

PART B-2

**((ASBESTOS, TREMOLITE, ANTHOPHYLLITE,
AND ACTINOLITE))**

HAZARD COMMUNICATION

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-180 Hazard communication. General.

The employer shall develop and maintain a hazard communication program as required by (~~WAC 296-62-054 through 296-62-05427~~) chapter 296-62 WAC, Part C, which

will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-305-025 Management's responsibility. (1)

It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice supervise:

(a) A safe and healthful working environment, as it applies to non combat conditions or to combat conditions at the fire scene after fire has been extinguished, as determined by the officer in charge.

(b) An accident prevention program as required by this chapter.

(c) Programs for training employees in the fundamentals of accident prevention.

(2) The employer shall be responsible for providing suitable expertise to comply with all testing requirements in this chapter. Such expertise may be secured from within the fire department, from equipment and apparatus manufacturers or other suitable sources.

(3) Alcoholic beverages shall not be allowed in station houses, except at those times when station houses are used as community centers.

(4) Controlled substances shall not be allowed in station houses, with the exception of those used by the profession to be administered to patients or medication prescribed by a physician, unless such prescribed medication would impair the performance of the individual.

(5) A bulletin board or posting area exclusively for safety and health and large enough to display the required safety and health poster (Job safety and health protection, form F416-081-000) and other safety education material shall be provided. A bulletin board of "white background" and "green trim" is recommended.

(6) The employer shall develop and maintain a hazard communication program as required by (~~WAC 296-62-054 through 296-62-05427~~) chapter 296-62 WAC, Part C, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

PERMANENT

**WSR 94-16-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-65—Filed July 20, 1994, 4:16 p.m., effective July 21, 1994, 12:01 a.m.]

Date of Adoption: July 20, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-030.

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: There is an adequate resource available to allow a limited commercial harvest of razor clams in an area which is not readily available to the recreational digger.

Effective Date of Rule: July 21, 1994, 12:01 a.m.

July 20, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-03000H Razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to fish for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) Those waters and beaches of Razor Clam area Number One lying south of the Willapa Bay Ship Channel, west of Ellen Sands, and northerly of a line of boundary markers consisting of plastic pipe and flags near the northern tip of Leadbetter Point, are open to the taking and possession of razor clams for commercial purposes from 12:01 a.m. July 21, 1994 through 11:59 p.m. August 31, 1994.

**WSR 94-16-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Order 94-67—Filed July 22, 1994, 4:52 p.m.]

Date of Adoption: July 22, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-07100T; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon

adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The allowable harvest of sea cucumbers in Sea Cucumber District 3 has been taken.

Effective Date of Rule: Immediately.

July 22, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-07100U Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to fish for or possess sea cucumbers taken for commercial use from all state waters except during the times and in the areas as provided for in this section:

(1) Sea cucumber harvest using the shellfish diver gear is allowed in Sea Cucumber District 3, Monday and Tuesday, July 25 through July 26, 1994 from 6:00 a.m. to one-half hour before official sunset of each day, except Marine Fish-Shellfish Management and Catch Reporting Area 26C is closed.

(2) The following waters are closed to the harvest of sea cucumbers at all times:

(a) Eagle Harbor - All waters westerly of a line projected northerly from Wing Point to Eagle Harbor Cresote Light number one and then due west to the shoreline of Bainbridge Island.

(b) Hale Passage - Those waters within a line projected northerly from Point Migley to Sandy Point and a line projected from Point Francis through the marker north on Inati Bay to landfall on Lummi Island.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100T Sea cucumbers. (94-64)

**WSR 94-16-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Order 94-66—Filed July 26, 1994, 2:14 p.m.]

Date of Adoption: July 25, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-35000Z and 220-56-38000T; and amending WAC 220-56-350 and 220-56-380.

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: Interim rules needed until the permanent 1994-1995 sport rules take effect. Harvestable clams and oysters are available to extend seasons.

Effective Date of Rule: Immediately.

July 25, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-35000A Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to harvest or possess clams, cockles, borers or mussels taken for personal use from the following tidelands except during the times shown:

- (1) Brown Point - Open through August 15.
- (2) Cama Beach State Park - state-owned tidelands beginning at the section line marker of Section 26, Township 31 North Range 2 East and following the shoreline north approximately 850 feet are closed effective August 1 until further notice.
- (3) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays beach are closed to the harvest of clams, except those tidelands between a row of tires at Camp Discovery and a second row of tires 2000 feet to the south and except the state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending 1,200 feet to the north are open until further notice.
- (4) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.
- (5) Eagle Creek - Closed until further notice.
- (6) Garrison Bay - All tidelands of Guss Island, and all state and federal tidelands at British Camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed until further notice.
- (7) Illahee State Park - Closed until further notice.
- (8) Kopachuck State Park - Closed until further notice.
- (9) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed.
- (10) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island then due west to the mainland are closed except the state-owned oyster Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet are open until further notice.
- (11) Penrose State Park - Closed effective August 1 until further notice.
- (12) Port Townsend ship canal - Closed until further notice.
- (13) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed.
- (14) Rendsland Creek - Open until further notice.
- (15) Saltwater State Park - Closed until further notice.

(16) Shine Tidelands State Park - Open until further notice.

(17) South Indian Island Co. Park - Open until further notice.

(18) West Dewatto (DNR 44A) - Closed until further notice.

(19) Wolfe Property State Park - Open until further notice.

NEW SECTION

WAC 220-56-38000U Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following tidelands except during the times shown:

- (1) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters, except those tidelands between a row of tires at Camp Discovery and a second row of tires 2000 feet to the south and except the state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending 1,200 feet to the north are open until further notice.
- (2) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed.
- (3) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed.
- (4) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed except the state-owned oyster Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet are open until further notice.
- (5) Point Whitney Lagoon - Closed until further notice.
- (6) Potlatch East - Open until further notice.
- (7) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed.
- (8) Rendsland Creek - Open until further notice.
- (9) Scenic Beach State Park - open until further notice.
- (10) Twanoh State Park - Open until further notice.
- (11) West Dewatto (DNR 44A) - Open until further notice.

Notwithstanding the provisions of this section, it is lawful for Coast Seafood employees to take oysters from the areas listed herein under the terms of a contract between Coast Seafoods and the Department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-56-35000Z Clams other than razor clams—
Areas and seasons. (94-38)
WAC 220-56-38000T Oysters—Areas and seasons.
(94-38)

WSR 94-16-054
EMERGENCY RULES
HEALTH CARE AUTHORITY
(Public Employees Benefit Board)
[Filed July 27, 1994, 4:15 p.m.]

Date of Adoption: July 27, 1994.

Purpose: Amend PEBB eligibility rules to permit: Enrollment by school district and educational service district bargaining units; enrollment by retirees of school districts; require Medicare eligible retirees to enroll in both Parts A and B of Medicare as a condition of eligibility. These changes are required by chapter 386, Laws of 1993 (SHB 1784).

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-110, 182-12-111, 182-12-115, and 182-12-122.

Statutory Authority for Adoption: Chapter 41.05 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 drafted permanent rules are currently under legal review.

Effective Date of Rule: Immediately.

July 27, 1994

Elin S. Meyer

Rules Coordinator

AMENDATORY SECTION (Amending Order 5646, filed 2/9/76)

WAC 182-12-110 Purpose. The purpose of this chapter is to establish criteria of employee eligibility for all ~~((state))~~ public employees ~~((insurance))~~ benefits board approved plans.

AMENDATORY SECTION (Amending WSR 92-03-040, filed 1/10/92, effective 1/10/92)

WAC 182-12-111 Eligible entities. The employees and retirees of eligible entities and their dependents must meet the individual eligibility requirements set forth in WAC 182-12-115 in order to participate in ~~((SEBB))~~ PEBB insurance plans. Only individuals who participated in ~~((SEBB))~~ PEBB insurance plans as an active employee and their dependents are eligible to participate in ~~((SEBB))~~ PEBB insurance plans upon disability or retirement, except as provided in WAC 182-12-115(8) and 182-12-122 (2)(d) or (e). The following entities shall be eligible to participate in ~~((SEBB))~~ PEBB insurance plans subject to the terms and conditions set forth below.

(1) State agencies. Every department, division, or separate agency of state government including the higher education personnel board, higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all board approved plans provided:

Employees of vocational-technical institutions who belong to collective bargaining units may participate in

~~((SEBB))~~ PEBB insurance plans only if the entire collective bargaining unit enrolls in the plans and such participation is consistent with section 83, chapter 238, Laws of 1991.

(2) Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees. Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees of the state may participate in ~~((SEBB))~~ PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to ~~((SEBB))~~ PEBB plan coverage as a unit.

(b) The legislative authority or the board of directors obligates itself to participate in all ~~((SEBB))~~ PEBB insurance plans.

(c) The legislative authority of the entity ~~((or the board of directors of the school district))~~ submits an application together with employee census data and, if available, prior claims experience of the entity to the health care authority.

(d) The legislative authority or the board of directors agrees to maintain its ~~((SEBB))~~ PEBB plan participation through the end of the plan year.

(e) The legislative authority or the board of directors shall provide the health care authority written notice of its intent to terminate ~~((SEBB))~~ PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, ~~((or))~~ political subdivision, ~~((including a K-12 school district))~~ or employees of employee organizations representing state civil service employees terminates coverage in ~~((SEBB))~~ PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in ~~((SEBB))~~ PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(f) The health care authority administrator approves the entity's application.

(3) School districts and educational service districts. This rule supersedes any existing health care authority or board rules that may be in conflict with this rule. Bargaining units and nonrepresented employees of school districts and educational service districts of the state may participate in PEBB insurance programs provided:

(a) The PEBB plans must be the only plans made available to the members of the bargaining unit through their employment by the school district or educational service district.

(b) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.

(c) A bargaining unit employee or nonrepresented employee who would otherwise be considered an eligible employee under the rules established by the board may voluntarily waive enrollment in the programs and will no longer be considered an eligible employee for purposes of effectuating the transfer of the unit.

(d) The terms and conditions for the payment of insurance premiums shall be set forth in provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the board at the time of application for participation.

(e) The application to participate in the PEBB programs is subject to the approval of the authority.

(f) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of state employees and retirees as defined in WAC 182-12-115(9).

(g) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation through the end of the plan year.

AMENDATORY SECTION (Amending WSR 92-08-003, filed 3/18/92, effective 3/18/92)

WAC 182-12-115 Eligible employees, retirees, and dependents. The following definitions of eligible employees, retirees, and dependents of an eligible entity, as defined in WAC 182-12-111, shall apply for all ~~((SEBB))~~ PEBB approved plans except as otherwise stated in this chapter~~((:))~~. For purposes of defining eligible employees of school districts and educational service districts, the collective bargaining agreement will supersede all definitions provided under this rule if approved by the PEBB and the authority in accordance with WAC 182-12-111 (3)(d).

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible on the first day of such employment, however, they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the

employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEBB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEBB program at the time of retirement or disability.

(8) "Retired and disabled school district and educational service district employees." The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B or enroll in the next Medicare open enrollment period:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open

enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance under chapter 41.32 or 41.40 RCW. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, which ever is later.

(9) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse except that as of November 1, 1991, a lawful spouse who works full time and who is eligible for coverage as a subscriber on a plan or plans offered by a K-12 school district and who has waived that coverage is not eligible for employer-paid coverage as a dependent on a SEBB plan.

(b) Dependent children through age nineteen. As used in this section, "children" includes natural children, stepchildren, legally adopted children, and married children who qualify as dependents of the employee/retiree under the Internal Revenue Code or as specified in a court order or divorce decree, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under an SEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's

attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Dependent parents." Parents of the employee/retiree or their spouse who qualify as dependents under the Internal Revenue Code and who were covered as dependents under SEBB medical/dental plans prior to July 1, 1990, may continue SEBB coverage on a self-pay basis.

~~((9))~~ (10) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

AMENDATORY SECTION (Amending Resolution No. 86-3, filed 8/5/86)

WAC 182-12-122 Surviving dependents eligibility.

(1) The following classes of surviving eligible dependents may continue their medical and dental coverages (~~up to the age limits for dependent children by premium withholding or direct payment of premium~~) on a self-pay basis: ~~((1))~~

(a) Surviving spouse and/or eligible dependent children of a deceased state retiree who were covered as dependents under ~~((these coverages))~~ a PEBB plan at the time of the retiree's death ~~(, and (2))~~;

(b) Surviving spouse and/or eligible dependent children of a deceased state employee who were covered ~~((as dependents))~~ under ~~((these coverages))~~ a PEBB plan at the time of the employee's death ~~((and who will immediately begin receiving a monthly retirement income benefit))~~ provided they are eligible to receive an allowance from a Washington state sponsored retirement system ~~((Application for surviving dependents coverage must be made within sixty days from the date of death of the retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. Surviving dependents are not eligible for retiree life insurance.))~~;

(c) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district and educational service employees who were enrolled under a PEBB plan at the time of the retiree's death;

(d) Surviving spouses and/or eligible dependent children of a deceased school district or educational school district employee who was not enrolled in a PEBB plan at the time of death; provided, the employee died on or after October 1, 1993 and the dependents immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW;

(e) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district or educational service district employees who died prior to October 1, 1993, and who would have been eligible to enroll pursuant to WAC 182-12-115 (8)(a).

(2)(a) Applications for surviving dependents coverage under subsections (1)(a),(b) and (c) must be made in writing on the enrollment form approved by the Health Care Authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of premium.

(b) Application for surviving dependents coverage under (1)(d) and (e) must be made before the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995. The effective date of coverage will be the first day of the month following the receipt of the completed application.

(3) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system under subsection (1)(b) of this section for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the ((SEIB)) PEBB program at the time of death.

WSR 94-16-058
EMERGENCY RULES
HEALTH CARE AUTHORITY
(Public Employees Benefit Board)
[Filed July 27, 1994, 4:19 p.m.]

Date of Adoption: July 27, 1994.

Purpose: To amend HCA eligibility rules to allow enrollment in the WSGPA caregivers health plan.

Citation of Existing Rules Affected by this Order: New sections WAC 182-14-010, 182-14-020, 182-14-030, 182-14-040, 182-14-050, 182-14-060, 182-14-070, 182-14-080, 182-14-090, and 182-14-100.

Statutory Authority for Adoption: Chapter 41.05 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 drafted permanent rules are currently under legal review.

Effective Date of Rule: Immediately.

July 27, 1994
Elin S. Meyer
Rules Coordinator

Chapter 182-14 WAC
WASHINGTON STATE GROUP PURCHASING
ASSOCIATION CAREGIVERS HEALTH PLAN

NEW SECTION

WAC 182-14-010 Purpose. The purpose of this chapter is to establish eligibility for the Washington state group purchasing association caregivers health plan, hereafter referred to as the WSGPA caregivers health plan. The WSGPA caregivers health plan merges the health care purchasing power of child care workers, home care workers, foster parents and eligible employees of non-profit human services organizations that contract with state agencies. The WSGPA caregivers health plan will be administered by the health care authority administrator.

NEW SECTION

WAC 182-14-020 Definitions. The following definitions apply to WAC 182-14-010 through 182-14-100.

(1) Administrator. The administrator of the health care authority.

(2) Effective date. The day on which coverage begins.

(3) Continuous coverage. Continuous group or individual health insurance plan coverage in effect for at least three months immediately prior to the effective coverage date of the WSGPA caregivers health plan.

(4) Open enrollment. That period of time, set by the health care authority, when eligible employees may sign up for coverage of their choice, change plans or add eligible dependents.

(5) Full-time employee. Those employees working thirty or more hours per week or one hundred twenty hours per calendar month.

(6) Part-time employee. Those employees working between eight and twenty-nine hours per week or thirty-two to one hundred nineteen hours per calendar month.

(7) Permanent employees. Those employees who are expected to be employed for more than six months.

(8) Nonpermanent employees. Those employees who are in pay status at least twenty hours per week and are expected to be employed for no more than six months. A nonpermanent employee becomes a permanent employee on the first day of the seventh month of employment.

(9) Dependents. Eligible dependents include:

(a) Lawful spouse.

(b) Dependent children through age nineteen. As used in these rules, "children" includes natural children, stepchildren, legally adopted children, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government health care entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under a WSGPA caregivers health plan as a full-time student. Evidence of such disability and dependency must be fur-

EMERGENCY

nished to the HCA upon application, and as periodically requested thereafter.

NEW SECTION

WAC 182-14-030 Eligible entities or individuals.

The following entities or individuals are eligible to participate in the WSGPA caregivers health plan subject to the terms and conditions set forth in WAC 182-14-040:

- (1) Owners and operators of licensed child day care centers, licensed family child care homes and preschools or other child care education programs exempted from licensing as provided in chapter 74.15 RCW on behalf of themselves, their eligible employees, employees' spouses and dependents;
- (2) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the following department of social and health services (DSHS) programs may apply on behalf of themselves, their eligible employees, employees' spouses and dependent children:
 - (a) Personal care as provided in chapter 74.09 RCW;
 - (b) Community options program entry system (COPES), as provided in chapter 74.09 RCW;
 - (c) Chore services as provided in chapter 74.08 RCW;
- (3) Foster parents contracting with DSHS under chapter 74.13 RCW and licensed by DSHS under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children;
- (4) Private nonprofit human services provider organizations under contract with Washington state agencies on behalf of their eligible employees, employees' spouses and dependent children.

NEW SECTION

WAC 182-14-040 Terms and conditions of participation. Eligible entities, or individuals may participate in the WSGPA caregivers health plan provided:

- (1) The administrator approves the individual's or entity's application;
- (2) The entity enrolls at least seventy-five percent of its full-time employees, who do not have other health insurance coverage, in the WSGPA caregivers health plan;
- (3) The entity submits to the administrator the number of hours each eligible employee works per week/month and the employees' current group health coverage, if any, and its termination date;
- (4) The WSGPA caregivers health plan is the only group health care insurance coverage provided by the entity to its employees.

NEW SECTION

WAC 182-14-050 Ineligible employees. Employees working for eligible entities which do not participate in the WSGPA caregivers health plan will be ineligible for individual coverage under the WSGPA caregivers health plan. Employees who are employed by an eligible entity for fewer than eight hours per week or thirty-two hours per calendar month are ineligible for coverage under the WSGPA caregivers health plan.

NEW SECTION

WAC 182-14-060 Enrollment and effective date of coverage. (1) Permanent employee. Permanent employees and their dependents shall enroll within ninety days of their employment and coverage becomes effective on the first date of the month after receipt of application and the first month's premium.

Employees not enrolled within ninety days of employment may not enroll until the next open enrollment period unless they can provide evidence of continuous coverage under another health plan. If such evidence of coverage is provided, the employee may enroll and pay the premium within thirty-one days of the termination date of the previous plan and, coverage would begin on the date following the expiration date of previous coverage.

(2) Nonpermanent employee. Nonpermanent employees and their dependents may enroll in their sixth month of employment and coverage will be effective the first day of the seventh month of employment.

(3) Dependents.

(a) New dependents without previous coverage whose enrollment results in premium adjustments. New dependents whose enrollment will result in a premium adjustment shall enroll within sixty days of the date of marriage, birth, or placement of an adopted or foster child. New dependents not enrolled within sixty days may not enroll until the next open enrollment period. Upon receipt of application and premium, coverage begins for new dependents on the date of birth for newborn (natural or adopted), date of placement for adopted child or foster child, or date of marriage for spouse.

(b) New dependents without previous coverage whose enrollment does not result in premium adjustments. Children whose enrollment will not result in a premium adjustment may enroll at any time and coverage will begin at the date of birth or placement of an adopted or foster child.

(c) New dependents or spouses with continuous coverage. A new dependent or spouse with continuous health care coverage shall enroll within thirty-one days of the termination date of their previous coverage. Upon receipt of the application and premium, coverage becomes effective the date following the expiration date of previous coverage.

(4) Eligible employees and dependents who discontinue WSGPA caregivers health plan. Eligible employees and dependents who discontinue WSGPA caregivers health plan may enroll during the first open enrollment following a twelve-month waiting period.

(5) Confined enrollee. If an enrollee or dependent (other than a newborn child) is confined in a hospital, skilled nursing facility, approved chemical dependency facility or other approved inpatient facility when coverage would normally begin, no benefits will be provided for services rendered prior to discharge.

NEW SECTION

WAC 182-14-070 Preexisting condition restriction. Enrollees in the WSGPA caregivers health plan are subject to a twelve-month preexisting condition period. A preexisting condition is any illness, injury, or condition for which the enrollee received medical or surgical treatment, consultations, diagnostic testing or prescription drugs in the three months immediately preceding the enrollee's effective date

of coverage. Persons who have continuous coverage shall have the twelve-month preexisting period reduced for each month of prior continuous coverage.

NEW SECTION

WAC 182-14-080 Contribution to the Washington state group purchasing association account. (1) Permanent employees:

(a) Full-time employees. Employers must pay at least fifty percent of the premium rate established by the HCA for full-time permanent employees enrolled in the WSGPA caregivers health plan.

(b) Part-time employees working at least twenty hours per week. Employers must pay a prorated share of their contribution for full-time employees for part-time employees working between twenty and thirty hours a week, or between eighty and one hundred twenty hours a month.

(c) Part-time employees working less than twenty hours per week. Eligible employees working between eight and twenty hours per week, or between thirty-two and eighty hours per calendar month are eligible for an employer premium contribution according to the employer's written benefits policy. The employer contribution shall be a prorated share of the full-time contribution.

(2) Nonpermanent employees. Employer contributions for nonpermanent employees who become eligible for the WSGPA caregivers health plan shall be the same rate as those set forth for permanent employees in subsection (1) of this section.

(3) Individual enrollees. Individual enrollees in the WSGPA caregivers health plan are responsible for payment of their entire premium.

NEW SECTION

WAC 182-14-090 Termination of coverage. WSGPA caregivers health plan ends on the earliest of the following dates:

- (1) The date the plan terminates;
- (2) At midnight, the last day of the last month for which the premium has been paid;
- (3) At midnight on the last day of the month in which a dependent's eligibility ceases; or
- (4) For any subscriber or dependent confined in an inpatient facility on the date when coverage would otherwise terminate, until discharge from that facility or until benefits are exhausted, whichever occurs first.

NEW SECTION

WAC 182-14-100 Continued medical coverage under COBRA and group conversion. (1) COBRA. Eligible employees and eligible dependents who become ineligible for WSGPA caregivers health plan and who qualify for continued coverage under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), including any amendments hereinafter enacted, may continue their WSGPA caregivers health plan coverage by self-payment of plan premiums in accordance with federal COBRA statutes and regulations.

(2) Group conversion policies. Group conversion policies are available to all enrollees upon termination of the

WSGPA caregivers health plan or COBRA coverage if application is made within thirty-one days after termination of their group or COBRA plan.

**WSR 94-16-064
EMERGENCY RULES
OFFICE OF MINORITY
AND WOMEN'S
BUSINESS ENTERPRISES
[Filed July 28, 1994, 12:15 p.m.]**

Date of Adoption: July 28, 1994.

Purpose: To establish goals for the participation of certified minority and women's business enterprises in state contracting and procurement.

Citation of Existing Rules Affected by this Order: Amending WAC 326-30-041.

Statutory Authority for Adoption: RCW 39.19.030(7).

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: RCW 39.19.030(4) requires the establishment of annual goals. The previously established goals expired in June 1994. A preproposal statement of intent is being filed simultaneously with this filing in preparation for adopting a permanent rule. This emergency rule will facilitate state contracting and procurement in the interim.

Effective Date of Rule: Immediately.

July 28, 1994
James A. Medina
Director

AMENDATORY SECTION (Amending WSR 94-03-068, filed 1/14/94)

WAC 326-30-041 Annual goals. The annual overall goals for participation by certified firms in the public works, other contracting, and procurement of each state agency and educational institution, subject to this chapter, shall be as follows:

July 1, ~~1993~~ 1994, through June 30, ~~1994~~ 1995,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

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

**WSR 94-16-077
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-68—Filed July 29, 1994, 3:56 p.m., effective August 1, 1994,
12:01 a.m.]

Date of Adoption: July 29, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-160.

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 federal government has not issued an incidental take statement that would allow the potential harvest of threatened Snake River fall chinook salmon in this fishery.

Effective Date of Rule: August 1, 1994, 12:01 a.m.

July 29, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57-16000W Columbia River. Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. August 1, 1994 through 11:59 p.m. September 30, 1994 it is unlawful to fish for or possess chinook salmon in those waters downstream from the Highway 395 Bridge at Pasco.

**WSR 94-16-078
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-69—Filed July 29, 1994, 4:02 p.m., effective July 31, 1994, 12:01 a.m.]

Date of Adoption: July 29, 1994.

Purpose: Commercial fishing regulations.

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 are regulated by the Washington Department of Fish and Wildlife as per provisions of the United States Section of the Fraser Panel, Pacific Salmon Commission. Openings provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River origin sockeye salmon. Mesh restrictions provide protection for United States and Canadian origin chinook stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: July 31, 1994, 12:01 a.m.

July 29, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-501 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday July 31st, 1994 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 7 and 7A - Reef nets may fish from 6 AM to 9 PM Tuesday August 2 and gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 12 Noon Wednesday August 3 to 7 AM Thursday August 4 and purse seines may fish from 6 AM to 9 PM Thursday August 4.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

**WSR 94-16-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed July 29, 1994, 5:00 p.m., effective August 1, 1994]

Date of Adoption: July 29, 1994.

Purpose: Close the Dungeness River to recreational fishing for steelhead from August 1 through August 15, 1994, to provide protection for critically depressed, wild Dungeness chinook spawners.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Between 1986 and 1993, the total Puget Sound run size of Dungeness River chinook has averaged under 200 adults. Escapement in 1993 totaled only 43 fish. The stock is listed as "critical" in SASSI, and multi-agency rebuilding effort has been initiated in an attempt to stem its decline. Recreational and commercial salmon fisheries in preterminal marine areas, and in the Dungeness Bay terminal area, have been severely restricted in 1994 to avoid impacts on Dungeness chinook and other

depressed Puget Sound stocks. In the past two years, Washington Department of Fish and Wildlife (WDFW) field personnel have reported a significant problem with poaching of spawning Dungeness chinook throughout the mainstem river during August. This proposal to extend forward closure of the river for steelhead fishing to include the first two weeks of August will further assist in reducing recreational fishing impacts on Dungeness chinook by eliminating hooking mortality, reducing poaching and easing enforcement of regulations.

Effective Date of Rule: August 1, 1994.

July 29, 1994

John McGlenn, Chair
Fish and Wildlife Commission

of barbeques or camp stoves in state, county, municipal or other campgrounds are exempt from these restrictions in the following counties: Thurston, Pacific, Lewis, Grays Harbor, Island, Whatcom, Skagit, Snohomish, Clallam Jefferson, King, Pierce, Kitsap, and Mason.

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

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

NEW SECTION

WAC 232-28-61955 1994-95 Washington game fish seasons and catch limits-Dungeness River: Mouth to source: Closed to fishing for steelhead, night closure and unlawful to fish with non-buoyant lures having more than one single pointed hook, August 1, 1994 through August 15, 1994.

All other provisions of WAC 232-12-619 relating to the above waters remain in effect and unchanged.

WSR 94-16-127
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 624—Filed August 2, 1994, 5:00 p.m.]

Date of Adoption: August 2, 1994.

Purpose: Suspending rule burn privileges on department protected land.

Statutory Authority for Adoption: RCW 76.04.165.

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: Weather conditions have created a situation of increasing fire danger statewide, thus there is a need to further regulate outdoor burning to protect life and property.

Effective Date of Rule: Immediately.

August 2, 1994

Art Stearns
Acting Supervisor

NEW SECTION

WAC 332-26-900 Outdoor burning restriction. Effective 12:01 am Wednesday, August 2, 1994, privileges to have an outdoor fire without a written burning permit on lands protected by the department, as allowed by WAC 332-24-211, are suspended throughout the state. Fires contained in established campfire pits approved by the department in state, county, municipal, or other campgrounds, and the use

EMERGENCY

WSR 94-14-075
RULES OF COURT
STATE SUPREME COURT
 [June 29, 1994]

James A. Anderson
 Chief Justice

IN THE MATTER OF THE ADOPTION)
 OF THE AMENDMENTS TO GR 11.2;) ORDER
 APR 6(b); APR 9(d); GR 18; APR 15;)
 RLD 9.1(b); RLD 11.1(m); RAP 1.1(a);) NO. 25700-A-
 RAP 2.1(c); RAP 2.2(a); RAP 2.4 (c),)
 (f), (g); RAP 2.5 (a), (b); RAP 3.3(a);)
 RAP 4.2 (c), (d); RAP 5.1(f); RAP 5.2)
 (e), (f); RAP 5.3 (a), (b), (e); RAP)
 5.4; RAP 5.5; RAP 6.3; RAP 7.2 (d), (e);)
 RAP 8.1 (b), (c), (d), (h); RAP 9.1(a);)
 RAP 9.2 (a), (e), (g); RAP 9.5 (a), (b),)
 (c); RAP 9.6; RAP 9.7 (a), (c); RAP)
 9.8(a); RAP 9.10; RAP 9.11(a); RAP 9.13;)
 RAP 10.2(e); RAP 10.3 (g), (h); RAP 10.4)
 (c); RAP 11.4 (a); RAP 12.2; RAP 12.4)
 (a), (h); RAP 12.7(c); RAP 12.8; RAP)
 12.9(b); RAP 13.3(b); RAP 13.4 (a), (c),)
 (d); RAP 13.7(b); RAP 14.3(a); RAP 15.2)
 (a), (h); RAP 15.4(c); RAP 17.4; RAP)
 17.7; RAP 18.1 (e), (j); RAP 18.3(a);)
 RAP 18.7; RAP 18.9(a); RAP 18.12; RAP)
 18.14(e); RAP Forms 1-6, 9-16, 18-21;)
 CR 4(d); CR 7(b); MAR 3.2; MAR 5.2;)
 MAR 5.3 (a), (d), (e); MAR 6.2; MAR 6.3;)
 CRLJ 4(d); CRLJ 5 (e), (f); CRLJ 7(b);)
 CRLJ 8(c); CRLJ 11; CRLJ 12(i); CRLJ)
 26, CRLJ 44(a); CRLJ 50; CRLJ 58;)
 CrRLJ 3.2(a); AND IRLJ 6.7)

Robert F. Utter	Smith, J.
Robert F. Brachtenbach	Guy, J.
Durham, J.	Johnson, J.
J. M. Dolliver	Madsen, J.

GR 11.2
 [NEW RULE]
 TELEPHONIC INTERPRETATION

(a) Interpreters may be appointed to serve by telephone for brief, nonevidentiary proceedings, including initial appearances and arraignments, when interpreters are not readily available to the court. Telephone interpretation is not authorized for evidentiary hearings.

(b) RCW 2.43 and GR 11.1 must be followed regarding the interpreter's qualifications and other matters.

(c) Electronic equipment used during the hearing must ensure that the non-English speaking party hears all statements made by the participants. If electronic equipment is not available for simultaneous interpreting, the hearing shall be conducted to allow consecutive interpretation of each sentence.

(d) Attorney-client consultations must be interpreted confidentially.

(e) Written documents which would normally be orally translated by the interpreter must be read aloud to allow full oral translation of the material by the interpreter.

(f) An audio recording shall be made of all statements made on the record during their interpretation, and the same shall be preserved.

APR 6(b)

(b) **Tutors.** A lawyer may act as a tutor for only one law clerk at a time. To be eligible to act as a tutor in the law clerk program, a lawyer shall:

(1) Be an active member in good standing of the Bar Association, provided that if a disciplinary sanction has been imposed upon the lawyer within the 5 years immediately preceding the filing approval of the law clerk's application for enrollment, the Board of Governors shall have the discretion to accept or reject the lawyer as tutor;

(2) Have been actively and continuously engaged in the practice of law or have held the required judicial position for at least 10 years immediately preceding the filing of the law clerk's application for enrollment; and

(3) Provide a tutor's statement certifying to the law clerk's employment and to the tutor's eligibility, and agreeing to instruct and examine the law clerk in the curriculum prescribed by the Committee with the approval of the Board of Governors.

APR 9(d)

(d) **Supervising Lawyer.** The supervising lawyer shall be an active member of the Bar Association in good stand-

The Washington State Bar Association having recommended the adoption of the proposed amendments to GR 11.2; APR 6(b); APR 9(d); GR 18; APR 15; RLD 9.1(b); RLD 11.1(m); RAP 1.1(a); RAP 2.1(c); RAP 2.2(a); RAP 2.4 (c), (f), (g); RAP 2.5 (a), (b); RAP 3.3(a); RAP 4.2 (c), (d); RAP 5.1(f); RAP 5.2 (e), (f); RAP 5.3 (a), (b), (e); RAP 5.4; RAP 5.5; RAP 6.3; RAP 7.2 (d), (e); RAP 8.1 (b), (c), (d), (h); RAP 9.1(a); RAP 9.2 (a), (e), (g); RAP 9.5 (a), (b), (c); RAP 9.6; RAP 9.7 (a), (c); RAP 9.8(a); RAP 9.10; RAP 9.11(a); RAP 9.13; RAP 10.2(e); RAP 10.3 (g), (h); RAP 10.4 (c); RAP 11.4(a); RAP 12.2; RAP 12.4 (a), (h); RAP 12.7(c); RAP 12.8; RAP 12.9(b); RAP 13.3(b); RAP 13.4 (a), (c), (d); RAP 13.7(b); RAP 14.3(a); RAP 15.2 (a), (h); RAP 15.4(c); RAP 17.4; RAP 17.7; RAP 18.1 (e), (j); RAP 18.3(a); RAP 18.7; RAP 18.9(a); RAP 18.12; RAP 18.14(e); RAP Forms 1-6, 9-16, 18-21; CR 4(d); CR 7(b); MAR 3.2; MAR 5.2; MAR 5.3 (a), (d), (e); MAR 6.2; MAR 6.3; CRLJ 4(d); CRLJ 5 (e), (f); CRLJ 7(b); CRLJ 8(c); CRLJ 11; CRLJ 12(i); CRLJ 26; CRLJ 44(a); CRLJ 50; CRLJ 58; CrRLJ 3.2(a); and IRLJ 6.7, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby
ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the special rules edition of the Washington Reports on July 13, 1994, and will become effective September 1, 1994.

DATED at Olympia, Washington this 29th day of June, 1994.

EMERGENCY

ing, provided that if a disciplinary sanction has been imposed upon the lawyer within the 5 years immediately preceding the filing approval of the application, the Board of Governors shall have the discretion to accept or reject the lawyer as a supervising lawyer. The supervising lawyer shall have been actively engaged in the practice of law in the State of Washington or elsewhere for at least 3 years at the time the application is filed.

(1) The supervising lawyer or another lawyer from the same office shall direct, supervise and review all of the work of the legal intern and both shall assume personal professional responsibility for any work undertaken by the legal intern while under the lawyer's supervision. All pleadings, motions, briefs, and other documents prepared by the legal intern shall be reviewed by the supervising lawyer or a lawyer from the same office as the supervising lawyer. When a legal intern signs any correspondence or legal document, the intern's signature shall be followed by the title "legal intern" and, if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the supervising lawyer or lawyer from the same office as the supervising lawyer. In any proceeding in which a legal intern appears before the court, the legal intern must advise the court of the intern's status and the name of the intern's supervising lawyer.

(2) Supervision shall not require that the supervising lawyer be present in the room while the legal intern is advising or negotiating on behalf of a person referred to the intern by the supervising lawyer, or while the legal intern is preparing the necessary pleadings, motions, briefs, or other documents.

(3) As a general rule, no supervising lawyer shall have supervision over more than 1 legal intern at any one time. However, in the case of (i) recognized institutions of legal aid, legal assistance, public defender and similar programs furnishing legal assistance to indigents, or legal departments of a state, county or municipality, the supervising lawyer may have supervision over 2 legal interns at one time, or (ii) a clinical course offered by an approved law school where such course has been approved by its dean and is directed by a member of its faculty, and conducted within institutions or legal departments described in (i) or the law school, each full-time clinical supervising lawyer may have supervision over 10 legal interns at one time provided a supervising lawyer attends all adversarial proceedings conducted by the legal interns.

(4) A lawyer currently acting as a supervising lawyer may be terminated as a supervising lawyer at the discretion of the Board of Governors. When an intern's supervisor is so terminated, the intern shall cease performing any services under this rule and shall cease holding himself or herself out as a legal intern until written notice of a substitute supervising lawyer, signed by the intern and by the new and qualified supervising lawyer, is given to the Bar Association and to the Supreme Court.

(5) The failure of a supervising lawyer, or lawyer acting as a supervising lawyer, to provide adequate supervision or to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Lawyer Discipline.

(6) For purposes of the attorney-client privilege, an intern shall be considered a subordinate of the lawyer providing supervision for the intern.

(7) For purposes of the provisions of this rule which permit a lawyer from the same office as the supervising lawyer to sign documents or be present with a legal intern during court appearances, the lawyer so acting must be one who meets all of the qualifications for becoming a supervising lawyer under this rule.

GR 18
[NEW RULE]
JURY SOURCE LIST

(a) **Effective Date.** Effective September 1, 1994, all prospective jurors shall be identified using the jury source list as herein provided.

(b) **Jury Source List.** "Jury source list" means the list of all registered voters of a county, merged with a list of licensed drivers and identocard holders who reside in that county. The list shall specify each person's first and last name, middle initial, date of birth, gender and residence address. When legally available for jury selection use, each such list shall also specify each person's Social Security number.

(c) **Order of the Supreme Court.** The jury source list shall be created utilizing the methodology and standards set forth by Supreme Court order and by Laws of 1993, ch. 408, § 1.

(d) **Juror Qualification Confirmation.** Each court, after consultation with the county auditor and county clerk of its jurisdiction, shall establish a means to preliminarily determine by written declaration signed under penalty of perjury by each person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to the person's appearance at the court to which the person is summoned to serve. Information so provided to the court for preliminary determination of qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose. *Provided*, that the court, or its designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

THE SUPREME COURT OF WASHINGTON

In the Matter of the Jury Source List Pursuant to General Rule 18 of the Washington Rules of Court } No. } ORDER

General Rule 18 of the Washington Court Rules provides that the Supreme Court of the State of Washington should designate by order the creation of the jury source list.

Now, Therefore, It is hereby ordered:

That the jury source list shall be created according to the attached appendix describing the methodology and standards for creating the jury source list by merging the list of registered voters for a county with the list of licensed drivers and identocard holders who reside in that county.

That each superior court shall receive a jury source list from the Department of Information Services by May 1, 1994, and annually thereafter, which list shall be created according to the methodology and standards set forth in the attached appendix. *Provided*, that the jury source list may be

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created, at the direction of the presiding judge of each superior court after consultation with the county auditor and the county clerk of that jurisdiction, by the county, according to the methodology and standards set forth in the attached appendix. If a superior court elects to have the jury source list created by the county the superior court shall so notify the Department of Information Services annually by March 1, 1994, and that superior court shall thereafter receive a separate list of licensed drivers and identicard holders residing in that county and a separate list of registered voters residing in that county from the Department of Information Services by April 1, 1994, and annually thereafter.

That in the event, for any reason, the jury source list is not created and available for use as set forth above, the most recent previously compiled jury source list shall be used by the courts on an emergency basis only for the shortest period of time until a current jury source list is created and available for use as provided for herein.

Dated at Olympia, Washington, this _____ day of _____, 19____.

Chief Justice

APPENDIX

This appendix describes the methodology for merging the list of registered voters and the list of licensed drivers and identicard holders to form a jury source list pursuant to GR 18 and the Supreme Court of Washington order to which this appendix is attached.

Records of persons from the list of licensed drivers and identicard holders shall not be used in creating a jury source list if their license or identicard has been expired longer than 2 years.

Persons on the list of registered voters and on the list of licensed drivers and identicard holders shall be identified based on the following data: date of birth, last name, first name, middle initial, gender and county code to reflect residence address. Upon notification by the Supreme Court of Washington of the legal availability of the Social Security number for jury selection purposes, the persons on each list shall also be identified by Social Security number.

The list of registered voters and the list of licensed drivers and identicard holders shall be merged to form a jury source list.

Using the identifying information on each person, known duplicate names shall be eliminated during the merging process so that the jury source list shall contain, to the extent reasonably possible, each prospective juror's name only once.

Suspected duplication of prospective jurors' names on the jury source list which cannot be clearly confirmed at the time that the jury source list is created shall be identified on the jury source list for further investigation at the county level. For that purpose only, the jury source list shall identify each person as having been originally listed on the list of registered voters, or the list of licensed drivers and identicard holders, or both. Conflicts of addresses shall be resolved by using the address most currently provided for the lists from which the names originated.

If suspected duplication of names on the jury source list cannot be resolved after reasonable efforts at the county

level, the suspected duplicate names shall be stricken from that jury source list.

Selection of persons for the master jury list from the jury source list, and the designation of persons on the master jury list to be summoned, shall be random and totally without regard to whether a person's name originally appeared on the list of registered voters, or on the list of licensed drivers and identicard holders, or both.

APR 15

[NEW RULE]

LAWYERS' FUND FOR CLIENT PROTECTION

(a) Purpose. The purpose of this rule is to create a Lawyers' Fund for Client Protection, to be maintained and administered as a trust by the Washington State Bar Association (WSBA), in order to promote public confidence in the administration of justice and the integrity of the legal profession.

(b) Establishment. There is established the Lawyers' Fund for Client Protection (Fund). The Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any client by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA in connection with the member's practice of law or while acting as a fiduciary in a matter related to the member's practice of law. The Fund may also be used to relieve or mitigate like loss sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was, at the time of the act complained of, under court ordered suspension. The Fund shall not be used for the purpose of relieving any pecuniary loss resulting from an attorney's negligent performance of services or for acts performed after a member is disbarred. Payments from the Fund shall be considered gifts to the recipients and shall not be considered entitlements.

(c) Funding. The Supreme Court may provide for funding by assessment of members of the WSBA in amounts determined by the court upon the recommendation of the Board of Governors of the WSBA.

(d) Enforcement. Failure to pay any fee assessed by the court on or before the date specified by the court shall be a cause for suspension from practice until payment has been made.

(e) Restitution. A lawyer whose conduct results in payment to an applicant shall be liable to the Fund for restitution.

(f) Administration. The Fund shall be maintained and administered by the Board of Governors acting as trustees for the Fund. The Board shall appoint the Lawyers' Fund for Client Protection Committee (Committee) to administer the Fund pursuant to rules adopted by the Board of Governors and approved by the Supreme Court. The Committee shall consist of 11 lawyers and 2 nonlawyers, who will be appointed to serve staggered 3-year terms.

(g) Reports. The Board of Governors, in consultation with the Committee, shall file with the Supreme Court a full report on the activities and finances of the Fund at least annually and may make other reports to the court as necessary.

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RLD 9.1(b)

(b) **Payment of Obligations.** No disbarred lawyer may file a petition for reinstatement until costs and expenses assessed pursuant to these rules, and restitution ordered as provided herein, have been paid and until amounts paid out of ~~the Clients' Security Fund as a result of any program maintained by the Association to indemnify clients against losses caused by~~ the conduct of the petitioner have been repaid to the Association, or until periodic payment plans for costs and expenses, restitution and repayment to the ~~Clients' Security Fund indemnity program~~ have been entered into by agreement between the respondent lawyer and disciplinary counsel.

RLD 11.1(m)

(m) **Release to ~~Client's Security Program Committee Lawyers' Fund for Client Protection.~~** Nothing in these rules shall prohibit the release of information obtained during the course of an investigation to the ~~Client's Security Program Committee Lawyers' Fund for Client Protection~~ Committee it. The Committee Fund shall treat such information as confidential unless release is authorized by this rule or the Board of Governors.

RAP 1.1(a)

(a) **Review of Trial Court Decision and of Administrative Adjudicative Order.** These rules govern proceedings in the Supreme Court and the Court of Appeals for review of a trial court decision and for direct review in the Court of Appeals of an administrative adjudicative order under RCW 34.05.518.

RAP 2.1(c)

(c) **Method for Seeking Direct Review of Final Decision of Administrative Agency.** The procedure for seeking direct review by the Court of Appeals of a final order in an administrative adjudicative proceeding is defined by RCW 34.05.518 and RCW 34.05.522.

RAP 2.2(a)

(a) **Generally.** Unless otherwise prohibited by statute or court rule and except as provided in sections (b) and (c), a party may appeal from only the following superior court decisions:

(1) *Final Judgment.* The final judgment entered in any action or proceeding.

(2) [Reserved.]

(3) *Decision Determining Action.* Any written decision affecting a substantial right in a civil case which in effect determines the action and prevents a final judgment or discontinues the action.

(4) *Order of Public Use and Necessity.* An order of public use and necessity in a condemnation case.

(5) *Juvenile Court Disposition.* The disposition decision following a finding of dependency by a juvenile court, or a disposition decision following a finding of guilt in a juvenile offense proceeding.

(6) *Deprivation of All Parental Rights.* A decision depriving a person of all parental rights with respect to a child.

(7) *Order of Incompetency.* A decision declaring an adult legally incompetent, or an order establishing a conservatorship or guardianship for an adult.

(8) *Order of Commitment.* A decision ordering commitment, entered after a sanity hearing or after a sexual predator hearing.

(9) *Order on Motion for New Trial or Amendment of Judgment.* An order granting or denying a motion for new trial or amendment of judgment.

(10) *Order on Motion for Vacation of Judgment.* An order granting or denying a motion to vacate a judgment.

(11) *Order on Motion for Arrest of Judgment.* An order arresting or denying arrest of a judgment in a criminal case.

(12) *Order Denying Motion To Vacate Order of Arrest of a Person.* An order denying a motion to vacate an order of arrest of a person in a civil case.

(13) *Final Order After Judgment.* Any final order made after judgment which affects a substantial right.

RAP 2.4 (c), (f), (g)

(c) **Final Judgment Not Designated in Notice.** The Except as provided in rule 2.4(b), the appellate court will review a final judgment not designated in the notice only if the notice designates an order deciding a timely posttrial motion based on (1) CR 50(b) (judgment as a matter of law), (2) CR 52(b) (amendment of findings), (4) CR 59 (reconsideration, new trial, and amendment of judgments), (24) CrR 7.4 (arrest of judgment), or (35) CrR 7.6 (new trial).

(f) **Decisions on Certain Motions Not Designated in Notice.** An appeal from a final judgment brings up for review the ruling of the trial court on an order deciding a timely motion based on (1) CR 50(b) (judgment as a matter of law), (2) CR 52(b) (amendment of findings), (3) CR 59 (reconsideration, new trial, and amendment of judgments), (4) CrR 7.4 (arrest of judgment), or (5) CrR 7.6 (new trial).

(g) **Award of Attorney Fees.** An appeal from a decision on the merits of a case brings up for review an award of attorney fees entered after the appellate court accepts review of the decision on the merits.

RAP 2.5 (a), (b)

(a) **Errors Raised for First Time on Review.** The appellate court may refuse to review any claim of error which was not raised in the trial court. However, a party may raise the following claimed errors for the first time in the appellate court: (1) lack of trial court jurisdiction, (2) failure to establish facts upon which relief can be granted, and (3) manifest error affecting a constitutional right. A party or the court may raise at any time the question of appellate court jurisdiction. A party may present a ground for affirming a trial court decision which was not presented to the trial court if the record has been sufficiently developed to fairly consider the ground. A party may raise a claim of error which was not raised by the party in the trial court if another party on the same side of the case has raised the claim of error in the trial court.

(b) Acceptance of Benefits.

(1) *Generally.* A party may accept the benefits of a trial court decision without losing the right to obtain review of that decision only (i) if the decision is one which is subject to modification by the court making the decision or

(ii) if the party gives security as provided in subsection (b)(2) or (iii) if, regardless of the result of the review based solely on the issues raised by the party accepting benefits, the party will be entitled to at least the benefits of the trial court decision or (iv) if the decision is one which divides property in connection with a dissolution of marriage, a legal separation, a declaration of invalidity of marriage, or the dissolution of a meretricious relationship.

(2) *Security*. If a party gives adequate security to make restitution if the decision is reversed or modified, a party may accept the benefits of the decision without losing the right to obtain review of that decision. A party that would otherwise lose the right to obtain review because of the acceptance of benefits shall be given a reasonable period of time to post security to prevent loss of review. The trial court making the decision shall fix the amount and type of security to be given by the party accepting the benefits.

(3) *Conflict With Statutes*. In the event of any conflict between this section and a statute, the statute governs.

RAP 3.3(a)

(a) Cases Consolidated in Trial Court Tried Together. If two or more cases have been ~~consolidated for trial by order of the trial court tried together~~, the cases ~~remain~~ are consolidated for the purpose of review unless the appellate court otherwise directs.

RAP 4.2 (c), (d)

(c) Form of Statement of Grounds for Direct Review. The statement should be captioned "Statement of Grounds for Direct Review," contain the title of the case as provided in rule 3.4, and contain under appropriate headings and in the order here indicated:

(1) *Nature of Case and Decision*. A short statement of the substance of the case below and the basis for the trial court decision;

(2) *Issues Presented for Review*. A statement of each issue the party intends to present for review; and

(3) *Grounds for Direct Review*. The grounds upon which the party contends direct review should be granted.

The statement of grounds for direct review should not exceed 15 pages, exclusive of appendices and the title sheet.

(d) *Answer to Statement of Grounds for Direct Review*. A respondent may file an answer to the statement of grounds for direct review. In an appeal, the answer should be filed within 14 days after service of the statement on respondent. In a discretionary review, the answer should be filed with any response to the motion for discretionary review. The answer should not exceed 15 pages, exclusive of appendices and the title sheet.

RAP 5.1(f)

(f) Order Entered After Review Accepted. If a party wants to seek review of a trial court decision entered pursuant to rule 7.2 after review in the same case has been accepted by the appellate court, the party must initiate a separate review of the decision by timely filing a notice of appeal or notice for discretionary review, except as provided by rules 2.4 (c) and (f), 7.2(i), 8.1 (d)(h), and 8.2(b), and 9.13.

RAP 5.2 (e), (f)

(e) Effect of Certain Posttrial Motions Decided After Entry of Appealable Order. A notice of appeal of orders deciding certain timely ~~posttrial~~ motions designated in this section must be filed in the trial court within (1) 30 days after the entry of the order, or (2) if a statute provides that a notice of appeal, a petition for extraordinary writ, or a notice for discretionary review must be filed within a time period other than 30 days after entry of the decision to which the motion is directed, the number of days after the entry of the order deciding the ~~posttrial~~ motion established by the statute for initiating review. The ~~posttrial~~ motions to which this rule applies are a motion for arrest of judgment under CrR 7.4, a motion for new trial under CrR 7.6, a motion for judgment as a matter of law under CR 50(b), a motion to amend findings under CR 52(b), a motion for reconsideration or new trial under CR 59, and a motion for amendment of judgment under CR 59.

(f) Subsequent Notice by Other Parties. If a timely notice of appeal or a timely notice for discretionary review is filed by a party, any other party who wants relief from the decision must file a notice of appeal or notice for discretionary review with the trial court clerk within the later of (1) 14 days after service ~~by the trial court clerk~~ of the notice filed by the other party, or (2) the time within which notice must be given as provided in sections (a), (b), (d) or (e).

RAP 5.3 (a), (b), (e)

(a) Content of Notice of Appeal. A notice of appeal must (1) be titled a notice of appeal, (2) specify the party or parties seeking the review, (3) designate the decision or part of decision which the party wants reviewed, and (4) name the appellate court to which the review is taken.

The party filing the notice of appeal should attach to the notice of appeal a copy of the written order or judgment from which the appeal is made, and, in a criminal case in which two or more defendants were joined for trial by order of the trial court, provide the names and superior court cause numbers of all codefendants.

(b) Content of Notice for Discretionary Review. A notice for discretionary review must comply in content and form with the requirements for a notice of appeal, except that it should be titled a notice for discretionary review.

A party seeking discretionary review of a decision of a court of limited jurisdiction should include the name of the district or municipal court and the cause number for which review is sought.

(e) Notices Directed to More Than One Case. If cases have been consolidated for trial, or have been tried together even though not consolidated for trial, separate notices for each case or a single notice for more than one case may be filed. A single notice for more than one ~~decision case~~ will be given the same effect as if a separate notice had been filed for each ~~decision case~~. If cases have not been consolidated for trial or have not been tried together, separate notices must be filed.

RAP 5.4
FILING AND SERVICE OF
NOTICE AND SERVICE BY CLERK

(a) Filing of Notice by Clerk of Trial Court. The clerk of the trial court shall immediately upon filing of a notice of appeal or notice for discretionary review ~~(1) file a copy of the notice with the appellate court designated in the notice; and (2) serve by mail a copy of the notice on each party of record.~~ The clerk shall indicate on the notice in the clerk's file, or on a separate paper, the date the notice was mailed to ~~each party the appellate court.~~ Failure by the clerk to file the notice with the appellate court has no effect on the rights of any party to review.

(b) Service of Notice by Party. The party filing the notice of appeal or notice for discretionary review shall on the same day serve a copy of the notice on each party of record and file a copy of proof of service with the appellate court designated in the notice. Failure by the clerk to serve a party with notice or file proof of service does not prejudice the rights of the party seeking review, but may subject the party to a motion by the clerk of the appellate court to dismiss the appeal if not cured in a timely manner. ~~The clerk or a party may correct the oversight by serving the notice at any time.~~ A party prejudiced by the clerk's failure to serve the notice or to file the proof of service may move in the appellate court for appropriate relief.

RAP 5.5
CIVIL APPEAL STATEMENT AND
SETTLEMENT CONFERENCE IN COURT OF APPEALS

(a) Application of Rule. This rule applies only to an appeal to the Court of Appeals from a trial court decision in a civil case. A civil appeal statement or answer should be filed only if requested by the clerk in the notice given to the parties under section (b).

(b) Service and Filing of Civil Appeal Statement Settlement Conference. ~~A party that files a notice of appeal must, within 15 days after the notice is filed, serve on all other parties and file in the Court of Appeals a "civil appeal statement" in the form provided in section (c). A settlement conference may be held in a civil appeal when directed by the Court of Appeals or when all parties to the appeal agree that a conference would be beneficial. The parties should direct a request for a settlement conference to the clerk of the court. If a settlement conference is requested by all parties, or directed by the Court of Appeals, the clerk of the court will then give notice to the parties of the date, time, and place of the conference; the name of the judge, judge pro tempore, or commissioner who will conduct the conference; and whether the parties are required to attend the conference. The clerk will also advise the parties if a civil appeal statement or answer is required and, if so, the date by which the documents should be filed.~~

(c) Form of Civil Appeal Statement. The statement should be captioned "Civil Appeal Statement," contain the title of the case as provided in rule 3.4, and contain under appropriate headings and in the order here indicated:

(1) Nature of Case and Decision. A short statement of the substance of the case below and the basis for the trial court decision.

(2) Issues Presented for Review. A statement of each issue the party intends to present for review by the Court of Appeals.

(3) Relief Sought in Court of Appeals. The relief the party seeks in the Court of Appeals.

(4) Trial Court. The name of the court from which the appeal was taken.

(5) Judge. The name of the trial court judge who made the decision which is being reviewed.

(6) Date of Decision. The date the decision was entered in the trial court.

(7) Postdecision Motions. A statement of each postdecision motion made in the trial court including the nature of the motion, the date the motion was made, the decision on the motion, and the date the decision was entered.

(8) Notice of Appeal. The date the notice of appeal was filed. A copy of the notice should be attached to the statement.

(9) Counsel. The name, address, and telephone number of counsel for each party.

(10) Method of Disposition in Trial Court. A statement of the method used to decide the case in the trial court.

(11) Relief Granted by Trial Court. A short statement of the relief granted by the trial court.

(12) Relief Denied by Trial Court. A short statement of the relief sought by the party making the statement which was denied by the trial court.

(13) Certificate of Counsel. A statement signed by counsel for the party filing the statement certifying that the appeal is taken in good faith; the appeal is not taken for the purpose of delay; and that the party represented by counsel is or is not prepared to immediately take all steps to complete the appeal. If the statement indicates the party is not prepared to immediately take all steps to complete the appeal, the certificate of counsel must state why the party is not prepared to immediately complete the appeal.

(d) Form of Answer to Civil Appeal Statement. ~~A respondent must serve on all other parties and file in the Court of Appeals an answer to the civil appeal statement within 7 days after service of the statement on respondent. The answer should include any modifications to the civil appeal statement that the respondent feels are necessary to give the settlement conference judge a fair presentation of the matters material to settlement of the case. To the extent reasonably necessary to meet this objective, the answer should correct any errors in the civil appeal statement, and present any new issues or modify those presented in the civil appeal statement.~~

(e) Notice of Settlement Conference. ~~The Chief Judge of the Court of Appeals will determine if one or more settlement conferences are appropriate in each civil appeal. The clerk of the Court of Appeals will notify each party if a settlement conference is to be held. The notice will specify the date, time, and place of the conference; the name of the judge, judge pro tempore, or commissioner who will conduct the conference; and whether the parties are required to attend the conference. [Reserved.]~~

(f) Stay Pending Settlement Conference. Unless the notice of the settlement conference states otherwise, a party who has received a notice of settlement conference is not

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required to take any further steps to complete the review until the settlement conference is concluded. After the settlement conference is completed, the clerk or a commissioner or the settlement judge will establish the dates within which the remaining steps in the review should be completed.

(g) Attendance at Settlement Conference. The attorney for each party, and the party if the notice requires it, must attend the settlement conference on the date, time, and place specified in the clerk's notice. Those in attendance should be ready to seriously consider the possibility of settlement, limitation of the issues to be presented for review, and other matters which may promote the prompt and fair disposition of the appeal.

(h) Settlement Conference Order. If the parties agree to settle the case, to limit the issues, or to other matters to promote the prompt and fair disposition of the appeal, the settlement judge or commissioner may enter an order consistent with that agreement. If the settlement conference order fully settles the case, the clerk of the Court of Appeals will immediately issue the mandate to the trial court with directions to enter judgment as indicated in the order. In all other cases the order is binding on the parties during the review proceeding, unless the appellate court otherwise directs on its own initiative or on motion of a party for good cause shown and on those terms the appellate court deems appropriate.

(i) Sanctions. If a party or counsel for a party fails to comply with this rule or to comply with a settlement conference order, the Court of Appeals may impose sanctions or dismiss the review proceeding as provided in rule 18.9.

(j) Settlement Conference Judge May Be Disqualified. The settlement conference judge may hear the appeal on the merits unless (1) the judge decides the best interests of justice would be served by refraining from hearing the case on the merits, or (2) a party disqualifies the judge by request to the clerk of the appellate court. A party may disqualify the judge without cause. Each clerk of the Court of Appeals shall adopt and implement a procedure to preserve the confidentiality of the identity of a party who disqualifies the judge.

RAP 6.3

[NEW RULE]

DIRECT REVIEW OF A FINAL DECISION OF AN ADMINISTRATIVE AGENCY

The appellate court accepts direct review of a final decision of an administrative agency in an adjudicative proceeding under RCW 34.05.518 and RCW 34.05.522 by entering an order or ruling accepting review. In requesting direct review, the parties shall follow the procedures set forth in rule 6.2.

RAP 7.2 (d), (e)

(d) Attorney Fees and Costs Litigation Expenses. The trial court has authority to award attorney fees and ~~costs~~ litigation expenses for an appeal in a marriage dissolution, a legal separation, a declaration of invalidity proceeding, or an action to modify a decree in any of these proceedings, and in any other action in which applicable law gives the trial court authority to do so.

(e) Postjudgment Motions and Actions To Modify Decision. The trial court has authority to hear and determine (1) postjudgment motions authorized by the civil rules, the criminal rules, or statutes, and (2) actions to change or modify a decision that is subject to modification by the court that initially made the decision. The postjudgment motion or action shall first be heard by the trial court, which shall decide the matter. If the trial court determination will change a decision then being reviewed by the appellate court, the permission of the appellate court must be obtained prior to the formal entry of the trial court decision. A party should seek the required permission by motion. The decision granting or denying a postjudgment motion may be subject to review. ~~A~~ Except as provided in rule 2.4, a party may only obtain review of the decision on the postjudgment motion by initiating a separate review in the manner and within the time provided by these rules. If review of a postjudgment motion is accepted while the appellate court is reviewing another decision in the same case, the appellate court may on its own initiative or on motion of a party consolidate the separate reviews as provided in rule 3.3(b).

RAP 8.1 (b), (c), (d), (h)

(b) Procedure To Stay Enforcement of Trial Court Decision. Any party to a review proceeding has the right to stay enforcement of a money judgment or a decision affecting property pending review. Stay of a decision in other civil cases is a matter of discretion. Enforcement of a trial court decision may be stayed during an appeal through the following procedures:

(1) *Money Judgment.* Except when prohibited by statute, a party may obtain a stay of enforcement of a money judgment by filing a supersedeas bond in the trial court. The amount of the bond shall be the amount of the judgment, plus interest likely to accrue during the pendency of the appeal and attorney fees, ~~and costs, and expenses~~ likely to be awarded on appeal. ~~However, if~~ If a party seeks to stay enforcement of only part of the judgment, the bond shall be fixed at such sum as the trial court determines is appropriate to secure that portion of the judgment, plus interest likely to accrue during the pendency of the appeal and attorney fees, costs, and expenses likely to be awarded on appeal. If ~~or~~ all or part of the judgment is secured by other means, the bond shall be fixed at such sum as the trial court determines is appropriate to fully secure any loss which a party may suffer as a result of the party's inability to enforce the judgment during review the otherwise unsecured portion of the money judgment, plus interest likely to accrue during the pendency of the appeal on the unsecured portion of the judgment and attorney fees, costs, and expenses likely to be awarded on appeal that are not secured by other means.

(2) *Decision Affecting Property.* Except where prohibited by statute, a party may obtain a stay of enforcement of a decision affecting the rights to possession, ownership or use of real property, ~~or of tangible personal property, or of intangible personal property,~~ by filing a supersedeas bond in the trial court. If the decision affects the rights to possession, ownership or use of a trademark, trade secret, patent, or other intellectual property, a party may obtain a stay in the trial court only if it is reasonably possible to quantify the loss which would be incurred by the prevailing party in the

trial court as a result of the party's inability to enforce the decision during review. ~~A party may obtain a stay of enforcement of such a decision by filing a supersedeas bond in the trial court.~~ The amount of the bond shall be the amount of any money judgment entered by the trial court plus the amount of the loss which the prevailing party in the trial court would incur as a result of the party's inability to enforce the judgment during review. ~~However, if the property at issue has significant monetary value, the value of the property itself may be considered by the trial court as fully or partially securing any such loss and the amount of the bond may be fixed accordingly, or the court may determine that no bond need be filed.~~ Ordinarily, the amount of loss will be equal to the reasonable value of the use of the property during review. A party claiming that the reasonable value of the use of the property is inadequate to secure the loss which the party may suffer as a result of the party's inability to enforce the judgment shall have the burden of proving that the amount of loss would be more than the reasonable value of the use of the property during review. If the property at issue has value, the property itself may fully or partially secure any loss and the court may determine that no bond need be filed or may reduce the amount of the bond accordingly.

(3) *Other Civil Cases.* Except where prohibited by statute, in other civil cases, including cases involving equitable relief ordered by the trial court, the appellate court has authority, before or after acceptance of review, to stay enforcement of the trial court decision upon such terms as are just. The appellate court ordinarily will condition such relief from enforcement of the trial court decision on the furnishing of a supersedeas bond or other security. In evaluating whether to stay enforcement of such a decision, the appellate court will (i) ~~consider~~ ~~whether~~ the moving party can demonstrate that debatable issues are presented on appeal and (ii) ~~a comparison of~~ compare the injury that would be suffered by the moving party if a stay were not imposed with the injury that would be suffered by the nonmoving party if a stay were imposed. The party seeking such relief should use the motion procedure provided in Title 17.

(4) *Alternate Security.* The trial court or appellate court may authorize a party to post security other than a bond. The effect of doing so is equivalent to the filing of a supersedeas bond.

(c) *Effect of Filing Bond or Other Security.* Upon the filing of a supersedeas bond or other security, enforcement of a trial court decision against a party furnishing the bond or other security is stayed during an appeal, unless, unless otherwise ordered by the trial court or appellate court, upon the filing of a supersedeas bond or other security any execution proceedings against a party furnishing the bond or other security shall be of no further effect.

(d) *Objection to Supersedeas Bond.* A party may object to the sufficiency of an individual surety on a bond, to the form of a bond, or to the amount of a bond by a motion in the trial court made within 7 days after the party making the motion is served with a copy of the bond and any supporting affidavits, if required. If the trial court determines that the bond is improper in form or amount, or that the net worth of an individual surety is inadequate, stay of enforcement of the trial court decision may be preserved

only by the furnishing of a proper bond or supplemental bond within 7 days after the entry of the order declaring the bond deficient.

....
 (h) *Appeal Review of Supersedeas Decision.* A party may object to a supersedeas decision of the trial court by motion in the appellate court.

RAP 9.1(a)

(a) *Generally.* The "record on review" may consist of (1) a "report of proceedings", (2) "clerk's papers", ~~and~~ (3) exhibits, and (4) a certified record of administrative adjudicative proceedings.

RAP 9.2 (a), (e), (g)

(a) *Transcription and Statement of Arrangements.* If the party seeking review intends to provide a verbatim report of proceedings, the party should arrange for transcription of and payment for an original and one copy of the verbatim report of proceedings within 45 days after acceptance of review. If the proceeding being reviewed was recorded on videotape, transcription of the videotapes shall be completed by a court-approved transcriber in accordance with procedures developed by the Office of the Administrator for the Courts. Copies of these procedures are available at the court administrator's office in each county where there is a courtroom that videotapes proceedings or through the Office of the Administrator for the Courts. The party seeking review must file with the appellate court and serve on all parties of record a statement that arrangements have been made for the transcription of the report. The statement must be filed within 45 days after acceptance of review. The party must indicate the date that the ~~statement~~ report of proceedings was ordered, and the financial arrangements which have been made for payment of transcription costs, the name of each court reporter or other person authorized to prepare a verbatim report of proceedings who will be preparing the transcript, the hearing dates, and the trial court judge. If the party seeking review does not intend to provide a verbatim report of proceedings, a statement to that effect should be filed in lieu of a statement of arrangements within 45 days after acceptance of review and served on all parties of record.

....
 (e) *Table of Contents.* The verbatim report of proceedings should include a title page and a table of contents. The title page should include the case name, trial court and appellate cause numbers, date(s) of hearings, trial court judge, attorneys of record on appeal, and the name of each court reporter or other authorized person. The table of contents should indicate indicating, under the headings listed below, the pages where the following appear:

- (1) *Proceedings.* The beginning of each proceeding and the nature of that proceeding;
 - (2) *Witnesses.* The testimony of each witness and the type of examination;
 - (3) *Exhibits.* The marking and admission into evidence of exhibits and depositions;
 - (4) *Motions.* All motions and decisions of motions;
 - (5) *Argument.* Opening and closing arguments;
 - (6) *Instructions.* All instructions proposed and given.
- Any other events should be listed under a suitable heading

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which would help the reviewing court locate separate parts of the verbatim report of proceedings.

~~(g) **Form When at Public Expense.** A verbatim report of proceedings provided at public expense must be in the form provided by section (f), except the report must be on 8 1/2 by 13 inch paper and typing must be double spaced 30 lines of type to the page. Comments by the reporter must be single spaced.~~

RAP 9.5 (a), (b), (c)

(a) **Generally.** The party seeking review must file ~~the~~ an agreed or narrative report of proceedings with the clerk of the trial court within 90 days after review is accepted by the appellate court, except that the court reporter or person authorized to prepare the verbatim report of proceedings must file a verbatim report of proceedings within 90 days after review is accepted. If the proceeding being reviewed was recorded on videotape, the transcript must be filed by the transcriber with the clerk of the trial court within 90 days after review is accepted by the appellate court. The party who caused a report of proceedings to be filed should at the time of filing the report of proceedings serve one copy on an adverse party and serve and file proof of the service on all other parties.

(b) **Filing and Service of Verbatim Report of Proceedings.** If a verbatim report of proceedings cannot be completed within 90 days after review is accepted by the appellate court, the court reporter or video transcriber or authorized person shall, no later than 10 days before the report of proceedings is due to be filed, submit an affidavit stating the reasons for the delay to the party who filed the statement of arrangements; the party should move for an extension of time from the appellate court. The clerk will notify the parties of the action taken on the motion. When the court reporter or video transcriber or authorized person files the verbatim report of proceedings, a copy shall be provided to the party who arranged for transcription and either the reporter or video transcriber or authorized person shall serve and file notice of the filing on all other parties. Failure to timely file the verbatim report of proceedings may subject the court reporter or video transcriber or authorized person to sanctions as provided in rule 18.9.

(c) **Objections to Report of Proceedings.** A party may serve and file objections to, and propose amendments to, a narrative report of proceedings or a verbatim report of proceedings within 10 days after receipt of the report of proceedings or receipt of the notice of filing of the report of proceedings. If objections or amendments to the report of proceedings are served and filed, any objections or proposed amendments must be heard by the trial court judge before whom the proceedings were held for settlement and approval, except objections to the form of a report of proceedings, which shall be heard by motion in the appellate court. The court may direct a party or a reporter or typist or authorized person transcribing videotape to pay for the expense of any modifications of the proposed report of proceedings. The motion procedure of the court deciding any objections shall be used in settling the report of proceedings.

RAP 9.6 (b), (c)

(b) **Designation and Contents and Format.**

- (1) The clerk's papers shall include, at a minimum:
 - (A) the notice of appeal;
 - (B) the indictment, information, or complaint in a criminal case;
 - (C) any written order or ruling not attached to the notice of appeal, of which a party seeks review;
 - (D) the final pretrial order, or the final complaint and answer or other pleadings setting out the issues to be tried if the final pretrial order does not set out those issues;
 - (E) any written opinion, findings of fact or conclusions of law; and
 - (F) any jury instruction given or refused which presents an issue on appeal.

(2) Each designation or supplement shall specify the full title of the pleading, the date filed, and, in counties where subnumbers are used, the clerk's subnumber.

(3) Each designation of exhibits shall include the trial court clerk's list of exhibits and shall specify the exhibit number and the description of the exhibit to be transmitted.

(c) Format.

(1) Full copies of all designated pleadings shall be included, unless the trial court orders otherwise.

(2) The trial court clerk shall number the papers sequentially from beginning to end, including any supplemental clerk's papers, regardless of which party designated them.

RAP 9.7 (a), (c)

(a) **Clerk's Papers.** The clerk of the trial court shall make copies at cost, not to exceed 50 cents a page, of those portions of the clerk's papers designated by the parties and prepare them for transmission to the appellate court. The clerk shall assemble the copies and number each page of the clerk's papers in chronological order of filing. The clerk shall prepare a cover sheet for the papers with the title "Clerk's Papers" and prepare an alphabetical index to the papers. The clerk shall promptly send a copy of the index to each party. The reproduction costs must be paid to the trial court clerk within 14 days of receipt of the index. Failure to do so may result in sanctions under rule 18.9. Upon receipt of payment, the clerk shall forward the clerk's papers to the appellate court.

(c) Certified Record of Administrative Adjudicative Orders. When an administrative agency has certified the record of an administrative order for review by the superior court, the clerk of the superior court shall transmit to the appellate court the original record certified by the administrative agency.

RAP 9.8(a)

(a) **Duty of Trial Court Clerk.** Except as provided in section (b), the clerk of the trial court shall ~~transmit the record on review~~ send the clerk's papers and exhibits to the appellate court when requested by the clerk of the appellate court the clerk receives payment for the preparation of the documents and shall send the verbatim report of proceedings to the appellate court at the end of the objection period set forth in rule 9.5. The clerk shall endorse on the face of the record the date upon which the record on review is transmitted to the appellate court.

RAP 9.10

CORRECTING OR SUPPLEMENTING RECORD AFTER
TRANSMITTAL TO APPELLATE COURT

If a party has made a good faith effort to provide those portions of the record required by rule 9.2(b), the appellate court will not ordinarily dismiss a review proceeding or affirm, reverse, or modify a trial court decision or administrative adjudicative order certified for direct review by the superior court because of the failure of the party to provide the appellate court with a complete record of the proceedings below. If the record is not sufficiently complete to permit a decision on the merits of the issues presented for review, the appellate court may, on its own initiative or on the motion of a party (1) direct the transmittal of additional clerk's papers and exhibits or administrative records and exhibits certified by the administrative agency, or (2) correct, or direct the supplementation or correction of, the report of proceedings. The appellate court may impose sanctions as provided in rule 18.9(a) as a condition to correcting or supplementing the record on review.

RAP 9.11(a)

(a) **Remedy Limited.** The appellate court may direct that additional evidence on the merits of the case be taken before the decision of a case on review if: (1) additional proof of facts is needed to fairly resolve the issues on review, (2) the additional evidence would probably change the decision being reviewed, (3) it is equitable to excuse a party's failure to present the evidence to the trial court, (4) the remedy available to a party through postjudgment motions in the trial court is inadequate or unnecessarily expensive, (5) the appellate court remedy of granting a new trial is inadequate or unnecessarily expensive, and (6) it would be inequitable to decide the case solely on the evidence already taken in the trial court.

RAP 9.13

REVIEW OF DECISION RELATING TO RECORD

A party may object to a trial court decision relating to the record by motion in the appellate court.

RAP 10.2(e)

(e) **Pro Se Supplemental Brief in Criminal Case.** A pro se supplemental brief in a criminal case should be filed with the appellate court within 60 days after the defendant has received the respondent's brief ~~prepared by counsel~~ and has had an opportunity to view the report of proceedings.

RAP 10.3 (g), (h)

(g) **Special Provision for Assignments of Error.** A separate assignment of error for each instruction which a party contends was improperly given or refused must be included with reference to each instruction or proposed instruction by number. A separate assignment of error for each finding of fact a party contends was improperly made ~~or refused~~ must be included with reference to the finding ~~or proposed finding~~ by number. The appellate court will only review a claimed error which is included in an assignment of error or clearly disclosed in the associated issue pertaining thereto.

(h) Assignments of Error on Review of Certain Administrative Orders. In addition to the assignments of error required by rule 10.3 (a)(3) and 10.3(g), the brief of an appellant or respondent who is challenging an administrative adjudicative order under RCW 34.05 or a final order under RCW 41.64 shall set forth a separate concise statement of each error which a party contends was made by the agency issuing the order, together with the issues pertaining to each assignment of error.

RAP 10.4(c)

(c) **Text of Statute, Rule, Jury Instruction, or the Like.** If a party presents an issue which requires study of a statute, rule, regulation, jury instruction, finding of fact, exhibit, or the like, the party should type the material portions of the text out verbatim or include them by ~~facsimile~~ copy in the text or in an appendix to the brief.

RAP 11.4(a)

(a) **Time Allowed to a Party.** ~~Each~~ The Supreme Court and each division of the Court of Appeals will define by general order the amount of time each side is allowed 30 minutes for oral argument. If there is more than one party to a side in a single review or in a consolidated review, the parties on that side will share the 30 minutes allotted time equally, unless the parties on that side agree to some other allocation.

The appellate court may grant additional time for oral argument upon motion of a party.

RAP 12.2

DISPOSITION ON REVIEW

The appellate court may reverse, affirm, or modify the decision being reviewed and take any other action as the merits of the case and the interest of justice may require. Upon issuance of the mandate of the appellate court as provided in rule 12.5, the action taken or decision made by the appellate court is effective and binding on the parties to the review and governs all subsequent proceedings in the action in any court, unless otherwise directed upon recall of the mandate as provided in rule 12.9, and except as provided in rule 2.5 (c)(2). After the mandate has issued, the trial court may, however, hear and decide postjudgment motions otherwise authorized by statute or court rule so long as those motions do not challenge issues already decided by the appellate court.

RAP 12.4 (a), (h)

(a) **Generally.** A party may file a motion for reconsideration only of a decision by the judges (1) ~~a decision terminating review which is not a ruling of the appellate court commissioner or clerk~~, or (2) ~~a decision by the judges granting or denying a personal restraint petition on the merits~~. The motion should be in the form and be served and filed as provided in rules 17.3(a), 17.4 (a) and (g), and 18.5, except as otherwise provided in this rule. A party may not file a motion for reconsideration of an order refusing to modify a ruling by the commissioner or clerk.

(h) **Only One Motion Permitted.** ~~Only~~ Each party may file only one motion for reconsideration may be filed,

even if the appellate court modifies its decision or changes the language in the opinion rendered by the court.

RAP 12.7(c)

(c) Special Rule for Costs and Attorney Fees and Expenses. The appellate court retains the power after the issuance of the mandate to act on questions of costs as provided in Title 14 after the issuance of the mandate and on questions of attorney fees and expenses as provided in rule 18.1.

RAP 12.8

EFFECT OF REVERSAL ON INTERVENING RIGHTS

If a party has voluntarily or involuntarily partially or wholly satisfied a trial court decision which is modified by the appellate court, the trial court shall enter orders and authorize the issuance of process appropriate to restore to the party any property taken from that party, ~~or~~ the value of the property, or in appropriate circumstances, provide restitution. An interest in property acquired by a purchaser in good faith, under a decision subsequently reversed or modified, shall not be affected by the reversal or modification of that decision.

RAP 12.9(b)

(b) To Correct Error Mistake or Remedy Fraud. The appellate court may recall a mandate issued by it to correct an inadvertent mistake, or to modify a decision obtained by the fraud of a party or counsel in the appellate court, or to modify a decision of the appellate court which was beyond the jurisdiction of the court.

RAP 13.3(b)

(b) Decision Terminating Review. A party seeking review of a Court of Appeals decision terminating review may first file a motion for reconsideration under rule 12.4 and must file a "petition for review" or an "answer" to a petition for review as provided in rule 13.4.

RAP 13.4 (a), (c), (d)

(a) How To Seek Review. A party seeking discretionary review by the Supreme Court of a Court of Appeals decision terminating review must file a petition for review or an answer to the petition which raises new issues. The petition for review must be filed in the Court of Appeals within 30 days after an order is filed denying a timely motion for reconsideration of all or any part of that decision. If the petition for review is filed prior to the Court of Appeals determination on the motion for reconsideration or on a motion to publish, the petition will not be forwarded to the Supreme Court until the Court of Appeals files an order on all such motions. If no motion for reconsideration of all or part of the Court of Appeals decision is made, a petition for review must be filed within 30 days after the decision is filed.

(c) Content and Style of Petition. The petition for review should contain under appropriate headings and in the order here indicated:

(1) *Cover.* A title page, which is the cover.

(2) *Tables.* A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and

other authorities cited, with reference to the pages of the brief where cited.

(3) *Identity of Petitioner.* A statement of the name and designation of the person filing the petition.

(4) *Citation to Court of Appeals Decision.* A reference to the Court of Appeals decision which petitioner wants reviewed, the date of filing the decision, and the date of any order granting or denying a motion for reconsideration.

(5) *Issues Presented for Review.* A concise statement of the issues presented for review.

(6) *Statement of the Case.* A statement of the facts and procedures ~~in the trial court and in the Court of Appeals~~ relevant to the issues presented for review, with appropriate references to the record.

(7) *Argument.* A direct and concise statement of the reason why review should be accepted under one or more of the tests established in section (b), with argument.

(8) *Conclusion.* A short conclusion stating the precise relief sought.

(9) *Appendix.* An appendix containing a copy of the Court of Appeals decision, any order granting or denying a motion for reconsideration of the decision, and copies of statutes and constitutional provisions relevant to the issues presented for review.

(d) Answer and Reply. A party may file an answer to a petition for review. If ~~a~~ the party wants to raise or seek review of any issue which is not raised in the petition for review, that party must raise that new issue in an answer. Any answer should be filed within 30 days after the service on the party of the petition. A party may file a reply to an answer only if the answer raises a new issue. A reply to an answer should be filed within 15 days after the service on the party of the answer. An answer or reply should be filed in the Supreme Court. The Supreme Court may call for an answer or a reply to an answer.

RAP 13.7(b)

(b) Scope of Review. If the Supreme Court accepts review of a Court of Appeals decision, the Supreme Court will review only the questions raised in the motion for discretionary review, if review is sought of an interlocutory decision, or the petition for review and the answer, unless the Supreme Court orders otherwise upon the granting of the motion or petition. The Supreme Court may limit the issues to one or more of those raised by the parties. If the Supreme Court reverses a decision of the Court of Appeals that did not consider all of the issues raised which might support that decision, the Supreme Court will either consider and decide those issues or remand the case to the Court of Appeals to decide those issues.

RAP 14.3(a)

(a) Generally. Only statutory attorney fees and the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) preparation of the original and one copy of the report of proceedings, (2) copies of the clerk's papers, (3) preparation of a brief or other original document to be reproduced by the clerk, as provided in rule 14.3(b), (4) transmittal of the record on review, (5) ~~bonds given in connection with the review~~ expenses incurred in superseding the decision of the trial

court, but not ordinarily greater than the usual cost of a commercial surety bond, (6) the lesser of the charges of the clerk for reproduction of briefs, petitions, and motions, or the costs incurred by the party reproducing briefs as authorized under rule 10.5(a), and (7) the filing fee. If a party has incurred an expense for one of the designated items, the item is presumed to have been reasonably necessary for review, which presumption is rebuttable. The amount paid by a party for the designated item is presumed reasonable, which presumption is rebuttable.

RAP 15.2 (a), (h)

(a) **Motion for Order of Indigency.** A party seeking review partially or wholly at public expense must move in the trial court for an order of indigency. ~~The motion must be served and filed within the time allowed for filing a notice of appeal or a notice for discretionary review. The time between the service and filing of the motion for an order of indigency and the determination of that motion is excluded from the time allowed for filing a notice of appeal or notice for discretionary review.~~

The motion must be supported by an affidavit setting forth the moving party's total assets; the expenses and liabilities of the party; a statement of the amount, if any, the party can contribute toward the expense of review; a statement of the expenses the party wants waived or provided at public expense; a brief statement of the nature of the case and the issues sought to be reviewed; a designation of those parts of the record the party thinks are necessary for review; and a statement that review is sought in good faith. If the case is a civil case which does not involve a termination of parental rights or a disposition in a juvenile offense proceeding, the party must also demonstrate in the motion or the supporting affidavit that the issues the party wants reviewed have probable merit and that the party has a constitutional right to review partially or wholly at public expense.

(h) **Withdrawal of Counsel in Appellate Court.** If counsel can find no basis for a good faith argument on review, counsel should file a motion in the appellate court to withdraw as counsel for the indigent as provided in rule 18.3(a). ~~The motion should be supported by a brief. The motion and brief will be reproduced by the clerk and served on the opposing party and the person represented by counsel seeking to withdraw.~~

RAP 15.4(c)

(c) **Invoice of Counsel.** An invoice submitted by counsel representing an indigent party should be titled "Invoice of Counsel for Indigent Party." An invoice may be submitted in the same review proceeding:

(1) Upon filing of the appellant's brief for the services performed to that time not to exceed 50 percent of the established fee, and after oral argument and not later than 10 days after the issuance of the mandate, or

(2) Counsel may submit one invoice after oral argument and not later than 10 days after the issuance of the mandate for all the services performed.

(3) The invoice must include a copy of the brief, a statement of the number of hours spent by counsel preparing the review, the amount of compensation claimed, and the reasonable expenses excluding normal overhead incurred by

counsel for the review including travel expenses of counsel incurred for argument in the appellate court. Travel expenses may not exceed the amount allowable to state employees for travel by private vehicle. The invoice must include an affidavit of counsel stating that the items listed are correct charges for necessary services rendered and expenses incurred for proper consideration of the review and that counsel has not received and has not been promised compensation for the review from the indigent party or from any other source except as may have been approved by the court.

RAP 17.4

FILING AND SERVICE OF MOTION—~~RESPONSE~~ ANSWER TO MOTION

(a) **Filing and Service Generally.** Except in the special circumstances defined in section (c), a motion must be served on all parties, amicus, and other persons entitled to notice, and filed in the appellate court. Except in the special circumstances defined in sections (b), (c), and (d), a motion which is to be decided by a commissioner or the clerk must be accompanied by a notice of the time and date set for oral argument of the motion. The movant should contact the clerk of the appellate court to determine the date and time available for argument of the motion. The motion and notice must be served on all parties, amicus, and other persons entitled to notice and filed in the appellate court at least 10 days before the date noted for the hearing on the motion. If service is by mail, the moving party must mail the motion and notice at least 13 days before the date noted for hearing the motion.

(b) **Emergency Motion.** In an emergency, a person may present a motion to the commissioner or clerk on notice less than that required by section (a) and at any time and place the commissioner or clerk will make available to hear the motion. The movant shall notify all parties, amicus, and other persons entitled to notice of the date, time, and place the motion will be heard. The notice may be written or oral. The person presenting the motion must, at the time the motion is heard, file an affidavit stating the type of notice given and the time and date the notice was given to each person. The commissioner or clerk may decide the motion only if satisfied (1) that adequate relief cannot be given if a decision of the motion is delayed to permit the notice required by section (a), and (2) the movant has taken reasonable steps under the circumstances to give notice to persons who would be affected by the ruling sought.

(c) **Summary Determination.** The commissioner or clerk may summarily determine without oral argument a motion which, in the judgment of the commissioner or clerk, does not affect a substantial right of a party. The commissioner or clerk may also hear and decide verbal ex parte motions which, in the judgment of the commissioner or clerk, involve minor matters and seek relief which would be routinely granted without sanctions.

(d) **Motion in Brief.** A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits.

(e) **Response Answer to Motion; Reply.** A person with a recognized interest in the subject matter of the motion may submit a written response answer to the motion. ~~A response~~ An answer to a motion must be served and filed at least 4 days preceding the day of hearing. If service is by

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mail, the ~~responding~~ answering party must mail the ~~response~~ answer at least 7 days before the day noted for hearing the motion. The ~~response~~ answer to a motion within a brief may be made within the brief of the ~~responding~~ answering party. The moving party may submit a written reply to the answer to the motion. A reply to an answer must be served and filed by noon 2 days before the hearing.

(f) Supporting Papers. A person should serve and file with the motion all affidavits and other papers submitted in support of the motion. A person must, in any event, serve and file affidavits and other papers submitted in support of the motion not less than 5 days before the date designated for hearing the motion. If the affidavits and other papers are mailed, the person must, in any event, mail them at least 8 days before the day noted for hearing the motion. Affidavits and other papers submitted in support of ~~a response an answer or reply~~ must be served and filed with the ~~response answer or reply~~. Rule 9.11 does not apply to affidavits and other papers submitted in connection with a motion other than a motion on the merits under rule 18.14.

(g) Form of Papers and Number of Copies. All papers relating to motions or responses should be filed in duplicate in the form provided for briefs in rule 10.4(a). The appellate court commissioner or clerk will reproduce additional copies that may be necessary for the appellate court and charge the appropriate party as provided in rule 10.5(a).

RAP 17.7

OBJECTION TO RULING—REVIEW OF DECISION ON MOTION

An aggrieved person may object to a ruling of a commissioner or clerk, including transfer of the case to the Court of Appeals under rule 17.2(c), only by a motion to modify the ruling directed to the judges of the court served by the commissioner or clerk. The motion to modify the ruling must be served on all persons entitled to notice of the original motion and filed in the appellate court not later than ~~40~~ 30 days after the ruling is filed. A motion to the Justices in the Supreme Court will be decided by a panel of five Justices unless the court directs a hearing by the court en banc.

RAP 18.1 (e), (j)

(e) Objections Answer to Affidavit; Reply. A party may ~~object to items in an affidavit~~ answer a request for fees and expenses filed pursuant to section (d) by serving and filing ~~objections to the affidavit~~ answering documents within 10 days after service of the affidavit upon the party. In a rule 18.14 proceeding, ~~objections an answer~~ to an affidavit of financial need may be served and filed at any time before oral argument. A party may reply to an answer by serving and filing the reply documents within 5 days after the service of the answer upon that party.

(j) Fees for Answering Petition for Review. If attorney fees and expenses are awarded to the party who prevailed in the Court of Appeals, and if a petition for review to the Supreme Court is subsequently denied, reasonable attorney fees and expenses may be awarded for the prevailing party's preparation and filing of the timely answer to the petition for review. A party seeking attorney

fees and expenses should request them in the answer to the petition for review. The Supreme Court will decide whether fees are to be awarded at the time the Supreme Court denies the petition for review. If fees are awarded, the party to whom fees are awarded should submit an affidavit of fees and expenses within the time and in the manner provided in section (d). An answer to the request or a reply to an answer may be filed within the time and in the manner provided in section (e). The commissioner of the Supreme Court will determine the amount of fees without oral argument, unless oral argument is requested by the commissioner. Section (g) applies to objections to the award of fees and expenses by the commissioner.

RAP 18.3(a)

(a) Criminal Cases.

(1) Counsel for a defendant in a criminal case may withdraw only with the permission of the appellate court on a showing of good cause. The appellate court will not ordinarily grant permission to withdraw after the opening brief has been filed. A motion to withdraw must be served on all parties and on the defendant personally. An affidavit of service must be filed with the motion to withdraw.

(2) If counsel appointed to represent an indigent defendant can find no basis for a good faith argument on review, ~~the motion to withdraw must be accompanied by a brief referring to anything in the record that might arguably support review, identifying any arguable issues and citing applicable authority~~ counsel should file a motion in the appellate court to withdraw as counsel for the indigent. Counsel should file and serve the motion together with the brief as provided in rule 10.2. The motion shall identify the issues that could be argued if they had merit and, without argument, include references to the record and citations of authority relevant to the issues. The adverse party shall file an answer to the motion within 30 days after the motion is served on the adverse party. If requested by the court, an amended answer shall be submitted including argument as to why the identified issues are without merit. The motion and answer will be reproduced by the clerk and served on the adverse party and the person represented by counsel seeking to withdraw.

(3) If the matter is heard on the motion calendar and decided by a commissioner, counsel appointed to represent an indigent defendant must file an affidavit denoting:

(A) that the defendant has been advised of the action of the commissioner and that the defendant has been advised of the right to file a motion to modify with the Court of Appeals, or

(B) in the event counsel is unable to notify the defendant of the court action, counsel shall specify the efforts that have been made.

(4) Once the Court of Appeals has taken final action, counsel appointed to represent an indigent defendant must file an affidavit denoting:

(A) that the defendant has been advised of the action of the appellate court, and that the defendant has been advised of the right to petition pro se for review to the Supreme Court, or

(B) in the event counsel is unable to notify the defendant of the court's action, counsel shall specify the efforts that have been made.

RAP 18.7
SIGNING AND DATING PAPERS

Each paper filed pursuant to these rules should be dated and signed by an attorney or party ~~as provided in CR 11~~, except papers prepared by a judge, commissioner or clerk of court, bonds, papers comprising a record on review, papers which are verified on oath or by certificate, and exhibits. All briefs and motions signed by an attorney shall include the attorney's Washington State Bar Association membership number in the signature block.

RAP 18.9(a)

(a) **Sanctions.** The appellate court on its own initiative or on motion of a party may order a party or counsel, or a court reporter or other authorized person preparing a verbatim report of proceedings, who uses these rules for the purpose of delay, files a frivolous appeal, or ~~who~~ fails to comply with these rules to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply. The appellate court may condition a party's right to participate further in the review on compliance with terms of an order or ruling including payment of an award which is ordered paid by the party. If an award is not paid within the time specified by the court, the appellate court will transmit the award to the superior court of the county where the case arose and direct the entry of a judgment in accordance with the award.

RAP 18.12
ACCELERATED REVIEW GENERALLY

The appellate court on its own motion or on motion by a party may set any review proceeding for accelerated disposition ~~on the judges' motion calendar~~. The appellate court clerk will notify the parties of the setting and any orders entered to promote the accelerated disposition under rules 1.2(c) and 18.8(a).

RAP 18.14(e)

(e) **Considerations Governing Decision on Motion.**

(1) *Motion To Affirm.* A motion on the merits to affirm will be granted in whole or in part if the appeal or any part thereof is determined to be clearly without merit. In making these determinations, the judge or commissioner will consider all relevant factors including whether the issues on review (a) are clearly controlled by settled law, (b) are factual and supported by the evidence, or (c) are matters of judicial discretion and the decision was clearly within the discretion of the trial court or administrative agency.

(2) *Motion To Reverse.* A motion on the merits to reverse will be granted in whole or in part if the appeal or any part thereof is determined to be clearly with merit. In making these determinations, the judge or commissioner will consider all relevant factors including whether the issues on review (a) are clearly controlled by settled law, (b) are factual and clearly not supported by the evidence, or (c) are matters of judicial discretion and the decision was clearly an abuse of discretion.

RAP Forms 1-6, 9-16, and 18-21

FORM 1. Notice of Appeal (Trial Court Decision)

[Rule 5.3(a)]

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

[Name of plaintiff],
Plaintiff,
v.
[Name of defendant],
Defendant. } No. [trial court]
NOTICE OF APPEAL TO
[COURT OF APPEALS or
SUPREME COURT]

[Name of party seeking review], [plaintiff or defendant], seeks review by the designated appellate court of the [Describe the decision or part of decision which the party wants reviewed: for example, "Judgment", "Paragraph 4 of the Marriage Dissolution Decree".] entered on [date of entry].

A copy of the decision is attached to this notice.

[Date]

Signature

Attorney for [Plaintiff or Defendant]

[Name, address, ~~and~~ telephone number, and Washington State Bar Association membership number of attorney for appellant and the name and address of counsel for each other party should be listed here. In a criminal case, the name and address of the defendant should also be listed here. See rule 5.3(c).]

FORM 2. Notice for Discretionary Review

[Rule 5.3(b)]

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

[Name of plaintiff],
Plaintiff,
v.
[Name of defendant],
Defendant. } No. [trial court]
NOTICE OF DISCRETIONARY
REVIEW TO [COURT OF
APPEALS or SUPREME COURT]

[Name of party seeking review], [plaintiff or defendant], seeks review by the designated appellate court of the [Describe the decision or part of decision which the party wants reviewed: for example, "Order Denying Discovery", "Paragraph 4 of the Restraining Order".] entered on [date of entry].

A copy of the decision is attached to this notice.

[Date]

Signature

Attorney for [Plaintiff or Defendant]

[Name, address, ~~and~~ telephone number, and Washington State Bar Association membership number of attorney for petitioner and the name and address of counsel for each other party should be listed here. In a criminal case, the name and address of the defendant should also be listed here. See rule 5.3(c).]

FORM 3. Motion for Discretionary Review

[Rule 6.2 (review of trial court decision); Rule 13.5 (review of Court of Appeals interlocutory decision); Rule 17.3(b) (content of motion)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION ___] OF
THE STATE OF WASHINGTON

MISCELLANEOUS

[Title of trial court proceeding with parties designated as in rule 3.4, for example:

JOHN DOE, Respondent,
v.
MARY DOE, Petitioner,
and
HENRY JONES, Defendant.]

MOTION FOR DISCRETIONARY REVIEW

[Name of petitioner's attorney]
Attorney for [Petitioner]

[Address, and telephone number, and Washington State Bar Association membership number of petitioner's attorney]

A. IDENTITY OF PETITIONER

[Name] asks this court to accept review of the decision or parts of the decision designated in Part B of this motion.

B. DECISION

[Identify the decision or parts of decision which the party wants reviewed by the type of decision, the court entering or filing the decision, the date entered or filed, and the date and a description of any order granting or denying motions made after the decision such as a motion for reconsideration. The substance of the decision may also be described: for example, "The decision restrained defendant from using any of her assets for any purpose other than living expenses. Defendant is thus restrained from using her assets to pay fees and costs to defend against plaintiff's suit for a claimed conversion of funds from a joint bank account."] A copy of the decision [and the trial court memorandum opinion] is in the Appendix at pages A-__ through __.

C. ISSUES PRESENTED FOR REVIEW

[Define the issues which the court is asked to decide if review is granted. See Part A of Form 6 for suggestions for framing issues presented for review.]

D. STATEMENT OF THE CASE

[Write a statement of the procedure below and the facts. The statement should be brief and contain only material relevant to the motion. If the motion is directed to a Court of Appeals decision, the statement should contain appropriate references to the record on review. See Part B of Form 6. If the motion is directed to a trial court decision, reference should be made to portions of the trial court record. Portions of the trial court record may be placed in the Appendix. Certified copies are not necessary. If portions of the trial court record are placed in the Appendix, the portions should be identified here with reference to the pages in the Appendix where the portions of the record appear.]

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

[The argument should be short and concise and supported by authority. The argument should be directed to the considerations for accepting review set out in rule 2.3(b) for review of a trial court decision and rule 13.5(b) for review of a decision of the Court of Appeals.]

F. CONCLUSION

[State the relief sought if review is granted. For example: "This court should accept review for the reasons indicated in Part E and modify the restraining order to permit defendant to use her assets to pay fees and costs incurred in defending plaintiff's suit for conversion."]
[Date]

Respectfully submitted,
Signature

[Name of petitioner's attorney]

APPENDIX

[See rule 17.3 (b)(8) for materials to include within the Appendix.]

FORM 4. Statement of Grounds for Direct Review

[Rule 4.2(b)]

No. [Supreme Court]

SUPREME COURT OF THE STATE OF WASHINGTON

[Title of trial court proceedings with parties designated as in rule 3.4]

STATEMENT OF GROUNDS FOR DIRECT REVIEW BY THE SUPREME COURT

[Name of party] seeks direct review of the [describe the decision or part of the decision which the party wants reviewed] entered by the [name of court] on [date of entry.] The issues presented in the review are: [State issues presented for review. See Part A of Form 6 for suggestions for framing issues presented for review.]

The reasons for granting direct review are: [Briefly indicate and argue grounds for direct review. State and argue briefly whether the case is one which the Supreme Court would probably review if decided by the Court of Appeals in the first instance. See rule 4.2.]

[Date]

Respectfully submitted,
Signature

[Name, address, and telephone number, and Washington State Bar Association membership number of attorney]

FORM 5. Title Page for all Briefs and Petition for Review

[Rule 10.3 (briefs); Rule 13.4(d) (petition for review)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION __]
OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4, for example:

JOHN DOE, Respondent,
v.
MARY DOE, (Appellant or Petitioner),
and
HENRY JONES, Defendant.]

[PETITION FOR REVIEW or title of brief, for example:
BRIEF OF PETITIONER, REPLY BRIEF OF APPELLANT]

[Name of attorney for party filing brief] Attorney for
[Identity of party, as Appellant]

[Address, and telephone number, and Washington State Bar
Association membership number of attorney for party filing
brief or petition]

FORM 6. Brief of Appellant

[Rule 10.3(a)]

[See Form 5 for form of cover and title page.]

TABLE OF CONTENTS

A. ASSIGNMENTS OF ERROR

Assignments of Error

 No. 1

 No. 2

 No. 3

Issues Pertaining to Assignments of Error

 No. 1

 No. 2

B. STATEMENT OF THE CASE

C. SUMMARY OF ARGUMENT

D. ARGUMENT

 [If the argument is divided into separate headings, list
 each separate heading and give the page where each
 begins.]

E. CONCLUSION

F. APPENDIX A-1

 [List each separate item in the Appendix and give page
 where each item begins.]

TABLE OF AUTHORITIES

Table of Cases

[Here list cases, alphabetically arranged, with citations
complying with rule 10.4(g), and page numbers where each
case appears in the brief. Washington cases may be first
listed alphabetically with other cases following and listed
alphabetically.]

Constitutional Provisions

[Here list constitutional provisions in the order in which
the provisions appear in the constitution with page numbers
where each is referred to in the brief.]

Statutes

[Here list statutes in the order in which they appear in
RCW, U.S.C., etc., with page numbers where each is
referred to in the brief. Common names of statutes may be
used in addition to code numbers.]

Regulations and Rules

[Here list regulations and court rules grouped in
appropriate categories and listed in numerical order in each
category with page numbers where each is referred to in the
brief.]

Other Authorities

[Here list other authorities with page numbers where
each is referred to in the brief.]

Note: For form of citations generally, see sections 71
through 76 of F. Wiener, *Briefing and Arguing
Federal Appeals* (1967).

A. ASSIGNMENTS OF ERROR

Assignments of Error

[Here separately state and number each assignment of
error as required by rule 10.3 (a) and (g). For example:

"1. The trial court erred in entering the order of May
12, 1975, denying defendant's motion to vacate the judgment
entered on May 1, 1975."

OR

"2. The trial court erred in denying the defendant's
motion to suppress evidence by order entered on March 10,
1975."]

Issues Pertaining to Assignments of Error

[Concise define the legal issues in question form which
the appellate court is asked to decide and number each
issue. List after each issue the Assignments of Error which
pertain to the issue. Proper phrasing of the issues is
important. Each issue should be phrased in the terms and
circumstances of the case, but without unnecessary detail.
The court should be able to determine what the case is about
and what specific issues the court will be called upon to
decide by merely reading the issues presented for review.
For an excellent discussion of how to properly phrase issues,
see sections 31 through 33 of F. Wiener, *Briefing and
Arguing Federal Appeals* (1967).]

[Examples of issues presented for review are: "Does an
attorney, without express authority from his client, have
implied authority to stipulate to the entry of judgment
against his client as a part of a settlement which limits the
satisfaction of the judgment to specific property of the client?
(Assignment of Error 1.)"

OR

"Defendant was arrested for a traffic offense and held
in jail for 2 days because of outstanding traffic warrants.
The police impounded defendant's car and conducted a
warrantless 'inventory' search of defendant's car and seized
stolen property in the trunk. The impound was not autho-
rized by any ordinance. Did the search and seizure violate
defendant's rights under the fourth and fourteenth amend-
ments to the Constitution of the United States and under
article 1, section 7 of the Constitution of the State of
Washington? (Assignment of Error 2.)"]

B. STATEMENT OF THE CASE

[Write a statement of the procedure below and the facts
relevant to the issues presented for review. The statement
should not be argumentative. Every factual statement should
be supported by a reference to the record. See rule 10.4(f)
for proper abbreviations for the record. For a good discus-
sion of this aspect of brief writing, see Wiener, *supra*,
sections 23 through 28 and 42 through 45.]

C. SUMMARY OF ARGUMENT

[This is optional. For suggestions for preparing a
summary of argument, see Wiener, *supra*, section 65.]

D. ARGUMENT

[The argument should ordinarily be separately stated
under appropriate headings for each issue presented for
review. Long arguments should be divided into subheadings.

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The argument should include citations to legal authority and references to relevant parts of the record. See Wiener, supra, sections 34 through 36, 38, and 46 through 64.]

E. CONCLUSION

[Here state the precise relief sought.]
[Date]

Respectfully submitted,
Signature
[Name of Attorney]
Attorney for [Appellant, Respondent, or Petitioner]
Washington State Bar Association membership number

APPENDIX

[Optional. See rule 10.3 (a)(7).]

FORM 9. Petition for Review

[Rule 13.4(d)]

[See Form 5 for form of cover which is the title page.]

TABLE OF CONTENTS

[See Form 6, except modify names of parts of brief to correspond to names of parts of Petition for Review.]

TABLE OF AUTHORITIES

[See Form 6.]

A. IDENTITY OF PETITIONER

[Name] asks this court to accept review of the Court of Appeals decision terminating review designated in Part B of this petition.

B. COURT OF APPEALS DECISION

[Identify the decision or parts of the decision of the Court of Appeals which the party wants reviewed, the date filed, and the date of any order granting or denying a motion for reconsideration.]

A copy of the decision is in the Appendix at pages A-__ through __. A copy of the order denying petitioner's motion for reconsideration is in the Appendix at pages A-__ through __.

C. ISSUES PRESENTED FOR REVIEW

[Define the issues which the Supreme Court is asked to decide if review is granted. See the second portion of Part A of Form 6 for suggestions for framing issues presented for review.]

D. STATEMENT OF THE CASE

[See Part B of Form 6.]

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

[The argument should be short and concise and directed to the considerations for accepting review set out in rule 13.4(b). For argument generally, see Part D of Form 6. The argument may be preceded by a summary.]

F. CONCLUSION

[State the relief sought if review is granted. See Part F of Form 3.]
[Date]

Respectfully submitted,

Signature

[Name of attorney]
Attorney for [Petitioner or Respondent]
Washington State Bar Association membership number

APPENDIX

[See rule 13.4 (c)(9) for materials to include within Appendix.]

FORM 10. Cost Bill

[Rule 14.4]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION __] OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4] } COST BILL

[Name of party asking for costs], [appellant, petitioner, or respondent], asks that the following costs be awarded:

- 1. Statutory attorney's fees \$
2. Preparation of original and one copy of report of proceedings \$
3. Copies of clerk's papers \$
4. Transmittal of record on review \$
5. Bonds given in connection with the review [Identify] \$
5. Expenses incurred in superseding the decision of the trial court [Identify] \$
6. Charges of appellate court clerk for reproduction of briefs, petitions, and motions [Identify and separately state the charge for each.] \$
7. Preparing 50 pages of original documents \$
8. Filing fee \$
Total \$

The above items are expenses allowed as costs by rule 14.3, reasonable expenses actually incurred, and reasonably necessary for review. [Name of party] should pay the costs.
[Date]

Signature

Attorney for [Appellant, Respondent, or Petitioner]
[Name, address, and telephone number, and Washington State Bar Association membership number of attorney]

FORM 11. Objections to Cost Bill

[Rule 14.5]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION __] OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4] } OBJECTIONS TO COST BILL

MISCELLANEOUS

[Name of party objecting], [appellant, petitioner or respondent], objects to the award of any costs to [name of party] because:

[Here state reasons. See rule 14.2.]

Alternate Form

[Name of party objecting], [appellant, petitioner, or respondent], objects to the following expenses listed on the Cost Bill of [name of party]:

[List the items on the cost bill which are objectionable, by number of item on the cost bill with a description of the item and the amount claimed. State the objection after each item. For example:

2. Report of Proceedings \$320.00

Objection: The amount claimed is unreasonable. See RAP 14.3.

(a) The report of proceedings is double spaced and is ___ pages. The usual charge per page is \$__. Computed on the usual basis, the total charge should be \$220.00.

5. Bond \$10.00

Objection: The charge is for the premium on a cost bond. A cost bond is not required under the new rules. The charge was not reasonably necessary for review. See RAP 14.3(a).]

[Date]

Signature

Attorney for [Appellant, Respondent, or Petitioner]

[Name, address, and telephone number, and Washington State Bar Association membership number of attorney]

FORM 12. Order of Indigency

[Rule 15.2]

SUPERIOR COURT OF WASHINGTON FOR [] COUNTY

[Name of plaintiff], Plaintiff, v. [Name of defendant], Defendant.

No. [trial court] ORDER OF INDIGENCY

[Set forth finding of indigency and state that applicable law grants review wholly or partially at public expense. For example: "The court finds that the defendant lacks sufficient funds to prosecute an appeal and applicable law grants defendant a right to review at public expense to the extent defined in this order."]

1. [Name of indigent] is entitled to counsel for review wholly at public expense.

2. [Name of appointed attorney] is appointed as counsel for review. Appointed counsel may be assisted by counsel in the same firm as appointed counsel. [If applicable: "Trial counsel must assist appointed counsel for review in preparing the record."]

3. [Name of indigent] is entitled to the following at public expense:

(a) Those portions of the verbatim report of proceedings reasonably necessary for review as follows: [Designate parts of report.]

(b) A copy of the following clerk's papers: [Designate papers by name and trial court clerk's subnumber.]

(c) Preparation of original documents to be reproduced by the clerk as provided in rule 14.3(b).

(d) Reproduction of briefs and other papers on review which are reproduced by the clerk of the appellate court.

(e) The cost of transmitting the following cumbersome exhibits: [Designate cumbersome exhibits needed for review. See rule 9.8(b).]

(f) Other items: [Designate items.]

[Date]

Signature

[Name of Judge]

Judge of the Superior Court

Presented by:

[Name of party and attorney for party presenting order; attorney's Washington State Bar Association membership number]

FORM 13. Invoice of Counsel for Indigent Party

[Rule 15.4(c)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION ___] OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4]

INVOICE OF COUNSEL FOR INDIGENT PARTY

[Name of claimant counsel] submits this invoice to be paid from public funds. An order authorizing the expenses claimed by this invoice was entered in [name of court] on [date of entry]. ["A copy of the order is attached." or "The order of indigency is located at CP page ___."] My Social Security number [or, my firm's IRS employer identification number] is ___.

1. I claim \$___ for attorney fees. I spent ___ hours on the review and a reasonable hourly charge is \$___. I performed the following services:

[List services; for example: "Reviewed record, prepared brief of appellant and reply brief of appellant, oral argument in Court of Appeals, and prepared cost bill."]

2. The following expenses were incurred for the review: [List each item of expense including preparing reproducible originals at the rate per page set pursuant to rule 14.3(b), the amount, and the total of all items listed.]

3. I have not filed another invoice in this cause.

4. The total amount of this invoice is [the totals from paragraphs 1 and 2] \$___.

I swear or affirm that the items listed are correct charges for necessary services rendered and expenses incurred for proper consideration of the review and I have not been promised compensation for the review from the indigent party or from any other source except as has been approved by the court.

Signature

[Name, address, and telephone number, and Washington State Bar Association membership number of claimant]

MISCELLANEOUS

SUBSCRIBED AND SWORN to before me this ___ day of _____, 19__.

Notary Public in and for the State of Washington, residing at _____

FORM 14. Invoice of Court Reporter—Indigent Case

[Rule 15.4(d)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION ____] OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4]

INVOICE OF COURT REPORTER—INDIGENT CASE

[Name of claimant court reporter] submits this invoice to be paid from public funds. An order authorizing the expenses claimed by this invoice was entered in [name of court] on [date of entry]. My Social Security number [or, my firm's IRS employer identification number] is ____.

I swear or affirm that I transcribed or caused to be transcribed the original and one copy of a verbatim report of proceedings in this case. The report was prepared in compliance with RAP 9.2 (e) and (g). I transcribed ___ pages. The rate per page set by the Supreme Court is \$ _____. The total amount of this invoice is \$ _____.

Signature

[Name, address, and telephone number, and Washington State Bar Association membership number of claimant]

SUBSCRIBED AND SWORN to before me this ___ day of _____, 19__.

Notary Public in and for the State of Washington, residing at _____

I hereby certify that the amount claimed in this invoice is for that portion of the verbatim report of proceedings ordered by the trial court; that the typing of the report is in accordance with rule 9.2 (e) and (g); and that the bill is computed at the current rate per page set by the Supreme Court for the original and one copy, namely, \$ ____ per page.

[Date]

Signature

[Name of Superior Court Clerk] Clerk of the Superior Court of Washington for [_____] County

FORM 15. Statement of Arrangements

[Rule 9.2(a)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION ____] OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4]

STATEMENT OF ARRANGEMENTS

[Name of attorney], attorney for [appellant or petitioner], states that on _____, 19__, [appellant or petitioner] ordered transcription of the original and one copy of the verbatim report of proceedings in this case from [name and address of person doing the transcribing], and arranged to pay the cost of transcription as follows: [describe arrangements for paying].

[Date]

Hearing dates to be transcribed are as follows: [list all dates].

The trial court judge was _____

Signature

Attorney for [Appellant or Petitioner] [Name, address, and telephone number, and Washington State Bar Association membership number of attorney]

[The party seeking review must serve a copy of this statement on all parties of record. See rule 9.2(a).]

FORM 16. Petition Against State Officer

[Rule 16.2(b)]

No. [appellate court]

SUPREME COURT OF THE STATE OF WASHINGTON

[Name of petitioner], Petitioner,

v. [Name of respondent], Respondent.

PETITION AGAINST STATE OFFICER

Petitioner alleges:

[Set forth in numbered, descriptively titled paragraphs, as in a complaint in a civil action, a short and plain statement of the claim showing that petitioner is entitled to relief. Conclude with a demand for judgment for the relief sought. See CR 10.]

[Date]

Signature

Attorney for Petitioner [Name, address, and telephone number, and Washington State Bar Association membership number of attorney]

FORM 18. Motion

[Rule 17.3(a)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION ____] OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4]

MOTION FOR [identify relief sought]

1. IDENTITY OF MOVING PARTY

[Name], [designation of moving party, for example: "Appellant" or "Assignee of Respondent's interest in the judgment being reviewed"] asks for the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

[State the relief sought, for example: "Substitution of John Doe as respondent in place of Alvin Jones".]

3. FACTS RELEVANT TO MOTION

[Here state facts relevant to motion with reference to or copies of parts of the record relevant to the motion. For example: "Alvin Jones, plaintiff, obtained a judgment against defendant, Henry Hope (Judgment, CP 17). Alvin Jones assigned the judgment to John Doe after defendant filed his Notice of Appeal. A true copy of the assignment is attached. Defendant did not assert a counterclaim against plaintiff in the trial court".]

4. GROUNDS FOR RELIEF AND ARGUMENT

[Here state the grounds for the relief sought with authority and supporting argument. For example: "RAP 3.2(a) authorizes substitution of parties when the interest of a party in the subject matter of the review has been transferred. Substitution should be granted here as defendant has no claim against plaintiff-respondent and respondent no longer has an interest in the judgment which is the subject matter of this appeal".]

[Date]

Respectfully submitted,
Signature

Attorney for [Appellant, Respondent, or Petitioner]

[Name, address, and telephone number, and Washington State Bar Association membership number of attorney]

FORM 19. Notice of Motion

[Rule 17.4(a)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION ____]
OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4] } CIVIL APPEAL STATEMENT

To: [Names of persons entitled to notice and their attorneys. See rule 17.4(a).]

[Name of moving party], [appellant, petitioner, or respondent], will bring on for hearing [name of motion, for example: "Motion To Substitute Appellant"] on [date]. The motion will be heard by the [Judges, Commissioner, or Clerk] at [hour], or as soon thereafter as the motion can be heard. The address of the place of hearing is [room number and address].

[Date]

Signature

[Name of attorney]
Washington State Bar Association membership number Attorney for [Appellant, Respondent, or Petitioner]

[The notice may be made a part of the motion.]

FORM 20. Motion To Modify Ruling

[Rule 17.7]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION ____] OF
THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4] } MOTION TO MODIFY RULING

1. IDENTITY OF MOVING PARTY

[Name of moving party], [designation of moving party] asks for the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

Modify ruling of the [Clerk or Commissioner] filed on [date]. The ruling [state substance of ruling, for example: "denied the motion to be substituted as respondent in place of Alvin Jones"] This court should [State relief requested, for example: "authorize the requested substitution".].

3. FACTS RELEVANT TO MOTION

[Here state facts relevant to original motion, with reference to or copies of parts of the record relevant to that motion. The facts set forth in the original motion may be incorporated by reference. For example: "The facts are set out in Part 3 of the original motion to the commissioner."]

4. GROUNDS FOR RELIEF AND ARGUMENT

[Here state the grounds for relief sought with authority and supporting argument. The grounds for relief set forth in the original motion may be incorporated by reference.]

[Date]

Respectfully submitted,
Signature

Attorney for [Appellant, Respondent, or Petitioner]

[Name, address, and telephone number, and Washington State Bar Association membership number of attorney]

FORM 21. Civil Appeal Statement

[Rule 5.5(c)]

COURT OF APPEALS, DIVISION ____ OF THE STATE OF
WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4] } CIVIL APPEAL STATEMENT

1. NATURE OF THE CASE AND DECISION

[State the substance of the case below and the basis for the trial court decision. For example: "Defendant was driving his automobile when struck from the rear by a truck driven by Jones. An automobile coming from the opposite direction driven by an uninsured motorist crossed the center line into the lane occupied by defendant and collided with the defendant's car. Defendant settled his claim against Jones and executed a release without the consent of plaintiff insurance company. The policy issued by plaintiff contained a provision which excluded coverage under the uninsured motorist provisions for bodily injury to an insured who has made any settlement with any person without the written consent of the company. The trial court held that this exclusion violated public policy by restricting the uninsured motorist coverage required by RCW 48.22.030 and declared the exclusion void."]

MISCELLANEOUS

2. ISSUES PRESENTED FOR REVIEW

[State the issues the party intends to present for review by the Court of Appeals. For example: "Whether a provision which excludes coverage when the insured does not secure the insurer's consent before settling with any person responsible for any injury violates public policy by restricting the uninsured motorist coverage required by RCW 48.22.030?" List under each issue the legal authority relevant to that issue.]

3. RELIEF SOUGHT IN COURT OF APPEALS

[State the relief the party seeks in the Court of Appeals. For example: "Reversal of trial court decision with directions to enter judgment declaring that defendant is not covered by the uninsured motorist provisions of the liability policy issued by plaintiff."]

4. TRIAL COURT

[Name of County] County Superior Court

5. JUDGE

[Name of trial court judge]

6. DATE OF DECISION

[The date the decision was entered in the trial court]

7. POST-DECISION MOTIONS

[State each post-decision motion made in the trial court including the nature of the motion, the date the motion was made, the decision on the motion, and the date the decision was entered.]

8. NOTICE OF APPEAL

The notice of appeal was filed on date. A copy of the notice of appeal is attached to this statement.

9. COUNSEL

Counsel for appellant [name of appellant] is [name, address, and telephone number of attorney]. Counsel for respondent [name of respondent] is [name, address, and telephone number of attorney].

10. METHOD OF DISPOSITION IN TRIAL COURT

[State the method used to decide the case in the trial court. For example: "summary judgment, order of dismissal, judgment after trial to the court, judgment after jury trial."]

11. RELIEF GRANTED BY TRIAL COURT

[State the relief granted by the trial court. For example: "The trial court entered a judgment declaring that defendant has coverage under the uninsured motorist provisions of the automobile liability policy issued by plaintiff."]

12. RELIEF DENIED BY TRIAL COURT

[State the relief sought by the party making the statement which was denied by the trial court. For example: "Plaintiff sought a judgment declaring that the uninsured motorist provision of the automobile liability policy no longer provided coverage to defendant."]

13. CERTIFICATE OF COUNSEL

I, attorney for appellant [name of appellant], certify that this appeal is taken in good faith and not for purposes of delay. I further certify that my client [is or is not] prepared to immediately take all steps to complete the appeal. [If the

statement indicates the party is not prepared to immediately take all steps to complete the appeal, state here why the party is not prepared to immediately complete the appeal.]

[Date]

Signature

 Attorney for Appellant
 [Name, address, and telephone number,
 and Washington State Bar Association
 membership number of attorney]

CR 4(d)

(d) Service.

(1) *Of Summons and Complaint.* The summons and complaint shall be served together.

(2) *Personal in State.* Personal service of summons and other process shall be as provided in RCW 4.28.080-.090, 23B.05.040, 23B.15.100, 46.64.040, and 48.05.200 and .210, and other statutes which provide for personal service.

(3) *By Publication.* Service of summons and other process by publication shall be as provided in RCW 4.28.100 and .110, 13.34.080, ~~26.33.240~~ and 26.33.310, and other statutes which provide for service by publication.

(4) *Alternative to Service by Publication.* In circumstances justifying service by publication, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication, the court may order that service be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the summons and other process to the party to be served at his last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. The summons shall contain the date it was deposited in the mail and shall require the defendant to appear and answer the complaint within 90 days from the date of mailing. Service under this subsection has the same jurisdictional effect as service by publication.

(5) *Appearance.* A voluntary appearance of a defendant does not preclude his right to challenge lack of jurisdiction over his person, insufficiency of process, or insufficiency of service of process pursuant to rule 12(b).

CR 7(b)

(b) Motions and Other Papers.

(1) *How Made.* An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.

(2) *Form.* The rules applicable to captions and other matters of form of pleadings apply to all motions and other papers provided for by these rules.

(3) *Signing.* All motions shall be signed in accordance with rule 11.

MISCELLANEOUS

(4) *Identification of Evidence.* When a motion is supported by affidavits or other papers, it shall specify the papers to be used by the moving party.

(5) *Telephonic Argument.* Oral argument on civil motions, including family law motions, may be heard by conference telephone call in the discretion of the court. The expense of the call shall be shared equally by the parties unless the court directs otherwise in the ruling or decision on the motion.

MAR 3.2 AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(1) Decide procedural issues arising before or during the arbitration hearing, except issues relating to the qualifications of an arbitrator;

(2) Invite, with reasonable notice, the parties to submit trial briefs;

(3) Examine any site or object relevant to the case;

(4) Issue a subpoena under rule 4.3;

(5) Administer oaths or affirmations to witnesses;

(6) Rule on the admissibility of evidence under rule 5.3;

(7) Determine the facts, decide the law, and make an award;

(8) Perform other acts as authorized by these rules or local rules adopted and filed under rule 8.2.

Motions for involuntary dismissal, motions to change or add parties to the case, and motions for summary judgment shall be decided by the court and not by the arbitrator.

MAR 5.2 PREHEARING STATEMENT OF PROOF

At least 14 days prior to the date of the arbitration hearing, each party shall file with the arbitrator and serve upon all other parties a statement containing a list of witnesses whom the party intends to call at the arbitration hearing and a list of exhibits and documentary evidence, including but not limited to evidence authorized under rule 5.3(d). The statement shall contain a brief description of the matters about which each witness will be called to testify, and whether that testimony is anticipated to be provided in writing, in person, or by telephone. Each party, upon request, shall make the exhibits and other documentary evidence available for inspection by other parties. A party failing to comply with this rule or failing to comply with a discovery order may not present at the hearing the witness, exhibit, or documentary evidence required to be disclosed or made available, except with the permission of the arbitrator.

MAR 5.3 (a), (d), (e)

(a) **Witnesses.** The arbitrator shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the facts, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment. In the discretion of the arbitrator, a witness may testify by telephone.

A witness shall be placed under oath or affirmation by the arbitrator prior to presenting testimony, a violation of which oath shall be deemed a contempt of court in addition

to any other penalties that may be provided by law. The arbitrator may question a witness.

(d) **Certain Documents Presumed Admissible.** The documents listed below, if relevant, are presumed admissible at an arbitration hearing, but only if (1) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least 14 days prior to the hearing in accordance with MAR 5.2; and (2) the party offering the document similarly furnishes all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;

(3) A bill for, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy of the receipted bill showing the items of repair and the amount paid;

(4) A police, weather, wage loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, videotape, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury;

(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guaranties of trustworthiness, the admission of which would serve the interests of justice.

(e) **Opposing Party May Subpoena Author or Maker as Witness.** Any other party may subpoena the author or maker of a document or videotape admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.

MAR 6.2 FILING OF AWARD

Filing and Service of Award. Within 14 days after the conclusion of the arbitration hearing, the arbitrator shall file the award with the clerk of the superior court, with proof of service of a copy on each party. On the arbitrator's applica-

tion in cases of unusual length or complexity, the arbitrator may apply for and the court may allow up to 14 additional days for the filing and service of the award. Late filing shall not invalidate the award. The arbitrator may file with the court and serve upon the parties an amended award to correct an obvious error made in stating the award if done within the time for filing an award or upon application to the superior court to amend.

MAR 6.3

JUDGMENT ON AWARD

Judgment. If within 20 days after the award is filed no party has sought a trial de novo under rule 7.1, the prevailing party on notice as required by CR 54(f) shall present to the court a judgment on the award of arbitration for entry as the final judgment. A judgment so entered is subject to all provisions of law relating to judgments in civil actions, but it is not subject to appellate review and it may not be attacked or set aside except by a motion to vacate under CR 60.

CRLJ 4(d)

(d) Service.

(1) *Of Summons and Complaint.* The summons and complaint shall be served together.

(2) *Personal in State.* Personal service of summons and other process shall be as provided in RCW 4.28.080-.090, 23A.08.110, 23A.32.100, 23B.05.040, 23B.15.100, 46.64.040, and 48.05.200 and .210, and other statutes which provide for personal service.

CRLJ 5 (e), (f)

(e) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him or her, in which event ~~he~~ the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk. Papers may be filed by facsimile transmission if permitted elsewhere in these or other rules of court, or if authorized by the clerk of the receiving court. The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices.

(f) Other Methods of Service. Service of all papers other than the summons and other process may also be made as authorized by ~~statutes other than RCW 4.28.230, 4.28.240, 4.28.250, 4.28.260, 4.28.270, and 4.28.280, which are superseded by these rules~~ statute.

CRLJ 7(b)

(b) Motions and Other Papers.

(1) *How Made.* An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.

(2) *Form.* The rules applicable to captions, signing, and other matters of form of pleadings apply to all written motions and other papers provided for by these rules.

(3) *Identification of Evidence.* When a motion is supported by affidavits or other papers, it shall specify the papers to be used by the moving party.

(4) *Telephonic Argument.* Oral argument on civil motions, including family law motions, may be heard by conference telephone call in the discretion of the court. The expense of the call shall be shared equally by the parties unless the court directs otherwise in the ruling or decision on the motion.

CRLJ 8(c)

(c) Affirmative Defenses. In pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fault of a nonparty, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitation, waiver, and any other matter constituting an avoidance or affirmative defense. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court on terms, if justice so requires, shall treat the pleading as if there had been a proper designation.

CRLJ 11

SIGNING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA: SANCTIONS

Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum; that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry there is good ground to support it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or legal memorandum is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the pleading had not been served. For a willful violation of this rule an attorney may be subjected to appropriate action as for contempt. Similar action may be taken if scandalous or indecent matter is inserted. shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court upon motion or upon its own initiative may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading,

motion, or legal memorandum, including a reasonable attorney fee.

CRLJ 12(i)

(i) Nonparty at Fault. Whenever a defendant or a third party defendant intends to claim for purposes of RCW 4.22.070(1) that a nonparty is at fault, such claim is an affirmative defense which shall be affirmatively pleaded by the party making the claim. The identity of any nonparty claimed to be at fault, if known to the party making the claim, shall also be affirmatively pleaded.

CRLJ 26

DEPOSITIONS PENDING ACTION
DISCOVERY

Discovery in courts of limited jurisdiction shall be permitted as follows:

(a) Specification of Damages; Deposition of Party. A party may demand a specification of damages under RCW 4.28.360 and may take the deposition of another party, unless the court orders otherwise.

(b) Interrogatories and Requests for Production. The following interrogatories and requests for production may be submitted by any party:

(1) State the amount of general damages being claimed.

(2) State each item of special damages being claimed and the amount thereof.

(3) List the name, address and telephone number of each person having any knowledge of facts regarding liability.

(4) List the name, address and telephone number of each person having any knowledge of facts regarding the damages claimed.

(5) List the name, address and telephone number of each expert you intend to call as a witness at trial. For each expert, state the subject matter on which the expert is expected to testify. State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(6) Produce a copy of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of any judgment which may be entered in this action, or to indemnify or reimburse the payments made to satisfy the judgment.

(7) Produce a copy of any agreement, contract or other document upon which this claim is being made.

(8) Produce a copy of any bill or estimate for items for which special damage is being claimed.

(c) Other Discovery at Discretion of Court. The taking of depositions, the requesting of admissions and all other procedures authorized by rules 26 through 37 of the Superior Court Civil Rules applicable for use in the superior court may be available only upon prior permission of the court. No additional discovery shall be allowed, except as the parties may stipulate or as the court may order. The court shall have absolute discretion to decide whether to permit any such procedures additional discovery. In exercising such discretion the court shall consider (1) whether all parties are represented by counsel, (2) whether undue expense or delay in bringing the case to trial will result and (3) whether the interests of justice will be promoted.

(d) How Discovery To Be Conducted. Any discovery authorized pursuant to this rule shall be conducted in accordance with Superior Court Civil Rules 26 through 37.

CRLJ 44(a)

(a) Authentication.

(1) Domestic. An official record kept within the United States, or any state, district, commonwealth, territory, or insular possession thereof, or within the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands or within a territory subject to the administrative or judicial jurisdiction of the United States, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his the officer's deputy, and accompanied by a certificate that such officer has the custody. The certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office or official custody of the seal of the political subdivision and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his the officer's office or the seal of the political subdivision.

(2) Foreign. A foreign official record, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof; or a copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position (i) of the attesting person, or (ii) of any foreign official whose certificate of genuineness of signature and official position relates to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice-consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the court may, for good cause shown, either admit an attested copy without final certification or permit the foreign official record to be evidenced by an attested summary with or without a final certification. The final certification is unnecessary if the record and the attestation are certified as provided in a treaty or convention to which the United States and the foreign country in which the official record is located are parties.

CRLJ 50

MOTION FOR A DIRECTED VERDICT AND FOR JUDGMENT NOTWITHSTANDING THE VERDICT AS A MATTER OF LAW IN ACTIONS TRIED BY JURY

(a) Motion for Directed Verdict, When Made, Effect. Judgment as a Matter of Law. A party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted, without having reserved the right so to do and to the same extent as if the motion had not been made. A motion for a directed verdict which is not granted is not a

MISCELLANEOUS

~~waiver of trial by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific ground therefor.~~

(1) Nature and Effect of Motion. If, during a trial by jury, a party has been fully heard with respect to an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find or have found for that party with respect to that issue, the court may grant a motion for judgment as a matter of law against that party on any claim, counterclaim, cross claim, or third party claim that cannot under the controlling law be maintained without a favorable finding on that issue. A motion for judgment as a matter of law which is not granted is not a waiver of trial by jury even though all parties to the action have moved for judgment as a matter of law. A motion for judgment as a matter of law shall state the specific ground therefor.

(2) When Made. A motion for judgment as a matter of law may be made at any time before submission of the case to the jury, or in accordance with section (b) of this rule.

(b) Motion for Judgment Notwithstanding the Verdict Motion for Judgment After Trial; Alternative Motion for New Trial. Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not ~~he~~ the party has moved previously for a directed verdict judgment as a matter of law and whether or not a verdict was returned, a party may move for judgment notwithstanding the verdict as a matter of law. A motion for judgment notwithstanding the verdict shall identify the specific reasons in fact and law as to each ground on which the motion is based. ~~A motion in the alternative for a new trial may be joined with this motion.~~ A motion for a new trial under rule 59 may be joined with a motion for judgment as a matter of law under this section, or a new trial may be requested in the alternative. If a verdict was returned, the court may, in disposing of the motion for judgment as a matter of law, allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as a matter of law. If no verdict was returned, the court may, in disposing of the motion, direct the entry of judgment as a matter of law or may order a new trial.

(c) Alternative Motions for Judgment Notwithstanding the Verdict as a Matter of Law or for a New Trial—Effect of Appeal. Whenever a motion for a judgment notwithstanding the verdict as a matter of law and, in the alternative, for a new trial shall be filed and submitted in any superior court of limited jurisdiction in any civil cause tried before a jury, and such superior court shall enter an order granting such motion for judgment notwithstanding the verdict as a matter of law, such court shall at the same time, in the alternative, pass upon and decide in the same order such motion for a new trial; such ruling upon said motion for a new trial not to become effective unless and until the order granting the motion for judgment notwithstanding the verdict as a matter of law shall thereafter be reversed, vacated, or set aside in the manner provided by law. An appeal to the superior court from a judgment granted on a motion for judgment notwithstanding the verdict as a matter of law shall, of itself, without the necessity of cross appeal, bring up for review the ruling of the trial court on the motion for a new trial; and the superior court shall, if it reverses the judgment entered notwithstanding the verdict as

a matter of law, review and determine the validity of the ruling on the motion for a new trial.

CRLJ 58

ENTRY OF JUDGMENT

Upon the verdict of a jury, the court shall immediately render judgment thereon. If the trial is by the judge, judgment shall be entered immediately after the close of the trial, unless he or she reserves his decision, in which event ~~the trial shall be continued to a day certain, but not longer than 15~~ decision shall be rendered within 45 days.

CrRLJ 3.2(a)

(a) Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or if there is shown a likely danger that the accused will commit a violent crime, or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice. For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030. If the court finds that release without bail should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider any affidavit or affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses the affiant may produce. The court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, will not significantly interfere with the administration of justice and not pose a substantial danger to others or the community or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;
- (5) Require the execution of a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;
- (6) Require the accused to return to custody during specified hours; or
- (7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required, assure noninterference with the trial and reduce danger to others or the community.

MISCELLANEOUS

A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. With the exception of offenses specified in CrRLJ 3.2(m), the adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7.

IRLJ 6.7

[NEW RULE]

RELIEF FROM JUDGMENT

A motion to waive or suspend a fine, or to convert a penalty to community service, or to vacate a judgment is governed by CRLJ 60(b).

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

Reviser's note: The 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.

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

WSR 94-16-013

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Nursing Home Administrators)
[Memorandum—July 20, 1994]**

The August 25-26, 1994, Board of Nursing Home Administrators meeting has been cancelled.

WSR 94-16-029

**REVIEW OF PREVIOUSLY ADOPTED RULES
STATE BOARD OF HEALTH
[Filed July 26, 1994, 10:32 a.m.]**

Finding of Joint Administrative Rules Review Committee Related to: Rule was not adopted in accordance with all applicable provisions of law.

Hearing on Committee's Finding will be Held: Tacoma School District #10, Willard Resource Center, Training Room 9, 3201 South D, Tacoma, WA 98408, (206) 596-2160, on September 14, 1994, at 9:30 a.m.

Statement of Committee's Findings and Reasons:

June 23, 1994 .

Sylvia Beck, Executive Director
State Board of Health
1102 S.E. Quince Street
P.O. Box 47990
Olympia, Washington 98504-7990

Dear Director Beck:

On Tuesday, June 21, 1994, the Joint Administrative Rules Review Committee found by a majority vote that the rules adopted by the State Board of Health on March 9, 1994, concerning the waiver process for on-site septic systems were not adopted in accordance with all applicable provisions of law.

We base our findings on the written and oral testimony presented at the committee hearing on May 17, 1994. The testimony showed that the notice given to the building contractors was inadequate under the requirements of the Regulatory Fairness Act at RCW 19.85.070. Persuasive arguments were presented that the notification incident to the rule adoption process was insufficient to provide the home builders with an opportunity to be heard on the issues of mitigation and the waiver process. In its defense, the Board testified that it conducted extensive public hearings over a long period of time during which home builders appeared and participated. However, our analysis of the testimony, the statute governing the Board of Health, and briefs submitted by interested parties support our conclusion that the notice requirements of the Administrative Procedures Act under RCW 35.04.320 do not necessarily satisfy the notice requirements of the Regulatory Fairness Act under RCW 19.85.070.

The Board is reminded that the Business Assistance Center is available to facilitate compliance with the Regulatory Fairness Act.

Therefore, in response to the committee's findings and pursuant to RCW 34.05.630(3), the Board is directed to file notice of a hearing on the Joint Administrative Rules Review Committee's finding within thirty days of receipt of this letter.

Sincerely,

Senator Curtis Ludwig, Chair

cc: Governor Mike Lowery
Representative Dennis Dellwo, Chair, Health Care Committee
Senator Phil Talmadge, Chair, Health and Human Services Committee
JARRC Members

July 21, 1994
Sylvia I. Beck
Executive Director

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

WSR 94-16-033

**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
[Memorandum—July 22, 1994]**

The August 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, August 17, and 9:00 a.m. on Thursday, August 18, 1994, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee

meetings at 9:00 a.m., Wednesday, August 17, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

The September 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, September 14, and 9:00 a.m. on Thursday, September 15, 1994, in the Great Northern Room, Best Western Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA. There will be committee meetings at 9:00 a.m., Wednesday, September 14, in the Great Northern and Columbia Rooms at the Best Western Ellensburg Inn.

WSR 94-16-066
PROCLAMATION
OFFICE OF THE GOVERNOR
[July 27, 1994]

PROCLAMATION BY THE GOVERNOR

Beginning July 24, 1994, fires have occurred in Eastern Washington State as the result of lightning strikes. The state is saddened by the destruction of homes and the severe impact that this has had on the citizens of Eastern Washington.

WHEREAS, 700 people and 200 homes are threatened and 20,000 acres have been burned by these fires; and

WHEREAS, local, state and Oregon wildland fire resources have been exhausted; and

WHEREAS, the Department of Community, Trade and Economic Development, Emergency Management Division, has activated the state's Emergency Coordination Center;

NOW, THEREFORE, I, MIKE LOWRY, Governor of the state of Washington, as a result of the aforementioned situation and under the provision of Chapters 43.06 and 38.52 Revised Code of Washington, do hereby proclaim that a State of Emergency exists in the county of Chelan and authorized execution of the Washington State Comprehensive Emergency Management Plan.

State agencies and departments are directed to utilize state resources and do everything possible to assist affected political subdivisions in an effort to cope with the emergency. Additionally, the Department of Community, Trade and Economic Development, Emergency Management Division, is instructed to coordinate all state assistance to the affected areas, including the use of the Washington National Guard, and a determination of the need for federal disaster assistance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia this twenty-seventh day of July, A.D., nineteen hundred and ninety-four.

Mike Lowry
Governor of Washington

Attest:

Ralph Munro
Secretary of State

WSR 94-16-067
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Occupational Therapy Practice Board)
[Memorandum—July 27, 1994]

The Occupational Therapy Practice Board has scheduled one meeting for 1995. The date is January 13, 1995. We will advise you of any future dates as they are scheduled.

If you have any questions, please call 664-8662.

WSR 94-16-068
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Physical Therapy)
[Memorandum—July 27, 1994]

The Board of Physical Therapy has established its 1995 meeting schedule. The dates are January 17, March 21, May 16, July 18 and 19, September 19, and November 21.

If you have any questions, please call 753-0876.

WSR 94-16-075
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 94-09]

REESTABLISHING THE GOVERNOR'S
COUNCIL ON SUBSTANCE ABUSE
AND SUPERSEDING EXECUTIVE ORDER 91-03

WHEREAS, there are significant economic, social and human costs associated with the misuse and abuse of alcohol and other drugs in Washington State, for which there are no simple solutions; and

WHEREAS, to reduce these costs will require individuals, families, and communities working in partnership with government, private industry, law enforcement, and schools to create innovative and coordinated solutions to the problem;

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the authority vested in me, do hereby reestablish the Governor's Council on Substance Abuse as follows:

1. The Council shall be composed of twenty-five members. Fifteen members of the Council shall be appointed by the Governor and shall represent private industry, local and tribal government, treatment providers, community groups, educators, and law enforcement. The directors (or director's designee) of the Department of Social and Health Services, the Department of Community, Trade and Economic Development, the Department of Health, the Department of Corrections, the Chief of the State Patrol (or designee) and the Superintendent of Public Instruction (or designee) shall serve as members of the council. The membership shall also include four legislators, two from the Senate and two from the House of Representatives, to be appointed by their respective caucuses.

The terms of members appointed by the Governor shall be three years, except initial appointments shall be one, two, or three years. The Governor shall appoint the chair.

A majority of the Council shall constitute a quorum, and a majority of those present can approve Council action.

- 2. The Council shall have the following responsibilities:
 - A. Develop recommendations for a state and local strategy on substance abuse and seek community involvement on issues relating to the strategy, such as public safety and health.
 - B. Advise the Governor on substance abuse issues.
 - C. Review and develop recommendations regarding state, local, and federal funding of substance abuse programs.
 - D. Consult with and advise the Family Policy Council established in Ch. 198, Laws of 1992, on substance abuse issues.
 - E. Provide policy recommendations to state agencies on alcohol and other drug issues.
- 3. The Department of Community, Trade and Economic Development shall provide such administrative support and resources as may be necessary to carry out the functions of the Council. The Washington Interagency Network on Substance Abuse (WIN) shall serve as a resource to the Council. Members of the Council may receive per diem and travel expenses in accordance with OFM policies.
- 4. This Executive Order supersedes Executive Order 91-03, which is hereby rescinded.

This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this 25th day of July, A.D., nineteen hundred and ninety-four.

Mike Lowry
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

WSR 94-16-087
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—July 29, 1994]

The Washington State Human Rights Commission will hold its September regular commission meeting in Yakima, Washington on September 21 and 22, 1994. The meeting on September 21, will be held at the City of Yakima, City Council Chambers, 129 North 2nd Street, Yakima, WA, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on September 22, will be held at the Red Lion Inn/Yakima Valley, Harrah Room, 1507 North First Street, Yakima, WA, and will begin at 9:00 a.m.

WSR 94-16-088
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
[Memorandum—July 29, 1994]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Thursday, August 4, 1994, at 2:00 p.m. in Room 203 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 94-16-089
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
[Memorandum—July 29, 1994]

The following schedule has been confirmed for the 1995 regular meetings of the Washington State Apprenticeship and Training Council:

January 19-20, 1995	Labor and Industries 7273 Linderson Way Tumwater, WA
April 20-21, 1995	WestCoast Ridpath Hotel Spokane, Washington
July 20-21, 1995	Labor and Industries 7273 Linderson Way Tumwater, WA
October 19-20, 1995	Labor and Industries 7273 Linderson Way Tumwater, WA

WSR 94-16-092
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
(Board of Natural Resources)
[Memorandum—August 1, 1994]

A retreat for members of the Board of Natural Resources has been scheduled for September 19-20, 1994.

The retreat will be held at the Pack Forest Conference Center, 9010 453rd Street East in Eatonville, beginning at 9 a.m. on September 19.

WSR 94-16-095
DEPARTMENT OF ECOLOGY
[Filed August 1, 1994, 4:50 p.m.]

NOTICE OF PUBLIC HEARING
Department of Ecology
Puget Sound Carbon Monoxide and Ozone SIPs
September 8, 1994

MISCELLANEOUS

The Washington State Department of Ecology will be conducting a public hearing on Thursday September 8, 1994, at the department's Northwest Regional Office, 3190 160th Avenue S.E., Bellevue, WA, at 7:00 p.m. The purpose of the hearing is to solicit comments on proposed revisions to the Washington state implementation plan (SIP) for the Puget Sound carbon monoxide and ozone nonattainment areas. The proposed revisions provide new emission inventories based on more recent information and methodologies. The carbon monoxide plan revision includes amended vehicle miles traveled (VMT) forecasts and a revised demonstration of attainment of the standard by 1995. The revisions were prepared to meet requirements of the federal Clean Air Act and related regulations.

Written comments are encouraged and will be considered if postmarked by September 9, 1994. Comments should be addressed to Douglas Schneider, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. For more information on the contents of this SIP submittal prior to the hearings, or for a copy of the proposal, please contact Douglas Schneider at (206) 407-6874. For information on the point, area, and nonroad mobile sources inventories, contact Kwami Agyei at (206) 689-4054.

Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Tami Dahlgren (206) 407-6830 (voice) or (206) 407-6006 (TDD).

WSR 94-16-120
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 [Memorandum—July 29, 1994]

Following is a public meeting notice for the Title and Registration Advisory Committee (TRAC) in the next publication of the state register.

DATE: September 15, 1994
 TIME: 10:00 a.m. to noon
 PLACE: GFP Board Room
 SeaTac Airport
 17801 Pacific Highway South
 Main Terminal 5110
 SeaTac, WA

WSR 94-16-124
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed August 2, 1994, 1:02 p.m.]

1994-1995 RULE-MAKING AGENDA

The Washington Utilities and Transportation Commission submits this agenda of proposed and tentative rule-making projects pursuant to Part II of Executive Order No. EO 94-07.

The commission has not made a formal commitment to begin each of these projects on the schedule noted, and

presents this list to identify not only those significant rulemakings that it presently intends to pursue, but also those that are being considered at the staff level for proposal during the 1995 fiscal year.

NOTE: Because some of the commission's regulatory activities may be affected by federal or state legislative or regulatory activity, rulemaking may be needed on short notice to comply with changing requirements. This is particularly true in the areas of motor carriers and telecommunications service. In the latter area, the commission is investigating alternate forms of regulation which may require implementation by rule.

Approximate Preproposal Date	Subject Area	Subject to be Addressed
COMMISSION GENERAL		
JULY 1994	CUSTOMER NOTIFICATION	Review and update rules for solid waste, telecommunications, gas, and electric companies regarding notices to customers of requested rate increases and notices of hearings on those rate increases.
SEPTEMBER 1994	PROCEDURAL RULES	Adopt and amend rules to implement increased use of alternate dispute resolution and effective case management techniques; expand the use of formal investigation and fact finding proceedings; require certain documents to be filed in electronic format; update procedural rules; add nuclear waste dumps to regulated companies required to file certain information when seeking a general rate increase.
SEPTEMBER 1994	TARIFFS	Add the requirement that regulated companies file tariffs in electronic as well as paper format.
TRANSPORTATION RULES		
OCTOBER 1994	BOATS	Implement recent Washington law.
OCTOBER 1994	CARRIER INSURANCE	Update carrier insurance filing requirements to reduce burdens.
JANUARY 1995	BUS/BOAT BAGGAGE	Establish baggage liability limits for bus and boat passenger operators.
JANUARY 1995	EQUIPMENT LEASES	Allow waivers of WAC 480-12-210, equipment leases, to allow greater regulatory flexibility.
MARCH 1995	BROKERS	Allow greater regulatory flexibility regarding motor carrier brokers' fees and services.
JUNE 1995		Amend WAC 480-12-260, 480-

MISCELLANEOUS

BILLING	12-340, and 480-12-345 to permit greater flexibility in carrier billing.	tariff description (WAC 480-100-176); records and reports, to shorten retention period (WAC 480-100-211); business offices and agencies, to clarify requirements and require notice of closure (WAC 480-100-310).
JUNE 1995 SOLID WASTE	Secure periodic reports from solid waste carriers regarding annexations by cities to allow more current permit maintenance.	
UTILITY RULES		
JULY 1994 TELECOMMUNICATIONS	Review and update of telecommunications industry consumer rules: Deposits, to clarify, allow deposits in additional circumstances, delete one circumstance, allow alternatives to deposits, reduce burdens on companies (WAC 480-120-056); refusal of service, to allow refusal of service without proof of identity, forbid refusal for past due debt except to requested company, forbid sale of service for resale to nonregistered companies (WAC 480-120-061); discontinuance of service, to clarify, forbid disconnection of local service for nonpay of interexchange charges, allow toll restriction as alternative to disconnection; allow disconnection if line has been used to place abusive calls or telemarket deceptively, and set guidelines for discontinuance in medical emergency (WAC 480-120-081); complaints and disputes, to clarify need for service during business days, define work days, clarify (WAC 480-120-101); pay telephones, to clarify requirement of disconnection for violation of tariff and commission rules (WAC 480-120-138); alternate operator services, to clarify as in sec. 138 (WAC 480-120-141).	Review and update of natural gas industry consumer rules: Glossary, to clarify terms (WAC 480-90-021); deposits, to clarify and reduce burdens on companies (WAC 480-90-051); discontinuance of service, to clarify and reduce burdens (WAC 480-90-071); payment arrangements and responsibilities, to clarify (WAC 480-90-072); test procedure statements, to require a tariff description (WAC 480-90-166); meter test frequency, to allow statistical sampling in lieu of test program, reducing burdens (WAC 480-90-171); records and reports, to shorten retention period (WAC 480-90-181); business offices and agencies, to clarify requirements and require notice of closure (WAC 480-90-210).
		JULY 1994 NATURAL GAS
		SEPTEMBER 1994 UTILITIES
		SEPTEMBER 1994 TELECOMMUNICATIONS
		OCTOBER 1994 ELECTRIC
		Amend rules related to securities, chapter 480-146 WAC, in light of amendment to chapter 80.08 RCW.
		Industry petition to change rule re reporting the compensation of officers and executives (WAC 480-120-160).
		Changes occurring in the electric industry will be the subject of a proposed investigation that may lead to modifications of the competitive bidding rules (chapter 480-107 WAC) and least cost planning requirements (WAC 480-100-251).
JULY 1994 ELECTRIC	Update of electric industry consumer rules: Deposits, to clarify (WAC 480-100-051); discontinuance of service, to clarify and reduce regulatory burdens (WAC 480-100-071); payment arrangements and responsibilities, to clarify (WAC 480-100-072); meter accuracy, to update (WAC 480-100-141); test procedure statements, to require a	JANUARY 1995 TELECOMMUNICATIONS
		JANUARY 1995 TELECOMMUNICATIONS
		JANUARY 1995
		(Anticipated industry petition): Alternate operator service companies may petition for a rule change for authority to charge increased maximum rates. (WAC 480-120-141).
		Reform access charge structure and reporting requirements (new section).
		Reform boundary and property

- TELECOMMUNICATIONS exchange rules for telephone companies to reflect nonexclusive territorial requirements of recent Washington Supreme Court decision and provide minimum necessary information.
- APRIL 1995
TELECOMMUNICATIONS Amend quality of service rule to require trouble reports of "Centrex" and private line customers and unbundled interconnection services and to fix 911 line test requirements (WAC 480-120-500).
- APRIL 1995
TELECOMMUNICATIONS Add a rule governing interconnection complaints (new section).
- APRIL 1995
TELECOMMUNICATIONS Extended area service: Require companies to submit complete data on ten factor analysis to streamline the EAS decision process (WAC 480-120-415).
- OCTOBER 1994
TELECOMMUNICATIONS Delete the community calling fund rule (WAC 480-120-425) because it was stricken by the court and delete references in other rules.
- APRIL 1995
TELECOMMUNICATIONS Require local exchange companies to provide access to subscriber information for emergency or billing purposes or to allow competitors to provide a full range of services consistent with privacy and public interest considerations (WAC 480-120-047).
- JUNE 1995
TELECOMMUNICATIONS Examine number portability (new section).

WSR 94-16-135
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 10
[July 29, 1994]

COUNTIES—LAND USE REGULATIONS—ENVIRONMENTAL REGULATIONS—UNITED STATES—STATE AGENCIES—
Authority of county to require federal and state agencies to follow county policies and procedures

1. A county lacks authority to require any agency of the United States to follow county policies or procedures in land use decisions or environmental regulation, except where Congress has specifically directed federal agencies to conform to local law.
2. A county lacks authority to require any agency of the State of Washington to follow county policies or procedures in land use or environmental regulation, except where state law, expressly or by necessary

implication, requires state agencies to conform to county procedural or substantive requirements as to a particular agency decision.

Requested by:
Honorable Eugene A. Prince
State Senator, District 9
102 Institutions Building, MS 40409
Olympia, WA 98504-0409

WSR 94-16-136
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—August 1, 1994]

SPECIAL MEETING
BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

There will be a special meeting of the board of trustees on Monday, August 8, 1994, 3:30 p.m., in the Conference Room of the Administrative Office at Whidbey Campus, Oak Harbor, Washington. This meeting is mainly for a planning discussion. No formal board action will be taken.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and brailled or taped information for blind individuals can be provided when adequate notice is given to the president's office at the college.

WSR 94-16-137
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD

[Memorandum—July 29, 1994]

The Public Works Board regular meeting scheduled for 9:00 a.m., August 2, 1994, in Okanogan County has been cancelled.

The next scheduled meeting will be at 8:30 a.m., September 6, 1994, in the city of SeaTac.

WSR 94-16-138
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS

[Memorandum—August 3, 1994]

Our next public meeting will be held on September 24, 1994, at Western Washington University, in Bellingham, Washington. The regular commission meeting will begin at 9:00 a.m. and end at 3:00 p.m. It will take place in the Board of Trustees Conference Room, Room 340, at the Old Main Building on Western Washington University's campus.

An agenda can be obtained by calling the Commission on Hispanic Affairs at (206) 753-3159. The public is invited to offer comment throughout the meeting. Any questions

regarding the meeting or request for special accommodations can be made by calling Jerry Martinez at the commission.

The next regular commission meeting will take place on December 3rd in Vancouver, Washington.

WSR 94-16-150
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD

[Memorandum—August 3, 1994]

The Forest Practices Board will hold a special meeting on September 13, 1994, beginning at 10 a.m. at St. Mary's Conference Center, 107 Spencer Road, Toledo, WA. This meeting replaces the special meeting originally scheduled for September 14, 1994. The meeting is expected to last for 2-3 hours.

Immediately following the special meeting and continuing on September 14, the board will hold a retreat. No actions or public comment will be taken during the retreat. Members of the public may attend as observers. They will need to supply their own lunch and refreshments.

Additional information may be obtained by contacting Debbie Harvey, Forest Practices Board Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (206) 902-1413, FAX (206) 902-1784.

WSR 94-16-151
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD

[Memorandum—August 3, 1994]

The Higher Education Coordinating Board will hold a phone conference at 10 a.m., Tuesday, August 16th. The number 1-800-844-8666, security code 4839 are the numbers we are using on that date to provide public access to the call. Also, please be advised that the October meeting of the Higher Education Coordinating Board has been changed from October 20 in SeaTac to October 21st, in Spokane at Gonzaga University.

WSR 94-16-152
OFFICE OF THE
ATTORNEY GENERAL

[Filed August 3, 1994, 11:46 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 August 24, 1994. 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 August 24, 1994, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (206) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, 905 Plum Street, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion requests:

94-7-2 Senator Bob McCaslin

Questions regarding options available to freeholders chosen to draft a city-county charter.

94-7-4 Commissioner of Public Lands, Jennifer Belcher

Questions regarding whether the Forest Practices Board has the authority to adopt rules which require that forest practices conducted in the Special Management Areas be consistent with the Scenic Area Management Plan.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
1-21-010	AMD-P	94-09-045	16-200-805	AMD-P	94-05-060	16-223-010	REP	94-03-023
1-21-010	AMD	94-12-075	16-200-805	AMD	94-08-034	16-223-020	REP	94-03-023
1-21-170	AMD-P	94-09-045	16-212-020	AMD-P	94-06-058	16-223-030	REP	94-03-023
1-21-170	AMD	94-12-075	16-212-020	AMD	94-10-002	16-223-040	REP	94-03-023
4-25-020	REP-P	94-13-060	16-212-030	AMD-P	94-06-058	16-223-050	REP	94-03-023
4-25-030	REP-P	94-13-060	16-212-030	AMD	94-10-002	16-223-060	REP	94-03-023
4-25-080	REP-P	94-13-060	16-212-060	AMD-P	94-06-058	16-223-070	REP	94-03-023
4-25-185	REP	94-02-070	16-212-060	AMD	94-10-002	16-228-235	REP-P	94-09-017
4-25-186	REP	94-02-070	16-212-070	AMD-P	94-06-058	16-228-235	REP	94-13-195
4-25-187	REP	94-02-070	16-212-070	AMD	94-10-002	16-228-245	REP-P	94-09-017
4-25-188	REP	94-02-070	16-212-080	AMD-P	94-06-058	16-228-245	REP	94-13-195
4-25-270	REP-P	94-13-060	16-212-080	AMD	94-10-002	16-228-250	REP-P	94-09-017
4-25-280	REP	94-02-070	16-212-082	AMD-P	94-06-058	16-228-250	REP	94-13-195
4-25-300	REP	94-02-070	16-212-082	AMD	94-10-002	16-228-255	REP-P	94-09-017
4-25-320	REP	94-02-070	16-219	AMD-C	94-08-033	16-228-255	REP	94-13-195
4-25-410	NEW-P	94-13-059	16-219-015	AMD-P	94-05-092	16-228-260	REP-P	94-09-017
4-25-521	NEW	94-02-068	16-219-015	AMD	94-09-028	16-228-260	REP	94-13-195
4-25-522	NEW	94-02-068	16-219-017	NEW-P	94-05-092	16-228-265	REP-P	94-09-017
4-25-625	NEW-P	94-13-062	16-219-017	NEW	94-09-028	16-228-265	REP	94-13-195
4-25-627	NEW-P	94-13-062	16-219-017	AMD-E	94-15-050	16-228-275	REP-P	94-09-017
4-25-780	NEW	94-10-039	16-219-018	NEW-P	94-05-092	16-228-275	REP	94-13-195
4-25-810	NEW	94-02-072	16-219-018	NEW	94-09-028	16-304-040	AMD-P	94-09-046
4-25-811	NEW	94-02-072	16-219-020	AMD-P	94-05-092	16-304-040	AMD	94-12-046
4-25-812	NEW	94-02-072	16-219-020	AMD	94-09-028	16-304-050	AMD-P	94-09-046
4-25-813	NEW	94-02-072	16-219-022	NEW-P	94-05-092	16-304-050	AMD	94-12-046
4-25-820	NEW	94-02-071	16-219-022	NEW	94-09-028	16-304-110	AMD-P	94-09-046
4-25-910	NEW-P	94-13-061	16-219-025	AMD-P	94-05-092	16-304-110	AMD	94-12-046
4-25-920	NEW	94-02-069	16-219-025	AMD	94-09-028	16-304-130	AMD-P	94-09-046
16-32-009	NEW-P	94-09-072	16-219-027	NEW-P	94-05-092	16-304-130	AMD	94-12-046
16-32-009	NEW	94-12-053	16-219-027	NEW	94-09-028	16-313-015	AMD-P	94-09-046
16-32-010	REP-P	94-09-072	16-219-027	AMD-E	94-15-050	16-313-015	AMD	94-12-046
16-32-010	REP	94-12-053	16-219-029	NEW-P	94-05-092	16-313-035	AMD-P	94-09-046
16-32-011	NEW-P	94-09-072	16-219-029	NEW	94-09-028	16-313-035	AMD	94-12-046
16-32-011	NEW	94-12-053	16-219-030	REP-P	94-05-092	16-316-0901	AMD-P	94-09-046
16-38-001	REP	94-05-009	16-219-030	REP	94-09-028	16-316-0901	AMD	94-12-046
16-38-010	REP	94-05-009	16-219-031	NEW-P	94-05-092	16-316-105	AMD-P	94-09-046
16-38-020	REP	94-05-009	16-219-031	NEW	94-09-028	16-316-105	AMD	94-12-046
16-54-035A	NEW-E	94-09-004	16-219-033	NEW-E	94-15-050	16-316-230	AMD-P	94-09-046
16-86-015	AMD	94-05-008	16-219-100	NEW-P	94-05-061	16-316-230	AMD	94-12-046
16-103-001	AMD	94-05-040	16-219-100	NEW	94-08-035	16-316-350	AMD-P	94-09-046
16-103-010	NEW-E	94-13-074	16-219-105	NEW-P	94-05-061	16-316-350	AMD	94-12-046
16-103-010	NEW-P	94-14-034	16-219-105	NEW	94-08-035	16-316-440	AMD-P	94-09-046
16-103-010	NEW-W	94-14-060	16-221-001	REP	94-03-024	16-316-440	AMD	94-12-046
16-103-010	NEW-P	94-15-056	16-221-010	REP	94-03-024	16-316-474	AMD-P	94-09-046
16-103-020	NEW-E	94-13-074	16-221-020	REP	94-03-024	16-316-474	AMD	94-12-046
16-103-020	NEW-P	94-14-034	16-221-030	REP	94-03-024	16-316-717	AMD-P	94-09-046
16-103-020	NEW-W	94-14-060	16-221-040	REP	94-03-024	16-316-717	AMD	94-12-046
16-103-020	NEW-P	94-15-056	16-223-001	REP	94-03-023	16-316-727	AMD-P	94-09-046
16-108-010	AMD-P	94-05-074	16-223-002	REP	94-03-023	16-316-727	AMD	94-12-046
16-108-010	AMD-W	94-07-038	16-223-004	REP	94-03-023	16-316-800	AMD-P	94-09-046
16-125	PREP	94-16-100	16-223-005	REP	94-03-023	16-316-800	AMD	94-12-046

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-316-820	AMD-P	94-09-046	16-620-280	AMD-P	94-10-075	50-60-130	NEW	94-03-009
16-316-820	AMD	94-12-046	16-620-280	AMD	94-13-070	50-60-140	NEW	94-03-009
16-316-830	AMD-P	94-09-046	16-620-290	AMD-P	94-10-075	50-60-150	NEW	94-03-009
16-316-830	AMD	94-12-046	16-620-290	AMD	94-13-070	50-60-160	NEW	94-03-009
16-324-640	REP-P	94-01-110	16-620-340	AMD-P	94-10-075	50-60-170	NEW	94-03-009
16-324-640	REP	94-11-070	16-620-340	AMD	94-13-070	50-60-180	NEW	94-03-009
16-400-210	AMD-E	94-04-091	16-620-380	AMD-P	94-10-075	51-04-015	AMD	94-05-058
16-400-210	AMD-P	94-13-041	16-620-380	AMD	94-13-070	51-04-018	AMD	94-05-058
16-400-210	AMD	94-16-060	16-620-400	NEW-P	94-10-075	51-04-020	AMD	94-05-058
16-403-145	AMD-P	94-05-050	16-620-400	NEW	94-13-070	51-04-025	AMD	94-05-058
16-403-145	AMD	94-07-133	16-620-410	NEW-P	94-10-075	51-04-030	AMD-W	94-05-102
16-403-150	AMD-P	94-05-050	16-620-410	NEW	94-13-070	51-04-030	PREP	94-12-015
16-403-150	AMD	94-07-133	16-675-010	AMD-P	94-09-054	51-04-030	AMD-P	94-16-114
16-403-290	AMD-P	94-05-050	16-675-010	AMD	94-12-035	51-04-060	AMD	94-05-058
16-403-290	AMD	94-07-133	16-675-029	NEW-P	94-09-054	51-11	PREP	94-12-017
16-415-010	REP	94-03-026	16-675-029	NEW	94-12-035	51-11-0105	AMD-P	94-16-116
16-415-020	REP	94-03-026	16-675-030	AMD-P	94-09-054	51-11-0108	AMD-P	94-16-116
16-415-030	REP	94-03-026	16-675-030	AMD	94-12-035	51-11-0201	AMD	94-05-059
16-415-040	REP	94-03-026	16-675-039	NEW-P	94-09-054	51-11-0402	AMD	94-05-059
16-432-010	REP	94-03-025	16-675-039	NEW	94-12-035	51-11-0502	AMD-E	94-05-007
16-432-020	REP	94-03-025	16-675-040	AMD-P	94-09-054	51-11-0502	AMD	94-05-059
16-432-030	REP	94-03-025	16-675-040	AMD	94-12-035	51-11-0502	AMD-P	94-16-116
16-432-040	REP	94-03-025	16-678-001	REP	94-03-022	51-11-0525	AMD	94-05-059
16-432-050	REP	94-03-025	16-678-010	REP	94-03-022	51-11-0527	AMD	94-05-059
16-432-060	REP	94-03-025	16-680-001	REP	94-03-021	51-11-0530	AMD-P	94-16-116
16-432-070	REP	94-03-025	16-680-010	REP	94-03-021	51-11-0601	AMD	94-05-059
16-432-080	REP	94-03-025	16-680-015	REP	94-03-021	51-11-0602	AMD	94-05-059
16-432-090	REP	94-03-025	16-694-001	AMD-P	94-09-055	51-11-0603	AMD	94-05-059
16-432-100	REP	94-03-025	16-694-001	AMD	94-12-034	51-11-0625	AMD	94-05-059
16-432-110	REP	94-03-025	44-06	AMD	94-13-039	51-11-0625	AMD-P	94-16-116
16-432-120	REP	94-03-025	44-06-010	AMD-P	94-06-050	51-11-0626	AMD	94-05-059
16-432-130	REP	94-03-025	44-06-010	AMD	94-13-039	51-11-0626	AMD-P	94-16-116
16-470-92005	NEW-C	94-06-003	44-06-020	AMD-P	94-06-050	51-11-0627	AMD	94-05-059
16-470-92005	NEW-W	94-06-051	44-06-020	AMD	94-13-039	51-11-0627	AMD-P	94-16-116
16-470-92010	NEW-C	94-06-003	44-06-030	AMD-P	94-06-050	51-11-0628	AMD	94-05-059
16-470-92010	NEW-W	94-06-051	44-06-030	AMD	94-13-039	51-11-0628	AMD-P	94-16-116
16-470-92015	NEW-C	94-06-003	44-06-040	AMD-P	94-06-050	51-11-0629	AMD	94-05-059
16-470-92015	NEW-W	94-06-051	44-06-040	AMD	94-13-039	51-11-0629	AMD-P	94-16-116
16-470-92020	NEW-C	94-06-003	44-06-050	AMD-P	94-06-050	51-11-0630	AMD	94-05-059
16-470-92020	NEW-W	94-06-051	44-06-050	AMD	94-13-039	51-11-0630	AMD-P	94-16-116
16-470-92025	NEW-C	94-06-003	44-06-060	AMD-P	94-06-050	51-11-0900	AMD-P	94-16-116
16-470-92025	NEW-W	94-06-051	44-06-060	AMD	94-13-039	51-11-1006	AMD-E	94-05-007
16-470-92030	NEW-C	94-06-003	44-06-070	AMD-P	94-06-050	51-11-1006	AMD	94-05-059
16-470-92030	NEW-W	94-06-051	44-06-070	AMD	94-13-039	51-11-1011	NEW-E	94-05-007
16-470-92035	NEW-C	94-06-003	44-06-080	AMD-P	94-06-050	51-11-1143	AMD-P	94-16-116
16-470-92035	NEW-W	94-06-051	44-06-080	AMD	94-13-039	51-13	PREP	94-12-016
16-470-92040	NEW-C	94-06-003	44-06-085	NEW-P	94-06-050	51-13-106	AMD-P	94-16-117
16-470-92040	NEW-W	94-06-051	44-06-085	NEW	94-13-039	51-13-201	AMD-P	94-16-117
16-482-016	AMD-P	94-01-111	44-06-090	AMD-P	94-06-050	51-13-302	AMD-P	94-16-117
16-482-016	AMD	94-11-069	44-06-090	AMD	94-13-039	51-13-304	AMD-P	94-16-117
16-514-020	AMD-P	94-05-073	44-06-110	AMD-P	94-06-050	51-13-402	AMD-P	94-16-117
16-514-020	AMD	94-08-091	44-06-110	AMD	94-13-039	51-13-501	AMD-P	94-16-117
16-580-040	AMD-P	94-05-066	44-06-120	AMD-P	94-06-050	51-13-502	AMD-P	94-16-117
16-580-040	AMD	94-08-090	44-06-120	AMD	94-13-039	51-26-0909	NEW-P	94-16-115
16-602-025	NEW	94-05-049	44-06-130	AMD-P	94-06-050	51-26-1007	NEW-P	94-16-115
16-602-027	NEW-P	94-09-052	44-06-140	AMD-P	94-06-050	51-26-1009	NEW-P	94-16-115
16-602-027	NEW	94-12-045	44-06-140	AMD	94-13-039	51-26-1020	NEW-P	94-16-115
16-604-008	NEW-P	94-10-074	44-06-150	NEW-P	94-06-050	51-26-1301	NEW-P	94-16-115
16-604-008	NEW	94-13-069	44-06-150	NEW	94-13-039	51-26-1803	AMD-P	94-16-115
16-604-010	AMD-P	94-10-074	44-06-160	NEW-P	94-06-050	51-26-1810	AMD-P	94-16-115
16-604-010	AMD	94-13-069	44-06-160	NEW	94-13-039	51-26-1820	AMD-P	94-16-115
16-604-012	NEW-P	94-10-074	50-60-010	NEW	94-03-009	51-26-1830	AMD-P	94-16-115
16-604-012	NEW	94-13-069	50-60-020	NEW	94-03-009	51-26-2200	AMD-P	94-16-115
16-605A-001	NEW-P	94-10-076	50-60-030	NEW	94-03-009	51-30-001	NEW-P	94-16-143
16-605A-001	NEW	94-13-068	50-60-040	NEW	94-03-009	51-30-002	NEW-P	94-16-143
16-605A-010	NEW-P	94-10-076	50-60-050	NEW	94-03-009	51-30-003	NEW-P	94-16-143
16-605A-010	NEW	94-13-068	50-60-060	NEW	94-03-009	51-30-004	NEW-P	94-16-143
16-620-010	AMD-P	94-10-075	50-60-070	NEW	94-03-009	51-30-005	NEW-P	94-16-143
16-620-010	AMD	94-13-070	50-60-080	NEW	94-03-009	51-30-007	NEW-P	94-16-143
16-620-015	NEW-P	94-10-075	50-60-090	NEW	94-03-009	51-30-008	NEW-P	94-16-143
16-620-015	NEW	94-13-070	50-60-100	NEW	94-03-009	51-30-009	NEW-P	94-16-143
16-620-270	REP-P	94-10-075	50-60-110	NEW	94-03-009	51-30-0100	NEW-P	94-16-143
16-620-270	REP	94-13-070	50-60-120	NEW	94-03-009	51-30-0104	NEW-P	94-16-143

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51-30-0200	NEW-P	94-16-143	51-30-2903	NEW-P	94-16-143	51-34-9107	NEW-P	94-16-113
51-30-0204	NEW-P	94-16-143	51-30-2904	NEW-P	94-16-143	51-34-9108	NEW-P	94-16-113
51-30-0207	NEW-P	94-16-143	51-30-2910	NEW-P	94-16-143	51-35-001	NEW-P	94-16-113
51-30-0217	NEW-P	94-16-143	51-30-3400	NEW-P	94-16-143	51-35-002	NEW-P	94-16-113
51-30-0220	NEW-P	94-16-143	51-30-3404	NEW-P	94-16-143	51-35-003	NEW-P	94-16-113
51-30-0300	NEW-P	94-16-143	51-30-93115	NEW-P	94-16-143	51-35-007	NEW-P	94-16-113
51-30-0302	NEW-P	94-16-143	51-30-93116	NEW-P	94-16-143	51-35-008	NEW-P	94-16-113
51-30-0304	NEW-P	94-16-143	51-30-93117	NEW-P	94-16-143	51-35-09000	NEW-P	94-16-113
51-30-0305	NEW-P	94-16-143	51-30-93118	NEW-P	94-16-143	51-35-52000	NEW-P	94-16-113
51-30-0307	NEW-P	94-16-143	51-30-93119	NEW-P	94-16-143	51-35-52400	NEW-P	94-16-113
51-30-0310	NEW-P	94-16-143	51-30-93120	NEW-P	94-16-143	51-35-52404	NEW-P	94-16-113
51-30-0311	NEW-P	94-16-143	51-32-001	NEW-P	94-16-118	51-35-52411	NEW-P	94-16-113
51-30-0313	NEW-P	94-16-143	51-32-002	NEW-P	94-16-118	51-35-52417	NEW-P	94-16-113
51-30-0400	NEW-P	94-16-143	51-32-003	NEW-P	94-16-118	51-35-52500	NEW-P	94-16-113
51-30-0403	NEW-P	94-16-143	51-32-004	NEW-P	94-16-118	51-35-52501	NEW-P	94-16-113
51-30-0405	NEW-P	94-16-143	51-32-005	NEW-P	94-16-118	51-35-52502	NEW-P	94-16-113
51-30-0417	NEW-P	94-16-143	51-32-007	NEW-P	94-16-118	51-35-52503	NEW-P	94-16-113
51-30-0500	NEW-P	94-16-143	51-32-008	NEW-P	94-16-118	51-35-52504	NEW-P	94-16-113
51-30-0502	NEW-P	94-16-143	51-32-0200	NEW-P	94-16-118	51-35-52505	NEW-P	94-16-113
51-30-0510	NEW-P	94-16-143	51-32-0223	NEW-P	94-16-118	51-35-52506	NEW-P	94-16-113
51-30-0600	NEW-P	94-16-143	51-32-0300	NEW-P	94-16-118	51-35-52507	NEW-P	94-16-113
51-30-0601	NEW-P	94-16-143	51-32-0327	NEW-P	94-16-118	51-35-52508	NEW-P	94-16-113
51-30-0800	NEW-P	94-16-143	51-32-0500	NEW-P	94-16-118	51-35-52509	NEW-P	94-16-113
51-30-0804	NEW-P	94-16-143	51-32-0504	NEW-P	94-16-118	51-35-52600	NEW-P	94-16-113
51-30-0900	NEW-P	94-16-143	51-32-0600	NEW-P	94-16-118	55-01-010	AMD-E	94-06-032
51-30-0902	NEW-P	94-16-143	51-32-0601	NEW-P	94-16-118	55-01-010	AMD-W	94-07-075
51-30-0904	NEW-P	94-16-143	51-32-0605	NEW-P	94-16-118	55-01-010	AMD-E	94-14-017
51-30-1000	NEW-P	94-16-143	51-32-1300	NEW-P	94-16-118	55-01-020	AMD-E	94-06-032
51-30-1001	NEW-P	94-16-143	51-32-1312	NEW-P	94-16-118	55-01-020	AMD-W	94-07-075
51-30-1004	NEW-P	94-16-143	51-32-1313	NEW-P	94-16-118	55-01-020	AMD-E	94-14-017
51-30-1005	NEW-P	94-16-143	51-34-001	NEW-P	94-16-113	55-01-030	AMD-E	94-06-032
51-30-1006	NEW-P	94-16-143	51-34-002	NEW-P	94-16-113	55-01-030	AMD-W	94-07-075
51-30-1007	NEW-P	94-16-143	51-34-003	NEW-P	94-16-113	55-01-030	AMD-E	94-14-017
51-30-1009	NEW-P	94-16-143	51-34-007	NEW-P	94-16-113	55-01-040	AMD-E	94-06-032
51-30-1014	NEW-P	94-16-143	51-34-008	NEW-P	94-16-113	55-01-040	AMD-W	94-07-075
51-30-1019	NEW-P	94-16-143	51-34-0200	NEW-P	94-16-113	55-01-040	AMD-E	94-14-017
51-30-1030	NEW-P	94-16-143	51-34-0206	NEW-P	94-16-113	55-01-050	AMD-E	94-06-032
51-30-1100	NEW-P	94-16-143	51-34-0216	NEW-P	94-16-113	55-01-050	AMD-W	94-07-075
51-30-1101	NEW-P	94-16-143	51-34-0219	NEW-P	94-16-113	55-01-050	AMD-E	94-14-017
51-30-1102	NEW-P	94-16-143	51-34-0223	NEW-P	94-16-113	55-01-060	AMD-E	94-06-032
51-30-1103	NEW-P	94-16-143	51-34-0900	NEW-P	94-16-113	55-01-060	AMD-W	94-07-075
51-30-1104	NEW-P	94-16-143	51-34-0901	NEW-P	94-16-113	55-01-060	AMD-E	94-14-017
51-30-1105	NEW-P	94-16-143	51-34-0902	NEW-P	94-16-113	55-01-070	AMD-E	94-06-032
51-30-1106	NEW-P	94-16-143	51-34-1000	NEW-P	94-16-113	55-01-070	AMD-W	94-07-075
51-30-1107	NEW-P	94-16-143	51-34-1003	NEW-P	94-16-113	55-01-070	AMD-E	94-14-017
51-30-1108	NEW-P	94-16-143	51-34-1007	NEW-P	94-16-113	55-01-080	AMD-W	94-07-075
51-30-1109	NEW-P	94-16-143	51-34-2500	NEW-P	94-16-113	67-25	PREP	94-16-146
51-30-1110	NEW-P	94-16-143	51-34-2501	NEW-P	94-16-113	67-35-030	AMD-P	94-07-067
51-30-1111	NEW-P	94-16-143	51-34-5200	NEW-P	94-16-113	67-35-030	AMD	94-11-054
51-30-1112	NEW-P	94-16-143	51-34-5201	NEW-P	94-16-113	67-35-230	AMD-P	94-07-067
51-30-1113	NEW-P	94-16-143	51-34-5204	NEW-P	94-16-113	67-35-230	AMD-W	94-11-053
51-30-1114	NEW-P	94-16-143	51-34-6100	NEW-P	94-16-113	67-35-230	AMD-P	94-12-072
51-30-1115	NEW-P	94-16-143	51-34-6103	NEW-P	94-16-113	67-35-230	AMD	94-15-052
51-30-1120	NEW-P	94-16-143	51-34-6104	NEW-P	94-16-113	82-50-021	AMD-P	94-10-055
51-30-1121	NEW-P	94-16-143	51-34-6105	NEW-P	94-16-113	82-50-021	AMD	94-13-097
51-30-1122	NEW-P	94-16-143	51-34-6106	NEW-P	94-16-113	106-08	PREP	94-15-080
51-30-1123	NEW-P	94-16-143	51-34-6107	NEW-P	94-16-113	106-20	PREP	94-15-080
51-30-1124	NEW-P	94-16-143	51-34-7800	NEW-P	94-16-113	106-50	PREP	94-15-080
51-30-1125	NEW-P	94-16-143	51-34-7802	NEW-P	94-16-113	106-72	PREP	94-15-080
51-30-1200	NEW-P	94-16-143	51-34-7900	NEW-P	94-16-113	106-116-011	AMD-P	94-07-090
51-30-1203	NEW-P	94-16-143	51-34-7901	NEW-P	94-16-113	106-116-011	AMD-E	94-07-091
51-30-1600	NEW-P	94-16-143	51-34-7902	NEW-P	94-16-113	106-116-011	AMD	94-10-049
51-30-1614	NEW-P	94-16-143	51-34-7904	NEW-P	94-16-113	106-116-040	AMD-P	94-07-090
51-30-1700	NEW-P	94-16-143	51-34-8000	NEW-P	94-16-113	106-116-040	AMD-E	94-07-091
51-30-1702	NEW-P	94-16-143	51-34-8001	NEW-P	94-16-113	106-116-040	AMD	94-10-049
51-30-1900	NEW-P	94-16-143	51-34-8003	NEW-P	94-16-113	106-116-042	AMD-P	94-07-090
51-30-1909	NEW-P	94-16-143	51-34-9100	NEW-P	94-16-113	106-116-042	AMD-E	94-07-091
51-30-2200	NEW-P	94-16-143	51-34-9101	NEW-P	94-16-113	106-116-042	AMD	94-10-049
51-30-2211	NEW-P	94-16-143	51-34-9102	NEW-P	94-16-113	106-116-103	AMD-P	94-07-090
51-30-2400	NEW-P	94-16-143	51-34-9103	NEW-P	94-16-113	106-116-103	AMD-E	94-07-091
51-30-2406	NEW-P	94-16-143	51-34-9104	NEW-P	94-16-113	106-116-103	AMD	94-10-049
51-30-2900	NEW-P	94-16-143	51-34-9105	NEW-P	94-16-113	106-116-10401	AMD-P	94-07-090
51-30-2902	NEW-P	94-16-143	51-34-9106	NEW-P	94-16-113	106-116-10401	AMD-E	94-07-091

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106-116-201	AMD-E	94-07-091	106-116-521	AMD	94-10-049	132F-08-230	REP-P	94-05-097A
106-116-201	AMD	94-10-049	106-116-601	AMD-P	94-07-090	132F-08-240	REP-P	94-05-097A
106-116-202	AMD-P	94-07-090	106-116-601	AMD-E	94-07-091	132F-08-250	REP-P	94-05-097A
106-116-202	AMD-E	94-07-091	106-116-601	AMD	94-10-049	132F-08-260	REP-P	94-05-097A
106-116-202	AMD	94-10-049	106-116-603	AMD-P	94-07-090	132F-08-270	REP-P	94-05-097A
106-116-203	AMD-P	94-07-090	106-116-603	AMD-E	94-07-091	132F-08-280	REP-P	94-05-097A
106-116-203	AMD-E	94-07-091	106-116-603	AMD	94-10-049	132F-08-290	REP-P	94-05-097A
106-116-203	AMD	94-10-049	106-116-603	PREP	94-16-002	132F-08-300	REP-P	94-05-097A
106-116-204	AMD-P	94-07-090	106-116-701	AMD-P	94-07-090	132F-08-310	REP-P	94-05-097A
106-116-204	AMD-E	94-07-091	106-116-701	AMD-E	94-07-091	132F-08-320	REP-P	94-05-097A
106-116-204	AMD	94-10-049	106-116-701	AMD	94-10-049	132F-08-330	REP-P	94-05-097A
106-116-205	AMD-P	94-07-090	106-116-702	AMD-P	94-07-090	132F-08-340	REP-P	94-05-097A
106-116-205	AMD-E	94-07-091	106-116-702	AMD-E	94-07-091	132F-08-350	REP-P	94-05-097A
106-116-205	AMD	94-10-049	106-116-702	AMD	94-10-049	132F-08-360	REP-P	94-05-097A
106-116-207	AMD-P	94-07-090	106-116-853	AMD-P	94-07-090	132F-08-400	REP-P	94-05-097A
106-116-207	AMD-E	94-07-091	106-116-853	AMD-E	94-07-091	132F-08-410	REP-P	94-05-097A
106-116-207	AMD	94-10-049	106-116-853	AMD	94-10-049	132F-08-420	REP-P	94-05-097A
106-116-208	AMD-P	94-07-090	106-116-901	AMD-P	94-07-090	132F-08-430	REP-P	94-05-097A
106-116-208	AMD-E	94-07-091	106-116-901	AMD-E	94-07-091	132F-08-440	REP-P	94-05-097A
106-116-208	AMD	94-10-049	106-116-901	AMD	94-10-049	132F-08-450	REP-P	94-05-097A
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106-116-212	AMD-E	94-07-091	106-124	PREP	94-15-081	132F-08-470	REP-P	94-05-097A
106-116-212	AMD	94-10-049	106-140	PREP	94-15-082	132F-08-480	REP-P	94-05-097A
106-116-213	AMD-P	94-07-090	106-156	PREP	94-15-083	132F-104-030	AMD-P	94-05-097A
106-116-213	AMD-E	94-07-091	106-160	PREP	94-15-083	132F-104-811	AMD-P	94-05-097A
106-116-213	AMD	94-10-049	106-168	PREP	94-15-083	132F-104-813	AMD-P	94-05-097A
106-116-301	AMD-P	94-07-090	106-172	PREP	94-15-081	132F-104-815	AMD-P	94-05-097A
106-116-301	AMD-E	94-07-091	106-276	PREP	94-15-082	132F-104-819	AMD-P	94-05-097A
106-116-301	AMD	94-10-049	131-46-010	AMD	94-04-120	132F-108-010	NEW-P	94-05-097A
106-116-303	AMD-P	94-07-090	131-46-020	AMD	94-04-120	132F-108-020	NEW-P	94-05-097A
106-116-303	AMD-E	94-07-091	131-46-025	AMD	94-04-120	132F-108-030	NEW-P	94-05-097A
106-116-303	AMD	94-10-049	131-46-027	NEW	94-04-120	132F-108-040	NEW-P	94-05-097A
106-116-304	AMD-P	94-07-090	131-46-029	NEW	94-04-120	132F-108-050	NEW-P	94-05-097A
106-116-304	AMD-E	94-07-091	131-46-030	AMD	94-04-120	132F-108-060	NEW-P	94-05-097A
106-116-304	AMD	94-10-049	131-46-035	AMD	94-04-120	132F-108-070	NEW-P	94-05-097A
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106-116-305	AMD-E	94-07-091	131-46-045	AMD	94-04-120	132F-108-090	NEW-P	94-05-097A
106-116-305	AMD	94-10-049	131-46-050	AMD	94-04-120	132F-108-100	NEW-P	94-05-097A
106-116-306	AMD-P	94-07-090	131-46-055	AMD	94-04-120	132F-108-110	NEW-P	94-05-097A
106-116-306	AMD-E	94-07-091	131-46-060	AMD	94-04-120	132F-108-120	NEW-P	94-05-097A
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106-116-307	AMD-E	94-07-091	131-46-075	AMD	94-04-120	132H-160-040	REP	94-04-098
106-116-307	AMD	94-10-049	131-46-077	NEW	94-04-120	132H-160-050	REP	94-04-098
106-116-308	AMD-P	94-07-090	131-46-080	AMD	94-04-120	132H-160-056	REP	94-04-098
106-116-308	AMD-E	94-07-091	131-46-085	AMD	94-04-120	132H-160-059	REP	94-04-098
106-116-308	AMD	94-10-049	131-46-090	AMD	94-04-120	132H-160-070	REP	94-04-098
106-116-310	AMD-P	94-07-090	131-46-095	AMD	94-04-120	132H-160-080	REP	94-04-098
106-116-310	AMD-E	94-07-091	131-46-100	AMD	94-04-120	132H-160-120	REP	94-04-098
106-116-310	AMD	94-10-049	131-46-105	AMD	94-04-120	132H-160-140	REP	94-04-098
106-116-311	AMD-P	94-07-090	131-46-110	AMD	94-04-120	132H-160-150	REP	94-04-098
106-116-311	AMD-E	94-07-091	131-46-115	AMD	94-04-120	132H-160-260	REP	94-04-098
106-116-311	AMD	94-10-049	131-46-120	AMD	94-04-120	132H-160-320	REP	94-04-098
106-116-403	AMD-P	94-07-090	131-46-125	NEW	94-04-120	132H-160-330	REP	94-04-098
106-116-403	AMD-E	94-07-091	131-46-130	NEW	94-04-120	132H-160-350	REP	94-04-098
106-116-403	AMD	94-10-049	132B-300	AMD-P	94-16-090	132H-160-390	REP	94-04-098
106-116-410	AMD-P	94-07-090	132B-300-010	AMD-P	94-16-090	132H-160-400	REP	94-04-098
106-116-410	AMD-E	94-07-091	132B-300-020	AMD-P	94-16-090	132H-160-430	REP	94-04-098
106-116-410	AMD	94-10-049	132B-310-010	NEW-P	94-16-091	132H-160-440	REP	94-04-098
106-116-501	AMD-P	94-07-090	132B-310-020	NEW-P	94-16-091	132H-160-492	REP	94-04-098
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106-116-501	AMD	94-10-049	132B-310-040	NEW-P	94-16-091	132H-160-600	REP	94-04-098
106-116-513	AMD-P	94-07-090	132B-310-050	NEW-P	94-16-091	132H-160-610	REP	94-04-098
106-116-513	AMD-E	94-07-091	132F-08-001	REP-P	94-05-097A	132H-160-620	REP	94-04-098
106-116-513	AMD	94-10-049	132F-08-005	REP-P	94-05-097A	132H-160-630	REP	94-04-098
106-116-514	AMD-P	94-07-090	132F-08-010	REP-P	94-05-097A	132H-160-640	REP	94-04-098
106-116-514	AMD-E	94-07-091	132F-08-080	REP-P	94-05-097A	132H-160-650	REP	94-04-098
106-116-514	AMD	94-10-049	132F-08-090	REP-P	94-05-097A	132H-160-660	REP	94-04-098
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106-116-515	AMD-E	94-07-091	132F-08-110	REP-P	94-05-097A	132H-160-680	REP	94-04-098
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132J-116-020	REP	94-04-052	136-160-060	AMD-P	94-06-030	137-56-210	AMD	94-07-065
132J-116-021	NEW	94-04-052	136-160-060	AMD	94-10-023	137-56-220	AMD	94-07-065
132J-116-040	AMD	94-04-052	136-160-060	REP-P	94-13-182	137-56-230	AMD	94-07-065
132J-116-050	AMD	94-04-052	136-160-060	REP	94-16-111	137-56-240	AMD	94-07-065
132J-116-060	AMD	94-04-052	136-160-065	REP-P	94-13-182	137-56-250	AMD	94-07-065
132J-116-070	REP	94-04-052	136-160-065	REP	94-16-111	148-120-010	NEW-P	94-08-066
132J-116-080	AMD	94-04-052	136-161-010	NEW-P	94-13-182	148-120-010	NEW	94-13-058
132J-116-090	AMD	94-04-052	136-161-010	NEW	94-16-111	148-120-015	NEW-P	94-08-066
132J-116-100	AMD	94-04-052	136-161-020	NEW-P	94-13-182	148-120-015	NEW	94-13-058
132J-116-110	AMD	94-04-052	136-161-020	NEW	94-16-111	148-120-100	NEW-P	94-08-066
132J-116-120	AMD	94-04-052	136-161-030	NEW-P	94-13-182	148-120-100	NEW	94-13-058
132J-116-130	AMD	94-04-052	136-161-030	NEW	94-16-111	148-120-120	NEW-P	94-08-066
132J-116-140	AMD	94-04-052	136-161-040	NEW-P	94-13-182	148-120-120	NEW	94-13-058
132J-116-150	AMD	94-04-052	136-161-040	NEW	94-16-111	148-120-200	NEW-P	94-08-066
132J-116-160	AMD	94-04-052	136-161-050	NEW-P	94-13-182	148-120-200	NEW	94-13-058
132J-116-170	AMD	94-04-052	136-161-050	NEW	94-16-111	148-120-205	NEW-P	94-08-066
132J-116-180	AMD	94-04-052	136-161-060	NEW-P	94-13-182	148-120-205	NEW	94-13-058
132J-116-190	AMD	94-04-052	136-161-060	NEW	94-16-111	148-120-210	NEW-P	94-08-066
132J-116-200	REP	94-04-052	136-161-070	NEW-P	94-13-182	148-120-210	NEW	94-13-058
132J-116-210	AMD	94-04-052	136-161-070	NEW	94-16-111	148-120-220	NEW-P	94-08-066
132J-116-220	AMD	94-04-052	136-161-080	NEW-P	94-13-182	148-120-220	NEW	94-13-058
132J-116-240	AMD	94-04-052	136-161-080	NEW	94-16-111	148-120-225	NEW-P	94-08-066
132J-128-010	REP	94-04-053	136-161-090	NEW-P	94-13-182	148-120-225	NEW	94-13-058
132J-128-020	REP	94-04-053	136-161-090	NEW	94-16-111	148-120-230	NEW-P	94-08-066
132J-128-030	REP	94-04-053	136-161-100	NEW-P	94-13-182	148-120-230	NEW	94-13-058
132J-128-040	REP	94-04-053	136-161-100	NEW	94-16-111	148-120-234	NEW-P	94-08-066
132J-128-050	REP	94-04-053	136-165-010	NEW-P	94-13-184	148-120-234	NEW	94-13-058
132J-128-060	REP	94-04-053	136-165-010	NEW	94-16-109	148-120-236	NEW-P	94-08-066
132J-128-070	REP	94-04-053	136-165-020	NEW-P	94-13-184	148-120-236	NEW	94-13-058
132J-128-080	REP	94-04-053	136-165-020	NEW	94-16-109	162-12-100	AMD-W	94-04-087
132J-128-090	REP	94-04-053	136-165-030	NEW-P	94-13-184	162-12-110	REP-W	94-04-087
132J-128-100	REP	94-04-053	136-165-030	NEW	94-16-109	162-12-120	AMD-W	94-04-087
132J-128-110	REP	94-04-053	136-165-040	NEW-P	94-13-184	162-12-130	AMD-W	94-04-087
132J-128-120	REP	94-04-053	136-165-040	NEW	94-16-109	162-12-135	AMD-W	94-04-087
132J-128-130	REP	94-04-053	136-165-050	NEW-P	94-13-184	162-12-140	AMD-W	94-04-087
132J-128-140	REP	94-04-053	136-165-050	NEW	94-16-109	162-12-150	AMD-W	94-04-087
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132J-128-210	NEW	94-04-053	136-167-010	NEW	94-16-110	162-12-170	AMD-W	94-04-087
132J-136-020	REP	94-04-054	136-167-020	NEW-P	94-13-183	162-12-180	AMD-W	94-04-087
132J-136-025	REP	94-04-054	136-167-020	NEW	94-16-110	162-18-010	REP-W	94-04-087
132J-136-030	REP	94-04-054	136-167-030	NEW-P	94-13-183	162-18-020	REP-W	94-04-087
132J-136-040	REP	94-04-054	136-167-030	NEW	94-16-110	162-18-030	REP-W	94-04-087
132J-136-050	REP	94-04-054	136-167-040	NEW-P	94-13-183	162-18-040	REP-W	94-04-087
132R-190-010	AMD	94-07-019	136-167-040	NEW	94-16-110	162-18-050	REP-W	94-04-087
132R-190-020	AMD	94-07-019	136-170-010	AMD-P	94-13-185	162-18-060	REP-W	94-04-087
132R-190-030	AMD	94-07-019	136-170-010	AMD	94-16-112	162-18-070	REP-W	94-04-087
132R-190-035	AMD	94-07-019	136-170-030	AMD-P	94-13-185	162-18-080	REP-W	94-04-087
132R-190-040	AMD	94-07-019	136-170-030	AMD	94-16-112	162-18-090	REP-W	94-04-087
132R-190-050	AMD	94-07-019	136-170-040	NEW-P	94-13-185	162-18-100	REP-W	94-04-087
132R-190-060	AMD	94-07-019	136-170-040	NEW	94-16-112	162-22-010	AMD-W	94-04-087
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132R-190-080	AMD	94-07-019	136-180-040	AMD	94-10-021	162-22-030	REP-W	94-04-087
132R-190-090	AMD	94-07-019	137-56-010	AMD	94-07-065	162-22-040	REP-W	94-04-087
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136-130-060	AMD	94-10-020	137-56-090	AMD	94-07-065	162-26-020	AMD-W	94-04-087
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136-160-010	REP	94-16-111	137-56-100	AMD	94-07-065	162-26-040	AMD-W	94-04-087
136-160-020	REP-P	94-13-182	137-56-110	AMD	94-07-065	162-26-050	AMD-W	94-04-087
136-160-020	REP	94-16-111	137-56-120	AMD	94-07-065	162-26-060	AMD-W	94-04-087
136-160-030	REP-P	94-13-182	137-56-140	AMD	94-07-065	162-26-070	AMD-W	94-04-087
136-160-030	REP	94-16-111	137-56-150	AMD	94-07-065	162-26-080	AMD-W	94-04-087
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162-30-060	NEW-W	94-04-087	173-70-120	REP	94-12-001	173-320-020	REP	94-07-078
162-30-070	NEW-W	94-04-087	173-95-010	REP	94-04-030	173-320-030	REP-P	94-03-071
162-30-080	NEW-W	94-04-087	173-95-020	REP	94-04-030	173-320-030	REP	94-07-078
162-30-090	NEW-W	94-04-087	173-95-030	REP	94-04-030	173-320-040	REP-P	94-03-071
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173-19-100	AMD	94-16-085	173-95-060	REP	94-04-030	173-320-050	REP	94-07-078
173-19-120	AMD-P	94-03-092	173-95-070	REP	94-04-030	173-320-060	REP-P	94-03-071
173-19-120	AMD	94-10-081	173-95-080	REP	94-04-030	173-320-060	REP	94-07-078
173-19-2401	AMD-C	94-05-038	173-95-090	REP	94-04-030	173-320-070	REP-P	94-03-071
173-19-2401	AMD	94-07-013	173-95-100	REP	94-04-030	173-320-070	REP	94-07-078
173-19-2520	AMD-P	94-14-086	173-95-110	REP	94-04-030	173-320-080	REP-P	94-03-071
173-19-2602	AMD-P	94-04-107	173-95-120	REP	94-04-030	173-320-080	REP	94-07-078
173-19-2602	AMD	94-10-082	173-95-130	REP	94-04-030	173-335-010	REP-P	94-03-071
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173-19-3303	AMD	94-13-046	173-95-150	REP	94-04-030	173-335-020	REP-P	94-03-071
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173-19-3506	AMD-P	94-10-040	173-180A-010	NEW	94-10-084	173-335-030	REP-P	94-03-071
173-19-3506	AMD	94-14-029	173-180A-020	NEW	94-10-084	173-335-030	REP	94-07-078
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173-19-360	AMD	94-14-030	173-180A-040	NEW	94-10-084	173-335-040	REP	94-07-078
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173-19-4205	AMD	94-10-080	173-180A-090	NEW	94-10-084	173-400-045	NEW-P	94-04-106
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173-34-010	REP	94-07-078	173-180A-110	NEW	94-10-084	173-400-101	NEW	94-10-042
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173-34-020	REP	94-07-078	173-180A-130	NEW	94-10-084	173-401	AMD-C	94-08-073
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173-58-010	AMD	94-12-001	173-180B-060	NEW	94-10-083	173-401-531	NEW	94-11-105
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173-58-090	AMD	94-12-001	173-180B-100	NEW	94-10-083	173-401-533	NEW	94-11-105
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173-70-030	REP-P	94-05-037	173-224-030	AMD	94-10-027	173-422-140	REP	94-05-039
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173-440-100	REP-P	94-10-078	180-78-095	REP-P	94-16-130	180-96-050	AMD	94-03-101
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173-564-040	AMD-C	94-15-073	180-78-315	REP-P	94-16-130	182-14-040	NEW-E	94-16-058
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194-22-160	PREP	94-08-070	220-33-01000U	REP-E	94-06-042	220-48-019	AMD-C	94-12-007
194-22-160	NEW-P	94-11-128	220-33-01000V	NEW-E	94-06-042	220-48-019	AMD	94-12-009
194-22-170	PREP	94-08-070	220-33-01000V	REP-E	94-07-009	220-48-028	AMD-P	94-03-106
194-22-170	NEW-P	94-11-128	220-33-01000W	NEW-E	94-07-009	220-48-028	AMD-C	94-12-007
194-22-180	PREP	94-08-070	220-33-03000G	NEW-E	94-11-107	220-48-028	AMD	94-12-009
194-22-180	NEW-P	94-11-128	220-33-03000G	REP-E	94-13-121	220-48-031	AMD-P	94-03-106
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194-22-190	NEW-P	94-11-128	220-33-03000H	REP-E	94-14-020	220-48-031	AMD	94-12-009
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197-11-228	NEW-E	94-12-032	220-33-060	AMD-C	94-12-007	220-48-041	AMD	94-12-009
197-11-230	NEW-E	94-12-032	220-33-060	AMD	94-12-009	220-48-051	AMD-P	94-03-106
197-11-232	NEW-E	94-12-032	220-36-021	AMD-P	94-09-070	220-48-051	AMD-C	94-12-007
197-11-235	NEW-E	94-12-032	220-36-021	AMD	94-13-014	220-48-051	AMD	94-12-009
204-10-040	AMD-E	94-15-010	220-36-023	AMD-P	94-09-070	220-48-061	AMD-P	94-03-106
204-10-040	AMD-P	94-16-069	220-36-023	AMD	94-13-014	220-48-061	AMD-C	94-12-007
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204-24-050	AMD-P	94-02-082	220-40-021	AMD	94-13-014	220-48-071	AMD-P	94-03-106
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204-30-020	REP	94-05-024	220-40-027	AMD	94-16-017	220-49-005	NEW-P	94-03-106
204-30-030	REP	94-05-024	220-44-020	AMD-P	94-03-106	220-49-005	NEW-C	94-12-007
204-30-040	REP	94-05-024	220-44-020	AMD-C	94-12-007	220-49-005	NEW	94-12-009
204-30-050	REP	94-05-024	220-44-020	AMD	94-12-009	220-49-011	AMD-P	94-03-106
204-30-060	REP	94-05-024	220-44-030	AMD-P	94-03-106	220-49-011	AMD-C	94-12-007
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220-49-016	REP	94-12-009	220-52-046	AMD-P	94-03-106	220-56-124	AMD	94-14-069
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220-49-022	REP	94-12-009	220-52-060	AMD	94-12-009	220-56-235	AMD-P	94-03-105
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245-02-150	NEW-P	94-12-078	246-11-360	AMD	94-04-078	246-247-080	AMD	94-07-010
245-02-155	NEW-P	94-12-078	246-11-370	AMD	94-04-078	246-247-085	NEW	94-07-010
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245-02-180	NEW-P	94-12-078	246-11-425	NEW	94-04-078	246-247-130	NEW	94-07-010
245-04-100	NEW-P	94-10-085	246-11-430	AMD	94-04-078	246-249-020	PREP	94-16-065
245-04-100	NEW-S	94-12-079	246-11-440	AMD	94-04-078	246-249-080	PREP	94-16-065
245-04-110	NEW-P	94-10-085	246-11-450	AMD	94-04-078	246-254-053	AMD-P	94-07-108
245-04-110	NEW-S	94-12-079	246-11-480	AMD	94-04-078	246-254-053	AMD	94-11-010
245-04-115	NEW-P	94-10-085	246-11-500	AMD	94-04-078	246-254-070	AMD-P	94-07-107
245-04-115	NEW-S	94-12-079	246-11-510	AMD	94-04-078	246-254-070	AMD	94-11-011
246-01-040	PREP	94-15-066	246-11-530	AMD	94-04-078	246-254-080	AMD-P	94-07-107
246-01-080	PREP	94-15-066	246-11-540	AMD	94-04-078	246-254-080	AMD	94-11-011
246-08-450	AMD	94-04-079	246-11-560	AMD	94-04-078	246-254-090	AMD-P	94-07-107
246-10-102	AMD	94-04-079	246-11-580	AMD	94-04-078	246-254-090	AMD	94-11-011
246-10-103	AMD	94-04-079	246-11-590	AMD	94-04-078	246-254-100	AMD-P	94-07-107
246-10-107	AMD	94-04-079	246-11-600	AMD	94-04-078	246-254-100	AMD	94-11-011
246-10-109	AMD	94-04-079	246-11-610	AMD	94-04-078	246-254-120	AMD-P	94-07-107
246-10-110	AMD	94-04-079	236-15-010	NEW-P	94-16-036	246-254-120	AMD	94-11-011
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246-10-205	AMD	94-04-079	246-50-001	PREP	94-09-042	246-272-005	REP	94-09-025
246-10-303	AMD-W	94-13-088	246-50-010	PREP	94-09-042	246-272-00501	NEW	94-09-025
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246-10-501	AMD	94-04-079	246-100-076	AMD-P	94-14-081	246-272-040	REP	94-09-025
246-10-502	AMD	94-04-079	246-100-236	AMD-P	94-14-081	246-272-04001	NEW	94-09-025
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246-10-702	AMD	94-04-079	246-170-030	AMD-P	94-14-081	246-272-080	REP	94-09-025
246-10-704	AMD	94-04-079	246-170-035	NEW-P	94-14-081	246-272-08001	NEW	94-09-025
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246-10-706	AMD	94-04-079	246-225-020	AMD	94-06-017	246-272-09001	NEW	94-09-025
246-10-707	AMD	94-04-079	246-227-030	NEW-W	94-06-016	246-272-09501	NEW	94-09-025
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246-11-050	AMD	94-04-078	246-239-020	AMD	94-06-017	246-272-11501	NEW	94-09-025
246-11-060	AMD	94-04-078	246-239-022	NEW	94-06-017	246-272-120	REP	94-09-025
246-11-080	AMD	94-04-078	246-239-030	AMD	94-06-017	246-272-12501	NEW	94-09-025
246-11-090	AMD	94-04-078	246-239-035	NEW	94-06-017	246-272-130	REP	94-09-025
246-11-100	AMD	94-04-078	246-239-050	AMD	94-06-017	246-272-13501	NEW	94-09-025
246-11-110	AMD	94-04-078	246-239-070	AMD	94-06-017	246-272-140	REP	94-09-025
246-11-130	AMD	94-04-078	246-239-080	AMD	94-06-017	246-272-14501	NEW	94-09-025
246-11-140	AMD	94-04-078	246-239-090	AMD	94-06-017	246-272-150	REP	94-09-025
246-11-160	AMD	94-04-078	246-239-100	AMD	94-06-017	246-272-15501	NEW	94-09-025
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246-11-230	AMD	94-04-078	246-247-002	NEW	94-07-010	246-272-170	REP	94-09-025
246-11-250	AMD	94-04-078	246-247-010	AMD	94-07-010	246-272-17501	NEW	94-09-025
246-11-260	AMD	94-04-078	246-247-020	AMD	94-07-010	246-272-180	REP	94-09-025
246-11-270	AMD	94-04-078	246-247-030	AMD	94-07-010	246-272-18501	NEW	94-09-025
246-11-280	AMD	94-04-078	246-247-040	AMD	94-07-010	246-272-190	REP	94-09-025
246-11-290	AMD	94-04-078	246-247-050	REP	94-07-010	246-272-19501	NEW	94-09-025
246-11-300	AMD	94-04-078	246-247-060	AMD	94-07-010	246-272-200	REP	94-09-025
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246-272-220	REP	94-09-025	246-290-696	AMD	94-14-001	246-292-120	REP	94-04-004
246-272-22501	NEW	94-09-025	246-291-001	NEW-P	94-06-008	246-292-130	REP	94-04-004
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246-272-240	REP	94-09-025	246-291-010	NEW	94-14-002	246-292-160	NEW	94-04-004
246-272-24001	NEW	94-09-025	246-291-020	NEW-P	94-06-008	246-292-170	NEW	94-04-004
246-272-25001	NEW	94-09-025	246-291-020	NEW	94-14-002	246-292-990	REP	94-04-004
246-272-26001	NEW	94-09-025	246-291-025	NEW-P	94-06-008	246-295-001	NEW-P	94-13-085
246-272-27001	NEW	94-09-025	246-291-025	NEW	94-14-002	246-295-010	NEW-P	94-13-085
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246-282	PREP	94-12-088	246-291-040	NEW-P	94-06-008	246-295-040	NEW-P	94-13-085
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246-290-025	NEW	94-14-001	246-291-100	NEW-P	94-06-008	246-295-100	NEW-P	94-13-085
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246-290-030	AMD	94-14-001	246-291-110	NEW-P	94-06-008	246-295-120	NEW-P	94-13-085
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246-324	PREP	94-13-177	246-450-010	REP	94-12-089	246-454-060	REP-P	94-09-026
246-327-001	AMD-P	94-10-047	246-450-020	REP-P	94-09-026	246-454-060	REP	94-12-089
246-327-010	AMD-P	94-10-047	246-450-020	REP	94-12-089	246-454-070	AMD-P	94-09-026
246-327-025	AMD-P	94-10-047	246-450-030	REP-P	94-09-026	246-454-070	AMD	94-12-089
246-327-030	NEW-P	94-10-047	246-450-030	REP	94-12-089	246-454-080	AMD-P	94-09-026
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246-327-105	AMD-P	94-10-047	246-450-080	REP-P	94-09-026	246-454-120	AMD	94-12-089
246-327-115	AMD-P	94-10-047	246-450-080	REP	94-12-089	246-455-001	AMD-P	94-09-007
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246-327-990	AMD-P	94-10-047	246-451-010	AMD	94-12-089	246-455-050	AMD-P	94-09-007
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246-331-010	AMD-P	94-10-045	246-451-020	AMD	94-12-089	246-455-060	AMD-P	94-09-007
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246-824-220	NEW-P	94-02-057	246-839-320	PREP	94-10-056	246-878-100	NEW-P	94-02-079
246-824-220	NEW	94-06-047	246-839-320	PREP	94-11-079	246-878-100	NEW	94-08-101
246-824-230	NEW-P	94-02-057	246-839-330	PREP	94-10-056	246-878-110	NEW-P	94-02-079
246-824-230	NEW	94-06-047	246-839-330	PREP	94-11-079	246-878-110	NEW	94-08-101
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246-828-060	AMD	94-11-108	246-839-360	PREP	94-11-079	246-887	AMD-C	94-02-089
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246-828-070	AMD	94-11-108	246-843-090	PREP	94-14-031	246-887-133	NEW	94-08-098
246-828-990	AMD	94-08-038	246-843-205	PREP	94-14-031	246-887-140	AMD-P	94-04-111
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246-917-100	AMD	94-15-064	246-924-320	AMD	94-12-039	247-06-020	NEW-P	94-12-022
246-917-120	AMD-P	94-08-095	246-924-460	REP-P	94-08-039	247-06-020	NEW	94-15-054
246-917-120	AMD	94-15-064	246-924-460	REP	94-12-039	247-06-030	NEW-P	94-12-022
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246-918-105	NEW-P	94-08-094	246-930-010	AMD-P	94-09-027	250-14-030	NEW-P	94-16-125
246-918-105	NEW	94-15-065	246-930-010	AMD	94-13-179	250-14-040	NEW-P	94-16-125
246-920-115	NEW-P	94-07-011	246-930-020	AMD-P	94-09-027	250-14-050	NEW-P	94-16-125
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246-922-033	NEW	94-05-051	246-930-030	AMD-P	94-09-027	250-14-070	NEW-P	94-16-125
246-922-100	AMD	94-05-051	246-930-030	AMD	94-13-179	250-14-080	NEW-P	94-16-125
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246-922-120	AMD	94-05-051	246-930-040	AMD	94-13-179	250-40	AMD	94-14-006
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246-922-250	REP	94-05-051	246-930-050	AMD	94-13-179	250-40-020	AMD	94-14-006
246-922-260	AMD	94-05-051	246-930-060	AMD-P	94-09-027	250-40-040	AMD-P	94-09-058
246-922-300	AMD	94-05-051	246-930-060	AMD	94-13-179	250-40-040	AMD	94-14-006
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246-924-190	REP	94-12-039	246-930-990	AMD-P	94-09-027	250-66-030	AMD	94-14-007
246-924-200	REP-P	94-08-039	246-930-990	AMD	94-13-179	250-78-010	AMD-P	94-09-061
246-924-200	REP	94-12-039	246-937-020	NEW-E	94-08-051	250-78-010	AMD	94-14-008
246-924-210	REP-P	94-08-039	246-937-020	NEW-P	94-08-052	250-78-020	AMD-P	94-09-061
246-924-210	REP	94-12-039	246-937-030	NEW-E	94-08-051	250-78-020	AMD	94-14-008
246-924-220	REP-P	94-08-039	246-937-030	NEW-P	94-08-052	250-78-030	AMD-P	94-09-061
246-924-220	REP	94-12-039	246-937-040	NEW-E	94-08-051	250-78-030	AMD	94-14-008
246-924-230	AMD-P	94-08-039	246-937-040	NEW-P	94-08-052	250-78-040	AMD-P	94-09-061
246-924-230	AMD	94-12-039	246-937-070	NEW-E	94-08-051	250-78-040	AMD	94-14-008
246-924-240	AMD-P	94-08-039	246-937-070	NEW-P	94-08-052	250-78-050	AMD-P	94-09-061
246-924-240	AMD	94-12-039	246-937-080	NEW-E	94-08-051	250-78-050	AMD	94-14-008
246-924-250	AMD-P	94-08-039	246-937-080	NEW-P	94-08-052	250-78-060	AMD-P	94-09-061
246-924-250	AMD	94-12-039	246-937-090	NEW-E	94-08-051	250-78-060	AMD	94-14-008
246-924-260	REP-P	94-08-039	246-937-090	NEW-P	94-08-052	250-79-010	NEW-C	94-04-093
246-924-260	REP	94-12-039	246-937-990	NEW-P	94-08-076	250-79-010	NEW	94-14-064
246-924-270	REP-P	94-08-039	247-04-010	NEW-E	94-08-077	251-04-040	AMD-P	94-12-059
246-924-270	REP	94-12-039	247-04-010	NEW-P	94-12-021	251-04-040	AMD	94-16-049
246-924-280	REP-P	94-08-039	247-04-010	NEW	94-15-053	251-04-105	AMD-P	94-12-057
246-924-280	REP	94-12-039	247-04-020	NEW-P	94-12-021	251-04-105	AMD-C	94-16-052
246-924-290	AMD-P	94-08-039	247-04-020	NEW	94-15-053	251-06-020	AMD-P	94-12-058

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251-06-020	AMD-C	94-16-053	275-56-005	REP-P	94-12-005	275-56-630	REP-P	94-12-005
251-08-112	AMD-P	94-12-058	275-56-010	REP-P	94-12-005	275-56-640	NEW	94-07-020
251-08-112	AMD-C	94-16-053	275-56-015	AMD	94-07-020	275-56-640	REP-P	94-12-005
251-23-010	REP-W	94-04-010	275-56-015	REP-P	94-12-005	275-56-650	NEW	94-07-020
251-23-015	REP-W	94-04-010	275-56-016	REP-P	94-12-005	275-56-650	REP-P	94-12-005
251-23-020	REP-W	94-04-010	275-56-017	REP-P	94-12-005	275-56-660	NEW	94-07-020
251-23-030	REP-W	94-04-010	275-56-020	REP-P	94-12-005	275-56-660	REP-P	94-12-005
251-23-040	REP-W	94-04-010	275-56-025	REP-P	94-12-005	275-56-670	NEW	94-07-020
251-23-050	REP-W	94-04-010	275-56-035	REP-P	94-12-005	275-56-670	REP-P	94-12-005
251-23-060	REP-W	94-04-010	275-56-040	REP-P	94-12-005	275-56-680	NEW	94-07-020
253-02-040	AMD-P	94-12-092	275-56-042	REP-P	94-12-005	275-56-680	REP-P	94-12-005
253-16-090	AMD-P	94-12-092	275-56-043	REP-P	94-12-005	275-56-690	NEW	94-07-020
259-04-060	AMD-E	94-07-059	275-56-050	REP-P	94-12-005	275-56-690	REP-P	94-12-005
259-04-060	AMD-P	94-07-096	275-56-055	REP-P	94-12-005	275-56-700	NEW	94-07-020
259-04-060	AMD	94-12-029	275-56-060	REP-P	94-12-005	275-56-700	REP-P	94-12-005
260-12-010	AMD-W	94-09-003	275-56-065	REP-P	94-12-005	275-56-710	NEW	94-07-020
260-12-090	REP-W	94-09-003	275-56-070	REP-P	94-12-005	275-56-710	REP-P	94-12-005
260-24-010	AMD-W	94-09-003	275-56-075	REP-P	94-12-005	275-56-720	NEW	94-07-020
260-24-080	AMD-W	94-09-003	275-56-080	REP-P	94-12-005	275-56-720	REP-P	94-12-005
260-24-110	AMD-W	94-09-003	275-56-085	REP-P	94-12-005	275-57	NEW-C	94-16-072
260-24-120	AMD-W	94-09-003	275-56-087	REP-P	94-12-005	275-57-010	NEW-P	94-12-005
260-24-140	AMD-W	94-09-003	275-56-088	REP-P	94-12-005	275-57-020	NEW-P	94-12-005
260-24-150	AMD-W	94-09-003	275-56-089	REP-P	94-12-005	275-57-030	NEW-P	94-12-005
260-24-170	AMD-W	94-09-003	275-56-090	REP-P	94-12-005	275-57-040	NEW-P	94-12-005
260-24-180	AMD-W	94-09-003	275-56-095	REP-P	94-12-005	275-57-050	NEW-P	94-12-005
260-24-200	AMD-W	94-09-003	275-56-100	REP-P	94-12-005	275-57-060	NEW-P	94-12-005
260-24-210	AMD-W	94-09-003	275-56-105	REP-P	94-12-005	275-57-070	NEW-P	94-12-005
260-24-285	AMD-W	94-09-003	275-56-110	REP-P	94-12-005	275-57-080	NEW-P	94-12-005
260-24-290	AMD-W	94-09-003	275-56-115	REP-P	94-12-005	275-57-090	NEW-P	94-12-005
260-24-315	AMD-W	94-09-003	275-56-135	REP-P	94-12-005	275-57-100	NEW-P	94-12-005
260-24-440	AMD-W	94-09-003	275-56-150	REP-P	94-12-005	275-57-110	NEW-P	94-12-005
260-24-460	AMD-W	94-09-003	275-56-170	REP-P	94-12-005	275-57-120	NEW-P	94-12-005
260-24-470	AMD-W	94-09-003	275-56-175	REP-P	94-12-005	275-57-130	NEW-P	94-12-005
260-24-500	AMD-W	94-09-003	275-56-180	REP-P	94-12-005	275-57-140	NEW-P	94-12-005
260-24-510	AMD-W	94-09-003	275-56-185	REP-P	94-12-005	275-57-150	NEW-P	94-12-005
260-24-520	AMD-W	94-09-003	275-56-195	REP-P	94-12-005	275-57-160	NEW-P	94-12-005
260-34-030	AMD-W	94-09-003	275-56-200	REP-P	94-12-005	275-57-170	NEW-P	94-12-005
260-36-080	AMD	94-04-002	275-56-205	REP-P	94-12-005	275-57-180	NEW-P	94-12-005
260-48-322	AMD-P	94-05-077	275-56-210	REP-P	94-12-005	275-57-190	NEW-P	94-12-005
260-48-324	AMD-P	94-05-076	275-56-215	REP-P	94-12-005	275-57-200	NEW-P	94-12-005
260-48-328	AMD-P	94-05-075	275-56-220	REP-P	94-12-005	275-57-210	NEW-P	94-12-005
260-70-010	AMD-W	94-09-003	275-56-225	REP-P	94-12-005	275-57-220	NEW-P	94-12-005
260-70-026	PREP	94-15-097	275-56-230	REP-P	94-12-005	275-57-230	NEW-P	94-12-005
260-70-040	AMD	94-04-002	275-56-235	REP-P	94-12-005	275-57-240	NEW-P	94-12-005
260-72-020	AMD	94-04-003	275-56-240	REP-P	94-12-005	275-57-250	NEW-P	94-12-005
275-16-030	AMD-P	94-13-051	275-56-245	REP-P	94-12-005	275-57-260	NEW-P	94-12-005
275-16-030	AMD-E	94-14-005	275-56-260	REP-P	94-12-005	275-57-270	NEW-P	94-12-005
275-16-030	AMD	94-16-048	275-56-275	REP-P	94-12-005	275-57-280	NEW-P	94-12-005
275-27-220	AMD	94-04-092	275-56-285	REP-P	94-12-005	275-57-290	NEW-P	94-12-005
275-27-221	NEW	94-04-092	275-56-290	REP-P	94-12-005	275-57-300	NEW-P	94-12-005
275-27-223	AMD	94-04-092	275-56-295	REP-P	94-12-005	275-57-310	NEW-P	94-12-005
275-30-020	AMD-P	94-12-026	275-56-300	REP-P	94-12-005	275-57-320	NEW-P	94-12-005
275-30-020	AMD	94-15-002	275-56-305	REP-P	94-12-005	275-57-330	NEW-P	94-12-005
275-35-030	AMD-P	94-08-007	275-56-335	REP-P	94-12-005	275-57-340	NEW-P	94-12-005
275-35-030	AMD	94-11-065	275-56-340	REP-P	94-12-005	275-57-350	NEW-P	94-12-005
275-35-060	AMD-P	94-08-007	275-56-355	REP-P	94-12-005	275-57-360	NEW-P	94-12-005
275-35-060	AMD	94-11-065	275-56-365	REP-P	94-12-005	275-57-370	NEW-P	94-12-005
275-35-070	AMD-P	94-08-007	275-56-385	REP-P	94-12-005	275-57-380	NEW-P	94-12-005
275-35-070	AMD	94-11-065	275-56-400	REP-P	94-12-005	275-57-390	NEW-P	94-12-005
275-35-080	AMD-P	94-08-007	275-56-425	REP-P	94-12-005	275-57-400	NEW-P	94-12-005
275-35-080	AMD	94-11-065	275-56-445	REP-P	94-12-005	275-57-410	NEW-P	94-12-005
275-47-010	NEW-P	94-12-066	275-56-447	REP-P	94-12-005	275-57-420	NEW-P	94-12-005
275-47-010	NEW	94-15-009	275-56-465	REP-P	94-12-005	275-57-430	NEW-P	94-12-005
275-47-020	NEW-P	94-12-066	275-56-475	REP-P	94-12-005	275-57-440	NEW-P	94-12-005
275-47-020	NEW	94-15-009	275-56-485	REP-P	94-12-005	275-57-450	NEW-P	94-12-005
275-47-030	NEW-P	94-12-066	275-56-495	REP-P	94-12-005	275-57-460	NEW-P	94-12-005
275-47-030	NEW	94-15-009	275-56-505	REP-P	94-12-005	275-57-470	NEW-P	94-12-005
275-47-040	NEW-P	94-12-066	275-56-515	REP-P	94-12-005	275-59-072	NEW-E	94-03-004
275-47-040	NEW	94-15-009	275-56-600	NEW	94-07-020	275-59-072	NEW-P	94-03-005
275-55-221	NEW-E	94-03-004	275-56-600	REP-P	94-12-005	275-59-072	NEW	94-06-025
275-55-221	NEW-P	94-03-005	275-56-610	NEW	94-07-020	275-156-010	AMD-P	94-07-087
275-55-221	NEW	94-06-025	275-56-610	REP-P	94-12-005	275-156-010	AMD	94-12-006
275-56	REP-C	94-16-072	275-56-630	NEW	94-07-020	275-156-015	AMD-P	94-07-087

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275-156-015	AMD	94-12-006	284-13-130	REP-P	94-05-089	284-51-020	AMD-P	94-11-122
275-156-020	AMD-P	94-07-087	284-13-130	REP-C	94-08-013	284-51-030	AMD-P	94-11-122
275-156-020	AMD	94-12-006	284-13-130	REP-C	94-10-024	284-51-040	AMD-P	94-11-122
275-156-025	AMD-P	94-07-087	284-13-130	REP	94-12-077	284-51-045	NEW-P	94-11-122
275-156-025	AMD	94-12-006	284-13-140	REP-P	94-05-089	284-51-050	AMD-P	94-11-122
275-156-030	AMD-P	94-07-087	284-13-140	REP-C	94-08-013	284-51-060	AMD-P	94-11-122
275-156-030	AMD	94-12-006	284-13-140	REP-C	94-10-024	284-51-070	REP-P	94-11-122
284-07-060	AMD	94-04-045	284-13-140	REP	94-12-077	284-51-075	AMD-P	94-11-122
284-07-100	AMD	94-04-045	284-13-150	REP-P	94-05-089	284-51-120	AMD-P	94-11-122
284-07-110	AMD	94-04-045	284-13-150	REP-C	94-08-013	284-51-130	AMD-P	94-11-122
284-07-130	AMD	94-04-045	284-13-150	REP-C	94-10-024	284-51-140	AMD-P	94-11-122
284-07-140	AMD	94-04-045	284-13-150	REP	94-12-077	284-51-150	AMD-P	94-11-122
284-07-180	AMD	94-04-045	284-13-800	NEW-P	94-05-089	284-51-160	REP-P	94-11-122
284-07-220	AMD	94-04-045	284-13-800	NEW-C	94-08-013	284-51-170	AMD-P	94-11-122
284-10	NEW-C	94-02-065	284-13-800	NEW-C	94-10-024	284-54	AMD-C	94-13-217
284-10	NEW-C	94-03-048	284-13-800	NEW-W	94-12-077	284-54-020	AMD-P	94-09-050
284-10	NEW-C	94-08-006	284-13-810	NEW-P	94-05-089	284-54-020	AMD-S	94-11-096
284-10-010	NEW-E	94-03-084	284-13-810	NEW-C	94-08-013	284-54-020	AMD	94-14-100
284-10-010	NEW-W	94-03-085	284-13-810	NEW-C	94-10-024	284-54-150	AMD-P	94-09-050
284-10-010	NEW-P	94-04-126	284-13-810	NEW-W	94-12-077	284-54-150	AMD-S	94-11-096
284-10-010	NEW	94-08-060	284-13-820	NEW-P	94-05-089	284-54-150	AMD	94-14-100
284-10-015	NEW-E	94-03-084	284-13-820	NEW-C	94-08-013	284-54-200	NEW-P	94-09-050
284-10-015	NEW-W	94-03-085	284-13-820	NEW-C	94-10-024	284-54-200	NEW-S	94-11-096
284-10-015	NEW-P	94-04-126	284-13-820	NEW-W	94-12-077	284-54-200	NEW	94-14-100
284-10-015	NEW	94-08-060	284-13-830	NEW-P	94-05-089	284-54-210	NEW-P	94-09-050
284-10-020	NEW-E	94-03-084	284-13-830	NEW-C	94-08-013	284-54-210	NEW-S	94-11-096
284-10-020	NEW-W	94-03-085	284-13-830	NEW-C	94-10-024	284-54-210	NEW	94-14-100
284-10-020	NEW-P	94-04-126	284-13-830	NEW-W	94-12-077	284-54-260	NEW-P	94-09-050
284-10-020	NEW	94-08-060	284-17-120	AMD-P	94-11-100	284-54-260	NEW-S	94-11-096
284-10-030	NEW-E	94-03-084	284-17-120	AMD	94-14-033	284-54-260	NEW	94-14-100
284-10-030	NEW-W	94-03-085	284-17-121	AMD-P	94-11-100	284-54-270	NEW-P	94-09-050
284-10-030	NEW-P	94-04-126	284-17-121	AMD	94-14-033	284-54-270	NEW-S	94-11-096
284-10-030	NEW	94-08-060	284-17-220	AMD-P	94-11-100	284-54-270	NEW	94-14-100
284-10-050	NEW-P	94-04-125	284-17-220	AMD	94-14-033	284-87-040	AMD-P	94-09-049
284-10-050	NEW	94-08-081	284-17-250	AMD-P	94-11-100	284-87-040	AMD	94-13-006
284-10-050	AMD-P	94-11-082	284-17-250	AMD	94-14-033	284-87-090	AMD-P	94-09-049
284-10-050	AMD	94-13-216	284-17-260	AMD-P	94-11-100	284-87-090	AMD	94-13-006
284-10-060	NEW-E	94-03-084	284-17-260	AMD	94-14-033	284-87-100	AMD-P	94-09-049
284-10-060	NEW-W	94-03-085	284-17-290	AMD-P	94-11-100	284-87-100	AMD	94-13-006
284-10-060	NEW-P	94-04-126	284-17-290	AMD	94-14-033	284-96-500	NEW-P	94-15-103
284-10-060	NEW	94-08-060	284-17-320	AMD-P	94-11-100	284-97-010	PREP	94-05-071
284-10-070	NEW-E	94-03-084	284-17-320	AMD	94-14-033	284-97-020	PREP	94-05-071
284-10-070	NEW-W	94-03-085	284-17-400	AMD-P	94-11-100	284-97-030	PREP	94-05-071
284-10-070	NEW-P	94-04-126	284-17-400	AMD	94-14-033	284-97-040	PREP	94-05-071
284-10-070	NEW	94-08-060	284-17-410	AMD-P	94-11-100	284-97-050	PREP	94-05-071
284-10-080	NEW-W	94-03-085	284-17-410	AMD	94-14-033	284-97-060	PREP	94-05-071
284-10-090	NEW-E	94-03-084	284-17-420	AMD-P	94-11-100	284-97-070	PREP	94-05-071
284-10-090	NEW-W	94-03-085	284-17-420	AMD	94-14-033	284-97-080	PREP	94-05-071
284-10-090	NEW-P	94-04-126	284-23-600	NEW-P	94-15-105	284-97-100	PREP	94-05-071
284-10-090	NEW	94-08-060	284-23-610	NEW-P	94-15-105	284-97-110	PREP	94-05-071
284-10-100	NEW-W	94-03-085	284-23-620	NEW-P	94-15-105	284-97-120	PREP	94-05-071
284-10-110	NEW-W	94-03-085	284-23-630	NEW-P	94-15-105	284-97-130	PREP	94-05-071
284-10-120	NEW-W	94-03-085	284-23-640	NEW-P	94-15-105	284-97-140	PREP	94-05-071
284-10-130	NEW-W	94-03-085	284-23-650	NEW-P	94-15-105	284-97-150	PREP	94-05-071
284-10-140	NEW-W	94-03-085	284-23-660	NEW-P	94-15-105	284-97-160	PREP	94-05-071
284-10-150	NEW-W	94-03-085	284-23-670	NEW-P	94-15-105	286-04-010	AMD-P	94-13-196
284-10-160	NEW-W	94-03-085	284-23-680	NEW-P	94-15-105	286-04-015	NEW-P	94-13-196
284-10-170	NEW-W	94-03-085	284-23-690	NEW-P	94-15-105	286-04-020	AMD-P	94-13-196
284-10-180	NEW-W	94-03-085	284-23-700	NEW-P	94-15-105	286-04-030	AMD-P	94-13-196
284-10-190	NEW-W	94-03-085	284-23-710	NEW-P	94-15-105	286-04-050	AMD-P	94-13-196
284-10-200	NEW-W	94-03-085	284-23-720	NEW-P	94-15-105	286-04-060	AMD-P	94-13-196
284-12-090	AMD-P	94-11-100	284-23-730	NEW-P	94-15-105	286-04-065	NEW-P	94-13-196
284-12-090	AMD	94-14-110	284-30	PREP	94-05-056	286-04-070	AMD-P	94-13-196
284-12-270	AMD-P	94-11-100	284-30-450	PREP	94-05-070	286-04-085	NEW-P	94-13-196
284-12-270	AMD	94-14-110	284-30-450	NEW-P	94-15-104	286-04-090	NEW-P	94-13-196
284-13-110	REP-P	94-05-089	284-43-040	NEW-P	94-10-077	286-06-010	REP-P	94-13-196
284-13-110	REP-C	94-08-013	284-44	PREP	94-05-056	286-06-030	REP-P	94-13-196
284-13-110	REP-C	94-10-024	284-44-500	NEW-P	94-15-103	286-06-040	REP-P	94-13-196
284-13-110	REP	94-12-077	284-46	PREP	94-05-056	286-06-050	AMD-P	94-13-196
284-13-120	REP-P	94-05-089	284-46-500	NEW-P	94-15-103	286-06-060	AMD-P	94-13-196
284-13-120	REP-C	94-08-013	284-50-330	AMD-P	94-15-103	286-06-065	NEW-P	94-13-196
284-13-120	REP-C	94-10-024	284-51-010	AMD-P	94-11-122	286-06-070	AMD-P	94-13-196
284-13-120	REP	94-12-077	284-51-015	NEW-P	94-11-122	286-06-080	AMD-P	94-13-196

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
286-06-090	AMD-P	94-13-196	292-06-240	PREP	94-15-039	296-17-706	AMD-P	94-07-128
286-06-100	AMD-P	94-13-196	292-06-250	PREP	94-15-039	296-17-706	AMD	94-12-063
286-06-110	AMD-P	94-13-196	292-06-270	PREP	94-15-039	296-17-779	AMD-P	94-07-128
286-06-120	AMD-P	94-13-196	292-06-280	PREP	94-15-039	296-17-779	AMD	94-12-063
286-06-130	REP-P	94-13-196	292-08-010	PREP	94-15-039	296-17-895	AMD-P	94-06-055
286-06-140	REP-P	94-13-196	292-08-020	PREP	94-15-039	296-17-895	AMD	94-12-051
286-06-150	REP-P	94-13-196	292-08-030	PREP	94-15-039	296-20-010	AMD-P	94-07-126
286-06-990	REP-P	94-13-196	292-08-040	PREP	94-15-039	296-20-010	AMD	94-14-044
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286-13-050	NEW-P	94-13-196	292-12-040	PREP	94-15-039	296-20-135	AMD	94-03-008
286-13-060	NEW-P	94-13-196	292-12-050	PREP	94-15-039	296-20-370	AMD	94-03-073
286-13-070	NEW-P	94-13-196	292-12-060	PREP	94-15-039	296-20-380	AMD	94-03-073
286-13-080	NEW-P	94-13-196	292-12-070	PREP	94-15-039	296-20-385	NEW	94-03-073
286-13-085	NEW-P	94-13-196	292-12-080	PREP	94-15-039	296-20-680	AMD	94-03-073
286-13-090	NEW-P	94-13-196	292-12-090	PREP	94-15-039	296-21-015	REP-P	94-07-126
286-13-100	NEW-P	94-13-196	292-12-110	PREP	94-15-039	296-21-015	REP	94-14-044
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286-26-040	REP-P	94-13-196	292-12-180	PREP	94-15-039	296-21-030	REP-P	94-07-126
286-26-055	REP-P	94-13-196	296-15-020	AMD-C	94-03-006	296-21-030	REP	94-14-044
286-26-060	REP-P	94-13-196	296-15-020	AMD	94-05-042	296-21-085	REP-P	94-07-126
286-26-070	REP-P	94-13-196	296-15-02601	AMD-P	94-12-096	296-21-085	REP	94-14-044
286-26-080	NEW-P	94-13-196	296-15-02606	NEW-C	94-03-006	296-21-240	REP-P	94-07-126
286-26-090	NEW-P	94-13-196	296-15-02606	NEW	94-05-042	296-21-240	REP	94-14-044
286-26-100	NEW-P	94-13-196	296-15-030	AMD-C	94-03-006	296-21-250	REP-P	94-07-126
286-30-010	NEW-P	94-13-196	296-15-030	AMD	94-05-042	296-21-250	REP	94-14-044
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286-35-020	NEW-P	94-13-196	296-15-170	AMD-C	94-03-006	296-21-290	REP-P	94-07-126
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286-40-060	NEW-P	94-13-196	296-17-519	AMD	94-12-063	296-23-220	REP-P	94-07-126
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292-06-005	PREP	94-15-039	296-17-52104	AMD	94-12-063	296-23-230	REP-P	94-07-126
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292-06-050	PREP	94-15-039	296-17-53504	AMD-P	94-07-128	296-24-001	AMD	94-15-096
292-06-060	PREP	94-15-039	296-17-53504	AMD	94-12-063	296-24-006	AMD-P	94-10-010
292-06-070	PREP	94-15-039	296-17-536	AMD-P	94-07-128	296-24-006	AMD	94-15-096
292-06-080	PREP	94-15-039	296-17-536	AMD	94-12-063	296-24-007	AMD-P	94-15-095
292-06-090	PREP	94-15-039	296-17-558	REP-P	94-07-128	296-24-010	AMD-P	94-10-010
292-06-100	PREP	94-15-039	296-17-558	REP	94-12-063	296-24-010	AMD	94-15-096
292-06-110	PREP	94-15-039	296-17-56101	AMD-P	94-07-128	296-24-012	AMD-P	94-10-010
292-06-130	PREP	94-15-039	296-17-56101	AMD	94-12-063	296-24-012	AMD	94-15-096
292-06-140	PREP	94-15-039	296-17-650	AMD-P	94-07-128	296-24-015	AMD-P	94-10-010
292-06-160	PREP	94-15-039	296-17-650	AMD	94-12-063	296-24-015	AMD	94-15-096
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296-24-060	AMD	94-15-096	296-24-23527	AMD	94-15-096	296-24-67515	AMD-P	94-10-010
296-24-065	AMD-P	94-10-010	296-24-23529	AMD-P	94-10-010	296-24-67515	AMD	94-15-096
296-24-065	AMD	94-15-096	296-24-23529	AMD	94-15-096	296-24-68201	AMD-P	94-10-010
296-24-073	AMD-P	94-10-010	296-24-24005	AMD-P	94-10-010	296-24-68201	AMD	94-15-096
296-24-073	AMD	94-15-096	296-24-24005	AMD	94-15-096	296-24-68501	AMD-P	94-10-010
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296-24-090	NEW-P	94-15-095	296-24-24517	AMD-P	94-10-010	296-24-69011	AMD	94-15-096
296-24-092	AMD-P	94-15-095	296-24-24517	AMD	94-15-096	296-24-69503	AMD-P	94-10-010
296-24-096	NEW-P	94-15-095	296-24-260	AMD-P	94-10-010	296-24-69503	AMD	94-15-096
296-24-098	NEW-P	94-15-095	296-24-260	AMD	94-15-096	296-24-70005	AMD-P	94-15-095
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296-24-12001	AMD	94-06-068	296-24-29401	AMD	94-15-096	296-24-70007	AMD	94-15-096
296-24-12511	AMD-P	94-10-010	296-24-29501	AMD-P	94-10-010	296-24-71503	AMD-P	94-10-010
296-24-12511	AMD	94-15-096	296-24-29501	AMD	94-15-096	296-24-71503	AMD	94-15-096
296-24-14009	AMD-P	94-10-010	296-24-31501	AMD-P	94-10-010	296-24-71507	AMD-P	94-10-010
296-24-14009	AMD	94-15-096	296-24-31501	AMD	94-15-096	296-24-71507	AMD	94-15-096
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296-24-14509	AMD	94-15-096	296-24-33009	AMD	94-15-096	296-24-73501	AMD	94-06-068
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296-24-14515	AMD	94-15-096	296-24-33013	AMD	94-15-096	296-24-73509	AMD	94-15-096
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296-24-14519	AMD	94-15-096	296-24-47507	AMD	94-15-096	296-24-75001	AMD	94-15-096
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296-24-19501	AMD	94-15-096	296-24-56515	AMD	94-15-096	296-24-81009	AMD	94-15-096
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296-24-19507	AMD	94-15-096	296-24-58501	AMD	94-15-096	296-24-81013	AMD	94-15-096
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296-24-19517	AMD	94-15-096	296-24-58515	AMD-P	94-10-010	296-24-82503	AMD	94-15-096
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296-24-20511	AMD	94-15-096	296-24-59215	AMD-P	94-10-010	296-24-82515	AMD	94-15-096
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296-24-88505	AMD	94-15-096	296-37-510	AMD	94-15-096	296-62-05421	AMD-P	94-11-124
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296-306-165	AMD-E	94-14-027	308-13-160	AMD	94-04-044	308-330-197	AMD-P	94-14-041
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314-64-080	AMD-P	94-11-086	317-40-020	NEW-P	94-12-093	332-18-040	REP-P	94-09-062
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315-04-180	AMD-P	94-07-116	317-40-040	NEW-P	94-12-093	332-18-05001	NEW-P	94-09-062
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315-04-210	AMD	94-11-027	317-40-060	NEW	94-16-076	332-18-05003	NEW	94-14-051
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315-06-130	AMD-P	94-12-082	317-40-070	NEW	94-16-076	332-18-05005	NEW	94-14-051
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315-06-180	REP	94-03-020	317-40-090	NEW	94-16-076	332-18-05008	NEW	94-14-051
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315-10-080	AMD	94-03-020	317-40-110	NEW	94-16-076	332-18-060	REP	94-14-051
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315-11A-117	NEW	94-03-019	317-40-130	NEW	94-16-076	332-18-080	REP	94-14-051
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315-11A-117	AMD	94-11-027	317-40-140	NEW	94-16-076	332-18-090	REP	94-14-051
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315-11A-118	NEW	94-07-029	317-40-150	NEW	94-16-076	332-18-100	REP	94-14-051
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388-24	AMD-E	94-12-009	388-24-250	REP	94-06-026	388-28-425	REP	94-10-065
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388-24-040	REP	94-10-065	388-24-253	REP-P	94-03-051	388-28-438	REP-P	94-07-114
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388-24-052	REP	94-10-065	388-24-550	REP-P	94-07-114	388-28-457	REP	94-04-043
388-24-055	REP-P	94-07-114	388-24-550	REP	94-10-065	388-28-458	REP	94-04-043
388-24-055	REP	94-10-065	388-26-025	REP-P	94-07-114	388-28-459	REP	94-04-043
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388-24-109	REP-P	94-07-114	388-26-070	REP	94-10-065	388-28-474	AMD	94-08-018
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388-28-555	REP	94-10-065	388-33-050	REP	94-10-065	388-33-447	REP-P	94-07-114
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388-28-560	REP-P	94-07-114	388-33-051	REP	94-10-065	388-33-448	REP-P	94-07-114
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388-38-230	REP-P	94-07-114	388-49-505	AMD-P	94-15-048	388-81-065	RESCIND	94-11-061
388-38-230	REP	94-10-065	388-49-535	AMD-P	94-03-041	388-81-070	REP-P	94-07-114
388-38-250	REP-P	94-07-114	388-49-535	AMD-W	94-06-023	388-81-070	REP	94-10-065
388-38-250	REP	94-10-065	388-49-550	AMD-P	94-12-083	388-81-100	REP-P	94-07-114
388-38-255	REP-P	94-07-114	388-49-550	AMD	94-16-045	388-81-100	REP	94-10-065
388-38-255	REP	94-10-065	388-49-590	AMD-P	94-03-050	388-81-175	REP-P	94-07-114
388-38-260	REP-P	94-07-114	388-49-590	AMD-C	94-06-027	388-81-200	REP-P	94-07-114
388-38-260	REP	94-10-065	388-49-590	AMD	94-07-080	388-82-006	REP-P	94-07-114
388-38-265	REP-P	94-07-114	388-49-630	PREP	94-15-043	388-82-006	REP	94-10-065
388-38-265	REP	94-10-065	388-49-630	AMD-P	94-15-057	388-82-008	REP-P	94-07-114
388-38-270	REP-P	94-07-114	388-49-670	AMD-P	94-13-024	388-82-008	REP	94-10-065
388-38-270	REP	94-10-065	388-49-670	AMD	94-16-043	388-82-010	REP-P	94-07-114
388-38-280	REP-P	94-07-114	388-53-010	REP	94-04-036	388-82-010	REP	94-10-065
388-38-280	REP	94-10-065	388-53-050	REP	94-04-036	388-82-115	REP-P	94-07-114
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388-38-285	REP	94-10-065	388-59-020	REP	94-04-033	388-82-126	REP-P	94-07-114
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388-38-290	REP	94-10-065	388-59-040	REP	94-04-033	388-82-130	REP-P	94-07-114
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388-38-295	REP	94-10-065	388-59-048	REP	94-04-033	388-82-135	REP-P	94-07-114
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388-44-115	REP	94-05-045	388-80-002	REP	94-10-065	388-82-150	AMD-P	94-08-044
388-44-120	REP	94-05-045	388-80-005	REP-P	94-07-114	388-82-150	REP	94-10-065
388-44-125	REP	94-05-045	388-80-005	REP	94-10-065	388-82-150	AMD-W	94-11-059
388-44-127	REP	94-05-045	388-81-005	REP-P	94-07-114	388-82-150	RESCIND	94-11-063
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388-44-145	REP	94-05-045	388-81-010	REP-P	94-07-114	388-82-160	AMD-E	94-08-043
388-44-150	REP	94-05-045	388-81-010	REP	94-10-065	388-82-160	AMD-P	94-08-044
388-44-160	REP	94-05-045	388-81-015	REP-P	94-07-114	388-82-160	REP	94-10-065
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388-85-105	REP-P	94-07-114	388-93-035	REP-P	94-07-114	388-96-565	AMD	94-12-043
388-85-105	REP	94-10-065	388-93-035	REP	94-10-065	388-96-585	AMD-P	94-07-109
388-85-110	REP-P	94-07-114	388-93-040	REP-P	94-07-114	388-96-585	AMD	94-12-043
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388-85-115	REP	94-10-065	388-93-045	REP	94-10-065	388-96-707	REP-P	94-07-109
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388-86-030	AMD-C	94-07-021	388-93-055	REP-P	94-07-114	388-96-709	AMD	94-12-043
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388-86-04001	NEW	94-07-022	388-93-075	REP-P	94-07-114	388-96-721	REP	94-12-043
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388-96-776	NEW	94-12-043	388-97-355	NEW-P	94-13-052	388-150-460	AMD	94-13-201
388-96-777	NEW-P	94-07-109	388-97-360	NEW-P	94-13-052	388-155-005	AMD-P	94-11-111
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388-97-010	NEW-P	94-13-052	388-97-385	NEW-P	94-13-052	388-155-090	AMD	94-13-201
388-97-015	NEW-P	94-13-052	388-97-390	NEW-P	94-13-052	388-155-460	AMD-P	94-11-111
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388-97-035	NEW-P	94-13-052	388-97-410	NEW-P	94-13-052	388-200-1100	NEW-P	94-07-114
388-97-040	NEW-P	94-13-052	388-97-415	NEW-P	94-13-052	388-200-1100	NEW	94-10-065
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388-97-050	NEW-P	94-13-052	388-97-425	NEW-P	94-13-052	388-200-1150	NEW	94-10-065
388-97-055	NEW-P	94-13-052	388-97-430	NEW-P	94-13-052	388-200-1160	NEW-P	94-07-114
388-97-060	NEW-P	94-13-052	388-97-435	NEW-P	94-13-052	388-200-1160	NEW	94-10-065
388-97-065	NEW-P	94-13-052	388-97-440	NEW-P	94-13-052	388-200-1200	NEW-P	94-07-114
388-97-070	NEW-P	94-13-052	388-97-445	NEW-P	94-13-052	388-200-1200	NEW	94-10-065
388-97-075	NEW-P	94-13-052	388-97-450	NEW-P	94-13-052	388-200-1250	NEW-P	94-07-114
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388-97-105	NEW-P	94-13-052	388-97-480	NEW-P	94-13-052	388-210-1020	NEW-P	94-07-114
388-97-110	NEW-P	94-13-052	388-99-005	REP-P	94-07-114	388-210-1020	NEW	94-10-065
388-97-115	NEW-P	94-13-052	388-99-005	REP	94-10-065	388-210-1050	NEW-P	94-07-114
388-97-120	NEW-P	94-13-052	388-99-010	REP-P	94-07-114	388-210-1050	NEW	94-10-065
388-97-125	NEW-P	94-13-052	388-99-010	REP	94-10-065	388-210-1100	NEW-P	94-07-114
388-97-130	NEW-P	94-13-052	388-99-011	REP-P	94-07-114	388-210-1100	NEW	94-10-065
388-97-135	NEW-P	94-13-052	388-99-011	REP	94-10-065	388-210-1200	NEW-P	94-07-114
388-97-140	NEW-P	94-13-052	388-99-015	REP-P	94-07-114	388-210-1200	NEW	94-10-065
388-97-145	NEW-P	94-13-052	388-99-015	REP	94-10-065	388-210-1220	NEW-P	94-07-114
388-97-150	NEW-P	94-13-052	388-99-020	REP-P	94-07-114	388-210-1220	NEW	94-10-065
388-97-155	NEW-P	94-13-052	388-99-020	REP	94-10-065	388-210-1230	NEW-P	94-07-114
388-97-160	NEW-P	94-13-052	388-99-030	REP-P	94-07-114	388-210-1230	NEW	94-10-065
388-97-165	NEW-P	94-13-052	388-99-030	REP	94-10-065	388-210-1250	NEW-P	94-07-114
388-97-170	NEW-P	94-13-052	388-99-035	REP-P	94-07-114	388-210-1250	NEW	94-10-065
388-97-175	NEW-P	94-13-052	388-99-035	REP	94-10-065	388-210-1300	NEW-P	94-07-114
388-97-180	NEW-P	94-13-052	388-99-036	REP-P	94-07-114	388-210-1300	NEW	94-10-065
388-97-185	NEW-P	94-13-052	388-99-036	REP	94-10-065	388-210-1310	NEW-P	94-07-114
388-97-190	NEW-P	94-13-052	388-99-040	REP-P	94-07-114	388-210-1310	NEW	94-10-065
388-97-195	NEW-P	94-13-052	388-99-040	REP	94-10-065	388-210-1320	NEW-P	94-07-114
388-97-205	NEW-P	94-13-052	388-99-050	REP-P	94-07-114	388-210-1320	NEW	94-10-065
388-97-210	NEW-P	94-13-052	388-99-050	REP	94-10-065	388-210-1330	NEW-P	94-07-114
388-97-220	NEW-P	94-13-052	388-99-055	REP-P	94-07-114	388-210-1330	NEW	94-10-065
388-97-225	NEW-P	94-13-052	388-99-055	REP	94-10-065	388-210-1340	NEW-P	94-07-114
388-97-230	NEW-P	94-13-052	388-99-060	REP-P	94-07-114	388-210-1340	NEW	94-10-065
388-97-235	NEW-P	94-13-052	388-99-060	REP	94-10-065	388-210-1350	NEW-P	94-07-114
388-97-240	NEW-P	94-13-052	388-100-001	REP-P	94-07-114	388-210-1350	NEW	94-10-065
388-97-245	NEW-P	94-13-052	388-100-001	REP	94-10-065	388-210-1400	NEW-P	94-07-114
388-97-250	NEW-P	94-13-052	388-100-005	REP-P	94-07-114	388-210-1400	NEW	94-10-065
388-97-255	NEW-P	94-13-052	388-100-005	REP	94-10-065	388-210-1410	NEW-P	94-07-114
388-97-260	NEW-P	94-13-052	388-100-010	REP-P	94-07-114	388-210-1410	NEW	94-10-065
388-97-265	NEW-P	94-13-052	388-100-010	REP	94-10-065	388-210-1420	NEW-P	94-07-114
388-97-270	NEW-P	94-13-052	388-100-015	REP-P	94-07-114	388-210-1420	NEW	94-10-065
388-97-275	NEW-P	94-13-052	388-100-015	REP	94-10-065	388-212-1000	NEW-P	94-07-114
388-97-280	NEW-P	94-13-052	388-100-020	REP-P	94-07-114	388-212-1000	NEW	94-10-065
388-97-285	NEW-P	94-13-052	388-100-020	REP	94-10-065	388-212-1050	NEW-P	94-07-114
388-97-290	NEW-P	94-13-052	388-100-025	REP-P	94-07-114	388-212-1050	NEW	94-10-065
388-97-295	NEW-P	94-13-052	388-100-025	REP	94-10-065	388-212-1100	NEW-P	94-07-114
388-97-300	NEW-P	94-13-052	388-100-030	REP-P	94-07-114	388-212-1100	NEW	94-10-065
388-97-305	NEW-P	94-13-052	388-100-030	REP	94-10-065	388-212-1140	NEW-P	94-07-114
388-97-310	NEW-P	94-13-052	388-100-035	REP-P	94-07-114	388-212-1140	NEW	94-10-065
388-97-315	NEW-P	94-13-052	388-100-035	REP	94-10-065	388-212-1150	NEW-P	94-07-114
388-97-320	NEW-P	94-13-052	388-150-005	AMD-P	94-11-111	388-212-1150	NEW	94-10-065
388-97-325	NEW-P	94-13-052	388-150-005	AMD	94-13-201	388-212-1200	NEW-P	94-07-114
388-97-330	NEW-P	94-13-052	388-150-020	AMD-P	94-11-111	388-212-1200	NEW	94-10-065
388-97-335	NEW-P	94-13-052	388-150-020	AMD	94-13-201	388-212-1250	NEW-P	94-07-114

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-212-1250	NEW	94-10-065	388-215-1460	NEW	94-10-065	388-217-3250	NEW	94-04-043
388-215-1000	NEW-P	94-07-114	388-215-1470	NEW-P	94-07-114	388-217-3300	NEW	94-04-043
388-215-1000	NEW	94-10-065	388-215-1470	NEW	94-10-065	388-217-3350	NEW	94-04-043
388-215-1025	NEW-P	94-07-114	388-215-1480	NEW-P	94-07-114	388-218-1010	NEW-P	94-07-114
388-215-1025	NEW	94-10-065	388-215-1480	NEW	94-10-065	388-218-1010	NEW	94-10-065
388-215-1050	NEW-P	94-07-114	388-215-1490	NEW-P	94-07-114	388-218-1010	AMD-P	94-13-008
388-215-1050	NEW	94-10-065	388-215-1490	NEW	94-10-065	388-218-1010	AMD-E	94-13-009
388-215-1060	NEW-P	94-07-114	388-215-1500	NEW-P	94-07-114	388-218-1010	AMD	94-16-044
388-215-1060	NEW	94-10-065	388-215-1500	NEW	94-10-065	388-218-1050	NEW-P	94-07-114
388-215-1070	NEW-P	94-07-114	388-215-1520	NEW-P	94-07-114	388-218-1050	NEW	94-10-065
388-215-1070	NEW	94-10-065	388-215-1520	NEW	94-10-065	388-218-1050	AMD-P	94-13-008
388-215-1080	NEW-P	94-07-114	388-215-1540	NEW-P	94-07-114	388-218-1050	AMD-E	94-13-009
388-215-1080	NEW	94-10-065	388-215-1540	NEW	94-10-065	388-218-1050	AMD	94-16-044
388-215-1100	NEW-P	94-07-114	388-215-1560	NEW-P	94-07-114	388-218-1100	NEW-P	94-07-114
388-215-1100	NEW	94-10-065	388-215-1560	NEW	94-10-065	388-218-1100	NEW	94-10-065
388-215-1100	PREP	94-15-031	388-215-1600	NEW-P	94-07-114	388-218-1100	NEW-P	94-07-114
388-215-1110	NEW-P	94-07-114	388-215-1600	NEW	94-10-065	388-218-1110	NEW	94-10-065
388-215-1110	NEW	94-10-065	388-215-1610	NEW-P	94-07-114	388-218-1120	NEW-P	94-07-114
388-215-1120	NEW-P	94-07-114	388-215-1610	NEW	94-10-065	388-218-1120	NEW	94-10-065
388-215-1120	NEW	94-10-065	388-215-1620	NEW-P	94-07-114	388-218-1130	NEW-P	94-07-114
388-215-1200	NEW-P	94-07-114	388-215-1620	NEW	94-10-065	388-218-1130	NEW	94-10-065
388-215-1200	NEW	94-10-065	388-215-1650	NEW-P	94-07-114	388-218-1130	AMD-P	94-13-008
388-215-1225	NEW-P	94-07-114	388-215-1650	NEW	94-10-065	388-218-1130	AMD-E	94-13-009
388-215-1225	NEW	94-10-065	388-216-2000	NEW-P	94-07-114	388-218-1130	AMD	94-16-044
388-215-1230	NEW-P	94-07-114	388-216-2000	NEW	94-10-065	388-218-1140	NEW-P	94-07-114
388-215-1230	NEW	94-10-065	388-216-2050	NEW-P	94-07-114	388-218-1140	NEW	94-10-065
388-215-1245	NEW-P	94-07-114	388-216-2050	NEW	94-10-065	388-218-1200	NEW-P	94-07-114
388-215-1245	NEW	94-10-065	388-216-2075	NEW-P	94-07-114	388-218-1200	NEW	94-10-065
388-215-1300	NEW-P	94-07-114	388-216-2075	NEW	94-10-065	388-218-1200	AMD-P	94-13-008
388-215-1300	NEW	94-10-065	388-216-2100	NEW-P	94-07-114	388-218-1200	AMD-E	94-13-009
388-215-1320	NEW-P	94-07-114	388-216-2100	NEW	94-10-065	388-218-1200	AMD	94-16-044
388-215-1320	NEW	94-10-065	388-216-2150	NEW-P	94-07-114	388-218-1210	NEW-P	94-07-114
388-215-1325	NEW-P	94-07-114	388-216-2150	NEW	94-10-065	388-218-1210	NEW	94-10-065
388-215-1325	NEW	94-10-065	388-216-2200	NEW-P	94-07-114	388-218-1210	AMD-P	94-13-008
388-215-1330	NEW-P	94-07-114	388-216-2200	NEW	94-10-065	388-218-1210	AMD-E	94-13-009
388-215-1330	NEW	94-10-065	388-216-2250	NEW-P	94-07-114	388-218-1210	AMD	94-16-044
388-215-1335	NEW-P	94-07-114	388-216-2250	NEW	94-10-065	388-218-1220	NEW-P	94-07-114
388-215-1335	NEW	94-10-065	388-216-2300	NEW-P	94-07-114	388-218-1220	NEW	94-10-065
388-215-1340	NEW-P	94-07-114	388-216-2300	NEW	94-10-065	388-218-1220	AMD-P	94-13-008
388-215-1340	NEW	94-10-065	388-216-2350	NEW-P	94-07-114	388-218-1220	AMD-E	94-13-009
388-215-1345	NEW-P	94-07-114	388-216-2350	NEW	94-10-065	388-218-1220	AMD	94-16-044
388-215-1345	NEW	94-10-065	388-216-2450	NEW-P	94-07-114	388-218-1230	NEW-P	94-07-114
388-215-1350	NEW-P	94-07-114	388-216-2450	NEW	94-10-065	388-218-1230	NEW	94-10-065
388-215-1350	NEW	94-10-065	388-216-2500	NEW-P	94-07-114	388-218-1230	AMD-P	94-13-008
388-215-1355	NEW-P	94-07-114	388-216-2500	NEW	94-10-065	388-218-1230	AMD-E	94-13-009
388-215-1355	NEW	94-10-065	388-216-2550	NEW-P	94-07-114	388-218-1230	AMD	94-16-044
388-215-1360	NEW-P	94-07-114	388-216-2550	NEW	94-10-065	388-218-1300	NEW-P	94-07-114
388-215-1360	NEW	94-10-065	388-216-2560	NEW-P	94-07-114	388-218-1300	NEW	94-10-065
388-215-1365	NEW-P	94-07-114	388-216-2560	NEW	94-10-065	388-218-1310	NEW-P	94-07-114
388-215-1365	NEW	94-10-065	388-216-2570	NEW-P	94-07-114	388-218-1310	NEW	94-10-065
388-215-1370	NEW-P	94-07-114	388-216-2570	NEW	94-10-065	388-218-1320	NEW-P	94-07-114
388-215-1370	NEW	94-10-065	388-216-2580	NEW-P	94-07-114	388-218-1320	NEW	94-10-065
388-215-1375	NEW-P	94-07-114	388-216-2580	NEW	94-10-065	388-218-1330	NEW-P	94-07-114
388-215-1375	NEW	94-10-065	388-216-2590	NEW-P	94-07-114	388-218-1330	NEW	94-10-065
388-215-1380	NEW-P	94-07-114	388-216-2590	NEW	94-10-065	388-218-1340	NEW-P	94-07-114
388-215-1380	NEW	94-10-065	388-216-2600	NEW-P	94-07-114	388-218-1340	NEW	94-10-065
388-215-1385	NEW-P	94-07-114	388-216-2600	NEW	94-10-065	388-218-1350	NEW-P	94-07-114
388-215-1385	NEW	94-10-065	388-216-2650	NEW-P	94-07-114	388-218-1350	NEW	94-10-065
388-215-1390	NEW-P	94-07-114	388-216-2650	NEW	94-10-065	388-218-1360	NEW-P	94-07-114
388-215-1390	NEW	94-10-065	388-216-2800	NEW-P	94-07-114	388-218-1360	NEW	94-10-065
388-215-1400	NEW-P	94-07-114	388-216-2800	NEW	94-10-065	388-218-1400	NEW-P	94-07-114
388-215-1400	NEW	94-10-065	388-216-2850	NEW-P	94-07-114	388-218-1400	NEW	94-10-065
388-215-1410	NEW-P	94-07-114	388-216-2850	NEW	94-10-065	388-218-1410	NEW-P	94-07-114
388-215-1410	NEW	94-10-065	388-216-2900	NEW-P	94-07-114	388-218-1410	NEW	94-10-065
388-215-1420	NEW-P	94-07-114	388-216-2900	NEW	94-10-065	388-218-1420	NEW-P	94-07-114
388-215-1420	NEW	94-10-065	388-217-3000	NEW	94-04-043	388-218-1420	NEW	94-10-065
388-215-1430	NEW-P	94-07-114	388-217-3050	NEW	94-04-043	388-218-1430	NEW-P	94-07-114
388-215-1430	NEW	94-10-065	388-217-3100	NEW	94-04-043	388-218-1430	NEW	94-10-065
388-215-1440	NEW-P	94-07-114	388-217-3150	NEW	94-04-043	388-218-1440	NEW-P	94-07-114
388-215-1440	NEW	94-10-065	388-217-3150	AMD-P	94-13-054	388-218-1440	NEW	94-10-065
388-215-1450	NEW-P	94-07-114	388-217-3150	AMD-E	94-13-055	388-218-1450	NEW-P	94-07-114
388-215-1450	NEW	94-10-065	388-217-3150	AMD	94-16-046	388-218-1450	NEW	94-10-065
388-215-1460	NEW-P	94-07-114	388-217-3200	NEW	94-04-043	388-218-1460	NEW-P	94-07-114

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388-218-1460	NEW	94-10-065	388-219-1000	NEW-P	94-07-114	388-235-7400	NEW	94-13-202
388-218-1470	NEW-P	94-07-114	388-219-1000	NEW	94-10-065	388-235-9000	PREP	94-16-025
388-218-1470	NEW	94-10-065	388-219-1100	NEW-P	94-07-114	388-245-1000	NEW-P	94-07-114
388-218-1480	NEW-P	94-07-114	388-219-1100	NEW	94-10-065	388-245-1000	NEW	94-10-065
388-218-1480	NEW	94-10-065	388-219-1500	NEW-P	94-07-114	388-245-1150	NEW-P	94-07-114
388-218-1500	NEW-P	94-07-114	388-219-1500	NEW	94-10-065	388-245-1150	NEW	94-10-065
388-218-1500	NEW	94-10-065	388-219-1600	NEW-P	94-07-114	388-245-1160	NEW-P	94-07-114
388-218-1510	NEW-P	94-07-114	388-219-1600	NEW	94-10-065	388-245-1160	NEW	94-10-065
388-218-1510	NEW	94-10-065	388-219-1700	NEW-P	94-07-114	388-245-1170	NEW-P	94-07-114
388-218-1515	NEW-P	94-07-114	388-219-1700	NEW	94-10-065	388-245-1170	NEW	94-10-065
388-218-1515	NEW	94-10-065	388-219-2000	NEW-P	94-07-114	388-245-1210	NEW-P	94-07-114
388-218-1520	NEW-P	94-07-114	388-219-2000	NEW	94-10-065	388-245-1210	NEW	94-10-065
388-218-1520	NEW	94-10-065	388-219-2000	AMD-P	94-10-086	388-245-1300	NEW-P	94-07-114
388-218-1530	NEW-P	94-07-114	388-219-2000	AMD	94-13-050	388-245-1300	NEW	94-10-065
388-218-1530	NEW	94-10-065	388-219-2500	NEW-P	94-07-114	388-245-1310	NEW-P	94-07-114
388-218-1540	NEW-P	94-07-114	388-219-2500	NEW	94-10-065	388-245-1310	NEW	94-10-065
388-218-1540	NEW	94-10-065	388-219-2600	NEW-P	94-07-114	388-245-1315	NEW-P	94-07-114
388-218-1600	NEW-P	94-07-114	388-219-2600	NEW	94-10-065	388-245-1315	NEW	94-10-065
388-218-1600	NEW	94-10-065	388-219-3000	NEW-P	94-07-114	388-245-1320	NEW-P	94-07-114
388-218-1605	NEW-P	94-07-114	388-219-3000	NEW	94-10-065	388-245-1320	NEW	94-10-065
388-218-1605	NEW	94-10-065	388-219-3500	NEW-P	94-07-114	388-245-1350	NEW-P	94-07-114
388-218-1610	NEW-P	94-07-114	388-219-3500	NEW	94-10-065	388-245-1350	NEW	94-10-065
388-218-1610	NEW	94-10-065	388-225-0010	NEW-P	94-03-051	388-245-1400	NEW-P	94-07-114
388-218-1620	NEW-P	94-07-114	388-225-0010	NEW	94-06-026	388-245-1400	NEW	94-10-065
388-218-1620	NEW	94-10-065	388-225-0020	NEW-P	94-03-051	388-245-1410	NEW-P	94-07-114
388-218-1630	NEW-P	94-07-114	388-225-0020	NEW	94-06-026	388-245-1410	NEW	94-10-065
388-218-1630	NEW	94-10-065	388-225-0050	NEW-P	94-03-051	388-245-1500	NEW-P	94-07-114
388-218-1640	NEW-P	94-07-114	388-225-0050	NEW	94-06-026	388-245-1500	NEW	94-10-065
388-218-1640	NEW	94-10-065	388-225-0060	NEW-P	94-03-051	388-245-1510	NEW-P	94-07-114
388-218-1650	NEW-P	94-07-114	388-225-0060	NEW	94-06-026	388-245-1510	NEW	94-10-065
388-218-1650	NEW	94-10-065	388-225-0070	NEW-P	94-03-051	388-245-1520	NEW-P	94-07-114
388-218-1660	NEW-P	94-07-114	388-225-0070	NEW	94-06-026	388-245-1520	NEW	94-10-065
388-218-1660	NEW	94-10-065	388-225-0080	NEW-P	94-03-051	388-245-1600	NEW-P	94-07-114
388-218-1670	NEW-P	94-07-114	388-225-0080	NEW	94-06-026	388-245-1600	NEW	94-10-065
388-218-1670	NEW	94-10-065	388-225-0090	NEW-P	94-03-051	388-245-1610	NEW-P	94-07-114
388-218-1680	NEW-P	94-07-114	388-225-0090	NEW	94-06-026	388-245-1610	NEW	94-10-065
388-218-1680	NEW	94-10-065	388-225-0100	NEW-P	94-03-051	388-245-1700	NEW-P	94-07-114
388-218-1690	NEW-P	94-07-114	388-225-0100	NEW	94-06-026	388-245-1700	NEW	94-10-065
388-218-1690	NEW	94-10-065	388-225-0120	NEW-P	94-03-051	388-245-1710	NEW-P	94-07-114
388-218-1695	NEW-P	94-07-114	388-225-0120	NEW	94-06-026	388-245-1710	NEW	94-10-065
388-218-1695	NEW	94-10-065	388-225-0150	NEW-P	94-03-051	388-245-1715	NEW-P	94-07-114
388-218-1700	NEW-P	94-07-114	388-225-0150	NEW	94-06-026	388-245-1715	NEW	94-10-065
388-218-1700	NEW	94-10-065	388-225-0160	NEW-P	94-03-051	388-245-1720	NEW-P	94-07-114
388-218-1710	NEW-P	94-07-114	388-225-0160	NEW	94-06-026	388-245-1720	NEW	94-10-065
388-218-1710	NEW	94-10-065	388-225-0170	NEW-P	94-03-051	388-245-1730	NEW-P	94-07-114
388-218-1720	NEW-P	94-07-114	388-225-0170	NEW	94-06-026	388-245-1730	NEW	94-10-065
388-218-1720	NEW	94-10-065	388-225-0180	NEW-P	94-03-051	388-245-1740	NEW-P	94-07-114
388-218-1730	NEW-P	94-07-114	388-225-0180	NEW	94-06-026	388-245-1740	NEW	94-10-065
388-218-1730	NEW	94-10-065	388-225-0190	NEW-P	94-03-051	388-245-2010	NEW-P	94-07-114
388-218-1740	NEW-P	94-07-114	388-225-0190	NEW	94-06-026	388-245-2010	NEW	94-10-065
388-218-1740	NEW	94-10-065	388-225-0300	NEW-P	94-03-051	388-245-2020	NEW-P	94-07-114
388-218-1800	NEW-P	94-07-114	388-225-0300	NEW	94-06-026	388-245-2020	NEW	94-10-065
388-218-1800	NEW	94-10-065	388-230-0090	AMD-P	94-13-008	388-245-2030	NEW-P	94-07-114
388-218-1810	NEW-P	94-07-114	388-230-0090	AMD-E	94-13-009	388-245-2030	NEW	94-10-065
388-218-1810	NEW	94-10-065	388-230-0090	AMD	94-16-044	388-245-2040	NEW-P	94-07-114
388-218-1820	NEW-P	94-07-114	388-233-0060	AMD-P	94-13-008	388-245-2040	NEW	94-10-065
388-218-1820	NEW	94-10-065	388-233-0060	AMD-E	94-13-009	388-245-2050	NEW-P	94-07-114
388-218-1830	NEW-P	94-07-114	388-233-0060	AMD	94-16-044	388-245-2050	NEW	94-10-065
388-218-1830	NEW	94-10-065	388-233-0070	AMD-P	94-13-008	388-250-1010	NEW-P	94-06-035
388-218-1900	NEW-P	94-07-114	388-233-0070	AMD-E	94-13-009	388-250-1010	NEW	94-09-001
388-218-1900	NEW	94-10-065	388-233-0070	AMD	94-16-044	388-250-1050	NEW-P	94-06-035
388-218-1910	NEW-P	94-07-114	388-235-0070	AMD-P	94-13-008	388-250-1050	NEW	94-09-001
388-218-1910	NEW	94-10-065	388-235-0070	AMD-E	94-13-009	388-250-1100	NEW-P	94-06-035
388-218-1920	NEW-P	94-07-114	388-235-0070	AMD	94-16-044	388-250-1100	NEW	94-09-001
388-218-1920	NEW	94-10-065	388-235-2000	AMD-P	94-13-008	388-250-1150	NEW-P	94-06-035
388-218-1930	NEW-P	94-07-114	388-235-2000	AMD-E	94-13-009	388-250-1150	NEW	94-09-001
388-218-1930	NEW	94-10-065	388-235-2000	AMD	94-16-044	388-250-1200	NEW-P	94-06-035
388-218-1940	NEW-P	94-07-114	388-235-3000	AMD-P	94-13-008	388-250-1200	NEW	94-09-001
388-218-1940	NEW	94-10-065	388-235-3000	AMD-E	94-13-009	388-250-1250	NEW-P	94-06-035
388-219-0100	NEW-P	94-07-114	388-235-3000	AMD	94-16-044	388-250-1250	NEW	94-09-001
388-219-0100	NEW	94-10-065	388-235-7300	AMD-P	94-11-024	388-250-1250	PREP	94-16-073
388-219-0200	NEW-P	94-07-114	388-235-7300	AMD	94-13-202	388-250-1300	NEW-P	94-06-035
388-219-0200	NEW	94-10-065	388-235-7400	NEW-P	94-11-024	388-250-1300	NEW	94-09-001

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-250-1350	NEW-P	94-06-035	388-265-1800	NEW	94-10-065	388-501-0190	NEW-P	94-07-114
388-250-1350	NEW	94-09-001	388-265-1850	NEW-P	94-07-114	388-501-0190	NEW	94-10-065
388-250-1400	NEW-P	94-06-035	388-265-1850	NEW	94-10-065	388-501-0195	NEW-P	94-07-114
388-250-1400	NEW	94-09-001	388-265-1900	NEW-P	94-07-114	388-502-0205	NEW-P	94-07-114
388-250-1450	NEW-P	94-06-035	388-265-1900	NEW	94-10-065	388-502-0205	NEW	94-10-065
388-250-1450	NEW	94-09-001	388-265-1950	NEW-P	94-07-114	388-502-0210	NEW-P	94-07-114
388-250-1500	NEW-P	94-06-035	388-265-1950	NEW	94-10-065	388-502-0210	NEW	94-10-065
388-250-1500	NEW	94-09-001	388-265-2000	NEW-P	94-07-114	388-502-0220	NEW-P	94-07-114
388-250-1550	NEW-P	94-06-035	388-265-2000	NEW	94-10-065	388-502-0220	NEW	94-10-065
388-250-1550	NEW	94-09-001	388-270-1005	NEW	94-05-045	388-502-0230	NEW-P	94-07-114
388-250-1600	NEW-P	94-06-035	388-270-1010	NEW	94-05-045	388-502-0230	NEW	94-10-065
388-250-1600	NEW	94-09-001	388-270-1025	NEW	94-05-045	388-502-0250	NEW-P	94-07-114
388-250-1650	NEW-P	94-06-035	388-270-1075	NEW	94-05-045	388-502-0250	NEW	94-10-065
388-250-1650	NEW	94-09-001	388-270-1100	NEW	94-05-045	388-503-0305	NEW-P	94-07-114
388-250-1700	NEW-P	94-06-035	388-270-1110	NEW	94-05-045	388-503-0305	NEW	94-10-065
388-250-1700	NEW	94-09-001	388-270-1125	NEW	94-05-045	388-503-0310	NEW-P	94-07-114
388-250-1700	AMD-P	94-12-004	388-270-1150	NEW	94-05-045	388-503-0310	NEW	94-10-065
388-250-1700	AMD-E	94-14-004	388-270-1200	NEW	94-05-045	388-503-0310	PREP	94-13-102
388-250-1700	AMD	94-15-003	388-270-1250	NEW	94-05-045	388-503-0310	AMD-E	94-14-053
388-250-1750	NEW-P	94-06-035	388-270-1300	NEW	94-05-045	388-503-0310	AMD-P	94-14-055
388-250-1750	NEW	94-09-001	388-270-1400	NEW	94-05-045	388-503-0320	NEW-P	94-07-114
388-255-1020	NEW-P	94-06-035	388-270-1500	NEW	94-05-045	388-503-0320	NEW	94-10-065
388-255-1020	NEW	94-09-001	388-270-1550	NEW	94-05-045	388-503-0350	NEW-P	94-07-114
388-255-1050	NEW-P	94-06-035	388-270-1600	NEW	94-05-045	388-503-0350	NEW	94-10-065
388-255-1050	NEW	94-09-001	388-275-0010	NEW	94-04-033	388-503-0370	NEW-P	94-07-114
388-255-1100	NEW-P	94-06-035	388-275-0020	NEW	94-04-033	388-503-0370	NEW	94-10-065
388-255-1100	NEW	94-09-001	388-275-0030	NEW	94-04-033	388-504-0405	NEW-P	94-07-114
388-255-1150	NEW-P	94-06-035	388-275-0040	NEW	94-04-033	388-504-0405	NEW	94-10-065
388-255-1150	NEW	94-09-001	388-275-0050	NEW	94-04-033	388-504-0410	NEW-P	94-07-114
388-255-1200	NEW-P	94-06-035	388-275-0060	NEW	94-04-033	388-504-0410	NEW	94-10-065
388-255-1200	NEW	94-09-001	388-275-0060	AMD-P	94-13-008	388-504-0420	NEW-P	94-07-114
388-255-1250	NEW-P	94-06-035	388-275-0060	AMD-E	94-13-009	388-504-0420	NEW	94-10-065
388-255-1250	NEW	94-09-001	388-275-0060	AMD	94-16-044	388-504-0430	NEW-P	94-07-114
388-255-1300	NEW-P	94-06-035	388-275-0070	NEW	94-04-033	388-504-0430	NEW	94-10-065
388-255-1300	NEW	94-09-001	388-275-0080	NEW	94-04-033	388-504-0440	NEW-P	94-07-114
388-255-1350	NEW-P	94-06-035	388-275-0090	NEW	94-04-033	388-504-0440	NEW	94-10-065
388-255-1350	NEW	94-09-001	388-320-115	AMD-P	94-13-025	388-504-0450	NEW-P	94-07-114
388-255-1400	NEW-P	94-06-035	388-320-115	AMD	94-16-047	388-504-0450	NEW	94-10-065
388-255-1400	NEW	94-09-001	388-320-130	AMD-P	94-13-025	388-504-0460	NEW-P	94-07-114
388-265	PREP	94-15-044	388-320-130	AMD	94-16-047	388-504-0460	NEW	94-10-065
388-265-1010	NEW-P	94-07-114	388-320-135	AMD-P	94-13-025	388-504-0470	NEW-P	94-07-114
388-265-1010	NEW	94-10-065	388-320-135	AMD	94-16-047	388-504-0470	NEW	94-10-065
388-265-1050	NEW-P	94-07-114	388-320-220	AMD-P	94-13-025	388-504-0480	NEW-P	94-07-114
388-265-1050	NEW	94-10-065	388-320-220	AMD	94-16-047	388-504-0480	NEW	94-10-065
388-265-1100	NEW-P	94-07-114	388-320-240	AMD-P	94-13-025	388-504-0485	NEW-P	94-07-114
388-265-1110	NEW	94-10-065	388-320-240	AMD	94-16-047	388-504-0485	NEW	94-10-065
388-265-1150	NEW-P	94-07-114	388-500-0005	NEW-P	94-07-114	388-505-0501	NEW-P	94-07-114
388-265-1150	NEW	94-10-065	388-500-0005	NEW	94-10-065	388-505-0501	NEW	94-10-065
388-265-1200	NEW-P	94-07-114	388-500-0005	PREP	94-16-081	388-505-0505	NEW-P	94-07-114
388-265-1200	NEW	94-10-065	388-501-0105	NEW-P	94-07-114	388-505-0505	NEW	94-10-065
388-265-1250	NEW-P	94-07-114	388-501-0105	NEW	94-10-065	388-505-0510	NEW-P	94-07-114
388-265-1250	NEW	94-10-065	388-501-0110	NEW-P	94-07-114	388-505-0510	NEW	94-10-065
388-265-1300	NEW-P	94-07-114	388-501-0110	NEW	94-10-065	388-505-0520	NEW-P	94-07-114
388-265-1300	NEW	94-10-065	388-501-0125	NEW-P	94-07-114	388-505-0520	NEW	94-10-065
388-265-1350	NEW-P	94-07-114	388-501-0125	NEW	94-10-065	388-505-0530	NEW-P	94-07-114
388-265-1350	NEW	94-10-065	388-501-0130	NEW-P	94-07-114	388-505-0530	NEW	94-10-065
388-265-1400	NEW-P	94-07-114	388-501-0130	NEW	94-10-065	388-505-0540	NEW-P	94-07-114
388-265-1400	NEW	94-10-065	388-501-0135	NEW-P	94-07-114	388-505-0540	NEW	94-10-065
388-265-1450	NEW-P	94-07-114	388-501-0135	NEW	94-10-065	388-505-0560	NEW-P	94-07-114
388-265-1450	NEW	94-10-065	388-501-0140	NEW-P	94-07-114	388-505-0560	NEW	94-10-065
388-265-1500	NEW-P	94-07-114	388-501-0140	NEW	94-10-065	388-505-0570	NEW-P	94-07-114
388-265-1500	NEW	94-10-065	388-501-0150	NEW-P	94-07-114	388-505-0570	NEW	94-10-065
388-265-1550	NEW-P	94-07-114	388-501-0150	NEW	94-10-065	388-505-0580	NEW-P	94-07-114
388-265-1550	NEW	94-10-065	388-501-0160	NEW-P	94-07-114	388-505-0580	NEW	94-10-065
388-265-1600	NEW-P	94-07-114	388-501-0160	NEW	94-10-065	388-505-0580	PREP	94-16-079
388-265-1600	NEW	94-10-065	388-501-0165	NEW-P	94-07-114	388-505-0590	NEW-P	94-07-114
388-265-1650	NEW-P	94-07-114	388-501-0165	NEW	94-10-065	388-505-0590	NEW	94-10-065
388-265-1650	NEW	94-10-065	388-501-0170	NEW-P	94-07-114	388-505-0595	NEW-P	94-07-114
388-265-1700	NEW-P	94-07-114	388-501-0170	NEW	94-10-065	388-505-0595	NEW	94-10-065
388-265-1700	NEW	94-10-065	388-501-0175	NEW-P	94-07-114	388-506-0610	NEW-P	94-07-114
388-265-1750	NEW-P	94-07-114	388-501-0175	NEW	94-10-065	388-506-0610	NEW	94-10-065
388-265-1750	NEW	94-10-065	388-501-0180	NEW-P	94-07-114	388-506-0610	PREP	94-13-103
388-265-1800	NEW-P	94-07-114	388-501-0180	NEW	94-10-065	388-506-0610	AMD-E	94-14-054

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-506-0610	AMD-P	94-14-057	388-512-1225	NEW	94-10-065	388-518-1805	NEW-P	94-07-114
388-506-0620	NEW-P	94-07-114	388-512-1225	PREP	94-16-080	388-518-1805	NEW	94-10-065
388-506-0620	NEW	94-10-065	388-512-1230	NEW-P	94-07-114	388-518-1810	NEW-P	94-07-114
388-506-0630	NEW-P	94-07-114	388-512-1230	NEW	94-10-065	388-518-1810	NEW	94-10-065
388-506-0630	NEW	94-10-065	388-512-1235	NEW-P	94-07-114	388-518-1820	NEW-P	94-07-114
388-507-0710	NEW-P	94-07-114	388-512-1235	NEW	94-10-065	388-518-1820	NEW	94-10-065
388-507-0710	NEW	94-10-065	388-512-1240	NEW-P	94-07-114	388-518-1830	NEW-P	94-07-114
388-507-0720	NEW-P	94-07-114	388-512-1240	NEW	94-10-065	388-518-1830	NEW	94-10-065
388-507-0720	NEW	94-10-065	388-512-1245	NEW-P	94-07-114	388-518-1840	NEW-P	94-07-114
388-507-0730	NEW-P	94-07-114	388-512-1245	NEW	94-10-065	388-518-1840	NEW	94-10-065
388-507-0730	NEW	94-10-065	388-512-1250	NEW-P	94-07-114	388-518-1850	NEW-P	94-07-114
388-507-0740	NEW-P	94-07-114	388-512-1250	NEW	94-10-065	388-518-1850	NEW	94-10-065
388-507-0740	NEW	94-10-065	388-512-1255	NEW-P	94-07-114	388-519-1905	NEW-P	94-07-114
388-508-0805	NEW-P	94-07-114	388-512-1255	NEW	94-10-065	388-519-1905	NEW	94-10-065
388-508-0805	NEW	94-10-065	388-512-1260	NEW-P	94-07-114	388-519-1910	NEW-P	94-07-114
388-508-0810	NEW-P	94-07-114	388-512-1260	NEW	94-10-065	388-519-1910	NEW	94-10-065
388-508-0810	NEW	94-10-065	388-512-1265	NEW-P	94-07-114	388-519-1930	NEW-P	94-07-114
388-508-0820	NEW-P	94-07-114	388-512-1265	NEW	94-10-065	388-519-1930	NEW	94-10-065
388-508-0820	NEW	94-10-065	388-512-1275	NEW-P	94-07-114	388-519-1950	NEW-P	94-07-114
388-508-0830	NEW-P	94-07-114	388-512-1275	NEW	94-10-065	388-519-1950	NEW	94-10-065
388-508-0830	NEW	94-10-065	388-512-1280	NEW-P	94-07-114	388-521-2105	NEW-P	94-07-114
388-508-0835	NEW-P	94-07-114	388-512-1280	NEW	94-10-065	388-521-2105	NEW	94-10-065
388-508-0835	NEW	94-10-065	388-513-1305	NEW-P	94-07-114	388-521-2110	NEW-P	94-07-114
388-508-0840	NEW-P	94-07-114	388-513-1305	NEW	94-10-065	388-521-2110	NEW	94-10-065
388-508-0840	NEW	94-10-065	388-513-1310	NEW-P	94-07-114	388-521-2120	NEW-P	94-07-114
388-509-0905	NEW-P	94-07-114	388-513-1310	NEW	94-10-065	388-521-2120	NEW	94-10-065
388-509-0905	NEW	94-10-065	388-513-1315	NEW-P	94-07-114	388-521-2130	NEW-P	94-07-114
388-509-0910	NEW-P	94-07-114	388-513-1315	NEW	94-10-065	388-521-2130	NEW	94-10-065
388-509-0910	NEW	94-10-065	388-513-1320	NEW-P	94-07-114	388-521-2140	NEW-P	94-07-114
388-509-0910	PREP	94-13-102	388-513-1320	NEW	94-10-065	388-521-2140	NEW	94-10-065
388-509-0910	AMD-E	94-14-053	388-513-1330	NEW-P	94-07-114	388-521-2150	NEW-P	94-07-114
388-509-0910	AMD-P	94-14-055	388-513-1330	NEW	94-10-065	388-521-2150	NEW	94-10-065
388-509-0920	NEW-P	94-07-114	388-513-1340	NEW-P	94-07-114	388-521-2155	NEW-P	94-07-114
388-509-0920	NEW	94-10-065	388-513-1340	NEW	94-10-065	388-521-2155	NEW	94-10-065
388-509-0920	PREP	94-13-102	388-513-1345	NEW-P	94-07-114	388-521-2160	NEW-P	94-07-114
388-509-0920	AMD-E	94-14-053	388-513-1345	NEW	94-10-065	388-521-2160	NEW	94-10-065
388-509-0920	AMD-P	94-14-055	388-513-1350	NEW-P	94-07-114	388-521-2170	NEW-P	94-07-114
388-509-0940	NEW-P	94-07-114	388-513-1350	NEW	94-10-065	388-521-2170	NEW	94-10-065
388-509-0940	NEW	94-10-065	388-513-1350	PREP	94-15-029	388-522-2205	NEW-P	94-07-114
388-509-0960	NEW-P	94-07-114	388-513-1360	NEW-P	94-07-114	388-522-2205	NEW	94-10-065
388-509-0960	NEW	94-10-065	388-513-1360	NEW	94-10-065	388-522-2210	NEW-P	94-07-114
388-509-0960	PREP	94-13-102	388-513-1365	NEW-P	94-07-114	388-522-2210	NEW	94-10-065
388-509-0960	AMD-E	94-14-053	388-513-1365	NEW	94-10-065	388-522-2230	NEW-P	94-07-114
388-509-0960	AMD-P	94-14-055	388-513-1365	PREP	94-15-030	388-522-2230	NEW	94-10-065
388-509-0970	NEW-P	94-07-114	388-513-1380	NEW-P	94-07-114	388-523-2305	NEW-P	94-07-114
388-509-0970	NEW	94-10-065	388-513-1380	NEW	94-10-065	388-523-2305	NEW	94-10-065
388-510-1020	NEW-P	94-07-114	388-513-1395	NEW-P	94-07-114	388-523-2320	NEW-P	94-07-114
388-510-1020	NEW	94-10-065	388-513-1395	NEW	94-10-065	388-523-2320	NEW	94-10-065
388-510-1030	NEW-P	94-07-114	388-513-1396	NEW-P	94-07-114	388-524-2405	NEW-P	94-07-114
388-510-1030	NEW	94-10-065	388-513-1396	NEW	94-10-065	388-524-2405	NEW	94-10-065
388-511-1105	NEW-P	94-07-114	388-515-1505	NEW-P	94-07-114	388-524-2420	NEW-P	94-07-114
388-511-1105	NEW	94-10-065	388-515-1505	NEW	94-10-065	388-524-2420	NEW	94-10-065
388-511-1110	NEW-P	94-07-114	388-515-1510	NEW-P	94-07-114	388-525-2505	NEW-P	94-07-114
388-511-1110	NEW	94-10-065	388-515-1510	NEW	94-10-065	388-525-2505	NEW	94-10-065
388-511-1115	NEW-P	94-07-114	388-515-1530	NEW-P	94-07-114	388-525-2520	NEW-P	94-07-114
388-511-1115	NEW	94-10-065	388-515-1530	NEW	94-10-065	388-525-2520	NEW	94-10-065
388-511-1130	NEW-P	94-07-114	388-517-1710	NEW-P	94-07-114	388-525-2570	NEW-P	94-07-114
388-511-1130	NEW	94-10-065	388-517-1710	NEW	94-10-065	388-525-2570	NEW	94-10-065
388-511-1140	NEW-P	94-07-114	388-517-1710	PREP	94-16-082	388-526-2610	NEW-P	94-07-114
388-511-1140	NEW	94-10-065	388-517-1715	NEW-P	94-07-114	388-526-2610	NEW	94-10-065
388-511-1150	NEW-P	94-07-114	388-517-1715	NEW	94-10-065	388-527-2710	NEW-P	94-07-114
388-511-1150	NEW	94-10-065	388-517-1715	PREP	94-16-082	388-527-2710	NEW	94-10-065
388-511-1160	NEW-P	94-07-114	388-517-1720	NEW-P	94-07-114	388-527-2710	PREP	94-13-104
388-511-1160	NEW	94-10-065	388-517-1720	NEW	94-10-065	388-527-2710	AMD-E	94-14-052
388-511-1170	NEW-P	94-07-114	388-517-1730	NEW-P	94-07-114	388-527-2710	AMD-P	94-14-056
388-511-1170	NEW	94-10-065	388-517-1730	NEW	94-10-065	388-527-2720	NEW-P	94-07-114
388-512-1210	NEW-P	94-07-114	388-517-1730	PREP	94-16-082	388-527-2720	NEW	94-10-065
388-512-1210	NEW	94-10-065	388-517-1740	NEW-P	94-07-114	388-528-2810	NEW-P	94-07-114
388-512-1215	NEW-P	94-07-114	388-517-1740	NEW	94-10-065	388-528-2810	NEW	94-10-065
388-512-1215	NEW	94-10-065	388-517-1750	NEW-P	94-07-114	388-529-2910	NEW-P	94-07-114
388-512-1220	NEW-P	94-07-114	388-517-1750	NEW	94-10-065	388-529-2910	NEW	94-10-065
388-512-1220	NEW	94-10-065	388-517-1760	NEW-P	94-07-114	388-529-2920	NEW-P	94-07-114
388-512-1225	NEW-P	94-07-114	388-517-1760	NEW	94-10-065	388-529-2920	NEW	94-10-065

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388-529-2930	NEW-P	94-07-114	392-127-710	REP	94-04-096	392-140-512	NEW	94-12-002
388-529-2930	NEW	94-10-065	392-127-715	REP	94-04-096	392-140-516	NEW-P	94-04-122
388-529-2940	NEW-P	94-07-114	392-127-720	REP	94-04-096	392-140-516	NEW	94-12-002
388-529-2940	NEW	94-10-065	392-127-725	REP	94-04-096	392-140-517	NEW-P	94-04-122
388-529-2950	NEW-P	94-07-114	392-127-730	REP	94-04-096	392-140-517	NEW	94-12-002
388-529-2950	NEW	94-10-065	392-127-735	REP	94-04-096	392-140-518	NEW-P	94-04-122
388-529-2960	NEW-P	94-07-114	392-127-740	REP	94-04-096	392-140-518	NEW	94-12-002
388-529-2960	NEW	94-10-065	392-127-745	REP	94-04-096	392-140-519	NEW-P	94-04-122
388-538-110	AMD	94-04-038	392-127-750	REP	94-04-096	392-140-519	NEW	94-12-002
390-05-235	AMD-P	94-07-088	392-127-755	REP	94-04-096	392-140-525	NEW-P	94-11-066
390-05-235	AMD	94-11-018	392-127-760	REP	94-04-096	392-140-525	NEW	94-14-050
390-12-010	AMD	94-05-010	392-127-765	REP	94-04-096	392-140-527	NEW-P	94-11-066
390-14-040	AMD	94-05-010	392-127-770	REP	94-04-096	392-140-527	NEW	94-14-050
390-16-011	AMD	94-05-011	392-127-775	REP	94-04-096	392-140-529	NEW-P	94-11-066
390-16-012	AMD	94-05-011	392-127-780	REP	94-04-096	392-140-529	NEW	94-14-050
390-16-031	AMD	94-05-011	392-127-785	REP	94-04-096	392-140-530	NEW-P	94-11-066
390-16-032	AMD	94-05-011	392-127-790	REP	94-04-096	392-140-530	NEW	94-14-050
390-16-033	AMD	94-05-011	392-127-795	REP	94-04-096	392-140-531	NEW-P	94-11-066
390-16-041	AMD	94-05-011	392-127-800	REP	94-04-096	392-140-531	NEW	94-14-050
390-16-050	AMD	94-05-011	392-127-805	REP	94-04-096	392-140-533	NEW-P	94-11-066
390-16-071	NEW-E	94-07-001	392-127-815	REP	94-04-096	392-140-533	NEW	94-14-050
390-16-071	NEW-P	94-07-035	392-127-820	REP	94-04-096	392-140-535	NEW-P	94-11-066
390-16-071	NEW	94-11-016	392-127-825	REP	94-04-096	392-140-535	NEW	94-14-050
390-16-207	AMD-P	94-07-035	392-127-830	REP	94-04-096	392-140-536	NEW-P	94-11-066
390-16-207	AMD	94-11-016	392-140-190	REP-P	94-11-066	392-140-536	NEW	94-14-050
390-16-238	NEW-P	94-05-097	392-140-190	REP	94-14-050	392-140-537	NEW-P	94-11-066
390-16-238	NEW	94-07-141	392-140-191	REP-P	94-11-066	392-140-537	NEW	94-14-050
390-16-245	NEW-P	94-05-097	392-140-191	REP	94-14-050	392-140-538	NEW-P	94-11-066
390-16-245	NEW	94-07-141	392-140-192	REP-P	94-11-066	392-140-538	NEW	94-14-050
390-16-300	AMD-P	94-05-097	392-140-192	REP	94-14-050	392-140-540	NEW-P	94-13-210
390-16-308	AMD-P	94-07-035	392-140-193	REP-P	94-11-066	392-140-542	NEW-P	94-13-210
390-16-308	AMD-P	94-07-088	392-140-193	REP	94-14-050	392-140-543	NEW-P	94-13-210
390-16-308	AMD-W	94-07-089	392-140-194	REP-P	94-11-066	392-140-544	NEW-P	94-13-210
390-16-308	AMD	94-11-016	392-140-194	REP	94-14-050	392-140-545	NEW-P	94-13-210
390-16-309	NEW-E	94-07-001	392-140-195	REP-P	94-11-066	392-140-548	NEW-P	94-13-210
390-16-309	NEW-P	94-07-035	392-140-195	REP	94-14-050	392-140-549	NEW-P	94-13-210
390-16-309	NEW-W	94-08-080	392-140-196	REP-P	94-11-066	392-140-551	NEW-P	94-13-210
390-16-309	NEW	94-11-016	392-140-196	REP	94-14-050	392-140-552	NEW-P	94-13-210
390-16-310	AMD-P	94-07-035	392-140-197	REP-P	94-11-066	392-140-553	NEW-P	94-13-210
390-16-310	AMD-P	94-07-088	392-140-197	REP	94-14-050	392-140-555	NEW-P	94-13-210
390-16-310	AMD-W	94-07-089	392-140-198	REP-P	94-11-066	392-140-557	NEW-P	94-13-210
390-16-310	AMD	94-11-016	392-140-198	REP	94-14-050	392-140-559	NEW-P	94-13-210
390-16-311	NEW-P	94-07-142	392-140-199	REP-P	94-11-066	392-141	PREP	94-14-076
390-16-311	NEW	94-11-017	392-140-199	REP	94-14-050	392-141-160	AMD-P	94-14-093
390-16-315	AMD-P	94-05-097	392-140-200	REP-P	94-11-066	392-141-175	AMD-P	94-14-093
390-16-324	NEW-P	94-03-087	392-140-200	REP	94-14-050	392-157-005	NEW	94-04-097
390-16-324	NEW-W	94-04-121	392-140-201	REP-P	94-11-066	392-157-010	NEW	94-04-097
390-17-071	NEW	94-05-010	392-140-201	REP	94-14-050	392-157-015	NEW	94-04-097
390-17-300	AMD-P	94-03-087	392-140-202	REP-P	94-11-066	392-157-020	NEW	94-04-097
390-17-300	AMD-W	94-04-121	392-140-202	REP	94-14-050	392-157-025	NEW	94-04-097
390-17-300	AMD	94-07-141	392-140-500	NEW-P	94-04-122	392-157-030	NEW	94-04-097
390-17-315	AMD-P	94-03-087	392-140-500	NEW	94-12-002	392-157-035	NEW	94-04-097
390-17-315	AMD-W	94-04-121	392-140-501	NEW-P	94-04-122	392-157-040	NEW	94-04-097
390-17-315	AMD	94-07-141	392-140-501	NEW	94-12-002	392-157-045	NEW	94-04-097
390-17-320	NEW-P	94-07-035	392-140-503	NEW-P	94-04-122	392-157-050	NEW	94-04-097
390-17-320	NEW	94-11-016	392-140-503	NEW	94-12-002	392-157-055	NEW	94-04-097
390-17-405	NEW-P	94-07-142	392-140-504	NEW-P	94-04-122	392-157-060	NEW	94-04-097
390-17-405	NEW	94-11-017	392-140-504	NEW	94-12-002	392-157-065	NEW	94-04-097
390-20-148	NEW-P	94-07-035	392-140-505	NEW-P	94-04-122	392-157-070	NEW	94-04-097
390-20-148	NEW	94-11-016	392-140-505	NEW	94-12-002	392-157-075	NEW	94-04-097
390-20-052	AMD-P	94-07-035	392-140-506	NEW-P	94-04-122	392-157-080	NEW	94-04-097
390-20-052	AMD	94-11-016	392-140-506	NEW	94-12-002	392-157-085	NEW	94-04-097
390-24-030	REP	94-05-010	392-140-507	NEW-P	94-04-122	392-157-090	NEW	94-04-097
390-24-031	REP	94-05-010	392-140-507	NEW	94-12-002	392-157-095	NEW	94-04-097
390-24-160	AMD	94-05-010	392-140-508	NEW-P	94-04-122	392-157-100	NEW	94-04-097
390-37-070	AMD	94-05-010	392-140-508	NEW	94-12-002	392-157-105	NEW	94-04-097
390-37-105	AMD	94-05-010	392-140-509	NEW-P	94-04-122	392-157-110	NEW	94-04-097
390-37-142	AMD	94-05-010	392-140-509	NEW	94-12-002	392-157-115	NEW	94-04-097
392-109	PREP	94-15-012	392-140-510	NEW-P	94-04-122	392-157-120	NEW	94-04-097
392-121-187	NEW-P	94-13-107	392-140-510	NEW	94-12-002	392-157-125	NEW	94-04-097
392-127-700	REP	94-04-096	392-140-511	NEW-P	94-04-122	392-157-130	NEW	94-04-097
392-127-703	REP	94-04-096	392-140-511	NEW	94-12-002	392-157-135	NEW	94-04-097
392-127-705	REP	94-04-096	392-140-512	NEW-P	94-04-122	392-157-140	NEW	94-04-097

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392-157-145	NEW	94-04-097	392-196-077	NEW-P	94-11-120	415-108-462	NEW	94-16-086
392-157-150	NEW	94-04-097	392-196-077	NEW	94-16-019	415-108-510	AMD-P	94-07-144
392-157-155	NEW	94-04-097	392-196-080	REP-P	94-11-120	415-108-510	AMD	94-11-009
392-157-160	NEW	94-04-097	392-196-080	REP	94-16-019	415-108-530	NEW-P	94-07-144
392-157-165	NEW	94-04-097	392-196-085	REP-P	94-11-120	415-108-530	NEW	94-11-009
392-157-170	NEW	94-04-097	392-196-085	REP	94-16-019	415-108-540	NEW-P	94-07-144
392-157-175	NEW	94-04-097	392-196-086	NEW-P	94-11-120	415-108-540	NEW	94-11-009
392-157-180	NEW	94-04-097	392-196-086	NEW	94-16-019	415-108-550	NEW-P	94-08-087
392-163-400	AMD-P	94-04-094	392-196-089	NEW-P	94-11-120	415-108-550	NEW	94-12-014
392-163-400	AMD	94-07-103	392-196-089	NEW	94-16-019	415-108-560	NEW-P	94-08-087
392-163-405	AMD-P	94-04-094	392-196-095	REP-P	94-11-120	415-108-560	NEW	94-12-014
392-163-405	AMD	94-07-103	392-196-095	REP	94-16-019	415-108-570	NEW-P	94-08-087
392-163-440	AMD-P	94-04-094	392-196-100	AMD-P	94-11-120	415-108-570	NEW	94-12-014
392-163-440	AMD	94-07-103	392-196-100	AMD	94-16-019	415-108-580	NEW-P	94-05-013
392-163-445	AMD-P	94-04-094	392-196-105	REP-P	94-11-120	415-108-580	NEW	94-09-040
392-163-445	AMD	94-07-103	392-196-105	REP	94-16-019	415-112-015	AMD-P	94-07-144
392-163-530	AMD-P	94-04-094	392-202-110	AMD-P	94-16-022	415-112-015	AMD	94-11-009
392-163-530	AMD	94-07-103	392-202-120	AMD-P	94-16-022	415-112-409	NEW-P	94-13-048
392-163-580	AMD-P	94-04-094	392-320-005	NEW-P	94-04-025	415-112-415	AMD-P	94-07-144
392-163-580	AMD	94-07-103	392-320-005	NEW	94-07-102	415-112-415	AMD	94-11-009
392-169-005	NEW	94-04-095	392-320-010	NEW-P	94-04-025	415-112-415	PREP	94-16-018
392-169-010	NEW	94-04-095	392-320-010	NEW	94-07-102	415-112-840	NEW-P	94-05-013
392-169-015	NEW	94-04-095	392-320-015	NEW-P	94-04-025	415-112-840	NEW-P	94-07-144
392-169-020	NEW	94-04-095	392-320-015	NEW	94-07-102	415-112-840	NEW	94-09-040
392-169-022	NEW	94-04-095	392-320-020	NEW-P	94-04-025	415-112-850	NEW	94-11-009
392-169-023	NEW	94-04-095	392-320-020	NEW	94-07-102	419-70-010	AMD-P	94-13-043
392-169-025	NEW	94-04-095	392-320-025	NEW-P	94-04-025	419-70-020	AMD-P	94-13-043
392-169-030	NEW	94-04-095	392-320-025	NEW	94-07-102	419-70-040	AMD-P	94-13-043
392-169-035	NEW	94-04-095	392-320-030	NEW-P	94-04-025	419-72-010	AMD-P	94-13-044
392-169-040	NEW	94-04-095	392-320-030	NEW	94-07-102	419-72-015	AMD-P	94-13-044
392-169-045	NEW	94-04-095	392-320-035	NEW-P	94-04-025	419-72-020	AMD-P	94-13-044
392-169-050	NEW	94-04-095	392-320-035	NEW	94-07-102	419-72-025	AMD-P	94-13-044
392-169-055	NEW	94-04-095	392-320-040	NEW-P	94-04-025	419-72-030	AMD-P	94-13-044
392-169-057	NEW	94-04-095	392-320-040	NEW	94-07-102	419-72-035	AMD-P	94-13-044
392-169-060	NEW	94-04-095	392-320-045	NEW-P	94-04-025	419-72-040	AMD-P	94-13-044
392-169-065	NEW	94-04-095	392-320-045	NEW	94-07-102	419-72-045	AMD-P	94-13-044
392-169-070	NEW	94-04-095	392-320-050	NEW-P	94-04-025	419-72-050	AMD-P	94-13-044
392-169-075	NEW	94-04-095	392-320-050	NEW	94-07-102	419-72-055	AMD-P	94-13-044
392-169-080	NEW	94-04-095	392-320-055	NEW-P	94-04-025	419-72-060	AMD-P	94-13-044
392-169-085	NEW	94-04-095	392-320-055	NEW	94-07-102	419-72-065	AMD-P	94-13-044
392-169-090	NEW	94-04-095	392-320-060	NEW-P	94-04-025	419-72-068	NEW-P	94-13-044
392-169-095	NEW	94-04-095	392-320-060	NEW	94-07-102	419-72-070	AMD-P	94-13-044
392-169-100	NEW	94-04-095	392-330-010	NEW-P	94-08-074	419-72-075	AMD-P	94-13-044
392-169-105	NEW	94-04-095	392-330-010	NEW	94-12-019	419-72-080	AMD-P	94-13-044
392-169-110	NEW	94-04-095	392-330-020	NEW-P	94-08-074	419-72-090	REP-P	94-13-044
392-169-115	NEW	94-04-095	392-330-020	NEW	94-12-019	419-72-095	REP-P	94-13-044
392-169-120	NEW	94-04-095	392-330-030	NEW-P	94-08-074	434-55	PREP	94-12-085
392-169-125	NEW	94-04-095	392-330-030	NEW	94-12-019	434-55-015	AMD-P	94-16-148
392-196-011	AMD-P	94-11-120	392-330-040	NEW-P	94-08-074	434-55-016	AMD-P	94-16-148
392-196-015	REP-P	94-11-120	392-330-040	NEW	94-12-019	434-55-030	REP-P	94-16-148
392-196-015	REP	94-16-019	392-330-050	NEW-P	94-08-074	434-55-040	AMD-P	94-16-148
392-196-020	AMD-P	94-11-120	392-330-050	NEW	94-12-019	434-55-055	AMD-P	94-16-148
392-196-020	AMD	94-16-019	392-330-060	NEW-P	94-08-074	434-55-060	AMD-P	94-16-148
392-196-025	REP-P	94-11-120	392-330-060	NEW	94-12-019	434-55-065	AMD-P	94-16-148
392-196-025	REP	94-16-019	392-330-070	NEW-P	94-08-074	434-55-066	AMD-P	94-16-148
392-196-030	REP-P	94-11-120	392-330-070	NEW	94-12-019	434-55-070	NEW-P	94-16-148
392-196-030	REP	94-16-019	392-330-080	NEW-P	94-08-074	434-55-080	NEW-P	94-16-148
392-196-035	REP-P	94-11-120	392-330-080	NEW	94-12-019	434-60-210	NEW	94-07-018
392-196-035	REP	94-16-019	415-02-030	AMD-P	94-05-012	434-60-215	NEW	94-07-018
392-196-037	REP-P	94-11-120	415-02-030	AMD	94-09-039	434-60-220	NEW	94-07-018
392-196-037	REP	94-16-019	415-02-110	NEW-P	94-05-012	434-60-230	NEW	94-07-018
392-196-040	REP-P	94-11-120	415-02-110	NEW	94-09-039	434-60-240	NEW	94-07-018
392-196-040	REP	94-16-019	415-100-190	NEW-P	94-07-143	434-60-250	NEW	94-07-018
392-196-045	REP-P	94-11-120	415-100-190	NEW	94-11-008	434-60-260	NEW	94-07-018
392-196-045	REP	94-16-019	415-104-111	NEW-P	94-05-013	434-60-270	NEW	94-07-018
392-196-050	REP-P	94-11-120	415-104-111	NEW	94-09-040	434-60-280	NEW	94-07-018
392-196-050	REP	94-16-019	415-108-010	AMD-P	94-07-144	434-60-290	NEW	94-07-018
392-196-055	AMD-P	94-11-120	415-108-010	AMD	94-11-009	434-60-300	NEW	94-07-018
392-196-055	AMD	94-16-019	415-108-461	NEW-P	94-13-048	434-60-310	NEW	94-07-018
392-196-060	AMD-P	94-11-120	415-108-461	NEW-S	94-13-197	434-60-320	NEW	94-07-018
392-196-060	AMD	94-16-019	415-108-461	NEW	94-16-086	434-60-330	NEW	94-07-018
392-196-066	REP-P	94-11-120	415-108-462	NEW-P	94-13-048	434-60-340	NEW	94-07-018
392-196-066	REP	94-16-019	415-108-462	NEW-S	94-13-197	434-60-350	NEW	94-07-018

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434-110-060	AMD-P	94-16-149	458-16-100	AMD	94-07-008	458-20-226	AMD-P	94-10-013
434-110-070	AMD-E	94-12-086	458-16-110	AMD	94-07-008	458-20-238	PREP	94-03-046
434-110-070	AMD-P	94-16-149	458-16-111	AMD	94-07-008	458-20-258	AMD-E	94-05-086
434-110-075	AMD-E	94-12-086	458-16-130	AMD	94-07-008	458-20-258	AMD-E	94-13-029
434-110-075	AMD-P	94-16-149	458-16-150	AMD	94-07-008	458-20-261	NEW-P	94-07-027
434-110-120	AMD-P	94-16-149	458-16-165	NEW	94-07-008	458-20-901	NEW-E	94-05-085
434-120-120	NEW-W	94-10-054	458-16-180	AMD	94-07-008	458-20-901	NEW-E	94-13-032
434-130-010	NEW-P	94-16-147	458-16-190	AMD	94-07-008	458-30-200	PREP	94-13-096
434-130-020	NEW-P	94-16-147	458-16-200	AMD	94-07-008	458-30-205	PREP	94-13-096
434-130-030	NEW-P	94-16-147	458-16-210	AMD	94-07-008	458-30-210	PREP	94-13-096
434-130-040	NEW-P	94-16-147	458-16-215	PREP	94-07-123	458-30-215	PREP	94-13-096
434-130-050	NEW-P	94-16-147	458-16-215	NEW-P	94-11-099	458-30-220	PREP	94-13-096
434-130-060	NEW-P	94-16-147	458-16-215	NEW	94-15-041	458-30-225	PREP	94-13-096
434-130-070	NEW-P	94-16-147	458-16-220	AMD	94-07-008	458-30-230	PREP	94-13-096
434-130-080	NEW-P	94-16-147	458-16-230	AMD	94-07-008	458-30-232	PREP	94-13-096
434-130-090	NEW-P	94-16-147	458-16-240	AMD	94-07-008	458-30-235	PREP	94-13-096
434-130-100	NEW-P	94-16-147	458-16-245	NEW	94-07-008	458-30-240	PREP	94-13-096
434-615-030	AMD-P	94-15-072	458-16-260	AMD	94-07-008	458-30-242	PREP	94-13-096
434-663-001	NEW-W	94-03-081	458-16-270	AMD	94-07-008	458-30-245	PREP	94-13-096
434-663-005	NEW-W	94-03-081	458-16-280	AMD	94-07-008	458-30-250	PREP	94-13-096
434-663-020	NEW-W	94-03-081	458-16-282	AMD	94-07-008	458-30-255	PREP	94-13-096
434-663-030	NEW-W	94-03-081	458-16-284	NEW	94-07-008	458-30-260	PREP	94-13-096
434-663-050	NEW-W	94-03-081	458-16-286	NEW	94-07-008	458-30-262	AMD	94-05-062
434-663-060	NEW-W	94-03-081	458-16-290	AMD	94-07-008	458-30-265	PREP	94-13-096
434-663-070	NEW-W	94-03-081	458-16-300	AMD	94-07-008	458-30-267	PREP	94-13-096
434-663-100	NEW	94-04-102	458-16-310	AMD	94-07-008	458-30-270	PREP	94-13-096
434-663-200	NEW	94-04-102	458-16-320	NEW	94-07-008	458-30-275	PREP	94-13-096
434-663-210	NEW	94-04-102	458-16-330	NEW	94-07-008	458-30-280	PREP	94-13-096
434-663-220	NEW	94-04-102	458-16A-010	PREP	94-10-060	458-30-285	PREP	94-13-096
434-663-230	NEW	94-04-102	458-16A-020	PREP	94-10-060	458-30-290	PREP	94-13-096
434-663-240	NEW	94-04-102	458-18-220	AMD	94-05-063	458-30-295	PREP	94-13-096
434-663-250	NEW	94-04-102	458-19-005	NEW	94-07-066	458-30-300	PREP	94-13-096
434-663-260	NEW	94-04-102	458-19-010	NEW	94-07-066	458-30-305	PREP	94-13-096
434-663-300	NEW	94-04-102	458-19-015	NEW	94-07-066	458-30-310	PREP	94-13-096
434-663-310	NEW	94-04-102	458-19-020	NEW	94-07-066	458-30-315	PREP	94-13-096
434-663-320	NEW	94-04-102	458-19-025	NEW	94-07-066	458-30-317	PREP	94-13-096
434-663-400	NEW	94-04-102	458-19-030	NEW	94-07-066	458-30-320	PREP	94-13-096
434-663-410	NEW	94-04-102	458-19-035	NEW	94-07-066	458-30-325	PREP	94-13-096
434-663-420	NEW	94-04-102	458-19-040	NEW	94-07-066	458-30-330	PREP	94-13-096
434-663-430	NEW	94-04-102	458-19-045	NEW	94-07-066	458-30-335	PREP	94-13-096
434-663-440	NEW	94-04-102	458-19-050	NEW	94-07-066	458-30-340	PREP	94-13-096
434-663-450	NEW	94-04-102	458-19-055	NEW	94-07-066	458-30-345	PREP	94-13-096
434-663-460	NEW	94-04-102	458-19-060	NEW	94-07-066	458-30-350	PREP	94-13-096
434-663-470	NEW	94-04-102	458-19-065	NEW	94-07-066	458-30-355	PREP	94-13-096
434-663-480	NEW	94-04-102	458-19-070	NEW	94-07-066	458-30-500	PREP	94-13-096
434-663-490	NEW	94-04-102	458-19-075	NEW	94-07-066	458-30-510	PREP	94-13-096
434-663-500	NEW	94-04-102	458-19-080	NEW	94-07-066	458-30-520	PREP	94-13-096
434-663-510	NEW	94-04-102	458-20-102	AMD-E	94-05-083	458-30-530	PREP	94-13-096
434-663-520	NEW	94-04-102	458-20-102	AMD-P	94-06-004	458-30-540	PREP	94-13-096
434-663-530	NEW	94-04-102	458-20-102	AMD-E	94-13-030	458-30-550	PREP	94-13-096
434-663-600	NEW	94-04-102	458-20-102	AMD	94-13-031	458-30-560	PREP	94-13-096
434-663-610	NEW	94-04-102	458-20-121	AMD	94-13-033	458-30-570	PREP	94-13-096
434-663-620	NEW	94-04-102	458-20-122	AMD-P	94-03-035	458-30-580	PREP	94-13-096
434-663-630	NEW	94-04-102	458-20-122	AMD	94-07-049	458-30-590	AMD-P	94-08-082
440-22-205	NEW-W	94-07-072	458-20-125	REP-P	94-03-037	458-30-590	AMD	94-11-098
446-65	AMD-P	94-05-023	458-20-125	REP	94-07-051	458-40-650	AMD-P	94-10-063
446-65	AMD	94-08-004	458-20-165	AMD	94-09-016	458-40-650	AMD	94-14-048
446-65-005	AMD-P	94-05-023	458-20-166	AMD	94-05-001	458-40-660	AMD-P	94-10-063
446-65-005	AMD	94-08-004	458-20-167	AMD-P	94-03-047	458-40-660	AMD	94-14-048
448-13-080	AMD-W	94-07-073	458-20-167	AMD	94-07-047	458-40-670	AMD-P	94-10-063
448-13-210	AMD-W	94-07-073	458-20-168	AMD-E	94-05-084	458-40-670	AMD	94-14-048
456-09-010	AMD-P	94-03-056	458-20-168	AMD	94-11-097	458-53-160	AMD	94-05-064
456-09-010	AMD	94-07-044	458-20-174	AMD-P	94-07-023	458-61-010	REP	94-04-088
456-09-325	AMD-P	94-03-056	458-20-17401	NEW-P	94-07-024	458-61-015	NEW	94-04-088
456-09-325	AMD	94-07-044	458-20-179	AMD	94-13-034	458-61-020	REP	94-04-088
456-09-365	AMD-P	94-03-056	458-20-185	AMD-P	94-07-025	458-61-025	NEW	94-04-088
456-09-365	AMD	94-07-044	458-20-185	AMD	94-10-061	458-61-030	AMD	94-04-088
456-10-010	AMD-P	94-03-057	458-20-186	AMD-P	94-07-026	458-61-040	REP	94-04-088
456-10-010	AMD	94-07-043	458-20-186	AMD	94-10-062	458-61-050	AMD	94-04-088
456-10-325	AMD-P	94-03-057	458-20-209	AMD-P	94-03-036	458-61-060	AMD	94-04-088
456-10-325	AMD	94-07-043	458-20-209	AMD	94-07-050	458-61-070	AMD	94-04-088
456-10-360	AMD-P	94-03-057	458-20-210	AMD-P	94-03-034	458-61-080	AMD	94-04-088

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458-61-100	AMD	94-04-088	461-08-001	NEW-E	94-07-060	468-10-150	REP	94-14-101
458-61-110	REP	94-04-088	461-08-001	NEW-P	94-07-095	468-10-160	REP-P	94-12-070
458-61-120	AMD	94-04-088	461-08-001	NEW	94-12-028	468-10-160	REP	94-14-101
458-61-130	AMD	94-04-088	461-08-047	NEW-E	94-07-060	468-10-170	REP-P	94-12-070
458-61-140	REP	94-04-088	461-08-047	NEW-P	94-07-095	468-10-170	REP	94-14-101
458-61-150	AMD	94-04-088	461-08-047	NEW	94-12-028	468-10-180	REP-P	94-12-070
458-61-200	AMD	94-04-088	461-08-144	NEW-E	94-07-060	468-10-180	REP	94-14-101
458-61-210	AMD	94-04-088	461-08-144	NEW-P	94-07-095	468-10-190	REP-P	94-12-070
458-61-220	AMD	94-04-088	461-08-144	NEW	94-12-028	468-10-190	REP	94-14-101
458-61-225	NEW	94-04-088	461-08-156	NEW-E	94-07-060	468-10-200	REP-P	94-12-070
458-61-230	AMD	94-04-088	461-08-156	NEW-P	94-07-095	468-10-200	REP	94-14-101
458-61-235	NEW	94-04-088	461-08-156	NEW	94-12-028	468-10-210	REP-P	94-12-070
458-61-240	REP	94-04-088	461-08-160	AMD-E	94-07-060	468-10-210	REP	94-14-101
458-61-250	AMD	94-04-088	461-08-160	AMD-P	94-07-095	468-10-220	REP-P	94-12-070
458-61-255	NEW	94-04-088	461-08-160	AMD	94-12-028	468-10-220	REP	94-14-101
458-61-270	REP	94-04-088	461-08-165	REP-E	94-07-060	468-10-230	REP-P	94-12-070
458-61-280	REP	94-04-088	461-08-165	REP-P	94-07-095	468-10-230	REP	94-14-101
458-61-290	AMD	94-04-088	461-08-165	REP	94-12-028	468-10-232	REP-P	94-12-070
458-61-300	AMD	94-04-088	461-08-167	NEW-E	94-07-060	468-10-232	REP	94-14-101
458-61-310	REP	94-04-088	461-08-167	NEW-P	94-07-095	468-10-234	REP-P	94-12-070
458-61-320	REP	94-04-088	461-08-167	NEW	94-12-028	468-10-234	REP	94-14-101
458-61-330	AMD	94-04-088	461-08-237	NEW-E	94-07-060	468-10-240	REP-P	94-12-070
458-61-335	AMD	94-04-088	461-08-237	NEW-P	94-07-095	468-10-240	REP	94-14-101
458-61-340	AMD	94-04-088	461-08-237	NEW	94-12-028	468-10-240	REP-P	94-12-070
458-61-360	REP	94-04-088	463-39-005	AMD-P	94-12-036	468-10-250	REP	94-14-101
458-61-370	AMD	94-04-088	463-39-005	AMD	94-16-031	468-10-260	REP-P	94-12-070
458-61-374	NEW	94-04-088	463-39-070	NEW-P	94-12-036	468-10-260	REP	94-14-101
458-61-375	NEW	94-04-088	463-39-070	NEW	94-16-031	468-10-270	REP-P	94-12-070
458-61-376	NEW	94-04-088	463-39-090	NEW-P	94-12-036	468-10-270	REP	94-14-101
458-61-380	REP	94-04-088	463-39-090	NEW	94-16-031	468-10-280	REP-P	94-12-070
458-61-390	REP	94-04-088	463-39-115	AMD-P	94-12-036	468-10-280	REP	94-14-101
458-61-400	AMD	94-04-088	463-39-115	AMD	94-16-031	468-10-290	REP-P	94-12-070
458-61-410	AMD	94-04-088	463-39-230	NEW-P	94-12-036	468-10-290	REP	94-14-101
458-61-411	NEW	94-04-088	463-39-230	NEW	94-16-031	468-10-300	REP-P	94-12-070
458-61-412	NEW	94-04-088	463-54-020	AMD-P	94-12-036	468-10-300	REP	94-14-101
458-61-420	AMD	94-04-088	463-54-020	AMD	94-16-031	468-10-310	REP-P	94-12-070
458-61-425	AMD	94-04-088	463-54-040	AMD-P	94-12-036	468-10-310	REP	94-14-101
458-61-430	AMD	94-04-088	463-54-040	AMD	94-16-031	468-10-320	REP-P	94-12-070
458-61-440	REP	94-04-088	463-54-050	AMD-P	94-12-036	468-10-320	REP	94-14-101
458-61-450	REP-W	94-13-089	463-54-050	AMD	94-16-031	468-10-400	NEW-P	94-12-070
458-61-460	REP	94-04-088	463-54-060	AMD-P	94-12-036	468-10-400	NEW	94-14-101
458-61-470	AMD	94-04-088	463-54-060	AMD	94-16-031	468-10-410	NEW-P	94-12-070
458-61-480	AMD	94-04-088	463-54-070	AMD-P	94-12-036	468-10-410	NEW	94-14-101
458-61-490	REP	94-04-088	463-54-070	AMD	94-16-031	468-10-420	NEW-P	94-12-070
458-61-500	REP	94-04-088	468-10-010	REP-P	94-12-070	468-10-420	NEW	94-14-101
458-61-510	AMD	94-04-088	468-10-010	REP	94-14-101	468-10-430	NEW-P	94-12-070
458-61-520	AMD	94-04-088	468-10-020	REP-P	94-12-070	468-10-430	NEW	94-14-101
458-61-530	REP	94-04-088	468-10-020	REP	94-14-101	468-10-440	NEW-P	94-12-070
458-61-540	AMD	94-04-088	468-10-030	REP-P	94-12-070	468-10-440	NEW	94-14-101
458-61-545	AMD	94-04-088	468-10-030	REP	94-14-101	468-10-450	NEW-P	94-12-070
458-61-548	NEW-W	94-13-089	468-10-040	REP-P	94-12-070	468-10-450	NEW	94-14-101
458-61-550	AMD	94-04-088	468-10-040	REP	94-14-101	468-10-460	NEW-P	94-12-070
458-61-553	NEW	94-04-088	468-10-050	REP-P	94-12-070	468-10-460	NEW	94-14-101
458-61-555	AMD	94-04-088	468-10-050	REP	94-14-101	468-10-470	NEW-P	94-12-070
458-61-560	REP	94-04-088	468-10-060	REP-P	94-12-070	468-10-470	NEW	94-14-101
458-61-570	REP	94-04-088	468-10-060	REP	94-14-101	468-10-480	NEW-P	94-12-070
458-61-590	AMD	94-04-088	468-10-070	REP-P	94-12-070	468-10-480	NEW	94-14-101
458-61-600	AMD	94-04-088	468-10-070	REP	94-14-101	468-10-490	NEW-P	94-12-070
458-61-610	AMD	94-04-088	468-10-080	REP-P	94-12-070	468-10-490	NEW	94-14-101
458-61-620	REP	94-04-088	468-10-080	REP	94-14-101	468-10-500	NEW-P	94-12-070
458-61-630	REP	94-04-088	468-10-090	REP-P	94-12-070	468-10-500	NEW	94-14-101
458-61-640	AMD	94-04-088	468-10-090	REP	94-14-101	468-10-510	NEW-P	94-12-070
458-61-650	AMD	94-04-088	468-10-100	REP-P	94-12-070	468-10-510	NEW	94-14-101
458-61-660	AMD	94-04-088	468-10-100	REP	94-14-101	468-10-520	NEW-P	94-12-070
458-61-670	AMD	94-04-088	468-10-110	REP-P	94-12-070	468-10-520	NEW	94-14-101
458-61-680	REP	94-04-088	468-10-110	REP	94-14-101	468-10-530	NEW-P	94-12-070
458-61-690	REP	94-04-088	468-10-120	REP-P	94-12-070	468-10-530	NEW	94-14-101
460-44A-500	AMD	94-03-061	468-10-120	REP	94-14-101	468-16-090	AMD	94-05-004
460-44A-501	AMD	94-03-061	468-10-130	REP-P	94-12-070	468-16-110	AMD	94-05-004
460-44A-502	AMD	94-03-061	468-10-130	REP	94-14-101	468-16-120	AMD	94-05-004
460-44A-504	AMD	94-03-061	468-10-140	REP-P	94-12-070	468-16-130	AMD	94-05-004
460-44A-505	AMD	94-03-061	468-10-140	REP	94-14-101	468-16-150	AMD	94-05-004

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468-38-020	AMD	94-07-054	480-35-090	AMD-P	94-10-071	484-20	AMD-S	94-14-037
468-38-030	AMD-P	94-03-042	480-35-090	AMD	94-14-010	484-20-010	AMD-P	94-09-043
468-38-030	AMD	94-07-054	480-35-100	AMD-P	94-10-071	484-20-010	AMD-S	94-14-037
468-38-075	AMD-E	94-02-064	480-35-100	AMD	94-14-010	484-20-015	AMD-P	94-09-043
468-38-075	AMD-P	94-03-043	480-35-110	AMD-P	94-10-071	484-20-015	AMD-S	94-14-037
468-38-075	AMD	94-07-055	480-35-110	AMD	94-14-010	484-20-020	AMD-P	94-09-043
468-48-010	NEW-P	94-08-054	480-35-120	AMD-P	94-10-071	484-20-020	AMD-S	94-14-037
468-48-010	NEW	94-14-065	480-35-120	AMD	94-14-010	484-20-023	AMD-P	94-09-043
468-48-020	NEW-P	94-08-054	480-40-015	AMD-P	94-11-103	484-20-023	AMD-S	94-14-037
468-48-020	NEW	94-14-065	480-40-015	AMD	94-14-014	484-20-024	NEW-P	94-09-043
468-66-010	AMD-P	94-09-031	480-40-015	AMD	94-10-072	484-20-024	NEW-S	94-14-037
468-66-010	AMD	94-12-049	480-40-070	AMD-P	94-14-015	484-20-025	AMD-P	94-09-043
468-66-050	AMD-P	94-09-031	480-40-075	AMD-P	94-10-072	484-20-025	AMD-S	94-14-037
468-66-050	AMD	94-12-049	480-40-075	AMD	94-14-015	484-20-030	AMD-P	94-09-043
468-66-055	NEW-P	94-09-031	480-40-110	AMD-P	94-10-072	484-20-030	AMD-S	94-14-037
468-66-055	NEW	94-12-049	480-40-110	AMD	94-14-015	484-20-035	AMD-P	94-09-043
468-66-060	AMD-P	94-09-031	480-40-120	AMD-P	94-10-072	484-20-035	AMD-S	94-14-037
468-66-060	AMD	94-12-049	480-40-120	AMD	94-14-015	484-20-040	AMD-P	94-09-043
468-66-080	AMD-P	94-09-031	480-40-130	AMD-P	94-10-072	484-20-040	AMD-S	94-14-037
468-66-080	AMD	94-12-049	480-40-130	AMD	94-14-015	484-20-045	AMD-P	94-09-043
468-66-130	AMD-P	94-09-031	480-40-140	REP-P	94-10-072	484-20-045	AMD-S	94-14-037
468-66-130	AMD	94-12-049	480-40-140	REP	94-14-015	484-20-050	AMD-P	94-09-043
468-66-175	REP-P	94-09-031	480-50-010	AMD	94-03-003	484-20-050	REP-S	94-14-037
468-66-175	REP	94-12-049	480-50-040	AMD	94-03-003	484-20-055	AMD-P	94-09-043
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468-100-010	AMD	94-14-102	480-60-990	AMD	94-11-003	484-20-060	AMD-P	94-09-043
468-300-010	AMD-P	94-04-077	480-62-085	AMD-P	94-07-138	484-20-060	AMD-S	94-14-037
468-300-010	AMD	94-07-104	480-62-085	AMD	94-11-003	484-20-061	NEW-P	94-09-043
468-300-010	AMD-P	94-14-026	480-62-090	AMD-P	94-07-138	484-20-061	NEW-S	94-14-037
468-300-020	AMD-P	94-04-077	480-62-090	AMD	94-11-003	484-20-062	NEW-P	94-09-043
468-300-020	AMD	94-07-104	480-70-055	AMD-P	94-11-102	484-20-062	NEW-S	94-14-037
468-300-020	AMD-P	94-14-026	480-70-055	AMD	94-14-011	484-20-063	NEW-P	94-09-043
468-300-040	AMD-P	94-04-077	480-70-250	AMD-P	94-07-136	484-20-063	NEW-S	94-14-037
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468-300-040	AMD-P	94-14-026	480-70-400	AMD-P	94-11-102	484-20-068	AMD-P	94-09-043
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480-12-050	AMD	94-11-022	480-90-051	PREP	94-15-100	484-20-080	AMD-P	94-09-043
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480-12-083	AMD	94-14-014	480-90-072	PREP	94-15-100	484-20-085	AMD-P	94-09-043
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adjudicative proceedings	PROP	94-03-044	reciprocity or waiver	PROP	94-08-095
	PERM	94-08-011		PERM	94-15-064
	PERM	94-12-038	scores	PROP	94-08-095
dentist fees	PERM	94-02-058		PERM	94-15-065
examinations, eligibility and application	PROP	94-06-046	physician assistants		
	PERM	94-11-088	alternate sponsoring or supervising		
meetings	MISC	94-04-072	physicians, relationship with	PROP	94-08-094
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Dental hygienists			Medical test sites		
education requirements	PROP	94-01-056	fees	PROP	94-11-012
	PERM	94-05-053		PROP	94-14-039
licenses			licensure	PROP	94-14-039
fees	PERM	94-02-059	Nursing, board of		
reinstatement of expired license	PERM	94-04-005	advanced registered nurse practitioners		
meetings	MISC	94-04-073	education requirements	PROP	94-10-056
Health professions quality assurance				PROP	94-11-079
division			scope of practice	PROP	94-10-056
fees	PREP	94-15-063		PROP	94-11-079
Health statistics, center for			registered nurses		
pregnancy terminations, reporting	PERM	94-04-083	continuing education	PROP	94-10-057
Hearings aids, fitters and dispensers			licensure	PROP	94-10-057
licenses			computer adaptive testing	PROP	94-01-132
				PERM	94-07-012

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Nursing care quality assurance commission		procedural rules	PROP	94-11-089
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Nursing home administrators, board of			PERM	94-08-099
administrator-in-training program	PREP 94-14-031	recordkeeping requirements	PROP	94-11-091
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meetings	PERM 94-09-006	approved legend drug use	PERM	94-02-060
	MISC 94-03-054	Physical therapy, board of		
	MISC 94-10-011	adjudicative proceedings	PERM	94-05-014
	MISC 94-16-013	licenses		
Occupational therapy practice board		applicants	PERM	94-05-014
AIDS education and training	PROP 94-10-059	continuing competency	PERM	94-05-014
education programs	PROP 94-10-059	endorsement, licensure by	PERM	94-05-014
licenses	PROP 94-10-059	interim permits	PERM	94-05-014
meetings	MISC 94-16-067	meetings	MISC	94-02-056
On-site sewage systems			MISC 94-16-068	
requirements	PERM 94-09-025	Physician assistants		
	MISC 94-16-029	alternate sponsoring or supervising		
Opticians		physicians, relationship with	PROP	94-08-094
contact lenses		Podiatric medical board		
fitting and dispensing	PROP 94-02-057	adjudicative proceedings	PROP	94-05-081
	PERM 94-06-047		PERM	94-09-008
	PROP 94-15-069	continuing education	PERM	94-05-051
records retention	PROP 94-02-057	licensure eligibility	PERM	94-05-051
	PERM 94-06-047	patient records	PERM	94-05-051
	PROP 94-15-069	substance abuse monitoring program	PROP	94-08-079
fees	PROP 94-05-032		PERM	94-14-082
	PERM 94-08-078	unlicensed persons, authorized acts	PERM	94-05-051
Optometry board		Pools		
continuing education	PERM 94-04-041	construction and operating permits,		
prescriptions for contact		fees	PROP	94-07-121
lens fitting	PROP 94-13-086		PERM	94-11-056
scope of practice	MISC 94-14-066	Practical nursing, board of		
sexual misconduct	PERM 94-04-041	fees	PROP	94-05-035
Osteopathic medicine and surgery, board of			PERM	94-08-102
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adjudicative proceedings	PROP 94-11-089	licensure		
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destruction of schedule II			PERM	94-12-039
substances in nursing homes	PERM 94-02-077	Quality improvement program for health		
list corrections and additions	PROP 94-02-089	care facilities and providers	PROP	94-09-042
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	PERM 94-07-105	emergency preparedness	PREP	94-15-028
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ephedrine prescription restrictions	PROP 94-02-078	cleanup standards	PROP	94-09-041
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	PERM 94-08-097	meetings	MISC	94-04-103

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Sex offender treatment providers certification	PROP	94-09-027	Organization and operation	PROP	94-12-092
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education requirements	PROP	94-09-027	HIGHLINE COMMUNITY COLLEGE		
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treatment standards	PERM	94-13-179	HISPANIC AFFAIRS, COMMISSION ON		
Shellfish sanitation control	PROP	94-12-087	Meetings	MISC	94-04-127
Transient accommodations	PROP	94-10-058		MISC	94-08-003
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Uniform Disciplinary Act model procedural rules for boards secretary programs and professions, adjudicative proceedings	PERM	94-04-079		MISC	94-10-016
Veterinary medication clerks fees	PROP	94-08-076	HORSE RACING COMMISSION		
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Vision care practitioners	PROP	94-08-052	testing	PROP	94-09-003
Vision Care Consumer Assistance Act, implementation	PROP	94-10-026	Definitions	PROP	94-09-003
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Water	PROP	94-08-052	Licenses		
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group A public water systems	PROP	94-08-075	Medication testing program	PERM	94-04-002
group B public water systems	PERM	94-14-001	Medications, administration by veterinarians	PREP	94-15-097
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water works operator certification	PERM	94-04-004	Quinella rules	PROP	94-05-077
			Race results, transmission	PERM	94-04-003
			Racing rules	PROP	94-09-003
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			HUMAN RIGHTS COMMISSION		
			Disability discrimination	PROP	94-04-087
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			Preemployment inquiries	PROP	94-04-087
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Washington scholars program	MISC	94-09-044	meetings	MISC	94-12-040
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	PROP	94-04-093	licenses	PERM	94-14-033
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restrictions	PROP	94-04-125		PROP	94-09-049
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off-label drugs	PROP	94-05-070	Meetings	MISC	94-01-050
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restrictions	PROP	94-04-125		MISC	94-11-076
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	PROP	94-11-082			
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reinsurance agreements	PROP	94-05-089	Boiler rules, board of		
	PROP	94-08-013	meetings	MISC	94-01-015
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			small electric boilers,		
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	PROP	94-03-048	Electrical installations		
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rate limitations	PROP	94-02-065	multiple hospitalization incidents	PREP	94-15-093
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	PROP	94-03-048	Medical and mental health treatment		
	EMER	94-03-084	fees and rules	PERM	94-02-015
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	PROP	94-11-124	licenses		
	PROP	94-15-094	applications	PROP	94-07-037
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	PREP	94-15-091	fees	PROP	94-01-047
	PROP	94-15-095		PERM	94-04-044
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and operations	PROP	94-11-124	title and ownership certificates	PROP	94-16-126
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	PROP	94-15-095	driving under the influence		
	PERM	94-15-096	withholding ownership documents	PROP	94-08-057
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	PROP	94-07-129	reciprocity and proration	PROP	94-02-025
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			experience, allowed credits	PROP	94-12-041
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			meetings	MISC	94-01-111
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registration and certificate of title	PROP	94-03-018	definitions	PERM 94-03-019
			ticket validation	PERM 94-03-019
LIQUOR CONTROL BOARD			<u>Instant game number 116 - Fortune</u>	
Agents			criteria	PERM 94-03-019
limited authority	PROP	94-11-087	definitions	PERM 94-03-019
	PERM	94-14-023	ticket validation	PERM 94-03-019
Booths	PROP	94-07-125	<u>Instant game number 117 - Cash Crop</u>	
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Breweries				PROP 94-07-116
retail sale of beer on premises	PROP	94-02-013		PERM 94-11-027
	PROP	94-06-021	definitions	PERM 94-03-019
retailers' brewery license	PROP	94-02-013		PROP 94-07-116
	PROP	94-06-021		PERM 94-11-027
Cigarette vending machines, placement	PREP	94-15-075	ticket validation	PERM 94-03-019
Cocktail lounge declassification, Sunday dining events	PROP	94-10-004		PROP 94-07-116
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Licensees			criteria	PROP 94-03-099
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consumption of alcohol during pregnancy warning signs	PROP	94-10-066		PROP 94-12-082
	PREP	94-13-124	definitions	PERM 94-15-049
	PROP	94-13-125		PROP 94-03-099
	PROP	94-15-098		PERM 94-07-029
fetal alcohol syndrome or fetal alcohol effect warning signs	PROP	94-05-094	ticket validation	PROP 94-12-082
	PROP	94-08-029		PERM 94-15-049
	PREP	94-13-124		PROP 94-03-099
	PROP	94-15-098		PERM 94-07-029
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	PERM	94-08-030		PERM 94-07-029
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	PERM	94-14-022	criteria	PROP 94-12-082
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Private clubs			ticket validation	PERM 94-15-049
advertising	PROP	94-02-014		PROP 94-12-082
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Purpose	PROP	94-11-085	criteria	PROP 94-03-099
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Seizure and confiscation of liquor	PREP	94-15-077		PROP 94-12-082
Ships chandlers			definitions	PERM 94-15-049
definition	PROP	94-05-095		PROP 94-03-099
	PERM	94-08-032		PERM 94-07-029
purchase and receipt of beer and wine	PROP	94-05-095		PROP 94-12-082
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sales limits	PROP	94-10-003	ticket validation	PROP 94-03-099
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Tobacco products				PROP 94-12-082
sales	PROP	94-08-010	<u>Instant game number 121 - Hog Mania</u>	PERM 94-15-049
	PROP	94-08-023	criteria	PROP 94-03-099
	PREP	94-15-075		PERM 94-07-029
Violations and penalties	PREP	94-15-076	definitions	PROP 94-03-099
Wineries				PERM 94-07-029
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	PROP	94-06-021		PERM 94-07-029
retailers' winery license	PROP	94-02-013	<u>Instant game number 122 - High Card</u>	
	PROP	94-06-021	criteria	PROP 94-07-116
LOTTERY COMMISSION				PERM 94-11-027
<u>Instant game number 114 - Wildcard</u>				PREP 94-14-058
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