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filed not later than November 23, 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).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of December 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.

WASHINGTON STATE REGISTER

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WASHINGTON STATE REGISTER
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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.

Raymond W. Haman
Chairman, Statute Law Committee

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **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
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95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
95-10	Apr 5	Apr 19	May 3	May 17	Jun 6
95-11	Apr 26	May 10	May 24	Jun 7	Jun 27
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95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
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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 94-23-008
PREPROPOSAL STATEMENT OF INTENT
GAMBLING COMMISSION
 [Filed November 3, 1994, 3:57 p.m.]

Specific Statutory Authority for New Rule: RCW 9.46.070.

Reasons Why the New Rule is Needed: Define compliance with taxing authorities as a condition of license issuance, give taxing authority notification when gambling license is issued and clarifies gambling commission's ability to deny, suspend or revoke gambling license if licensee does not comply with taxing requirements.

Goals of New Rule: To aid in the compliance with local taxing requirements.

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, ext. 305, FAX (206) 438-8608.

November 3, 1994
 Shanna R. Lingel
 Rules Coordinator

WSR 94-23-014
PREPROPOSAL STATEMENT OF INTENT
HORSE RACING COMMISSION
 [Filed November 4, 1994, 11:10 a.m.]

Subject of Possible Rule Making: Update chapter 260-48 WAC, Mutuels, to reflect current pari-mutuel practices and to conform with the Association of Racing Commissioners, international model rules. These changes will also involve changes to chapters 260-12, 260-40, and 260-52 WAC.

Specific Statutory Authority for New Rule: RCW 67.16.040.

Reasons Why the New Rule is Needed: Bring this chapter up to date to reflect current pari-mutuel practices and technology. These changes will simplify the chapter and allow for the development of policies to enforce this chapter.

Goals of New Rule: Reflect current pari-mutuel practice, conform with the Association of Racing Commissioners, international recommended model rules and to simplify this chapter.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Submit comments to the Washington Horse Racing Commission, c/o Bruce Batson, Executive Secretary, 7912 Martin Way, Suite D, Olympia, WA 98506, phone (206) 459-6462, FAX (206) 459-6461.

November 1, 1994
 Bruce Batson
 Executive Secretary

WSR 94-23-019
PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION
 [Filed November 7, 1994, 8:13 a.m.]

Subject of Possible Rule Making: WAC 180-27-115(5) respecting additional state construction assistance for racial balance/imbalance purposes.

Specific Statutory Authority for New Rule: RCW 28A.525.020.

Reasons Why the New Rule is Needed: Diminishing state construction funding resources, and reexamination of the purposes and priority uses of available state construction funding assistance.

Goals of New Rule: Eliminate future additional funding assistance due to racial imbalance.

Process for Developing New Rule: Solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting and amending rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact: Alberta Mehring, (206) 753-6702.

November 7, 1994
 Larry Davis
 Executive Director

WSR 94-23-022
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed November 7, 1994, 11:43 a.m.]

Subject of Possible Rule Making: Earned income types, unearned income types, definitions, income from employment or training programs, WAC 388-218-1400, 388-218-1500(c), 388-218-1050 (6)(d) and (7)(d), and 388-218-1520 (1)(a) and (b).

Specific Statutory Authority for New Rule: To incorporate federal policy reinterpretation, clarifies certain temporary disability insurance and temporary worker's compensation payments are counted as earned income.

Reasons Why the New Rule is Needed: To incorporate federal rule, adds wages paid under the National and Community Service Trust Act of 1993 (Americorps) considered as earned income.

Goals of New Rule: Clarifies certain temporary disability payments are now considered earned income. Identifies wages paid through AMERICORPS are considered earned income.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Rena Milare, Program Manager,

AFDC/Refugee Assistance Section, Division of Income Assistance, Mailstop 45400, phone 438-8311, FAX 438-8258.

November 7, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-23-023
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 7, 1994, 11:44 a.m.]

Subject of Possible Rule Making: WAC 388-250-1700 Standards of assistance—Supplemental security income.

Specific Statutory Authority for New Rule: RCW 74.04.050.

Reasons Why the New Rule is Needed: The federal government has authorized a cost of living adjustment (COLA) increasing the amount of the monthly Social Security supplemental income (SSI) benefit amount.

Goals of New Rule: The department updates the standard amounts. The monthly amount is used by the department to determine eligibility for food stamps and participation amounts for some medical programs.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Contact person is Betty Brinkman, Program Manager, AFDC/CA Section, Division of Income Assistance, Mailstop 45400, phone (SCAN 585) 438-8309, FAX (SCAN 585) 438-8258.

November 7, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-23-027
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
(Board on Fitting and Dispensing of Hearing Aids)
[Filed November 8, 1994, 9:30 a.m.]

Specific Statutory Authority for New Rule: RCW 18.35.161(1), the law relating to hearing aids.

Reasons Why the New Rule is Needed: The RCW defining inactive status omits requirement of payment of annual renewal fees. Supervision of students in hearing aid fitter dispenser programs is a recent issue requiring definition. The intent of the new rule is to ensure a supervisor/licensee takes the responsibility for their student. The Department of Health has requested that the profession adopt a rule specifying the consequences of a licensee continuing to work while in a lapsed status. Housekeeping changes are planned to remove references to "council" and replace with "board" where appropriate; to correct references to WAC numbers where they have been renumbered; and other housekeeping changes.

Goals of New Rule: To update the WAC with current references and terminology; to clarify student supervision and inactive status issues.

Process for Developing New Rule: The Board on Fitting and Dispensing of Hearing Aids will work with the Department of Health to bring rule language current and to provide new rules to clarify areas that have been identified as needing definition.

How Interested Parties can Participate in Formulation of the New Rule: There will be an open meeting held on November 18, 1994, with time provided for discussion of these proposals at 2:15 p.m. The meeting will be held at the Wyndham Gardens Hotel, 18118 Pacific Highway South, in the SeaTac area. A notice of this meeting and a copy of the proposed changes will be mailed to persons who have indicated their interest in receiving the information. The FAX number for the program is (206) 586-7774. Program staff to contact for information are Janice K. Boden, Program Manager, Janet Morehead, and Elliott Brown, Program Representatives. They may be reached at (206) 753-1817. The mailing address for letters of concern or support is Department of Health, Hearing Aid Program, P.O. Box 47869, Olympia, WA 98504-7869.

October 31, 1994
Janice K. Boden
Program Manager

WSR 94-23-028A
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
[Filed November 8, 1994, 9:34 a.m.]

Specific Statutory Authority for New Rule: RCW 43.70.250 License fees for professions. It is the policy of the state of Washington that the cost of all professional licensing programs be fully borne by the members of that profession. The secretary of health in accordance with the Administrative Procedure Act, chapter 34.05 RCW shall from time to time establish the amount of all application fees, license fees, examination fees, permit fees, renewal fees and any other fee associated with the regulation of the profession.

Reasons Why the New Rule is Needed: With the dental commission's recent decision to join into a regional dental testing agency it is anticipated that there will be significant decrease to exam related expenditures. This, and other recent legislative mandates require an analysis of existing fee structures, evaluation of anticipated expenditures and a realignment of the existing fee structure. It is anticipated that some fees will be repealed, others reduced and a few will remain consistent with division standards.

Goals of New Rule: To realign the existing fee structure to more closely reflect actual and anticipated expenditures.

Process for Developing New Rule: Agency study; and public participation process, notification of interested parties via written notification, discussion at dental commission meetings, via open public rules hearings.

How Interested Parties can Participate in Formulation of the New Rule: Written comments can be provided to Lisa R. Anderson, Program Manager, Dental Quality Assurance

Commission, P.O. Box 47867, 1112 S.E. Quince Street, Olympia, WA 98504-7867, phone (206) 586-6898, FAX (206) 664-9077. Please submit comments no later than December 30, 1994.

November 2, 1994
Bruce Miyahara
Secretary

WSR 94-23-042
PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION
[Filed November 10, 1994, 10:58 a.m.]

Specific Statutory Authority for New Rule: RCW 28A.410.010.

Reasons Why the New Rule is Needed: Simplify procedures and standardize requirements for vocational certification.

Goals of New Rule: To insure that uniform procedures and standards are established.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact Theodore Andrews, (206) 753-3222.

November 9, 1994
Larry Davis
Executive Director

WSR 94-23-051
PREPROPOSAL STATEMENT OF INTENT
SECRETARY OF STATE
(Corporations Division)
[Filed November 10, 1994, 3:08 p.m.]

Subject of Possible Rule Making: Charities.

Specific Statutory Authority for New Rule: Chapter 19.09 RCW, Charitable solicitations.

Reasons Why the New Rule is Needed: Requests from constituents and to conform to statutes.

Goals of New Rule: Amending WAC 434-120-105 Form, redesign and simplify forms and required information; WAC 434-120-215 Form, revise commercial fundraiser registration form and establish new requirements for the filing of solicitation or campaign reports; WAC 434-120-240 Contract between a commercial organization and a charitable organization, replace "campaign" with "solicitation"; WAC 434-120-255 Auditing standards, require a cover letter in place of the actual audit paperwork, from the CPA who performed the audit, the cover letter would contain the information required by the secretary; WAC 434-120-260 Surety bonds, revision to WAC to ensure all commercial fundraisers governed by this code carry surety bonds; WAC 434-120-305 When to register, clarification for charitable or mixed purpose trusts, move exemption to new section WAC

434-120-315; WAC 434-120-310 Form, revise form; WAC 434-120-335 When to file annual reports, additional explanation for filing of annual trust reports; and new section WAC 434-120-315, explains trustees' exemptions from annual reporting requirements.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Karen Dick, Corporations, Office of the Secretary of State, 505 East Union, P.O. Box 40234, Olympia, WA 98504-0234, (206) 753-7115 x 257 or (206) 586-0393, FAX (206) 664-8781.

November 10, 1994
Donald F. Whiting
Assistant Secretary of State

WSR 94-23-052
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF REVENUE
[Filed November 10, 1994, 4:30 p.m.]

Subject of Possible Rule Making: Amending WAC 458-18-220 Refunds—Rate of interest.

Specific Statutory Authority for New Rule: RCW 84.69.100, 84.08.010, 84.08.070.

Reasons Why the New Rule is Needed: The rule must be annually updated so that the rule reflects the current rate of interest to be applied when property taxes are refunded.

Goals of New Rule: To provide county treasurers with the current rate of interest to be used in refunding property taxes.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments and/or copies of rule may be directed to Kim Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 664-0086, FAX (206) 664-0693. Public meeting information, General Administration Building, Director's Conference Room #415, 210 11th and Columbia, Olympia, WA, on December 28, 1994, at 10:00 a.m. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

November 10, 1994
Les Jaster
Rules Coordinator

WSR 94-23-055
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed November 14, 1994, 11:34 a.m.]

Subject of Possible Rule Making: To adopt or update securities registration rules promulgated by the North American Securities Administrators Association, Inc. (NASAA).

Specific Statutory Authority for New Rule: RCW 21.20.450.

Reasons Why the New Rule is Needed: To update Washington law to make it current with national rules

regarding the registration of securities in the areas of real estate investment trusts, options and warrants, below investment grade investments by investment companies, master/feeder funds, telephone transactions in investment company shares, and promotional shares.

Goals of New Rule: To promote uniformity with other states which have adopted NASAA statements of policy as guidelines for registered securities offerings.

Process for Developing New Rule: The adoption of NASAA guidelines and statements of policy follows a strict protocol. Drafts developed by NASAA committees made up of state regulators are circulated to all states, industry, and the federal Securities and Exchange Commission and then voted upon by the NASAA membership.

How Interested Parties can Participate in Formulation of the New Rule: Contact the Securities Division of the Department of Financial Institutions with questions or comments, Brad Ferber, Securities Examiner, P.O. Box 9033, Olympia, WA 98507-9033, (206) 753-6928, FAX (206) 586-5068.

November 10, 1994
John L. Bley
Director

WSR 94-23-066
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed November 15, 1994, 1:16 p.m.]

Specific Statutory Authority for New Rule: RCW 18.54.070.

Reasons Why the New Rule is Needed: Uniformity in disciplinary process and sanctions through adoption of the model procedural rules for adjudicative procedures as adopted by the Department of Health and contained in chapter 246-11 WAC.

Goals of New Rule: Promote uniformity.

Process for Developing New Rule: Public meeting presentation and distribution by mail to interested persons.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Judy Haenke, P.O. Box 47863, Olympia, WA 98504-7863, or FAX (206) 586-7774. Comments should be received by December 15, 1994.

November 15, 1994
Judy Haenke
Program Manager

WSR 94-23-067
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH

[Filed November 15, 1994, 1:18 p.m.]

Specific Statutory Authority for New Rule: Chapter 18.29 RCW.

Reasons Why the New Rule is Needed: Need to amend existing WAC 246-815-050 to eliminate the requirement for testing on the amalgam polish as unlicensed persons may perform this function under the supervision of a dentist.

Goals of New Rule: Eliminate the testing of the amalgam polish for the Washington State Dental Hygiene Examination.

Process for Developing New Rule: The Dental Hygiene Examining Committee held a public meeting to discuss the intent with representatives of the Washington state dental hygiene education programs. Also, we have received multiple requests from examination candidates to eliminate the amalgam polish on the examination. We have received total support on the issue and no contesting of the issue.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties may participate by writing to Carol Lewis, Program Manager, Dental Hygiene Program, P.O. Box 47867, Olympia, WA 98504-7867, phone (206) 586-1867, FAX (206) 664-9077.

Mimi Fields, MD
for Bruce Miyahara
Secretary

WSR 94-23-072
PREPROPOSAL STATEMENT OF INTENT
HIGHER EDUCATION
COORDINATING BOARD

[Filed November 16, 1994, 2:07 p.m.]

Specific Statutory Authority for New Rule: RCW 28B.10.806.

Reasons Why the New Rule is Needed: These amendments make the following changes to the regulations for the administration of the displaced homemaker program. These amendments remove the detailed language of each contract period by relying on the public document - the contract application guidelines - RFP.

Goals of New Rule: These amendments are not substantive changes, they remove board review which is technical in nature and remains in compliance with the intent of RCW 28B.04.040(2) and 34.05.010(2).

How Interested Parties can Participate in Formulation of the New Rule: Dawn Hitchens, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, phone (206) 586-8108, FAX (206) 753-1784. Public hearing, December 27, 1994.

November 15, 1994
Elson S. Floyd
Executive Director

WSR 94-23-074
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
(Nursing Care Quality Assurance Commission)

[Filed November 16, 1994, 3:20 p.m.]

Specific Statutory Authority for New Rule: RCW 18.79.110.

Reasons Why the New Rule is Needed: WAC 246-839-505 through 246-839-575 and 246-838-140 through 246-838-240, the Washington State Nursing Care Quality Assurance Commission must develop rules specific to the commission regarding education of registered and licensed practical nurses.

Goals of New Rule: The commission intends to clarify education requirements and make WAC language consistent between the two professions.

Process for Developing New Rule: The education committee of the Washington State Nursing Care Quality Assurance Commission has the responsibility of reviewing these WACs for possible changes and will analyze comments from the public in determining these changes. The draft WAC changes will be brought to the entire commission for approval. The anticipated completion date is June 1995.

How Interested Parties can Participate in Formulation of the New Rule: Staff contact person is Joan Reilly, P.O. Box 47864, Olympia, WA 98504-7864, phone (206) 586-5657, FAX (206) 586-5935.

Patricia O. Brown, RN, MSN
Executive Director

WSR 94-23-075

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)
[Filed November 16, 1994, 3:22 p.m.]

Specific Statutory Authority for New Rule: RCW 18.79.110.

Reasons Why the New Rule is Needed: WAC 246-838-010, the definition of "supervision" from the LPN practice act (RCW 18.78.010(6)) was left out of the new consolidated practice act.

Goals of New Rule: This rule change will add the language defining "supervision" from the previous practice act into the current WAC.

Process for Developing New Rule: The Washington State Nursing Care Quality Assurance Commission will review the WAC language and analyze comments from the public in determining these changes.

How Interested Parties can Participate in Formulation of the New Rule: Staff contact person is Joan Reilly, P.O. Box 47864, Olympia, WA 98504-7864, phone (206) 586-5657, FAX (206) 586-5935.

Patricia O. Brown, RN, MSN
Executive Director

WSR 94-23-076

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)
[Filed November 16, 1994, 3:24 p.m.]

Specific Statutory Authority for New Rule: RCW 18.79.110.

Reasons Why the New Rule is Needed: WAC 246-839-120 and 246-838-130, the Washington State Nursing Care Quality Assurance Commission is developing rules specific to the commission regarding reinstatement of licensure.

Goals of New Rule: The goal of this rule change is to standardize the requirements for the two levels of licensure.

Process for Developing New Rule: The commission will receive and analyze comments from the public in drafting this document for WAC adoption.

How Interested Parties can Participate in Formulation of the New Rule: Staff contact person is Joan Reilly, P.O. Box 47864, Olympia, WA 98504-7864, phone (206) 586-5657, FAX (206) 586-5935.

Patricia O. Brown, RN, MSN
Executive Director

WSR 94-23-078

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF LABOR AND INDUSTRIES

(Apprenticeship and Training Council)
[Filed November 16, 1994, 3:34 p.m.]

Specific Statutory Authority for New Rule: RCW 49.04.010.

Reasons Why the New Rule is Needed: Establish specific types of programs and requirements for participating in types of apprenticeship programs.

Goals of New Rule: Clarify the requirements established by the council for registration and operation of specific types of apprenticeship programs.

Process for Developing New Rule: The special subcommittee of the council was appointed to draft rules to clarify the requirements established by the council for all apprenticeship programs.

How Interested Parties can Participate in Formulation of the New Rule: P. Bruce Wilde, Acting Apprenticeship Program Manager, P.O. Box 44530, Olympia, WA 98504-4530, (206) 956-5320. Mailing to all existing apprenticeship programs and interested parties. Public hearing.

November 14, 1994
Reginald Kaiser
Chair

WSR 94-23-081

PREPROPOSAL STATEMENT OF INTENT SHORELINE COMMUNITY COLLEGE

[Filed November 16, 1994, 4:37 p.m.]

Subject of Possible Rule Making: The following chapter of the Washington Administrative Code is repealed: Chapter 132G-126 WAC, Reduction in force and tenure code.

Specific Statutory Authority for New Rule: RCW 34.05.320.

Reasons Why the New Rule is Needed: Shoreline Community College is bound by negotiations under the Collective Bargaining Act and thus cannot be subject to public hearing debate concerning reduction in force and tenure code.

Goals of New Rule: To repeal in existing code that deals with issues already covered in the faculty contract.

Process for Developing New Rule: Faculty and other interested parties will be notified of the proposed repeal and will be asked to give their input to the vice-president for student services. The hearing will be an opportunity for input.

How Interested Parties can Participate in Formulation of the New Rule: Contact person is Chuck Fields, Vice-

President for Student Services, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, (206) 546-4642, FAX 546-5826.

November 15, 1994
Chuck Fields
Vice-President for
Student Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132G-126-010 Rules and regulations governing reduction in force—Objective and definition.
- WAC 132G-126-020 RIF—Procedures for determining the necessity.
- WAC 132G-126-030 RIF—Layoff units.
- WAC 132G-126-040 RIF—Seniority.
- WAC 132G-126-050 RIF—Implementation of reduction in force.
- WAC 132G-126-060 RIF—Notification, hearing and appeal.
- WAC 132G-126-070 RIF—Rights of laid off academic employees.
- WAC 132G-126-080 RIF—Special provisions.
- WAC 132G-126-200 Tenure—Purpose.
- WAC 132G-126-210 Tenure—Definitions.
- WAC 132G-126-220 Tenure—Appointment review committees—Purpose of the committees and selection of membership.
- WAC 132G-126-230 Tenure—Appointment review committees—Duties and responsibilities.
- WAC 132G-126-240 Tenure—Appointment review committees—Operating procedures.
- WAC 132G-126-250 Tenure—Authority of the board of trustees.
- WAC 132G-126-260 Tenure—Rights and reasonable expectations of the probationer.
- WAC 132G-126-270 Tenure—Dismissal of faculty members—Preamble.
- WAC 132G-126-280 Tenure—Dismissal of faculty members—Faculty categories covered.
- WAC 132G-126-290 Tenure—Dismissal of faculty members—Reasons for dismissal of a faculty member.
- WAC 132G-126-300 Tenure—Dismissal of faculty members—Composition of the dismissal review committee.
- WAC 132G-126-310 Tenure—Dismissal of faculty members—Selection of the dismissal review committee.
- WAC 132G-126-320 Tenure—Dismissal of faculty members—Preliminary procedures relating to the dismissal of a faculty member.

- WAC 132G-126-330 Tenure—Dismissal of faculty members—Initiation of formal proceedings.
- WAC 132G-126-340 Tenure—Dismissal of faculty members—Procedural rights accorded the faculty member concerned.
- WAC 132G-126-350 Tenure—Dismissal of faculty members—Responsibilities of dismissal review committee.
- WAC 132G-126-360 Tenure—Dismissal of faculty members—Duties of the hearing officer of the dismissal review committee.
- WAC 132G-126-370 Tenure—Dismissal of faculty members—Consideration by the board of trustees.
- WAC 132G-126-380 Tenure—Dismissal of faculty members—Time limits.
- WAC 132G-126-390 Tenure—Dismissal of faculty members—Publicity.
- WAC 132G-126-400 Tenure—Dismissal of faculty members—Right of the faculty member to appeal the decision of the dismissal review committee and/or the board of trustees.

WSR 94-23-083
PREPROPOSAL STATEMENT OF INTENT
HIGHER EDUCATION
COORDINATING BOARD
[Filed November 16, 1994, 4:40 p.m.]

Specific Statutory Authority for New Rule: RCW 28B.80.150 - [28B.80.]170.

Reasons Why the New Rule is Needed: Proposed rule revision adds osteopathic medicine as a field to be supported through the Western Interstate Commission for Higher Education's (WICHE) Professional Student Exchange Program in keeping with this recommendation from the state health professional resource plan. Currently only students in optometry are supported by the state through this program.

Goals of New Rule: To provide equal support in the fields of optometry and osteopathic medicine by the end of the 1997 biennium, to help meet the state's shortage areas in primary care.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Liaison with agency staff and health resource committees. Contact John Klacik, Associate Director for Student Financial Aid, (206) 586-1405 or Barbara Theiss, WICHE Certifying Officer, (206) 586-8112, FAX 753-1784.

November 15, 1994
John Klacik
Associate Director for
Student Financial Aid

WSR 94-23-087**PREPROPOSAL STATEMENT OF INTENT
HUMAN RIGHTS COMMISSION**

[Filed November 17, 1994, 3:08 p.m.]

Subject of Possible Rule Making: Chapter 162-12 WAC, Preemployment inquiry guide; chapter 162-18 WAC, Corrective employment programs; chapter 162-22 WAC, Employment disability; and chapter 162-30 WAC, Sex discrimination.

Specific Statutory Authority for New Rule: RCW 49.60.120(3).

Reasons Why the New Rule is Needed: Chapter 162-12 WAC, Preemployment inquiries, to inform employers, employment agencies, and the public of the interpretation to the parts of the law against discrimination which declare certain preemployment inquiries to be unfair practices and to streamline agency procedures; chapter 162-18 WAC, Corrective employment programs, to repeal guidelines for corrective employment programs and to streamline agency procedures; chapter 162-22 WAC, Employment handicap discrimination, to interpret and implement the handicap discrimination coverage of RCW 49.60.180, 49.60.190 and 49.60.200; chapter 162-30 WAC, Sex discrimination-maternity, to explain how the law applies to practices which disadvantage women because of pregnancy or childbirth and to streamline agency procedures.

Goals of New Rule: Chapter 162-12 WAC, Preemployment inquiries, interpretation to the parts of the law against discrimination which declare certain preemployment inquiries to be unfair practices. Clarifies agency interpretation of chapter 49.60 RCW with respect to preemployment inquiries [inquiries] and to streamline agency procedures; chapter 162-18 WAC, Corrective employment programs, to repeal guidelines for corrective employment programs and to streamline agency procedures; chapter 162-22 WAC, Employment handicap discrimination, interpret and implement the handicap coverage of RCW 49.60.180 and 49.60.190. Clarifies agency's interpretation of chapter 49.60 RCW with respect to disability discrimination in employment and to streamline agency procedures; and chapter 162-30 WAC, Sex discrimination-maternity, explains how the law applies to practices which disadvantage women because of pregnancy or childbirth. Clarifies agency's interpretation of chapter 49.60 RCW with respect to childbirth and maternity. To streamline agency procedures.

Process for Developing New Rule: Amending existing rules.

How Interested Parties can Participate in Formulation of the New Rule: Submit written comments to Idolina Reta, Director of Special Programs, 711 South Capitol Way, Evergreen Plaza Building, P.O. Box 42490, Olympia, WA 98504-2490, (206) 586-5765, FAX (206) 586-2282.

November 14, 1994
Merritt D. Long
Executive Director

WSR 94-23-090**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed November 17, 1994, 3:11 p.m.]

Subject of Possible Rule Making: Border area funding allocation formula.

Specific Statutory Authority for New Rule: RCW 66.08.190 and [66.08.]195.

Reasons Why the New Rule is Needed: The RCW is being revised to enable funds for border areas to be distributed directly by the Office of State Treasurer. The change in rule will spell out the way the formula will be revised by the Department of Community, Trade and Economic Development, which may be updated every three years if requested by a border area. The funding formula developed the Department of Community, Trade and Economic Development will be used by the state treasurer to allocate the funding.

Goals of New Rule: To provide guidance to the Department of Community, Trade and Economic Development regarding the development and revising of the border area funding formula.

Process for Developing New Rule: Ongoing discussions between the Department of Community, Trade and Economic Development staff, border area representatives, staff of the Office of the State Treasurer and the Liquor Control Board, and representatives of the Association of Washington Cities, as well as relevant state representatives and senators.

How Interested Parties can Participate in Formulation of the New Rule: Susan Roberts, Community Protection Unit, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (206) 753-0738, FAX (206) 586-0489.

November 15, 1994
Debora Brown
Special Assistant

WSR 94-23-091**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed November 17, 1994, 3:22 p.m.]

Subject of Possible Rule Making: WAC 388-49-160 Certification periods.

Specific Statutory Authority for New Rule: FNS Waiver to 7 CFR 273.10 (f)(6), RCW 74.04.050.

Reasons Why the New Rule is Needed: Waiver to 7 CFR 273.10 (f)(6) allows the department to certify certain food stamp program households for twenty-four months rather than twelve.

Goals of New Rule: To certify food stamp program households without earned income in which all members are elderly for up to twenty-four months. Currently, the maximum certification period is twelve months.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Mike Arnaud, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (206) 438-8322, FAX 438-8258.

November 17, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-23-100

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 94-43—Filed November 18, 1994, 3:55 p.m.]

Specific Statutory Authority for New Rule: Chapter 86.16 RCW, Floodplain management, RCW 36.70A.060 Washington Growth Management Act; and chapter 90.58 RCW, Shoreline Management Act of 1971. This amends WAC 173-19-470 Yakima County shoreline master program and the flood hazard ordinance.

Reasons Why the New Rule is Needed: This rule (SMP amendment) was requested by Yakima County.

Goals of New Rule: Integration of growth, shorelines, and floodplain management regulations through concurrent amendments to incorporate the critical area ordinance as part of the SMP and by enacting amendments to the flood hazard ordinance, establishing policies and standards for development in designated critical areas and administrative procedures, permit requirements and fees for such development.

Process for Developing New Rule: Compliance with RCW and WAC requirements for amending shoreline master programs including local government public involvement and hearing requirements and state agency review and approval.

How Interested Parties can Participate in Formulation of the New Rule: Contact Peter Skowlund, Shorelands Program, Washington Department of Ecology, P.O. Box 47692, Olympia, WA 98504-7692, (206) 407-6522, FAX (206) 407-6535; and Richard F. Anderwald, Yakima County Planning Department, Room 417 Courthouse, Yakima, Washington 98901, (509) 575-4124, FAX (509) 454-5395.

November 18, 1994
Linda G. Crerar
Assistant Director
Water and Shorelands Division

WSR 94-23-108

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed November 21, 1994, 1:30 p.m.]

Subject of Possible Rule Making: Fire service performance standards.

Specific Statutory Authority for New Rule: RCW 43.63A.320(12).

Reasons Why the New Rule is Needed: To identify and specify the minimum performance requirements necessary to perform the duties of Firefighter I.

Goals of New Rule: Ensure quality of training toward personnel certification.

Preproposal

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Charles Chandler, Fire Protection Services, Department of Community, Trade and Economic Development, 4317 6th Avenue S.E., P.O. Box 48350, Olympia, WA 98504-8350, phone (206) 923-4534, FAX (206) 493-2648.

November 18, 1994
Debra Brown
Special Assistant

WSR 94-23-113

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF REVENUE

[Filed November 22, 1994, 9:38 a.m.]

Subject of Possible Rule Making: Repealing chapter 458-08 WAC, Uniform procedural rules for the conduct of contested cases.

Specific Statutory Authority for New Rule: RCW 82.32.300 and 34.05.410 (1)(a).

Reasons Why the New Rule is Needed: With the adoption of WAC 458-20-10001 and 458-20-10002, chapter 458-08 WAC, Uniform procedural rules for the conduct of contested cases, is no longer necessary.

Goals of New Rule: The goal of this repealer is to remove this outdated chapter from the WAC which will eliminate any confusion that may be caused by these rules. The processes and procedures of these twenty-seven rules are replaced by the two rules, WAC 458-20-10001 and 458-20-10002.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments or requests for copies of the rule may be directed to Stephen P. Zagelow, Senior Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4291, FAX (206) 664-0693. For public meeting, General Administration Building, Director's Conference Room #415, 210 11th and Columbia, Olympia, WA, on December 28, 1994, at 1:30 p.m.

Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by December 23, 1994, TDD 1 (800) 451-7985 or 1 (206) 753-3217.

November 22, 1994
Stephen P. Zagelow
Manager, Laws and Rules

WSR 94-23-114

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF REVENUE

[Filed November 22, 1994, 9:40 a.m.]

Subject of Possible Rule Making: Amending WAC 458-20-18601 Wholesale and retail cigarette vendor licenses.

Specific Statutory Authority for New Rule: RCW 82.32.300.

Reasons Why the New Rule is Needed: The amendment to WAC 458-20-18601 coordinates the new adjudicative provisions of proposed WAC 458-20-10001 for wholesale and retail cigarette license revocation or suspension.

Goals of New Rule: This amendment cross references to the processes of WAC 458-20-10001 which eliminates the separate adjudication system contained in the present rule. WAC 458-20-10001 provides a detailed explanation of the adjudicative process.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments or requests for copies of the rule may be directed to Stephen P. Zagelow, Senior Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4291, FAX (206) 664-0693.

For public meeting, General Administration Building, Director's Conference Room #415, 210 11th and Columbia, Olympia, WA, on December 28, 1994, at 1:30 p.m.

Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by December 23, 1994, TDD 1 (800) 451-7985 or 1 (206) 753-3217.

November 22, 1994
Stephen P. Zagelow
Senior Counsel
Manager, Laws and Rules

WSR 94-23-115
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF REVENUE

[Filed November 22, 1994, 9:42 p.m.]

Subject of Possible Rule Making: New section WAC 458-20-10001 Adjudicative proceedings—Brief adjudicative proceedings—Wholesale and retail cigarette license revocation or suspension—Certificate of registration (tax registration endorsement) revocation.

Specific Statutory Authority for New Rule: RCW 82.32.300 and 34.05.410 (1)(a).

Reasons Why the New Rule is Needed: This rule explains the department's adjudicative process for wholesale and retail cigarette license revocation or suspension and certificate of registration (tax registration endorsement) revocation under the Administrative Procedure Act. These rules coordinate the rights under RCW 82.32A.020(6) with the adjudicative proceeding provisions of chapter 34.05 RCW and, in this rule, the department adopts the brief adjudicative provisions of the APA.

Goals of New Rule: The goals of the rule are to provide an efficient adjudicative process and procedure that coordinates the requirements of RCW 82.32A. [82.32A.020](6) with the adjudicative requirements and processes of chapter 34.05 RCW; and to provide taxpayers with a detailed explanation of the department's brief adjudicative process and procedure.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments or requests for copies of rule may be directed to Stephen P. Zagelow, Senior Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4291, FAX (206) 664-0693.

For public meeting, General Administration Building, Director's Conference Room #415, 210 11th and Columbia, Olympia, WA, on December 28, 1994, at 1:30 p.m.

Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by December 23, 1994, TDD 1 (800) 451-7985 or 1 (206) 753-3217.

November 22, 1994
Stephen P. Zagelow
Manager, Laws and Rules

WSR 94-23-116
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF REVENUE

[Filed November 22, 1994, 9:43 a.m.]

Subject of Possible Rule Making: New section WAC 458-20-10002 Adjudicative proceedings—Formal adjudicative proceedings—Log export enforcement actions pursuant to chapter 240-15 WAC—Orders to county officials issued pursuant to RCW 84.08.120 and 84.41.120—Converted brief adjudicative proceedings.

Specific Statutory Authority for New Rule: RCW 82.32.300 and 34.05.410 (1)(a).

Reasons Why the New Rule is Needed: This rule explains the department's adjudicative process for log export enforcement actions pursuant to chapter 240-15 WAC, orders to county officials issued pursuant to RCW 84.08.120 and 84.41.120, and converted brief adjudicative proceedings under the formal provisions of the Administrative Procedure Act.

Goals of New Rule: The goals of the rule are to provide an efficient adjudicative process and procedure for "formal" adjudicative proceedings of chapter 34.05 RCW including the adoption of the model rules of chapter 10-08 WAC; and to provide taxpayers with an explanation of the department's "formal" adjudicative process and procedure.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments or requests for copies of the rule may be directed to Stephen P. Zagelow, Senior Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4291, FAX (206) 664-0693.

For public meeting, General Administration Building, Director's Conference Room #415, 210 11th and Columbia, Olympia, WA, on December 28, 1994, at 1:30 p.m.

Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by December 23, 1994, TDD 1 (800) 451-7985 or 1 (206) 753-3217.

November 22, 1994
 Stephen P. Zagelow
 Manager, Laws and Rules

WSR 94-23-117
PREPROPOSAL STATEMENT OF INTENT
EMPLOYMENT SECURITY DEPARTMENT

[Filed November 22, 1994, 11:25 a.m.]

Subject of Possible Rule Making: Amend WAC 192-12-141 and 192-23-018 to allow claims for unemployment benefits to be filed by mail.

Specific Statutory Authority for New Rule: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rules and regulations, and 50.20.010 Benefit eligibility conditions.

Reasons Why the New Rule is Needed: Regulations currently require applicants to report in person to apply for or reopen a claim for unemployment benefits. This, together with an increased claims load, program complexity, and decreasing federal resources, has led to long waits of up to two and three hours in some offices. Payments and eligibility determinations are delayed as staff are reassigned to help walk-in customers. Federal quality performance and timeliness standards often go unmet. In-person reporting costs applicants time, money, and energy which could be better used for quality job search. Exploring alternative means of simplifying unemployment compensation policies and procedures is a recommendation of the UI task force.

Goals of New Rule: In order to improve customer service, productivity, and the work environment, mail-in applications for unemployment benefits will be tested on a pilot basis in Pierce County beginning February 1995. The goal is to eliminate long lines at the Job Service Centers, meet federal performance and timeliness standards, and increase accuracy of processing claims without increasing staff resources. The goal is also to reduce travel costs and frustration for claimants. Telephones will be answered by trained staff who will be able to answer claimant's questions, and make timely payments and eligibility decisions.

Process for Developing New Rule: Pilot rule making; and possible use of focus groups.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can participate in the pilot rule study group, which will oversee pilot activities. The group will be formed during December and January and will meet periodically during the next fifteen months to monitor, evaluate, and make recommendations on the pilot rule. Meetings will be held in Pierce County. If sufficient numbers of individuals express interest, focus groups may also be formed. Contact Janet Smith, Project Manager, Tacoma Job Service Center, P.O. Box 1895, Tacoma, WA 98401, (206) 593-7306, or FAX (206) 593-7377. Written comments may be submitted to John Nemes, Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, or FAX (206) 438-3226.

November 18, 1994
 Wendy Holden
 Deputy Commissioner

WSR 94-23-123
PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION

[Filed November 22, 1994, 4:10 p.m.]

Subject of Possible Rule Making: WAC 180-51-050 High school credit—Definition.

Specific Statutory Authority for New Rule: RCW 28A.230.090 and 28A.305.130.

Reasons Why the New Rule is Needed: To reflect recommendation of SHB 2274 task force on high school/college credit equivalencies (chapter 222, Laws of 1994).

Goals of New Rule: To change the equivalency rate from .75 to 1.0 high school credit for five quarter or three semester hours of college or university course work.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact Larry Davis, (206) 753-6715.

November 22, 1994
 Larry Davis
 Executive Director

WSR 94-23-124
PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION

[Filed November 22, 1994, 4:12 p.m.]

Subject of Possible Rule Making: Chapter 180-43 WAC, Interscholastic activities.

Specific Statutory Authority for New Rule: RCW 28A.600.200 (1) and (3).

Reasons Why the New Rule is Needed: To provide a more practicable timeline for submittal of required reports, rules and policies.

Goals of New Rule: To revise due dates for the WIAA to submit an annual report, rules and policies to the State Board of Education for review and/or approval.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact Larry Davis, (206) 753-6715.

November 22, 1994
 Larry Davis
 Executive Director

WSR 94-23-140
PREPROPOSAL STATEMENT OF INTENT
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed November 23, 1994, 10:16 a.m.]

Subject of Possible Rule Making: Amending WAC 480-120-530 Emergency services. Docket No. UT-941292.

Specific Statutory Authority for New Rule: RCW 80.01.040.

Reasons Why the New Rule is Needed: To ensure that any dedicated 911 circuit that is owned, operated or maintained by any local exchange company and interexchange telecommunications company is tested at least once every twenty-four hours and repaired or reported immediately.

Goals of New Rule: The overall goal of this possible rule making is to ensure that all 911 circuits are manually or automatically tested for a continuing signal.

Process for Developing New Rule: Agency study and written comments from regulated companies and industry and government representatives in which information and views are exchanged in an effort to reach consensus.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties may contact Wally Budsberg, Washington Utilities and Transportation Commission, Telecommunications Engineer, P.O. Box 47250, Olympia, WA 98504-7250, phone (206) 753-3682, FAX (206) 586-1150. Written comments should be filed not later than the close of business December 23, 1994. After evaluating the comments of interested persons, the commission will determine whether additional public input is appropriate, and establish procedural requirements at that time.

November 23, 1994
 Steve McLellan
 Secretary

WSR 94-23-141
PREPROPOSAL STATEMENT OF INTENT
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed November 23, 1994, 10:47 a.m.]

Subject of Possible Rule Making: Implementing "1+" equal access for the intraLATA toll market. Definitions, implementation schedule, implementation costs, customer education, equal access procedures and scope of intraLATA equal access. Docket No. UT-941362.

Specific Statutory Authority for New Rule: RCW 80.01.040.

Reasons Why the New Rule is Needed: To institute "1+" equal access for intraLATA toll in Washington state. This in turn will allow for more effective competition in the intraLATA toll market.

Goals of New Rule: The overall goal of this possible rule making is to give consumers of intraLATA toll the benefits of an effectively competitive market. Potential benefits include increased consumer choice; increased savings and increased convenience, efficiency and quality.

Process for Developing New Rule: Agency study; and workshop-type meetings with regulated companies and

consumer representatives in which information and views are exchanged in an effort to reach consensus.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties may contact Robert McMillin, Washington Utilities and Transportation Commission, Office of Policy Planning and Research, P.O. Box 47250, Olympia, WA 98504-7250, phone (206) 586-1187, FAX (206) 586-1150. Written comments should be filed not later than the close of business January 6, 1995. It is envisioned that there will be at least one meeting scheduled to discuss the proposed rule making and the small business economic impact statement (SBEIS) on or about January 23, 1995. All persons filing comments will be notified of the dates of meetings. After evaluating the comments of interested persons, the commission will determine whether additional public input is appropriate, and establish procedural requirements at that time.

November 23, 1994
 Steve McLellan
 Secretary

WSR 94-23-143
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 23, 1994, 11:06 a.m.]

Specific Statutory Authority for New Rule: Chapter 49.17 RCW, Federal Register Volume 59, No. 196, dated October 12, 1994, chapter 296-54 WAC, Safety standards for logging operations.

Reasons Why the New Rule is Needed: The Occupational Safety and Health Administration (OSHA) issued final rules specifying safety requirements covering all logging operations, regardless of the end use of the forest product. This standard replaces the existing federal standard 29 CFR 1910.266 and is comparable to WAC 296-54-45001 Pulpwood logging.

Goals of New Rule: To adopt rules at least as effective as the federal rule to meet state's 18b plan obligation to federal OSHA. State will also address its present rules to update or modify advances in the logging industry.

Process for Developing New Rule: The department must adopt rules identical or at least as effective as OSHA rules as required by RCW 49.17.010 and the OSHA/WISHA state plan agreement.

How Interested Parties can Participate in Formulation of the New Rule: Comments or requests for information may be sent to Gary Kessler, Technical Representative/Consultation, (206) 956-5454, FAX (206) 956-5459; Jerrold Bonagofsky, Technical Representative/Consultation, (206) 956-3921, FAX (206) 596-3956 [956-3956]; or Monte Hanks, Project Manager/Standards, (206) 956-4245, FAX (206) 956-5529; at the Department of Labor and Industries, P.O. Box 44620, Olympia, WA 98504-4620.

November 23, 1994
 Mark O. Brown
 Director



WSR 94-23-011
PROPOSED RULES
DEPARTMENT OF ECOLOGY

(Water Resources Program)
 [Filed November 4, 1994, 10:32 a.m.]

Original Notice.

Title of Rule: Amendments to chapter 173-548 WAC, Water resources in the Methow Valley River Basin, WRIA 48.

Purpose: Update and clarify rule based on recommendations from the Methow Valley Pilot Planning Committee.

Statutory Authority for Adoption: Chapters 34.05, 43.21A, 43.27A, and 90.54 RCW.

Statute Being Implemented: Chapters 90.44 and 90.54 RCW.

Summary: An advisory committee comprised of water users from the basin met for over two years to develop recommendations to ecology for water management within the basin. Workshops and meetings were held. The committee developed consensus recommendations which ecology agreed to use as the basis for amendments to chapter 173-548 WAC. The underlying premise was to promote conservation and use the saved water for improved instream flows and new uses without impairing existing rights.

Reasons Supporting Proposal: Instream flow during certain periods of the year are insufficient to support instream values, particularly endangered salmon. Recommendations from the committee will contribute water to instream flow. Recommendations will also improve water rights administration and water management.

Name of Agency Personnel Responsible for Drafting and Implementation: Darlene M. Frye, Central Region, 3601 West Washington Avenue, Yakima, WA 98903-1164, (509) 457-7123; and **Enforcement:** Douglas S. Clausing, Central Region, 3601 West Washington Avenue, Yakima, WA 98903-1164, (509) 457-7140.

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 amendment is designed to encourage conservation and water use efficiency while still meeting existing and future water needs for all interests in the Methow River Basin. The intent is to increase instream flows by reducing the amount of water being diverted to satisfy existing water rights. Saved water will also support the development of new uses including planned development based on public water supplies will, for the first time, not be discouraged. Administration and management of water rights, especially those for single and small group domestic supply, will be improved and with [will] include greater local involvement. The anticipated affects are improved instream flows, water made available for future growth without impairing existing rights, and improved data and water resource management.

Proposal Changes the Following Existing Rules: This proposal recommends amendments to the existing basin plan, chapter 173-548 WAC. In addition to clarifying language, the proposal would elevate small group domestic water systems to receive the same consideration as single domestic systems in the water allocation process. The preferred source of water for new uses would come from the transfer

of existing rights or from water saved through conservation. Other recommendations include standards for crop and domestic water use, establishment of a water banking system for tracking and allocating saved water and other water still available for new uses, and establishment of criteria for the conversion of existing seasonal water rights to new year around uses.

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 Darlene M. Frye, Department of Ecology, Water Resources Program, 3601 West Washington Avenue, Yakima, WA 98903-1164.

Hearing Location: Methow Valley Community Center, 1119 South Methow Valley Highway, Twisp, WA 98856, on January 19, 1995, at 7:00 to 9:30 p.m.

Submit Written Comments to: Darlene M. Frye, Department of Ecology, 3601 West Washington Avenue, Yakima, WA 98903-1164, by February 10, 1995.

Date of Intended Adoption: February 23, 1995.

November 4, 1994

Terry Husseman
for Mary Riveland
Director

AMENDATORY SECTION (Amending Order DE 76-37, filed 12/28/76)

WAC 173-548-010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Methow River basin, WRIA 48 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-548 WAC.

These requirements for new small group domestic water systems were developed and approved by the Methow Valley Water Resources Pilot Planning Project and recommended to the department of ecology as the basis for a rule change. This group is comprised of caucuses which represent the various water interests and users in the Methow Valley. Their recommendation on the elevation in priority of new small group domestic water systems in chapter 173-548 WAC is taken as an expression of the public interest.

NEW SECTION

WAC 173-548-015 Definitions. For the purposes of this chapter the following definitions shall apply:

"**Exempt well(s)**" includes those well(s) providing water to one or several houses, up to a maximum of five thousand gallons per day.

"**Open space**" means land within or related to a development, not individually owned (undivided interest), which remains undeveloped (except for approved trails and accessory structures) and that is dedicated to one or more of the following purposes: Historical/architectural preservation, wildlife habitat, agriculture or recreation.

"**Planned development(s)**" are served by a small group domestic water system as defined in this section and means any development consistent with local plan review, and uses no more than five thousand gallons per day.

"**Small group domestic**" shall include those water systems which provide water to planned developments, are

exempt from the permit requirement of RCW 90.44.050, and are owned or controlled by an incorporated homeowners association and managed in accordance with state-defined water management practices.

This definition includes "group domestics," "domestic public water supply systems," "planned development water systems," and other such similar systems described in similar terms.

"Water bank" means a locally managed water accounting system where water determined to be available for new uses and saved water made available through implementation of water conservation practices to existing water rights is tracked and maintained in reserve for allocation to new small group domestic water systems.

AMENDATORY SECTION (Amending Order DE 76-37, filed 12/28/76)

WAC 173-548-030 Future allocations—Reservation of surface water for beneficial uses. (1) The department determines that there are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Maximum surface water available for future allocation from the indicated reach is as follows:

Month	Lower Methow	Middle Methow	Upper Methow	Methow Headwaters	Early Winters Creek	Chewack River	Twisp River
Oct.	95	50	44	15	29	09	14
Nov.	116	101	46	06	21	10	15
Dec.	112	99	44	17	26	10	15
Jan.	50	36	26	08	19	03	09
Feb.	51	37	29	09	19	04	10
Mar.	147	139	80	38	19	24	18
Apr.	565	590	273	336	35	118	148
May	2,922	2,927	784	412	403	809	703
Jun.	3,116	2,853	1,017	1,249	294	1,292	890
Jul.	965	877	583	608	189	308	298
Aug.	214	192	203	109	94	70	70
Sep.	62	55	76	33	47	23	26

All figures in cubic feet per second.

(b) The control station for each reach is defined in WAC 173-548-020.

(c) The appropriation limit is set forth to be an amount equal to the one in two year natural reach discharge on a monthly basis for all management reaches except Early Winters Creek. The appropriation limit for Early Winters Creek is set forth to be an amount equal to the estimated natural mean monthly streamflow for that stream.

(2) The amounts of water referred to in WAC 173-548-030(1) above are allocated for beneficial uses in the future as follows:

(a) Allocation of surface waters by use category (April through September):

Use Description	Apr.	May	Jun.	Jul.	Aug.	Sep.
Lower Methow						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	860	1,940	2,220	800	300	300
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Middle Methow						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	650	1,500	1,500	500	220	220
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Upper Methow						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	300	690	790	240	100	100
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Methow Headwaters						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	90	430	1,160	180	32	32
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Early Winters Creek						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	23	108	290	45	8.0	11.0
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Chewack River						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	140	290	320	110	47	47
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Twisp River						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0

PROPOSED

Base Flow	100	300	440	130	27	27
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					

All figures in cubic feet per second

Base Flow	68	68	56	56	56	56
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					

(b) Allocation of surface waters by use category (October through March):

Use Description	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
<u>Lower Methow</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	425	425	350	350	350	350
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Middle Methow</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	320	320	260	260	260	260
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Upper Methow</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	150	150	120	120	120	120
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Methow Headwaters</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	60	60	42	42	42	42
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Early Winters Creek</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	15	15	10	10	10	10
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Chewack River</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0

<u>Twisp River</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	45	45	34	34	34	34
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					

All figures in cubic feet per second.

(c) Allocations presented in this section do not limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or base flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(d) As the amount of water allocated for each category of use approaches the amount available for future allocation set forth in WAC 173-548-030(1), the department shall review the program to determine whether there is a need for program revision.

(e) The following applies only to planned developments. Water acquired through conservation or conversion of seasonal agricultural water rights shall be the preferred source of water for planned developments with year round use. A determination will be made at the time of application whether the appurtenant lands are "cropland" or "orchard land." The determination will be based on the use of the lands at the time of application. If no agricultural water rights are available for conversion and water is available from the water bank, a small group domestic water system which meets the requirements of this section and is exempt from the permit requirement of RCW 90.44.050 shall have the same priority as single domestic and stock uses.

Small group domestic water supply systems shall be required to:

(i) Meter any new systems, or systems requesting change(s) in their water right.

(ii) Curtail irrigation of open space lands within the boundaries of the planned development on the first of August or the acreage irrigated on those lands must have been reduced by at least twenty-five percent for the entire year.

(iii) By April 1 of each year, a homeowners association owning or controlling a small group domestic water supply system must decide whether to reduce acreage irrigated by twenty-five percent or curtail irrigation by August 1 and notify members and potentially affected parties. A letter to the Okanogan County planning department and the department's central regional office water resources section, shall suffice for notice.

(iv) The maximum diversion rates for open space lands in planned developments (areas so designated by Okanogan County) subject to these provisions are as follows:

(A) The maximum diversion for irrigation of open space lands planted with field crops (areas so designated by Okanogan County) on which irrigation is not curtailed on August 1 shall be 0.02 cubic feet per second (cfs) per acre instantaneously not to exceed 2.7 acre feet per acre plus

ditch transportation loss of fifteen percent per mile up to a maximum total of 4.0 acre feet per acre annually.

(B) The maximum diversion for irrigation of open space lands planted with orchards on which irrigation is not curtailed on August 1 shall be 0.02 cfs instantaneous diversion, not to exceed 4.2 acre feet; plus ditch transportation loss of fifteen percent per mile, up to a maximum total of 5.0 acre feet per acre annually.

(C) The maximum diversion for irrigation of open space lands planted with field crops on which irrigation is curtailed on August 1 shall be 0.02 cfs per acre not to exceed 2.0 acre feet per acre plus ditch transportation loss of fifteen percent per mile for a maximum total of 3.0 acre feet per acre annually.

(D) The maximum diversion for irrigation of open space lands planted with orchards on which irrigation is curtailed on August 1 shall be 0.02 cfs instantaneous diversion, not to exceed 3.15 acre feet per acre plus ditch transportation loss of fifteen percent per mile, for a maximum total of 3.75 acre feet per acre annually.

(v) Water available for allocation under this section shall meet the following standards and come from:

(A) First, water saved from the conversion of agricultural lands as described in (e)(ii) of this subsection. Waters contained in the water bank from the two cubic foot per second per reach reservation as denoted in WAC 173-548-030 (availability determined by the department) would be available for allocation only after water saved from agricultural diversions has been used.

(B) The maximum amount of water use per unit or connection shall be seven hundred gallons per day (gpd) for in-house and outside use. If a more restrictive use is jointly agreed to by Okanogan County and the department, the maximum use per unit or connection shall be four hundred gallons per day for in-house and outside use.

(C) New exempt ground water uses with no irrigation are subject to a maximum use per unit or connection of four hundred gallons per day for in-house use and outside use. For the purposes of these provisions, an existing exempt well is a well in use before January 1, 1994, and exempt from the permit requirement of RCW 90.44.050.

(vi) If any conversion or curtailment of consumptive or transportation irrigation water to instream flows is applicable, an agreement to transfer the water savings to the department as a trust water right must be made prior to the approval of the small group domestic system for the planned development. When total water use after conversion from seasonal to year around use is less than is currently used under a valid water right, establishment of a trust water right for instream flow will be pursued prior to the approval of water allocations for the planned development; such trust water shall have a priority date immediately junior to the original water right.

Title of Rule: New section WAC 260-12-250 Problem gambling information sign must be posted.

Purpose: To establish an informational alternative for those who may have a problem with gambling by having available at sites where parimutuel wagering is located an informational sign, pamphlet, and a toll free hotline to seek assistance.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: To establish an alternative for problem gamblers within the state of Washington to be able to seek assistance.

Reasons Supporting Proposal: As a mandate by the 1994 legislature, these items will be displayed and available in all parimutuel wagering locations within Washington state to assist problem gamblers seek assistance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (206) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This implementation of this WAC will enable the Washington Horse Racing Commission to establish an alternative for those who may have a problem with gambling an avenue to pursue in seeking assistance by means of a pamphlet and a toll-free number.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The enactment above is not anticipated to affect more than twenty percent of all industries nor more than twenty percent of any one industry as defined by section 2(3), chapter, Laws of 1982. Therefore, a small business impact statement has not been prepared.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on December 27, 1994, at 9:00 a.m.

Submit Written Comments to: FAX (206) 459-6461, by December 26, 1994.

Date of Intended Adoption: December 27, 1994.

November 4, 1994

Bruce Batson

Executive Secretary

NEW SECTION

WAC 260-12-250 Problem gambling information sign must be posted. The legislature recognizes that some individuals in Washington State are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, gambling commission and horse racing commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, gambling commission and horse racing commission shall jointly develop informational signs concerning problem and compulsive gambling, and that signs shall be placed in establishments of horse racing licensees, gambling licensees and lottery retailers.

**WSR 94-23-015
PROPOSED RULES
HORSE RACING COMMISSION**

[Filed November 4, 1994, 11:14 a.m.]

Original Notice.

All Class A, B and C licensees shall post problem and compulsive gambling informational signs in locations of their establishments, including satellite locations, which are clearly visible in patron traffic areas. The informational signs will be provided to the licensee by the horse racing commission and will contain a toll-free hot line number for problem and compulsive gamblers.

If a licensee fails to post the problem and compulsive gambling informational signs in its establishment or satellite locations, it shall be fined \$50.00 for the first violation, \$100.00 for the second violation and \$200.00 for each violation noted thereafter.

November 7, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-512-1225 Permanently and totally disabled. (1) In general, "permanently and totally disabled" means that a person has some permanent physical or mental impairment, disease or loss that substantially precludes a person from engaging in a useful occupation within a person's competence, such as holding a substantially gainful job or homemaking. The impairment may be physical or mental, organic or functional, and of such degree as to interfere with the person's faculties, such as senses, reasoning, or mobility. It may exist from birth, be acquired during the lifetime of the person, or result from an accident. It may be obvious, such as the loss of a limb, or it may be such that it can be revealed only by medical examination. It may exist singly or in combination.

(2) The term "**permanently disabled**" refers to the existence of a physiological, anatomical, emotional and/or mental impairment verified by medical findings, which is of major importance, and is a condition not likely to improve, but will continue throughout the lifetime of the person. Any condition which is considered by the medical reviewer as not likely to respond to any known therapeutic procedure shall be deemed to be a permanent impairment. Any condition which is considered as likely to remain static or to become worse unless certain therapeutic measures are carried out shall be deemed to be permanent so long as treatment is unavailable, inadvisable, or the person refuses treatment and his decision is reasonable. See WAC 388-512-1230.

(a) A decision that an impairment is permanent can be made even though recovery from the impairment is possible. The discovery of new drugs or other advances in medical treatment is always a potential which may change a permanent situation; pending the actual physical improvement, the classification is proper. Therefore, the term "permanent" need not be everlasting or unchangeable, but is used in the sense of continuing indefinitely as distinct from temporary or transient.

(b) A physician's medical report must be used to establish the existence of an impairment and its permanency.

(3) The term "**totally disabled**" refers to a person's ability to perform those activities necessary to carry out specified responsibilities such as those necessary to employment or homemaking. Totality involves considerations in addition to those verified through the medical findings such as age, training, skills, and work experience, and the person's functioning in a person's particular situation (involving) in light of the impairment. Such social data will describe the person's education and work history, the activities required of the person at home or at work, living conditions, interests, capacity and limitations, and the extent to which the person has adjusted to the impairment.

(a) Job training may enable a permanently and totally disabled person to acquire a new skill in spite of the impairment. The person continues to be totally disabled during a reasonable period of training and until job competence is acquired.

WSR 94-23-020
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 7, 1994, 11:23 a.m.]

Original Notice.

Title of Rule: WAC 388-512-1225 Permanently and totally disabled.

Purpose: This proposed amendment is to correct a typographical error which occurred during the WAC rewrite project. This change is to reflect original language and intent.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The proposed language is to reflect original language and intent.

Reasons Supporting Proposal: To correct a typographical error at the request of Evergreen Legal Services.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This amendment is to reflect original language and intent. There is no economic impact. No industries are impacted.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on December 27, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by December 13, 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 December 20, 1994.

Date of Intended Adoption: December 28, 1994.

PROPOSED

(b) The social summary must show how the person reacts in social situations in order to illustrate that the disability substantially precludes the person from engaging in employment or homemaking in the foreseeable future. The social worker carries the major responsibility for providing the state office review team with the recorded objective social information bearing on the totality factor.

(4) The term "**substantially precludes**" relates to the extent to which a person's permanent impairment has left a person unable to engage in those activities necessary to carry on specified responsibilities such as employment and homemaking. If a person is able to perform such activities well enough and with sufficient regularity to receive substantial payment for such effort or to carry on homemaking responsibilities on a continuing basis, the person is not considered as precluded from engaging in "useful occupations" and cannot be found to be permanently and totally disabled.

(5) The term "**useful occupations**" means productive activities which add to the economic wealth, or produce goods or services to which the public attaches a monetary value. The person whose impairment is so severe that it results in being unable to leave bed, leave home, or maintain body hygiene without the help of another person, and for whom the assumption would commonly be made that the person could not engage in any useful occupation, but in fact, through supreme effort the person does some work shall have ability to work evaluated in light of:

(a) The extent to which sympathy or compassion enters into the opportunity to engage in remunerative work. In other words, is the person able to do something because family, friends, or neighbors help more than is usual; for example, running errands, bringing materials, "engineering" the job, helping devise and create special tools, creating a market based more on sympathy than intrinsic value received, selling through church or other organization without charging the usual commission, etc.; and

(b) The extent to which the energy which must be discharged by the person is far beyond that which is ordinarily required for that activity. For example, does it take six or seven hours to do what most workers could do in an hour.

(c) If through careful consideration of such facts, in addition to the medical and social reports, it can be reasonably concluded that this person is doing more than can ordinarily be expected from persons with the impairments of similar severity, but activity is not substantially gainful, a finding of permanent and total disability may be reached.

(6) The term "**homemaking**" involves the ability to carry the home management and decision-making responsibilities and provide essential services within the home for at least one person in addition to oneself. This may be either a man or a woman. If homemaking is such that children are neglected or the other person receives practically no benefit from the homemaking efforts, these facts should be clearly shown in the social summary. If the homemaker must have the help of other persons to complete the essential household tasks, it may be shown that the person is not actually able to perform as a homemaker. The following activities are important to successful performance of the occupation of homemaking: Shopping for food and supplies; planning and preparing meals; washing dishes; cleaning house; making

beds; washing and ironing clothes and, if the care of young children is within the homemaking responsibility, lifting and carrying infants; bathing and dressing young children; training and supervising children; accompanying children to community activities and to sources of medical care. A finding that a person is unable to perform the occupation of homemaking would require that the person is unable to perform a significant combination or grouping of these activities because of permanent impairment. When homemaking is the responsibility of the applicant, determination shall be made as to whether a permanent impairment prevents the client from totally meeting such responsibility.

(7) Special emotional problems.

(a) Alcoholism. For alcoholism to be considered permanently and totally disabling, at least one of the following criteria are required for approval of permanent and total disability((-):

(i) Evidence that a pathological or demonstrable organic damage has resulted from chronic alcoholism, such as neuritis or cirrhosis of the liver; or

(ii) Evidence that the alcoholism has reached the addiction state as shown by marked ethical deterioration, the obsessive character of the drinking, the approaching loss of alcohol tolerance, prolonged bouts, and a breakdown of the rationalization pattern; or

(iii) A history of several years of excessive drinking to the extent that it has adversely affected interpersonal relationships and social and economic functioning—loss of employment and inability to sustain employment because of excessive drinking.

(b) Personality inadequacy. Even though the medical report does not show a physical ailment which of itself is permanently disabling, a person may be found to be permanently and totally disabled if the medical or psychiatric report together with the social report supplemented with a psychological report, if indicated, shows an extended history of a combination of personality problems, character disorders or social inadequacies including unusual behavior, which prevents the person from making the adjustment required for an employable person or homemaker.

(i) This would include the person whose responses to the environment are habitually inadequate and who seems to have limited or no voluntary control over reactions. The symptoms of this emotionally unstable personality usually are demonstrated in antisocial or unconventional behavior; for example, drug addiction or alcoholism. The person does not get along with other people and may break many of society's rules. Most of these persons have had one difficulty after another since childhood with the typical lack of awareness and lack of remorse that is associated with this kind of behavior. The repetitive nature of their problems coupled with lack of motivation for change produces a person whose pattern provides a serious permanent impairment that can be totally disabling. Examples of this kind of personality might be:

(A) A patient returning from a mental hospital who is no longer psychotic but whose behavior would be unacceptable to a prospective employer or to family;

(B) The person who has never been able to hold a job due to a pattern of emotional instability, or other unusual behavior which shows that the person is unable, for an

extended period, to substantially engage in any gainful occupation or homemaking;

(C) Drug addiction over an extended period of time.

(ii) In all cases of personality inadequacy, the reports specified in (b) of this subsection are required.

WSR 94-23-021
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed November 7, 1994, 11:25 a.m.]

Original Notice.

Title of Rule: WAC 388-505-0580 Resources.

Purpose: Ensures the transfer of a resource is not considered when determining eligibility for a medical care program, unless the client is institutionalized.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Ensures the transfer of a resource is not considered when determining eligibility for a medical care program, unless the client is institutionalized.

Reasons Supporting Proposal: This language was requested by Evergreen Legal Services as part of the WAC rewrite project.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule does not change current intent. It reflects language requested by Evergreen Legal Services. It applies to eligibility process and does not have an economic impact.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on December 27, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by December 13, 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 December 20, 1994.

Date of Intended Adoption: December 28, 1994.

November 7, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-505-0580 Resources. (1) To be eligible for a medical care program, a person's resources shall not exceed the specified limits of the appropriate eligibility standards for the appropriate medical care programs.

(2) The department shall consider resources available when the client or spouse:

(a) Owns the resource; and

(b) Has the authority to convert the resource to cash; and

(c) Is not legally restricted from using the resource for the person's support and maintenance.

(3) The department shall exempt noncash resources when the client:

(a) Applies for categorically needy or medically needy medical assistance; and

(b) Cannot convert the noncash resource to cash within twenty work days; and

(c) Makes an ongoing attempt to convert the noncash resources to cash.

(4) The department shall consider the availability of a sales contract under WAC 388-511-1160(2) for an SSI-related client.

(5) The department shall not consider the transfer of a resource when determining Medicaid eligibility for a person who is not institutionalized. For an institutionalized client, refer to WAC 388-513-1365.

WSR 94-23-032
PROPOSED RULES
OFFICE OF MARINE SAFETY

[Filed November 8, 1994, 3:30 p.m.]

Continuance of WSR 94-17-169.

Title of Rule: Chapter 317-21 WAC, Oil spill prevention plans.

Purpose: Continue date of adoption from November 14, 1994, to November 28, 1994.

Date of Intended Adoption: November 28, 1994.

November 8, 1994

Barbara Herman

Director

WSR 94-23-039
PROPOSED RULES
BOARD OF
INDUSTRIAL INSURANCE APPEALS

[Filed November 9, 1994, 10:07 a.m.]

Original Notice.

Title of Rule: Chapter 263-12 WAC, Practice and procedure before the Board of Industrial Insurance Appeals.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-015, 263-12-080, 263-12-140, 263-12-155, 263-12-165, and 263-12-190.

Statutory Authority for Adoption: RCW 51.52.020.

Summary: The proposed revisions make a number of housekeeping changes by correcting the address of the

headquarters of the board; making gender neutral changes; modifying board meeting times and removing limit on attorney's fees fixed in instances where a worker is found totally permanently disabled within the meaning of the Industrial Insurance Act.

Reasons Supporting Proposal: To provide consistency in referral to gender in WACs; accuracy in the board's mailing address; to render the board's scheduled meetings more meaningful and effective; to better reflect prevailing fee standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia B. Latsch, 2430 Chandler Court S.W., Olympia, WA, 753-9646.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule corrects the board's address and will allow parties to properly address mailings; the rule renders all board WACs gender neutral; the rule change will render the board's management structure and meeting schedule more effective, the net effect is the reduction in the number of meetings from two to one; and the rule is designed to respond to multiple requests from workers' attorneys and to reflect input from worker, business, and attorney interest group representatives. It will remove a "cap" on attorney fees paid in instances of a worker being found totally permanently disabled.

Proposal Changes the Following Existing Rules: See Purpose, Summary and Explanation of Rule above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Because the gender references and board meeting schedule have no impact on financial issues. In addition, any attorney fee award is deducted from the benefits paid to the injured worker. If the award was in addition to the benefits, only then would there be an impact on industrial insurance tax rates and a corresponding economic impact on small business.

Hearing Location: Board of Industrial Insurance Appeals, Main Conference Room, 2430 Chandler Court S.W., Olympia, WA 98504, on December 28, 1994, at 9:30 - 11:30 a.m.

Assistance for Persons with Disabilities: Contact Dee Mathews by December 21, 1994.

Submit Written Comments to: Patricia B. Latsch, 2430 Chandler Court S.W., Olympia, WA 98504, FAX (206) 586-5611, by December 27, 1994.

Date of Intended Adoption: December 28, 1994.

November 8, 1994
Patricia Bennett Latsch
Executive Secretary

AMENDATORY SECTION (Amending Order 20, [WSR 91-13-038], filed 1/10/86 [6/14/91])

WAC 263-12-015 Administration and organization.

(1) **Composition of the board.** The board is an independent agency of the state of Washington composed of three members appointed by the governor. One member is a representative of workers, one member is a representative of

employers, and the chairperson, who must be an active member of the Washington State Bar, is the representative of the public.

(2) **Location of the board.** The headquarters, and principal office of the board, is located at 2430 Chandler Ct. S.W., (~~(MS-FL-13))~~ PO Box 42401, in Olympia, Washington 98504-2401.

(3) **Customary office hours.** The customary office hours of the board shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

(4) **Formal board meetings.** The board shall meet in formal session at its headquarters in Olympia, Washington at 9 a.m. on the first (~~(and third)~~) Tuesday of each month, and at such other times and places as the board may deem necessary, subject to 24-hour notice as required by law.

(5) **Staff organization.**

(a) The board's headquarters in Olympia is staffed with executive, administrative and clerical personnel.

(b) The board has a staff of industrial appeals judges who travel throughout the state in the performance of their duties and who have their offices in Olympia and in other areas of the state as is deemed necessary for efficient and cost effective handling of agency business.

(c) The office of the executive secretary of the board is located at the headquarters and principal office of the board.

(6) **Communications with the Board.** All written communications by parties pertaining to a particular case, including notices of appeal, applications, notices of appearance, briefs, memoranda, motions, requests, or petitions for review, shall be filed with the board at its headquarters in Olympia, Washington. All correspondence and written communications filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances written communications shall be directed to the executive secretary of the board. Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

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

AMENDATORY SECTION (Amending Order 12 [WSR 91-13-038], filed 6/14/91)

WAC 263-12-080 Correction and amendment of notice. If any notice of appeal is found by the board to be defective or insufficient, the board may require the party filing said notice of appeal to correct, clarify or amend the same to conform to the requirements of the statute and the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirement, or may issue an order providing for the denial

or dismissal of such appeal upon failure to comply within a specified time.

Any party may amend his or her notice of appeal on such terms as the industrial appeals judge may prescribe, and the industrial appeals judge may, when deemed necessary, in justice to all parties, require correction, clarification or amendment of a notice of appeal before allowing any hearing thereon to proceed, or may issue an order requiring such correction, clarification or amendment to be made within a specified time, and if such requirement is not complied with, the board may dismiss the appeal.

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

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-140 Proposed decisions and orders. Upon completion of the record and submission of the issues for decision and order, the industrial appeals judge shall enter a proposed decision and order which shall be in writing and contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon, and copies thereof shall be mailed by the board to each party to the appeal and to his or her attorney or representative of record.

AMENDATORY SECTION (Amending Order 9, filed 8/8/75)

WAC 263-12-155 Final decisions and orders after review. In those cases where a petition for review is granted, the record before the board shall be considered by a panel of at least two of the members of the board, on which not more than one industry and one labor member serve. The (~~chairman~~) chairperson may be a member of any panel. The decision and order of any such panel shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. The board shall in all cases render a final decision and order within one hundred and eighty days from the date a petition for review is filed. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to his or her attorney or representative of record.

AMENDATORY SECTION (Amending Order 11 [WSR 91-13-038], filed 6/14/91)

WAC 263-12-165 Attorney's fees. (1) **Applications for attorney's fees.** The board shall fix a reasonable attorney fee to be paid by the worker, crime victim or beneficiary for services rendered before the board if written application therefor is made by the attorney, worker, crime victim or beneficiary, as provided in RCW 51.52.120, within one year after the board's final decision and order is communicated to the party making the application. If such application for fixing of a fee is made by the attorney, it shall set forth therein the monetary amount which the attorney considers reasonable for all services rendered before the

board in an appeal. The board shall afford to all parties affected a minimum of ten days in which to submit comments and material information which may be helpful to the board in setting a fair and reasonable fee.

(2) **Fee fixing criteria.** All attorney fees fixed by the board, where application therefor has been made, shall be established in accordance with the following general principles:

(a) Only one fee shall be fixed for legal services in any one appeal regardless of the number of attorneys representing the worker, crime victim or beneficiary, except that in cases of multiple beneficiaries represented by one or multiple attorneys the board has the discretion to set more than one attorney fee if so requested.

(b) The board shall defer fixing a fee until such time as information, which it deems sufficient upon which to base a fee, is available.

(c) A fee shall be fixed only in those cases where the attorney's services are instrumental in securing additional benefits to the worker, crime victim or beneficiary or in sustaining the worker's or beneficiary's right to benefits upon an appeal by another party.

(d) Where increased compensation is obtained, the fee may be fixed without regard to any medical benefits secured.

(e) In setting all fees, the following factors shall be carefully considered and weighed:

(i) Nature of the appeal.

(ii) Novelty and complexity of the issues presented or other unusual circumstances.

(iii) Time and labor expended.

(iv) Skill and diligence in conducting the case.

(v) Extent and nature of the relief. In computing the extent of additional benefits, or the retention of benefits awarded by the department, the cost to the worker, crime victim or beneficiary of the litigation, i.e., medical examination and witness fees, shall be first deducted and the net benefits considered.

(vi) The amount of accrued time-loss payments as a result of proceedings before the board.

(vii) The prevalent practice of charging contingency fees in cases before the board.

(viii) The worker's or crime victim's circumstances and the remedial social purposes of the Industrial Insurance Act and of the Crime Victims Compensation Act, which are intended to provide sure and adequate relief to injured workers and crime victims and their families.

(f) In those cases where the payment of accumulated benefits is insufficient to allow payment of the fee set and allow the worker, crime victim or beneficiary to retain a reasonable monetary amount, the board may also set the schedule and manner in which such fee shall be payable.

(3) **Amount of fees.**

(a) Where additional compensation for permanent partial disability, loss of earning power, or total temporary disability is obtained as a result of settlement of the appeal on agreement of the parties prior to presentation of testimony, a fee of from 10 to 25 per cent of the increased compensation due the worker, crime victim or beneficiary on the date of the board's order on agreement of the parties and by reason thereof shall be fixed after considering all factors.

(b) Where additional compensation for permanent partial disability, loss of earning power or total temporary disability

is obtained after the presentation of testimony, a fee of from 10 to 30 per cent of the increased compensation shall be fixed after considering all factors. This provision shall also apply to retroactive permanent total disability (pension) benefits.

(c) Where no additional compensation is obtained, but the worker or crime victim is relieved of the payment for medical benefits, a fee of from 10 to 25 percent of the amount the worker or crime victim is so relieved of paying shall be fixed after considering all factors.

(d) Where permanent total disability (pension) benefits are obtained for the worker or crime victim, or death benefits are obtained for survivors of a deceased worker or crime victim, 10 percent of the first \$40,000.00 of the pension reserve and 15 percent of the pension reserve in excess of \$40,000.00 shall constitute the usual fee, which may be decreased or increased after weighing all factors(~~:- Provided, That in no case shall a fee in excess of \$8,000.00 be fixed~~)).

(e) Where indeterminate additional compensation is obtained because the claimant is successful in establishing a proper claim for benefits which was previously rejected or for which responsibility was denied, a fee in accordance with the preceding principles and factors shall be fixed.

(f) Where, upon an appeal by a party other than the worker or his or her beneficiary, the right to receive the benefits awarded by the department is affirmed, a fee in accordance with the preceding principles and factors shall be fixed.

(4) **Excess fee unlawful.** Where the board, pursuant to written application by an attorney, worker, crime victim or beneficiary, fixes a reasonable fee for the services of the attorney in proceedings before this board, it is unlawful for the attorney to charge or receive any fee for such services in excess of that fee so fixed, per RCW 51.52.132.

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

AMENDATORY SECTION (Amending Order 20, filed 1/10/86)

WAC 263-12-190 Petitions for rule making. (1) Right to petition for rule making. Any interested person may petition the board for the promulgation, amendment, or repeal of any rule.

(2) Form of petition. The form of the petition for promulgation, amendment, or repeal of any rule shall generally adhere to the following:

At the top of the page shall appear the wording, "Before the board of Industrial Insurance Appeals, State of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in

case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his or her attorney. The original and two legible copies of the petition shall be filed with the board. Petitions shall be on white paper, 8 1/2" x 11" in size.

(3) Consideration of petitions. All petitions shall be considered by the entire board, and the board may, in its discretion, order an informal hearing or meeting for the further consideration and discussion of the requested promulgation, amendment or repeal of any rule.

(4) Notification of disposition of petition. The board shall notify the petitioning person within a reasonable time of the disposition, if any, of the petition.

**WSR 94-23-057
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed November 14, 1994, 2:17 p.m.]

Continuance of WSR 94-11-126.
Title of Rule: Hydraulic code amendments.
Purpose: Amend hydraulic code.
Other Identifying Information: This filing is for continuance of the adoption only.
Statutory Authority for Adoption: RCW 75.08.080.
Statute Being Implemented: Chapter 75.20 RCW.
Summary: See WSR 94-11-126.
Reasons Supporting Proposal: See WSR 94-11-126.
Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Chris Drivdahl, 1111 Washington Street, Olympia, 902-2580; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.
Name of Proponent: Washington State Department of Fish and Wildlife, governmental.
Rule is not necessitated by federal law, federal or state court decision.
Date of Intended Adoption: November 10, 1994.
July 22, 1994
Robert Turner
Director

WSR 94-23-063
WITHDRAWAL OF PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 (By the Code Reviser's Office)
 [Filed November 15, 1994, 8:16 a.m.]

WAC 250-44-050, 250-44-110 and 250-44-130, proposed by the Higher Education Coordinating Board in WSR 94-10-001, appearing in issue 94-10 of the State Register, which was distributed on May 18, 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 94-23-073
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed November 16, 1994, 2:14 p.m.]

Original Notice.

Title of Rule: Amendments modifying regulations for the administration of the Displaced Homemaker Program, chapter 250-44 WAC.

Purpose: This statement of purpose is written in compliance with section 2, chapter 186, Laws of 1980, and to accompany the notice of intention to adopt, amend, or repeal rules by the Higher Education Coordinating Board.

Statutory Authority for Adoption: RCW 28B.10.806.

Statute Being Implemented: Chapter 28B.04 RCW, as amended.

Summary: These amendments make the following changes to the regulations for the administration of the Displaced Homemaker Program. These amendments remove the detailed language of each contract period by relying on the public document - the contract application guidelines - RFP.

Reasons Supporting Proposal: These amendments are not substantive changes, removes board review which is technical in nature and remains in compliance with the intent of RCW 28B.04.040(2) and 34.05.010(2).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dawn Hitchens, 917 Lakeridge Way, Olympia, 586-8108.

Name of Proponent: The 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: These amendments remove ongoing housekeeping items for the board, eliminates administrative costs for the program, yet preserves the intent of the Displaced Homemaker Act. The specific details of the contract period and funding levels will be clearly defined in the contract application guidelines which are issued every two years.

Proposal Changes the Following Existing Rules: WAC 250-44-050, 250-44-110, and 250-44-130.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Large Conference Room, P.O. Box 43430, Olympia, WA 98504-3430, on December 27, 1994, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Dawn Hitchens by December 19, 1994, TDD (206) 753-7809.

Submit Written Comments to: Higher Education Coordinating Board, Attn: Dawn Hitchens, FAX (206) 753-1784, by December 23, 1994.

Date of Intended Adoption: January 19, 1995.

November 15, 1994

Elson S. Floyd

Executive Director

AMENDATORY SECTION (Amending Resolution No. 93-8, filed 3/17/93, effective 4/17/93)

WAC 250-44-050 Utilization of available contract funds. (1) Each biennium the executive director shall issue contract application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum contract amount for a multipurpose service center to be provided depending on available funds under the act during the ~~((1993-1995))~~ upcoming biennium ~~((shall not exceed \$4,708.33 per month)).~~

(b) The maximum contract amount for a contract for a program or programs of service depending on available funds under the act during the ~~((1993-1995))~~ upcoming biennium ~~((shall not exceed \$3,292 per month)).~~

(c) A reservation of funds for contracts to provide state-wide outreach and information services and/or training for service providers.

(2) At least two multipurpose service centers, each located in a highly populated area, will be supported under the displaced homemaker program, provided adequate funds have been appropriated.

(3) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service.

AMENDATORY SECTION (Amending Resolution No. 93-8, filed 3/17/93, effective 4/17/93)

WAC 250-44-110 Length of contract periods.

Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to contract application guidelines issued by the executive director, but shall not begin before the starting date or extend beyond the end date of the upcoming biennium.

~~((1) Contracts for operation of multipurpose service centers during the 1993-1995 biennium may cover operations beginning as early as July 1, 1993, and ending June 30, 1995.~~

~~((2) Contracts for operation of programs of services during the 1993-1995 biennium may cover operations beginning as early as July 1, 1993, and ending June 30, 1995.))~~

PROPOSED

AMENDATORY SECTION (Amending Resolution No. 93-8, filed 3/17/93, effective 4/17/93)

WAC 250-44-130 Calendar and closing dates for letters of intent, applications and awards. (1) ~~((Sponsoring))~~ Organizations wishing to apply for contracts to operate multipurpose service centers, shall submit to the executive director a letter of intent, accompanied by appropriate documentation of public or nonprofit status ~~((in the case of nonpublic applicants, by Friday, February 19, 1993)),~~ as specified in the contract application guidelines.

(2) The executive director or the director's designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible ~~((sponsoring))~~ organizations which filed letters of intent and distribute the list to all ~~((organizations on the list, by Tuesday, March 2, 1993, or))~~ applicants within seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts for multipurpose service centers may be submitted by ~~((sponsoring))~~ organizations on the list pursuant to subsection (2) of this section. ~~((The closing dates for such))~~ Applications ((by Friday, March 19, 1993;)) must be submitted by the date as specified in the contract application guidelines.

(4) ~~((Sponsoring))~~ Organizations wishing to apply for contracts to operate programs of service shall submit to the executive director a letter of intent, accompanied by appropriate documentation of public or nonprofit status ~~((in the case of nonpublic applicants, by Friday, February 19, 1993))~~ by the date specified in the guidelines.

(5) The executive director or the director's designee will screen the letters of intent for programs of service ~~((and a state wide outreach and information services program)),~~ prepare a list of all eligible ~~((sponsoring))~~ organizations which filed letters of intent, and distribute the list to all organizations on the list, ~~((by Tuesday, March 2, 1993, or))~~ within seven days from the filing date for letters of intent as specified in the contract application guidelines.

(6) Applications for contracts for programs of service ~~((and a state wide outreach and information services program))~~ may be submitted by ~~((sponsoring))~~ organizations on the list pursuant to subsection (5) of this section by ~~((Friday, March 19, 1993, as))~~ the date specified in the contract application guidelines.

(7) The executive director of the board will approve awards of contracts, provided qualifying applications were received by the closing dates specified in this section and in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive director may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing centers and programs by amendment of contracts in effect.

WSR 94-23-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Vocational Rehabilitation)
[Filed November 17, 1994, 3:25 p.m.]

Original Notice.

Title of Rule: Chapter 490-500 WAC, Vocational rehabilitation and services for individuals with disabilities.

Purpose: This chapter is amended as required under the 1993 changes to chapter 74.29 RCW and reflects the 1992 amendments to the Rehabilitation Act of 1973.

Statutory Authority for Adoption: RCW 74.29.025.

Statute Being Implemented: RCW 74.29.025.

Summary: Most of the changes are relatively minor, but are necessary to bring the Division of Vocational Rehabilitation into compliance with the 1993 changes to chapter 74.29 RCW and the Rehabilitation Act of 1973.

Reasons Supporting Proposal: Chapter 490-500 WAC is revised as required under 1993 changes to chapter 74.29 RCW and also reflects the changes made in 1992 to the Rehabilitation Act of 1973. Minor changes are necessary to bring Division of Vocational Rehabilitation into compliance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vi Moody, Division of Vocational Rehabilitation, 438-8025.

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

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

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed rules have no economic impact on small businesses. The development and amendment of these rules do not cause a change in a fee and do not cost more for the services that this department offers a client. The client is offered job skill building opportunities and the proposed rules do not lessen services and do not cost a client financially anything more. The department is providing more services to a client by these proposed rule changes.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on January 24, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by January 10, 1995, 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 January 17, 1995.

Date of Intended Adoption: January 25, 1995.

November 17, 1994

Dewey Brock, Chief

Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 95-01 issue of the Register as it was received after the applicable

closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 94-23-099
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 94-42—Filed November 18, 1994, 3:51 p.m.]

Original Notice.

Title of Rule: Skagit County shoreline management master program.

Purpose: Amend WAC 173-19-370.

Statutory Authority for Adoption: Chapter 90.58 RCW.

Statute Being Implemented: Chapter 90.58 RCW.

Summary: Rewrite to aquaculture chapter of Skagit County shoreline management master program.

Reasons Supporting Proposal: Request for amendment was made by Skagit County.

Name of Agency Personnel Responsible for Drafting: Alice Schisel, NWRO, 3190 160th Avenue S.E., Bellevue, WA, (206) 649-4309; Implementation and Enforcement: Jay Shepard, 300 Desmond Drive, Lacey, WA, (206) 407-7280.

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 amendment establishes policies, goals and regulations for aquaculture practices along the shorelines of Skagit County. The purpose of this amendment is to update the shoreline management master program to cover changes brought about by the introduction of new forms of commercial aquaculture. This amendment will enable the county to better address aquaculture.

Proposal Changes the Following Existing Rules: Amends WAC 173-19-370.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 19.85 RCW, the Regulatory Fairness Act, requires mitigating action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than 20% of all industries or more than 10% of any one industry. This amendment proposed by Skagit County does not meet the criteria requiring the preparation of a small business economic impact statement.

Hearing Location: Hearing Room C, County Administration Building, 700 South Second, Mount Vernon, WA 98273, on January 19, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Kris Jessett by January 13, 1995, TDD (206) 649-4259, or (206) 649-7011.

Submit Written Comments to: Alice Schisel, NWRO, Ecology, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, FAX (206) 649-7098, by January 29, 1995.

Date of Intended Adoption: February 15, 1995.

November 10, 1994

Mary Riveland

Director

AMENDATORY SECTION (Amending Order DE 87-39, filed 11/4/87)

WAC 173-19-370 Skagit County. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981. Revision approved November 23, 1981. Revision approved August 19, 1982. Revision approved February 24, 1983. Revision approved March 22, 1984. Revision approved October 27, 1987. Revision approved February 15, 1995.

WSR 94-23-101
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 93-35—Filed November 18, 1994, 3:58 p.m.]

Original Notice.

Title of Rule: Motor vehicle emission inspection, chapter 173-422 WAC.

Purpose: Comply with the requirements of the Environmental Protection Agency and to improve the effectiveness and cost effectiveness of the program.

Statutory Authority for Adoption: Chapter 70.120 RCW.

Statute Being Implemented: Chapter 70.120 RCW.

Summary: Requires the use of an EPA developed emission test procedure (IM240) and increases the repair cost limit to \$450 for 1981 and newer vehicles in the Spokane area. Increases the repair cost limit to \$200 for 1981 and newer vehicles in the Puget Sound and Vancouver areas.

Reasons Supporting Proposal: 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 ambient air quality standard for carbon monoxide in Spokane.

Name of Agency Personnel Responsible for Drafting: John Raymond, Ecology, P.O. Box 47600, Lacey, WA 98504-7600, (206) 407-6856; Implementation and Enforcement: Joseph R. Williams, Ecology, P.O. Box 47600, Lacey, WA 98504-7600, (206) 407-6880.

Name of Proponent: Department of Ecology, Air Quality Program, governmental.

Rule is necessary because of federal law, 42 U.S.C. 740/et. seq. as amended by Public Law 101-549, November 15, 1990.

Explanation of Rule, its Purpose, and Anticipated Effects: The two following revisions are being proposed to comply with the requirements of the Environmental Protection Agency and to improve the effectiveness and cost effectiveness of the program. Failure to comply with the federal requirements will result in restrictions on new or modified industrial air pollution sources and highway funds being withheld. Increased inspection fees and repair costs are expected.

PROPOSED

PROPOSED

Requires the use of the EPA developed emission test procedure (IM240) and increasing the repair cost limit to \$450 for 1981 and newer vehicles in the Spokane area.

Increases to \$200 the repair cost limit for 1981 and newer vehicles in the Puget Sound and Vancouver areas.

The two following revisions of the rule are being proposed to improve the cost effectiveness of the program.

Dropping the testing of one year old vehicles.

Dropping emission equipment checks as a part of the regular test.

Proposal Changes the Following Existing Rules: Requires the use of the EPA developed emission test procedure (IM240) and increasing the repair cost limit to \$450 for 1981 and newer vehicles in the Spokane area.

Increases to \$200 the repair cost limit for 1981 and newer vehicles in the Puget Sound and Vancouver areas.

Drops the testing of one year old vehicles.

Drops emission equipment checks as a part of the regular test.

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 John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (206) 407-6856, or FAX (206) 407-6802.

Hearing Location: 3190 160th Avenue S.E., Room 1A, Bellevue, on January 3, 1995, at 7:00 p.m.; at 1200 Fort Vancouver Way, Vancouver, on January 4, 1995, at 7:00 p.m.; and at North 4601 Monroe, Suite 202, Spokane, on January 5, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Sandi Newton, (206) 407-6826 by December 27, 1994, TDD (206) 407-6206.

Submit Written Comments to: John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (206) 407-6802, by January 18, 1995.

Date of Intended Adoption: February 28, 1995.

November 18, 1994

Mary Riveland

Director

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

WAC 173-422-020 Definitions. Unless a different meaning is clearly indicated by context, the following definitions will apply:

~~(1) ("Accuracy" means the degree of correctness by which the true value of a measured sample is determined.~~

~~(2) "Calibration gases" mean a blend of hydrocarbon (propane), carbon monoxide (CO), and carbon dioxide using nitrogen as carrier gas. The concentrations are to be traceable to within two percent of NBS standards.~~

~~(3)) "Appropriate repair" means the diagnosis of the cause(s) of an emission test failure and the repair of one or more of these causes. An appropriate repair should reduce at least one emission test reading.~~

~~(2) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which certifies that ((all of)) the following conditions have been met: ((The recipient's vehicle initially failed the emission inspection, the recipient has provided original receipts proving that more than one hundred dollars on a 1980 or~~

~~earlier model year motor vehicle or one hundred fifty dollars on a 1981 or later model motor vehicle were spent after the first inspection and before the final inspection on repairs performed by a "certified emission specialist" solely to reduce emissions, the vehicle on final reinspection again failed to meet such standards, and the repair information section of the test report has been completed and the vehicle has been in use for more than five years or fifty thousand miles, and any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.~~

~~After January 1, 1995, if needed to prevent federal sanctions, owners of vehicles registered in either the Puget Sound or Spokane emission contributing area must prove with original receipts that more than four hundred fifty dollars was spent.~~

~~(4)) (a) The vehicle failed an emission inspection; and~~

~~(b) The vehicle failed a reinspection; and~~

~~(c) The vehicle has been in use for more than five years or fifty thousand miles; and~~

~~(d) All primary emission control components installed by the vehicle manufacturer, or its appropriate replacement, are installed and operative; and~~

~~(e) The recipient has provided original receipts listing and providing the cost of each appropriate repair performed by an authorized emission specialist between the initial and last inspection; and~~

~~(f) The total cost of the appropriate repairs must total:~~

Effective	Spokane	Puget Sound	Vancouver
Until January 1, 1996			
<u>Pre-1981 vehicles</u>	\$100	\$100	\$100
<u>1981 and newer</u>	\$150	\$150	\$150
January 1, 1996			
<u>Pre-1981 vehicles</u>	\$100	\$100	\$100
<u>1981 and newer</u>	\$450	\$200	\$200

Before January 1, 1996, ecology shall evaluate ways to alleviate the economic hardships resulting from vehicle repair costs incurred by vehicle owners in an effort to comply with this regulation.

(3) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the recipient's vehicle on inspection complied with applicable emission inspection standards.

~~((5) "Certified")) (4) "Authorized emission specialist" means an individual who has been issued a certificate of instruction by the department as authorized in RCW 70.120.020 (2)(a) and has maintained the certification by meeting requirements of WAC 173-422-190(2).~~

~~((6)) (5) "Dealer" means a motor vehicle dealer, as defined in ((RCW 46.70.011)) chapter 46.70 RCW as amended, that is licensed pursuant to chapter 46.70 RCW.~~

~~((7)) (6) "Department" means the department of ecology.~~

~~((8) "Drift" means the change in the reading of the analyzer to a given sample over a period of time with no adjustment to the analyzer having been made between the initial and final measurements.~~

~~(9)) (7) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area.~~

~~((10)) "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies, and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.~~

~~((11))~~ (8) "Fleet" means a group of fifteen or more motor vehicles owned or leased concurrently by one owner assigned a fleet identifier code by the department of licensing.

~~((12))~~ (9) "Gross vehicle weight rating (GVWR)" means the manufacturer stated gross vehicle weight rating.

~~((13)) "HC and CO emissions" means the concentration of hydrocarbons (measured as n hexane) and carbon monoxide in the engine exhaust.~~

~~((14))~~ (10) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

~~((15)) "Motoreycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.~~

(16) "NBS" means National Bureau of Standards.

~~((17))~~ (11) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded.

~~((18))~~ (12) "PPM" means parts per million by volume.

~~((19))~~ (13) "Primary emission control components" means the components of the vehicle installed by the manufacturer for the purpose of reducing emissions or its replacement or modification which is acceptable to the United States Environmental Protection Agency. These components are the fuel inlet restrictor, the catalytic converter or thermal reactor, the air injection system components, the thermostatic air cleaner, the exhaust gas recirculation system components, the evaporative emission system components including the gas cap, the positive crankcase ventilation system components and the electronic control unit components that control the air/fuel mixture and/or ignition timing including all related sensors. A replacement engine must be one the vehicle's manufacturer used in a vehicle that when manufactured was required to meet the same or more stringent emission standards as the vehicle with the replacement engine was required to meet when manufactured.

~~((20)) "Repeatability" means the ability of an analyzer to report the same value for successive measurements of the same sample.~~

(21) "Response" means how quickly there is a change in reading following a change in concentration at the sample probe inlet.

(22) "Sensitivity" means the smallest change in the value of a measured sample that can be detected by the analyzer.

(23) "Zero calibration gases" means air or nitrogen in which total impurities do not exceed 0.01 percent.)

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

WAC 173-422-030 Vehicle emission inspection requirement. All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. In addition, the department may require an emission inspection of a motor vehicle, except military tactical vehicles, operated for more than sixty days a year on a federal installation located within an emission contributing area, or a vehicle garaged at a location within an emission contributing area, or a vehicle which has previously passed an emission inspection but has been identified using on road testing as likely to no longer comply with the inspection standards. Neither the department of licensing nor its agents may change the registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW ~~((70.120.040))~~ 70.120.150, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW ~~((70.120.060,))~~ 70.120.080(7) or ~~((70.120.090))~~ 70.120.170 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). The certificates must have a date of validation which is within six months of the date of application for the vehicle license, license renewal or registered owner change. Certificates for fleet or owner tested vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

AMENDATORY SECTION (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

WAC 173-422-035 Registration requirements. (1) Persons residing in emission contributing areas as defined under WAC 173-422-050 shall register their motor vehicles within that area.

(2) Any person who violates this section shall reregister their motor vehicle within the emission contributing area, obtain a certificate of compliance or acceptance within thirty days, and is subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearings board as provided for in chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

WAC 173-422-050 Emission contributing areas. Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of ~~((January 1, 1993))~~ September 1, 1994, set forth below:

(1) Puget Sound Region

98001	98036	98083
98002	98037	<u>98092</u>
98003	98038	98093

PROPOSED

98004	98039	98101 thru 98199
98005	98040	inclusive except 98110
98006	98041	98201 thru 98208
98007	98042	98258
98008	98043	98270
98009	98046	98271
98011	98047	98275
98012	98052	98290
98015	98053	98291
98020	98054	98327
98021	98055	98332
98023	98056	98335
98025	98057	98338
98026	98058	98344
98027	98059	98352
98028	98062	98354
98031	98063	98371 thru 98374
98032	98064	98387
98033	98071	98388
98034	98072	98390
98035	98073	98401 thru 98499

(2) Spokane Region

99001
99005
99014
99016
99019
99021
99025
99027
99037
99201 thru 99299

(3) Vancouver Region

98607
98660 thru 98668
98671 except Skamania County
98682-86

AMENDATORY SECTION (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

WAC 173-422-060 Gasoline vehicle emission standards. Gasoline motor vehicles subject to this chapter shall: ~~((1) Beginning June 1, 1995, with the exception of vehicles whose model year is 1980 or earlier, have the "primary emission control components" installed and operative, and have an engine that is or was available from the vehicle manufacturer for use with that vehicle or a vehicle of the same or newer model year with the same chassis; and~~

~~(2))~~ Meet the ~~((following))~~ applicable exhaust emission standards from the following tables prior to receiving a certificate of compliance. The exhaust emission standards in Table 1 apply to all vehicles, except 1981 and newer model year vehicles with a manufacturer's gross vehicle weight rating (GVWR) of 8500 pounds or less registered in the Spokane region after January 1, 1996, to which the exhaust emission standards in Table 2 apply.

Exhaust Emission Standards - Table 1

Model Year	CO(%)*	HC (ppm)*	Opacity (%)
68-74	6.0	900	((30))
75-80	3.0	600	((30))
((81-93))			
81-99 (0-8500 GVWR)	1.2	220	((30))
((81-93))			
81-99 (Greater than 8500 GVWR)	3.0	400	((30))
((94-99))	0.5	100	30))

* The concentration of the gases, carbon monoxide (CO) and hydrocarbons (HC), measured as either a percentage (%) or parts per million (ppm) of the exhaust volume.

Exhaust Emission Standards - Table 2

Model Year	CO (gpm)*		HC (gpm)*	
	Total	Part 2	Total	Part 2
81-82 Passenger Car	60	48	5	3
81-83 Truck	100	80	8	5
83-90 Passenger Car	30	24	3	2
84-90 Truck	80	64	8	5
91-95 Passenger Car	20	16	3	2
91-95 Truck	60	48	3	2
96+ Passenger Car	10	8	0.6	0.4
96+ Truck	15	12	0.8	0.5

* The mass of carbon monoxide (CO) and hydrocarbons (HC) measured as grams per miles (gpm) during the test or during Part 2 which begins 93 seconds after the test starts.

AMENDATORY SECTION (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

WAC 173-422-065 Diesel vehicle exhaust emission standards. Diesel motor vehicles subject to this chapter shall meet the following opacity standards using the test procedures specified in WAC 173-422-075.

Model Year	Opacity (%)
1968 - 1973	70
1974 - 1991	60
1992 and later	40

((Vehicles tested at locations over 1000 feet above sea level will be allowed an additional 10% opacity.))

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

WAC 173-422-070 Gasoline vehicle inspection procedures. All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the ~~((following))~~ procedures described in Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, unless equivalent procedures have been approved by the department.

Variations to the procedures specified may be established by the department for all or certain vehicles. Vehicles, not repaired as required by an emission recall for which owner notification was attempted after January 1, 1995, shall not be inspected until compliance with the recall is established.

~~((1))~~ The vehicle exhaust emissions of carbon monoxide, hydrocarbons, and carbon dioxide shall be measured using either a:

PROPOSED

(a) Two speed (idle and 2500 rpm) test with the transmission in neutral or park; or

(b) A loaded test with the transmission in drive for automatic transmissions or in second gear for manual transmissions for the loaded mode and in park or neutral for the idle mode. A vehicle with an automatic transmission may be tested in drive for the idle mode if the idle rpm in neutral or park exceeds 1100 rpm. However, the idle rpm as tested cannot exceed 1100 rpm unless allowed to do so by the vehicle manufacturer's specifications.

(2) The engine shall be at normal operating temperature during the emission test with all accessories off.

(3) Any vehicle causing an unsafe condition, such as the continuous leaking of any fluid onto the floor, may be rejected from the inspection site.

(4) Vehicles shall be approximately level during the test.

(5) Vehicles with more than one exhaust pipe shall be tested by sampling one exhaust pipe if the exhaust pipes originate from a common point in the exhaust system or simultaneously sampling each exhaust pipe.

(6) The following steps shall be taken to prevent excessive dilution. The exhaust sample probe must be inserted at least ten inches into the tail pipe. If this is not possible, an extension boot shall be used. The exhaust emission test results shall not be recorded if the sum of the carbon monoxide and the carbon dioxide concentration does not equal or exceed six percent.

(7) If the engine stalls during the test, the exhaust sample probe shall be removed, the engine restarted, and one additional attempt made to complete the test after reinserting the exhaust sample probe.

(8) Two speed test sequence.

(a) Insert the exhaust sample probe.

(b) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:

(i) The vehicle shall pass the idle mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 3ppm HC and 0.5 percent CO.

(ii) The vehicle shall pass the idle mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards:

(e) Increase the engine speed to 2500 ± 300 rpm.

(d) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass or fail determination shall be made for the vehicle and the 2500 rpm mode terminated for vehicles that passed the idle mode test as follows:

(i) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and one hundred eighty seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards:

(e) A pass or fail determination shall be made for vehicles that failed the idle mode test and the 2500 rpm

mode test terminated at the end of an elapsed time of one hundred eighty seconds.

(f) If the vehicle fails the initial idle mode test and passed the high speed mode test, a second idle test will be conducted:

(9) Loaded test sequence.

(a) Insert the exhaust sample probe.

(b) The test shall start when the dynamometer speed is within the following limits:

Engine Cylinders	Speed (mph)	Brake Horsepower
4 or less	22-25	2.8-4.1
5-6	29-32	6.8-8.4
7 or more	32-35	8.4-10.8

If the dynamometer speed falls outside the limits for more than five seconds in one excursion, or fifteen seconds over all excursions, the test shall be restarted.

(c) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the loaded mode and this mode terminated if at any point between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(d) The idle mode shall start when the dynamometer speed is zero and the vehicle engine speed is less than 1100 rpm. If engine speed exceeds 1100 rpm the idle mode test shall be restarted.

(e) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:

(i) Prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) At any time between an elapsed time of thirty seconds and ninety seconds, exhaust gas concentrations are less than or equal to the applicable emission standards.

(10) Before failing a 1981-1987 model year Ford Motor Company vehicle with a gross vehicle weight of 8500 pounds or less, or a 1984-85 model year Honda Prelude, the engine shall be shut off for ten seconds and then restarted and the failing mode repeated.)

AMENDATORY SECTION (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

WAC 173-422-090 Exhaust gas analyzer specifications. Only exhaust gas analyzers meeting the ((following)) specifications ((at the time of certification testing may be used for certification testing. Any person authorized by the department to certify vehicles is solely responsible for insuring that the testing equipment is operating within the following specifications at the time of)) contained in Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, at the time of certification testing may be used for certification testing, unless equivalent specifications have been approved by the department.

((1) Accuracy: The readings or the printed test results of the exhaust analyzers compared to the true value of a measured sample shall have the following accuracy tolerances.

PROPOSED

HC Measured as n-hexane

0 to 400 ppm	±12 ppm
401 to 1000 ppm	±30 ppm
1001 to 2000 ppm	±80 ppm

CO

0 — 2.00	±0.06
2.01 — 5.00	±0.15
5.01 — 9.99	±0.40

CO₂

0 — 4.0	±0.6
4.1 — 14.0	±0.5

(2) Calibration: The analyzer shall have the capability of being calibrated electronically and by gas.

(3) Drift: The drift of the zero reading or any calibration reading of each analyzer shall not exceed 15 ppm HC, 0.1% CO or 0.5% CO₂ in one hour.

(4) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual and/or audible warning that sample flow is not within operating requirements.

(5) Interference effects: Sampling the following concentrations of noninterest gases shall not cause the HC reading to change ±10 ppm: 15% CO₂ in N₂, 10% CO in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO reading to change ±0.05%: 15% CO₂ in N₂, 1600 ppm HC in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO₂ reading to change ±0.20%: 1600 ppm HC in N₂, 10% CO in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

(6) Repeatability: The repeatability of the exhaust analyzers used shall be within the following tolerances during five successive measurements of the same sample:

HC, ppm	0 — 400	8
as hexane	401 — 1000	15
	1001 — 2000	30
CO, %	0 — 2.00	0.03
	2.01 — 5.00	0.08
	5.01 — 9.99	0.15
CO ₂ , %	0 — 14.0	0.3

(7) Response: The response of the exhaust analyzers shall be at least ninety percent of the final value within eight seconds.

(8) Sensitivity: The sensitivity of each analyzer shall be equal to or less than 10 ppm HC, 0.05% CO and 0.2% CO₂.

(9) Range of measurement: The analyzer shall have a range equal to or greater than 0-2000 ppm HC (n-Hexane); 0 to 10% CO, and 0 to 6% CO₂.

AMENDATORY SECTION (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

WAC 173-422-100 Testing equipment maintenance and calibration. (1) Unless alternative procedures have been approved or required by the department all equipment

used in the inspection shall be calibrated and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The ((following)) procedures for equipment maintenance and calibration procedures described in Subpart S- Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, shall be followed by all testing facilities unless equivalent procedures have been approved by the department. ((Exhaust analyzers and all electronic components that could affect the gas concentration results shall be warmed up for at least thirty minutes prior to performing any test on equipment, calibration, span, or zero checks:

(a) Each test. Before each test can start, the zero and span setting must be checked on the opacity meter and the exhaust gas analyzer readings must be less than 10 ppm HC, 0.1% CO and 0.5% CO₂. If during a test the sampling system flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.

(b) Hourly check. The exhaust analyzer shall not be used to test vehicles unless within an hour prior to the test it was spanned with a calibration gas. The following procedure shall be used:

(i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.

(ii) Adjust the exhaust analyzer using the electronic span.

(iii) Check the calibration of the exhaust analyzer using a calibration gas of approximately twenty to forty percent of each range.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.

(c) Weekly check. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last seven days. The following procedure shall be used:

(i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.

(ii) Adjust the exhaust analyzer using the electronic span.

(iii) Check the calibration of the exhaust analyzer using calibration gases of approximately twenty, forty, sixty, and eighty percent for each range. (CO₂ must be present at concentrations of at least 2.0%.)

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090 at each calibration point.

(v) Check the calibration of the exhaust analyzer using a calibration gas with a CO concentration of 1.2 to 2.4%, a HC concentration of 150 to 300 ppm measured as n-hexane, and a CO₂ concentration of 4.0 to 6.0%.

(vi) Adjust and repair as necessary to insure the accuracy of the exhaust analyzer is within .05% CO and 6 ppm HC.

(d) Repair check. A multipoint calibration as specified in (c) of this subsection shall be performed before the analyzer is used for certification testing following the replacement of an optical or electronic component that can cause a variation in the analyzer reading.

~~The manufacturer's recommended procedures to determine any change in the correction factor from the propane calibration gas to n-hexane readings shall be followed.~~

~~(e) Leak check. The exhaust analyzer shall not be used to test vehicles unless within one week prior to the testing, CO readings have been taken while introducing calibration gas through the calibration port and through the probe. Discrepancies of over 3% in the readings shall require repair of leaks. No analyzer adjustments shall be permitted during this check. Other leak check procedures may be used if it can be shown to the department's satisfaction that the method identifies leaks as well as the method in this subsection.)~~

AMENDATORY SECTION (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

WAC 173-422-120 Quality assurance. The department, or its designee, may monitor the operation of each authorized emission inspection/certification facility with unidentified or unannounced and unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

The department (or its designee) may immediately require the suspension of vehicle inspections/certifications in all or part by the inspection/certification facility if violations of this chapter are found during an ~~((inspection))~~ audit of the inspection facility.

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

WAC 173-422-160 Fleet and diesel owner vehicle testing requirements. The department may authorize emission inspections by fleet operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.

~~(1) ((The exhaust analyzers used for certification testing of gasoline fleet vehicles shall meet the specifications in WAC 173-422-090.~~

~~(2)) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except ((WAC 173-422-100 (2)(b)(iii) and (iv) and (c)(iii) and (iv). The checks specified in WAC 173-422-100 (2)(c) except (c)(iii) and (iv), in addition to being required weekly, shall be performed after each relocation of the analyzer.~~

~~(3)) as approved by the department.~~

~~(2) All persons conducting tests for the purpose of issuing certificates for fleet or diesel vehicles shall be ecology ((certified)) authorized emission specialists.~~

~~((4)) (3) Legibly completed forms will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued~~

during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance. Alternative arrangements for providing and ~~((f))~~ or storing this information using automated data storage devices may be approved or required by the department.

Forms must be purchased from the department in advance of issuance through payment of twelve or less dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.

Payment for fleet forms is waived for state and local government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

~~((5)) (4) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.~~

~~((6)) (5) Fleet vehicles may be inspected any time between their scheduled license renewals.~~

~~((7)) (6) Certificates of acceptance may not be issued under this section.~~

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

WAC 173-422-170 Exemptions. The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) Vehicles whose model year is 1967 or earlier.

(3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(4) Motor vehicles that use propulsion units powered exclusively by electricity.

(5) Motor-driven cycles as defined ~~((by RCW 46.04.332))~~ in chapter 46.04 RCW as amended.

(6) Farm vehicles as defined ~~((by RCW 46.04.181))~~ in chapter 46.04 RCW as amended.

(7) Vehicles ~~((exempted from licensing pursuant to RCW 46.16.010))~~ not required to be licensed.

(8) Mopeds as defined ~~((by RCW 46.04.304))~~ in chapter 46.04 RCW as amended.

(9) Vehicles garaged and operated out of the emission contributing area.

(10) Vehicles registered with the state but not for highway use.

(11) Used vehicles ~~((sold))~~ at the time of sale by a Washington licensed motor vehicle dealer.

(12) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so ~~((recognized))~~ registered by the department of licensing.

(13) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and ~~(#)~~ or inspection procedures may be established.

(14) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.

(15) To ensure a biennial inspection of vehicles registered in the emission contributing areas, motor vehicles with model year matching (even to even, odd to odd) the expiration year of the license being purchased. This does not apply to vehicles being inspected because the registered owner is being changed.

(16) When the model year of the vehicle is the same as the year in which the vehicle's license expires.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-190 Emission specialist certification.

(1) To become ~~((a-certified))~~ an authorized emission specialist an individual shall:

(a) Pass a course of study, approved by the department ~~((on motor vehicle maintenance, engine and exhaust analysis equipment usage, and emission control system repair and maintenance));~~ and

(b) Agree in writing to meet the requirements of subsection (2) of this section and other conditions set by the department.

(2) To maintain certification, ~~((a-certified))~~ an authorized emission specialist shall:

(a) Successfully complete a department-approved course on emission repair ~~((within the second year after the date of certification, and within each second year thereafter;))~~ when required by the department; and

(b) Sign, including the specialist identification number, all receipts ~~((for tune-up))~~ and other forms required by the department for emission repairs or adjustments performed ~~((#)).~~ These receipts must be prenumbered, preprinted with the business's name and address and clearly itemize all appropriate repairs performed by the specialist; and

(c) Record on all receipts:

(i) The vehicle's emission readings after ~~((the work is completed when an exhaust analyzer is available;))~~ appropriate repairs; and

(ii) A vehicle description including the license number and vehicle identification number (VIN); and

(iii) Any missing or inoperative primary emission control components; and

(iv) Any further recommended appropriate repairs; and

(d) Not tamper with emission control systems, including adjusting an engine outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Not obtain or attempt to obtain a certificate of acceptance (repair waiver) by providing false information or by any fraudulent means (WAC 173-422-145); and

(f) Not aid or abet any individual in committing a violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145)).~~

(3) The certification of ~~((a-certified))~~ an authorized emission specialist may be revoked for a first violation of chapter 173-421 WAC or WAC 173-422-145, for a period of no more than one year, and may be permanently revoked for a second violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145)).~~

The certification of ~~((a-certified))~~ an authorized emission specialist may be temporarily revoked for violation of subsection (2) of this section and may be permanently revoked for continued willful violation of subsection (2) of this section.

~~((A-certified))~~ An authorized emission specialist whose certification is revoked permanently or temporarily may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

(4) ~~((A-certified))~~ An authorized emission specialist whose certification has been temporarily revoked may reapply for certification twelve months after the date of revocation by applying to the department and meeting all requirements of subsection (1) of this section. An application for certification by a permanently revoked ~~((certified))~~ authorized emission specialist will be denied.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-195 Listing of ~~((certified))~~ authorized emission specialists. (1) A list of ~~((certified))~~ authorized emission specialists will be available to the public. Specialists will be listed under ~~((their))~~ one employer's shop name when the shop is approved for listing. The list will be updated by the department at least once every six months.

(2) The employer's name and address will be listed by the department, when the employer agrees in writing to:

(a) Require the use of a properly maintained and correctly calibrated exhaust analyzer as a final check for ~~((all tune-up and))~~ emission repairs or adjustments;

(b) Have all ~~((tune-up and))~~ emission repairs or adjustments performed by ~~((a-certified))~~ an authorized emission specialist;

(c) Require ~~((any person performing tune-up and emission repairs or adjustments))~~ the authorized emission specialist to sign the customer's receipt for ~~((tune-up and))~~ emission repairs or adjustments, and to record the vehicle's emission readings on the receipt after the work is completed;

(d) Require that all employees not aid or abet any person to tamper with emission control systems, including adjusting a vehicle outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Require that all employees not aid or abet any person to obtain a fraudulent certificate of compliance (repair waiver) (WAC 173-422-145).

(f) Notify the department when an authorized emission specialist begins or ends employment.

(3) An employer may be removed from the ~~((certified))~~ authorized emission specialist list for a first violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145))~~ for a period of no more than one year and may be permanently removed after a second violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145)).~~

An employer may be temporarily removed from the ~~((certified))~~ authorized emission specialist list when failing

to comply with the requirements of subsection (2) of this section and may be permanently revoked for continued and willful violation of subsection (2) of this section.

(4) An employer who has been temporarily removed from the ~~((certified))~~ authorized emission specialist list may reapply for listing twelve months after the date of removal from the listing by applying to the department and meeting all requirements of subsection (2) of this section. An application for listing from an employer permanently removed from the ~~((certified))~~ authorized emission specialist list will be denied.

(5) An employer who is removed from ~~((a-certified))~~ an authorized emission specialist list or denied listing in ~~((a-certified))~~ an authorized emission specialist list may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

~~(6) ((A-certified emission specialist whose employer is not listed may request to be placed on a separate list available to the public. The employer's name will not be listed. The specialist may specify an address and phone number to be included in the list.~~

(7))(a) An employer approved for listing may display the "state ~~((certified))~~ authorized emission specialist" sign available from the department. Any employer advertising or providing of information to the public based on the department's certification of ~~((a-certified))~~ an authorized emission specialist must be able to be discontinued immediately upon revocation of the employer's listing or certification of the ~~((certified))~~ authorized emission specialist.

(b) An employer violating (a) of this subsection shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(c) A civil penalty imposed by the department may be appealed to the pollution control hearings board as provided for in RCW 43.21B.310.

WSR 94-23-102

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 94-28—Filed November 18, 1994, 4:00 p.m.]

Original Notice.

Title of Rule: City of Port Angeles shoreline master program update.

Purpose: Amend WAC 173-19-1301.

Statutory Authority for Adoption: Chapter 90.58 RCW.

Statute Being Implemented: Chapter 90.58 RCW.

Summary: Rewrite to entire Port Angeles shoreline master program.

Reasons Supporting Proposal: Request for amendment was made by city of Port Angeles.

Name of Agency Personnel Responsible for Drafting: Linda Whitcher, SWRO, 5751 6th Avenue S.E., Lacey, WA, (206) 407-7282; Implementation and Enforcement: Jay Shepard, 300 Desmond Drive, Lacey, WA, (206) 407-7280.

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 amendment establishes policies, goals and

regulations for the city of Port Angeles shoreline master program. This amendment will also enable the city to better regulate development along its shorelines.

Proposal Changes the Following Existing Rules: Amends WAC 173-19-1301.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 19.85 RCW, the Regulatory Fairness Act, requires mitigating action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than 20% of all industries or more than 10% of any one industry. This amendment proposed by Port Angeles does not meet the criteria requiring the preparation of a small business economic impact statement.

Hearing Location: City Council Chambers, 321 East 5th Street, Port Angeles, WA, on January 18, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Ecology Receptionist by January 11, 1995, TDD (206) 407-6306, or (206) 407-6523 (voice).

Submit Written Comments to: Linda Whitcher, SWRO, Ecology, 5751 6th Avenue S.E., Lacey, WA 98504-7775, FAX (206) 407-6535, by January 27, 1995.

Date of Intended Adoption: February 15, 1995.

November 18, 1994

Mary Riveland

Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-1301 Port Angeles, city of. City of Port Angeles master program approved August 5, 1976. Revision approved February 15, 1995.

WSR 94-23-103

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 94-29—Filed November 18, 1994, 4:02 p.m.]

Original Notice.

Title of Rule: City of Shelton shoreline master program.

Purpose: Amend WAC 173-19-3101.

Statutory Authority for Adoption: Chapter 90.58 RCW.

Statute Being Implemented: Chapter 90.58 RCW.

Summary: Rewrite to entire city of Shelton shoreline master program.

Reasons Supporting Proposal: Request for amendment was made by city of Shelton.

Name of Agency Personnel Responsible for Drafting: Linda Whitcher, SWRO, 5751 6th Avenue S.E., Lacey, WA, (206) 407-7282; Implementation and Enforcement: Jay Shepard, 300 Desmond Drive, Lacey, WA, (206) 407-7280.

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 amendment establishes policies, goals and regulations for the city of Shelton shoreline master program.

This amendment will also enable the city to better regulate development along their shorelines.

Proposal Changes the Following Existing Rules: Amends WAC 173-19-3101.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 19.85 RCW, the Regulatory Fairness Act, requires mitigating action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than 20% of all industries or more than 10% of any one industry. This amendment proposed by Shelton does not meet the criteria requiring the preparation of a small business economic impact statement.

Hearing Location: Shelton City Hall, 310 West Coda Street, Shelton, WA, on January 11, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Ecology Receptionist by January 5, 1995, TDD (206) 407-6306, or (206) 407-6523 (voice).

Submit Written Comments to: Linda Whitcher, SWRO, Ecology, 5751 6th Avenue S.E., Lacey, WA 98504-7775, FAX (206) 407-6535, by January 23, 1995.

Date of Intended Adoption: February 15, 1995.

November 18, 1994

Mary Riveland
Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3101 Shelton, city of. City of Shelton master program approved March 18, 1975. Revision approved December 18, 1975. Revision approved February 15, 1995.

WSR 94-23-109
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 21, 1994, 4:17 p.m.]

Original Notice.

Title of Rule: WAC 388-513-1365 Transfer of assets.

Purpose: Clarifies the appropriate look back period when assets are transferred both before and after August 10, 1993. Ensures field staff use the appropriate look back period when a client has transferred assets.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Ensures field staff use the appropriate look back period when a client has transferred assets.

Reasons Supporting Proposal: Clarifies the appropriate look back period when assets are transferred both before and after August 10, 1993.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule pertains to eligibility process and does not have an economic impact on small businesses.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on December 27, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by December 13, 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 December 20, 1994.

Date of Intended Adoption: December 28, 1994.

November 21, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1365 Transfer of assets. (1) The terms in this section shall have the following definitions:

(a) "Assets" means all income and resources of a client and the client's spouse, including such income or resources the person is entitled to but does not receive because of action by:

(i) The client or the client's spouse;

(ii) A person, court or administrative body, with legal authority to act in place of or on behalf of the client or the client's spouse; or

(iii) A person, court or administrative body, acting at the direction or upon the request of the client or the client's spouse.

(b) "Community spouse" means the person married to an institutionalized client.

(c) "Fair market value (FMV)" means the price the asset may reasonably sell for on the open market at the time of transfer or assignment.

(d) "Institutional services" means a level of care provided in a nursing facility, equivalent nursing facility in a medical institution, or in a home-based or community-based program under WAC 388-515-1505 or 388-515-1510.

(e) "Institutional spouse" means a client who meets the requirements of subsection (1)(f) of this section and is married to a spouse who is not:

(i) In a medical institution;

(ii) In a nursing facility; or

(iii) Receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510.

(f) "Institutionalized client" means a person who is:

(i) An inpatient in a nursing facility;

(ii) An inpatient in a medical institution where the payment is made for a level of care provided in a nursing facility; or

(iii) In need of the level of care provided in a nursing facility or medical institution, but receiving home-based or

community-based services under WAC 388-515-1505 or 388-515-1510; and

(iv) Expected to be in the nursing facility, medical institution or receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510 for thirty consecutive days or more.

(g) "Transfer" means any act or omission to act, by a client or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person, including but not limited to:

- (i) Delivery of personal property;
- (ii) Bills of sale, deeds, mortgages, pledges; or
- (iii) Any other instrument conveying or relinquishing an interest in property.

(h) "Uncompensated value" means the FMV of an asset at the time of transfer minus the value of compensation the person receives in exchange for the resource.

(i) "Undue hardship" means the client's inability to meet shelter, food, clothing, and health needs.

(j) "Value of compensation received" means the consideration the purchaser pays or agrees to pay. Compensation includes:

(i) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable agreement whereby the eligible client shall transfer the resource; and

(ii) The payment or assumption of a legal debt the client owes in exchange for the resource.

(2) The department shall not impose any penalty for the transfer of any exempt asset for less than FMV except as specified under subsection ~~((7))~~ (9) of this section when the client transfers the client's home.

(3) The department shall determine whether the client or the client's spouse transferred an asset within ~~((the following))~~ a look-back period of the following duration:

(a) Thirty months when determining eligibility for services received:

- (i) On or before September 30, 1993; or
- (ii) On or after October 1, 1993, ~~((and the))~~ with respect to transfers of assets ~~((was))~~ on or before August 10, 1993;

(b) Thirty-six months when determining eligibility for services on or after October 1, 1993, ~~((and the))~~ with respect to transfers of assets ~~((was))~~ on or after August 11, 1993; or

(c) Sixty months when determining eligibility for services received on or after October 1, 1993, and all or part of the transferred assets are placed in a trust established on or after August 11, 1993, and all or part of the assets are deemed transferred as described under WAC 388-505-0595.

(4) The department shall consider the look-back period ~~((is))~~ as the number of months described under subsection (3) of this section but not including any month before August, 1993 in the case of subsections (3)(b) and (3)(c) of this section, before the first day of the month the client:

(a) Becomes an institutionalized person, if the client is eligible for medical assistance on that date; or

(b) Applies for institutional care when the client is not eligible for medical assistance as of the date the client initially became institutionalized.

(5) The department shall calculate a period of ineligibility for nursing facility services, equivalent nursing facility services in a medical institution, and services described

under WAC 388-515-1505 and 388-515-1510, for the institutionalized client when the client or the client's spouse transfers an asset for less than FMV during or after the look-back periods as described under subsections (3) and (4) of this section.

~~((The department shall establish a period of ineligibility for a client))~~ When the client or the client's spouse has transferred ~~((an))~~ assets, the department shall establish a period of ineligibility:

(a) Under subsection (7) of this section for assets transferred on or before August 10, 1993; and

(b) Under subsection (8) of this section for assets transferred on or after August 11, 1993.

~~((A))~~ (7) With respect to transfers of assets on or before August 10, 1993~~((;))~~, and in any month within the applicable look-back period, such period of ineligibility shall:

~~((i))~~ (a) Begin the first day of the month in which the ~~((resource was))~~ assets were transferred;

~~((ii))~~ (b) Be the lessor of:

~~((A))~~ (i) Thirty months; or

~~((B))~~ (ii) The number of whole months found by dividing the total uncompensated value of the ~~((transferred))~~ assets transferred in the month by the state-wide average monthly cost of nursing facility services to a private patient at the time of the application; and

~~((iii))~~ (c) Run concurrently when ~~((multiple))~~ transfers of assets have been made in multiple months during the look-back period.

~~((B))~~ (8) With respect to transfers of assets on or after August 11, 1993~~((;))~~, and in any month within the applicable look-back period occurring on or after August 11, 1993, such period of ineligibility shall:

~~((i))~~ (a) For ~~((a transfer of assets))~~ such transfers during the look-back period, except for a transfer made during a period of ineligibility established under this section:

~~((A))~~ (i) Begin on the first day of the month in the look-back period in which ~~((an asset was))~~ such assets were transferred; and

~~((B))~~ (ii) Equal the number of whole months found by dividing the total, cumulative uncompensated value of all such assets transferred during the look-back period by the state-wide average monthly cost of nursing facility services to a private patient at the time of application.

~~((i))~~ (b) For ~~((a))~~ such transfers of assets made while receiving medical assistance as an institutionalized client, or for such transfers made during a period of ineligibility established under this section:

~~((A))~~ (i) Begin on the first day of the month in which ~~((an asset was))~~ such assets were transferred, or after the expiration of all other periods of ineligibility established under this section, whichever is later; and

~~((B))~~ (ii) Equal the number of whole months found by dividing the total, uncompensated value of ~~((the))~~ such transferred assets by the state-wide average monthly cost of nursing facility services to a private patient at the time of application.

~~((7))~~ (9) The department shall not find the institutionalized client ineligible for institutionalized services when the transferred asset was a home and the home was transferred to the client's:

- (a) Spouse; or
- (b) Child who is:

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- (i) Aged, blind, or permanently and totally disabled; or
- (ii) Twenty years of age or under.
- (c) Sibling who has:
 - (i) Equity in the home; and
 - (ii) Lived in the home for at least one year immediately before the client became institutionalized.

(d) Child, other than described under (b) of this subsection, who:

- (i) Lived in the home for two years or more immediately before the client became institutionalized; and
- (ii) Provided care to the client to permit the client to remain at home.

~~((8))~~ (10) The department shall not find the institutionalized client ineligible for institutionalized services if the asset other than the home was transferred:

- (a) To the client's spouse or to another person for the sole benefit of the client's spouse;
- (b) From the client's spouse to another person for the sole benefit of the client's spouse;
- (c) To the client's blind or permanently and totally disabled child, or to a trust established solely for the benefit of such child; or
- (d) To a trust established solely for the benefit of a person sixty-four years of age or younger who is disabled according to SSI criteria.

~~((9))~~ (11) The department shall not find a person ineligible under this section when the client can satisfactorily show the department that:

- (a) The client intended to transfer the asset at FMV or other valuable consideration; or
- (b) The client transferred the asset exclusively for a purpose other than to qualify for medical assistance;
- (c) All assets transferred by the client for less than FMV have been returned to the client; or
- (d) The denial of eligibility would cause an undue hardship.

~~((10))~~ (12) A client or the spouse of such a client, the department determines ineligible under this section, may request a hearing to appeal the determination of ineligibility. The procedure for the hearing is under chapter 388-08 WAC.

~~((11))~~ (13) The department shall:

- (a) Exempt cash received from the sale, transfer, or exchange of an asset to the extent that the cash is used for an exempt asset within the same month, except as specified under WAC 388-511-1160; and
- (b) Consider any cash remaining as an available asset.

~~((12))~~ (14) When the transfer of an asset has resulted in a period of ineligibility for one spouse, the department shall not impose a period of ineligibility for the other spouse for the transfer of the same asset.

cognitive impairment; set minimum standards for alternative care benefits; provide for a policyholder's right to reduce benefits; provide for modification of contract in case of state or federal health care reform; establish maximum levels of increases in premium; and set new disclosure form standards.

Other Identifying Information: Insurance Commissioner Matter No. 94-31.

Statutory Authority for Adoption: RCW 48.01.030, 48.02.060, 48.84.030, 48.84.050.

Statute Being Implemented: RCW 48.84.010, 48.84.030, 48.84.050.

Summary: The proposed regulations set minimum standards for benefit triggers, activities of daily living and cognitive impairment; set minimum standards for alternative care benefits; provide a policyholder's right to reduce benefits; provide modification of contract in case of state or federal health care reform; establish maximum levels of increases in premium; and set new disclosure form standards.

Reasons Supporting Proposal: These rules are proposed to help ensure rates, benefits and disclosure forms are fair and easily understood by the average purchaser.

Name of Agency Personnel Responsible for Drafting: Melodie Bankers and Greg Scully, Olympia, (206) 753-7300; Implementation: Pat Musick, Olympia, (206) 664-2093; and Enforcement: Nickie Moran, Olympia, (206) 407-0387.

Name of Proponent: Insurance Commissioner Deborah Senn, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed regulations set minimum standards for benefit triggers, activities of daily living and cognitive impairment; set minimum standards for alternative care benefits; provide for a policyholder's right to reduce benefits; provide for modification of contract in case of state or federal health care reform; establish maximum levels of increases in premium; and set new disclosure form standards. These rules are proposed to help ensure rates, benefits and disclosure are fair and easily understood by the average purchaser.

Proposal Changes the Following Existing Rules: Amends WAC 284-54-020, 284-54-030, 284-54-300, and 284-54-350.

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 Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (206) 664-3790, or FAX (206) 586-3535.

Hearing Location: Spokane City Council Chambers, 808 West Spokane Falls Boulevard, Spokane, WA, on January 5, 1995, at 2:00; and at the General Administration Building, General Administration Lobby, 11th and Columbia, Olympia, on January 10, 1995, at 9:30.

Assistance for Persons with Disabilities: Contact Lorie Malabed by January 3, 1995, TDD (206) 586-0691.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504, FAX (206) 586-3535, by January 9, 1995.

Date of Intended Adoption: January 19, 1995.

November 22, 1994

Gregory Scully
Deputy Commissioner

WSR 94-23-134
PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE

[Filed November 23, 1994, 8:57 a.m.]

Original Notice.

Title of Rule: Long-term care insurance.

Purpose: The proposed regulations set minimum standards for benefit triggers, activities of daily living and

AMENDATORY SECTION (Amending Order R 94-10, filed 7/6/94, effective 8/6/94)

WAC 284-54-020 Definitions of terms used in this chapter and chapter 48.84 RCW. For purposes of the administration of chapter 48.84 RCW and this chapter:

(1) "Community based care" or "home-based care" means services (~~provided outside an institutional setting and includes~~) including, but (~~is~~) not limited to(~~the following~~): (a) Home delivered nursing services or therapy; (b) custodial or personal care; (c) day care; (d) home and chore aid services; (e) nutritional services, both in-home and in a communal dining setting; (~~and~~) (f) respite care(~~whether provided at any level from skilled care to custodial or personal care~~); (g) adult day health care services; or (h) other similar services furnished in a home-like or residential setting. Such services shall be provided at all levels of care, from skilled care to custodial or personal care.

(2) "Contract" means a long-term care insurance policy or contract, regardless of the kind of insurer issuing it, unless the context clearly indicates otherwise.

(3) "Direct response insurer" means an insurer who, as to a particular contract, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(4) A "gatekeeper provision" is any provision in a contract establishing a threshold requirement which must be satisfied before a covered person is eligible to receive benefits promised by the contract. Examples of such provisions include, but are not limited to the following: A three-day prior hospitalization requirement, recommendations of the attending physician, and recommendations of a case manager.

(5) "Institutional care" means care provided in a hospital, skilled or intermediate nursing home, (~~congregate care facility, adult family home,~~) or other facility certified or licensed by the state primarily affording diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services. Such a facility provides twenty-four-hour nursing services on its premises or in facilities available to the institution on a formal prearranged basis.

(6) "Insured" shall mean any beneficiary or owner of a long-term care contract regardless of the type of insurer.

(7) "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors and health maintenance organizations unless the context clearly indicates otherwise.

(8) "Premium" shall mean all sums charged, received or deposited as consideration for a contract and includes any assessment, membership, contract, survey, inspection, service, or similar fees or charges as paid.

(9) "Terminally ill care" means care for an illness, disease, or injury which has reached a point where recovery can no longer be expected and the attending physician has certified that the patient is facing imminent death; or has a life expectancy of six months or less.

(10) "Adult day health care" means a program of community based social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the individual's home.

AMENDATORY SECTION (Amending Order R 87-7, filed 7/9/87)

WAC 284-54-030 Standards for definitions applicable to long-term care contracts. The following definitions are applicable to long-term care contracts and the implementation of chapter 48.84 RCW and this chapter, and no contract may be advertised, solicited, or issued for delivery in this state as a long-term care contract which uses definitions more restrictive or less favorable to an insured than the following:

(1) "Acute care" means care provided for patients who are not medically stable. These patients require frequent monitoring by health care professionals in order to maintain their health status.

(2) "Benefit period" means the period of time for which the insured is eligible to receive benefits or services under a contract. A benefit period begins on the first day that the insured is eligible for and begins to receive the benefits of the contract. The benefit period ends when the insured is no longer eligible to receive benefits or has received the lifetime maximum benefits available. Such benefit period must be stated in terms of days rather than in terms of months of benefit.

(3) "Case manager" or "case coordinator" means an individual qualified by training and/or experience to coordinate the overall medical, personal and social service needs of the long-term care patient. Such coordination activities shall include but are not limited to: Assessing the individual's condition to determine what services and resources are necessary and by whom they might most appropriately be delivered; coordination of elements of a treatment or care plan and referral to the appropriate medical or social services personnel or agency; control coordination of patient services and continued monitoring of the patient to assess progress and assure that services are delivered. Such activities shall be conducted in consultation with the attending physician.

(4) "Chronic care" or "maintenance care" means care that is necessary to support an existing level of health and is intended to preserve that level from further failure or decline. The care provided is usually for a long, drawn out or lingering disease or infirmity showing little change or slowly progressing with little likelihood of complete recovery, whether such care is provided in an institution or is community-based and whether such care requires skilled, intermediate or custodial/personal care.

(5) "Convalescent care" or "rehabilitative care" is nonacute care which is prescribed by a physician and is received during the period of recovery from an illness or injury when improvement can be anticipated, whether such care requires skilled, intermediate or custodial/personal care, and whether such care is provided in an institutional care facility or is community-based.

(6) "Custodial care" or "personal care" means care which is mainly for the purpose of meeting daily living requirements. This level of care may be provided by persons without professional skills or training. Examples are: Help in walking, getting out of bed, bathing, dressing, eating, meal preparation, and taking medications. Such care is intended to maintain and support an existing level of health or to preserve the patient from further decline.

Custodial or personal care services are those which may be recommended by the case manager in consultation with the patient's attending physician and are not primarily for the convenience of the insured or the insured's family.

(7) "Guaranteed renewable" means that renewal of a contract may not be declined by an insurer for any reason except for nonpayment of premium, but the insurer may revise rates on a class basis.

(8) A "home health aide" is a person who is providing care under the supervision of a physician, licensed professional nurse, physical therapist, occupational therapist, or speech therapist. Care provided may include ambulation and exercise, assistance with self-administered medications, reporting changes in a covered person's conditions and needs, completing appropriate records, and personal care or household services needed to achieve medically desired results.

(9) "Home care services" or "personal care services" are services of a personal nature including, but not limited to, homemaker services, assistance with the activities of daily living, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons which services enable those persons to remain in their own residences consistent with their desires, abilities and safety. Such services shall be provided by or under the direction of a regulated home health care agency or home care agency, and shall be administered in accordance with a plan of treatment developed by or with the assistance of health care professionals.

(10) "Home health care" shall mean, but is not limited to, any of the following health or medical services: Nursing services, home health aide services, physical therapy, occupational therapy, speech therapy, respiratory therapy, nutritional services, medical or social services, and medical supplies or equipment services. Such services shall be provided by or under the direction of a regulated home health care agency or home care agency, and shall be administered in accordance with a plan of treatment developed by or with the assistance of health care professionals.

(11) "Intermediate care" means technical nursing care which requires selected nursing procedures for which the degree of care and evaluation is less than that provided for skilled care, but greater than that provided for custodial/personal care. This level of care provides a planned continuous program of nursing care that is preventive or rehabilitative in nature.

(12) "Long-term care total disability" means the functional inability due to illness, disease or infirmity to engage in the regular and customary activities of daily living which are usual for a person of the same age and sex.

(13) "Managed long-term care delivery system" means a system or network of providers arranged or controlled by a managed long-term care plan. Such systems provide a range of long-term care services with provisions for effective utilization controls and quality assurance. In the case of provision of long-term care in the managed care environment, a case manager or other qualified individual may be used to develop and coordinate a care plan of appropriate long-term care services.

(14) "Managed long-term care plan" means a plan which on a prepaid basis assumes the responsibility and the risk for delivery of the covered long-term care services set forth in

the benefit agreement. Actual services are rendered by the plan through its own staff, through capitation, or other contractual arrangements with providers. Managed long-term care plans may include but are not limited to those offered by health maintenance organizations, and health care service contractors, if their services are provided through a managed long-term care delivery system.

(15) "Noncancellable" means that renewal of a contract may not be declined except for nonpayment of premium, nor may rates be revised by the insurer.

(16) "One period of confinement" means consecutive days of institutional care received as an inpatient in a health care institution, or successive confinements due to the same or related causes when discharge from and readmission to the institution occurs within a period of time not more than ninety days or three times the maximum number of days of institutional care provided by the policy to a maximum of one hundred eighty days, whichever provides the covered person with the greater benefit.

(17) "Preexisting condition," as defined by RCW 48.84.020(3), means a covered person's medical condition that caused that person to have received medical advice or treatment during the specified time period before the effective date of coverage.

(18) "Respite care" is short-term care which is required in order to maintain the health or safety of the patient and to give temporary relief to the primary caretaker from his or her caretaking duties.

(19) "Skilled care" means care for an illness or injury which requires the training and skills of a licensed professional nurse, is prescribed by a physician, is medically necessary for the condition or illness of the patient, and is available on a twenty-four-hour basis.

NEW SECTION

WAC 284-54-040 Minimum standards for benefit triggers—Physician certification, activities of daily living, and cognitive impairments. (1) A long-term care insurance contract or certificate which provides coverage to a resident of this state may require a certification by a physician that the services are necessary due to illness or infirmity, but shall not condition such benefits on medical necessity.

(2) In addition to or in lieu of a certification by a physician, as described in subsection (1) of this section, a long-term care insurance contract or certificate may include provisions which condition the payment of benefits on an assessment of the insured's ability to perform activities of daily living or loss of functional capacity, and on the insured's cognitive impairment.

(a) No insurer shall require deficiency in more than two activities of daily living or loss of functional capacity. Upon prior approval of the commissioner, an insurer may develop definitions or standards for additional activities of daily living; however, in no case shall a policy require a deficiency of more than two such activities of daily living as a barrier to benefits:

(i) Bathing: The ability of the insured to wash himself or herself either in the tub or shower or by sponge bath, with or without equipment or adaptive devices, turning on water faucets, setting temperature and water level, transferring into a tub or shower, transferring out of a tub or shower, drying

off completely, emptying the tub, without the stand-by assistance of another person.

(ii) Dressing: The ability of the insured to put on and take off all garments, and medically necessary braces or artificial limbs usually worn, and to fasten or unfasten them, without the stand-by assistance of another person.

(iii) Eating: The ability of the insured to get food and drink from a container into the body for nourishment, including cutting meat, buttering bread, and the use of fingers or utensils, without the stand-by assistance of another person.

(iv) Continence: The ability of the insured to voluntarily control bowel and bladder functions, or, in the event of incontinence, the ability to maintain a reasonable level of personal hygiene, without the stand-by assistance of another person.

(v) Transferring: The ability of the insured to move in and out of a chair or bed, or to get to and from and on and off the toilet, with or without equipment such as canes, quad canes, walkers, crutches or grab bars or other support devices including mechanical or motorized devices, without the stand-by assistance of another person.

(b) General standards for determining loss of cognitive impairment shall be based on an assessment of the insured's ability to perform basic cognitive functions.

(i) A definition of "cognitive impairment" shall not be more restrictive than a deterioration or loss of the insured's intellectual capacity which requires another person's assistance or verbal cueing for the protection of the insured or others.

(ii) Loss of intellectual capacity may be the result of Alzheimer's disease or similar forms of senility, irreversible dementia or advanced age.

(iii) A determination of cognitive impairment shall be based on clinical evidence or generally accepted reliable measurements of the insured's impairment in the areas of short or long-term memory, orientation, or deductive or abstract reasoning.

(3) Contracts or certificates which condition the payment of benefits on an assessment of the insured's ability to perform activities of daily living or on the insured's cognitive impairment shall include a clear and understandable description of a method for resolving disputes.

(4) If an insurer proposes standards other than those described in subsection (1) or (2) of this section, the insurer shall describe to the satisfaction of the commissioner how the proposed assessment will reasonably be expected to produce reliable, valid, and clinically appropriate results and that the alternate assessment method is not less beneficial to the insured than the standards described in subsections (1) and (2) of this section.

NEW SECTION

WAC 284-54-170 Minimum standards—Alternate care. (1) Beginning on July 1, 1995, no long-term care insurance contract which provides institutional care coverage to a resident of this state, may be advertised, solicited, delivered, or issued for delivery unless the insurer offers an alternate plan of care benefit.

(a) For purposes of this section, "alternate plan of care benefit" means medically-acceptable services delivered

according to a plan of treatment to an insured otherwise eligible for institutional care benefits.

(b) An alternative plan of care benefit shall include special arrangements for services designed to allow the insured to reside in a setting other than a nursing facility.

(c) An alternative plan of care benefit shall be unstructured to allow for flexibility and for types of care that might develop after the issue date of the insured's policy or certificate, and to allow for different levels of care.

(d) An alternate plan of care benefit shall include coverage for durable medical equipment or devices such as grab bars or ramps, residential structural improvements, and health care services rendered or provided to the insured in alternative settings to those specifically named in the insured's contract.

(e) Examples of services which might be provided under an alternate plan of care benefit include coverage for home-delivered meals; in-home safety devices; or care provided in licensed or certified Alzheimer's centers, assisted living facilities, congregate care facilities, adult day health care facilities or similar arrangements which may not have twenty-four-hour nursing services on their premises.

(f) Coverage for services provided under an alternate plan of care benefit may be subject to no less than the daily benefit limits for community based or home-based care, the lifetime maximum benefit, or other similar limits of coverage in the insured's contract.

(2) An alternate plan of care benefit shall be agreeable to the insured's physician and the insured, and shall be part of a plan of treatment developed by or with the assistance of health care professionals.

(3)(a) Coverage of care provided in facilities meeting the insurance contract's definition of institutional care or community based or home-based care but which facilities are not specifically excluded by definition, shall be provided to insureds when delivery of covered care at an alternative facility is in the best interest of the insured.

(b) An insurer may limit such options by imposing a condition that such care be in a facility regulated by the state only if such class of facility is subject to state regulation.

NEW SECTION

WAC 284-54-180 Reduction of coverage. Every long-term care insurance contract providing coverage to a resident of this state which is issued on or after July 1, 1995, shall include the right of an insured to reduce the benefits of a long-term care contract without providing evidence of insurability. Such a reduction may include, for example, changes which result in a contract with a longer elimination period, a lower daily benefit, or a shorter benefit period.

NEW SECTION

WAC 284-54-190 Nonduplication with state or national health care benefits. In the event that a state or federal program is enacted which substantially duplicates all or part of the coverage of an in-force long-term care insurance contract or certificate, current benefits or features which are duplicated by a state or national program shall be revised or eliminated promptly and in an orderly manner, subject to prior approval by the commissioner.

NEW SECTION

WAC 284-54-205 Rate stabilization. Any long-term care contract or certificate providing coverage to a resident of this state which is issued on or after July 1, 1995, shall limit the increase of premium in accordance with this section: *Provided however*, That this section shall not apply to certificates which are issued on or after July 1, 1995, under a group long-term care insurance contract, which group contract was in force before July 1, 1995.

(1) The initial premium charged shall not be increased during the first four years after the issue date of the contract.

(2) Except as provided in subsection (5) of this section, any premium rate increases after the initial four-year period are subject to the following restrictions:

(a) For insureds age eighty and older, the premium charged may not increase more than ten percent in the aggregate during any five-year period;

(b) For insureds age sixty-five to age eighty, the premium charged may not increase more than fifteen percent in the aggregate during any five-year period; and

(c) For insureds under the age of sixty-five, the premium charged may not increase more than twenty-five percent in the aggregate during any four-year period.

(3) No premium charged to an insured may be increased due to either:

(a) The increasing age of the insured at ages beyond sixty-five; or

(b) The duration the insured has been covered under the policy.

(4) Contracts which include inflation protection shall be subject to the restrictions in subsections (1), (2) and (3) of this section: *Provided however*, That the purchase of additional coverage shall not be considered a premium rate increase for purposes of determining compliance with subsection (2) of this section at the time additional coverage is purchased. The premium charged for the purchase of additional coverage shall be subject to subsection (2) of this section for any subsequent premium rate increases where no additional purchases of coverage are made.

(5) The commissioner may amend, for universal application, the premium rate restrictions imposed by this subsection, in appropriate circumstances, including but not limited to the following occurrences:

(a) State or federal law is amended materially affecting the insured risk;

(b) Unforeseen changes occur in long-term health care delivery, insured morbidity, or insured mortality; or

(c) Judicial interpretations or rulings are rendered regarding contract benefits or benefit triggers resulting in unforeseen claim liabilities.

AMENDATORY SECTION (Amending Order R 87-7, filed 7/9/87)**WAC 284-54-300 Information to be furnished, style.**

(1) Each broker, agent, or other representative of an insurer selling or offering benefits that are designed, or represented as being designed, to provide long-term care insurance benefits, shall deliver the disclosure form as set forth in WAC 284-54-350 not later than the time of ~~((application))~~ initial solicitation by an agent for the contract. If an agent has solicited the coverage, the disclosure form shall be

signed by that agent and a copy left with the applicant. The insurer shall maintain a copy in its files. A direct response insurer shall deliver the disclosure form not later than the time an application for the contract is provided to the prospective insured for execution.

(2) The disclosure form required by this section shall identify the insurer issuing the contract and may contain additional appropriate information in the heading. The informational portion of the form shall be substantially as set forth in WAC 284-54-350 and words emphasized therein shall be underlined or otherwise emphasized in each form issued. The form shall be printed in a style and with a type character that is easily read by an average person eligible for long-term care insurance.

(3) Where inappropriate terms are used in the disclosure form, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor or health maintenance organization shall substitute appropriate terminology.

(4) In completing the form, each subsection shall contain information which succinctly and fairly informs the purchaser as to the contents or coverage in the contract. If the contract provides no coverage with respect to the item, that shall be so stated. Address each of the questions as though they had been raised by the applicant regarding a long-term care policy. Address the answer to the reasonable person likely to purchase long-term care insurance.

(5) A policy which provides for the payment of benefits based on standards described as "usual," "customary," or "reasonable" (or any combination thereof), or words of similar import, shall include an explanation of such terms in its disclosure form and in the definitions section of the contract.

(6) If the contract contains any gatekeeper provision which limits benefits or precludes the insured from receiving benefits, such gatekeeper provision must be fully described.

(7) All insurers shall use the same disclosure form. It is intended that the information provided in the disclosure form will appear in substantially the same format provided to enable a purchaser to compare competing contracts easily.

(8) The information provided shall include the statement: "This is NOT a Medicare supplement policy," and shall otherwise comply with WAC ((284-55-067)) 284-66-120.

(9) The required disclosure form must be filed by the insurer with the commissioner prior to use in this state.

(10) In any case where the prescribed disclosure form is inappropriate for the coverage provided by the contract, an alternate disclosure form shall be submitted to the commissioner for prior approval or acceptance.

(11) Upon request of an applicant or insured, insurers shall make available a disclosure form in a format which meets the requirements of the Americans With Disabilities Act and which has been approved by the commissioner.

AMENDATORY SECTION (Amending Order R 87-7, filed 7/9/87)

WAC 284-54-350 Form to be used—Long-term care insurance disclosure form. The following disclosure form shall be used:

(Company Name)
Disclosure Form
Long-term Care Insurance

The decision to buy a new long-term care policy is very important. It should be carefully considered.

The following data give you some general tips and furnish you with a summary of benefits available under our policy.

Your long-term care policy provides thirty days (sixty days for direct response insurers) within which you may decide without cost whether you wish to keep it. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available under your policy.

If you now have insurance which provides benefits for long-term care, read your policy carefully. Look for what is said about renewing it. See if it contains waiting periods before benefits are paid. Note how it covers preexisting conditions (health conditions you already have). Compare these features with similar ones in any new policy. Use this information to measure the value of any insurance or health care plans you now have.

DON'T BUY MORE INSURANCE THAN YOU REALLY NEED. One policy that meets your needs is usually less expensive than several limited policies.

If you are eligible for state medical assistance coupons (Medicaid), you should not purchase a long-term care insurance policy.

After you receive your policy, make sure you have received the coverage you thought you bought. If you are not satisfied with the policy, you may return it within thirty days (sixty days for direct response insurer) for a full refund of premium.

PROPOSED

DISCLOSURE FORM

BENEFITS PROVIDED UNDER THE CONTRACT

Level of Care: Location Given:	Skilled Care		Intermediate Care		Custodial/Personal Care	
	Nursing Home	Home-Based	Nursing Home	Home-Based	Nursing Home	Home-Based
Payment Per Day	\$/¢	\$/¢	\$/¢	\$/¢	\$/¢	\$/¢
Number of Days of Benefits:						

GENERAL CONTRACT INFORMATION

Premium	Waiver of Premium	Recurring Conditions	Maximum Lifetime Benefits	Restoration of Maximum Lifetime Benefits?
Do premiums remain unchanged for life? Yes/No	Must premiums be paid when you are receiving benefits? Yes/No	If your disability recurs, when do you have to: -satisfy a new waiting period? -pay a new deductible? Explain:	Days _____ Dollars _____	Yes/No If yes, explain how and when they will be restored: _____
Will premiums automatically increase with age? Yes/No	Explain: _____	Explain: _____		
May the company make additional premium increases? Explain: _____				

LIMITATIONS ON COVERAGE

Exclusions and Exceptions (List and Explain Carefully)	Pre-Existing Conditions	Restrictions on Where and From Whom Care Received?	Payments You Must Make When You Have A Claim (List, Explain)
How many days do you have to wait to collect benefits: - after the policy is effective? _____ - after you become ill: _____ Other significant exclusions: _____	Are conditions for which you have been: -treated? _____ -excluded? _____ -limited? _____ Treatment how long ago? _____ Excluded how long? _____	Yes/No If yes, Explain: _____	Amount of co-payment charge: _____ Deductible: _____ Other: _____

NURSING HOME OR OTHER IN-PATIENT BENEFITS

Number of Days of Prior Hospitalization Required	Max. No. of Days Between Hospital Discharge and Nursing Home Admission	Level of Care Required at Time of Nursing Home Admission	No. of Days of Skilled Care Required to Qualify for Another Level of Care	Maximum Nursing Home or In-Patient Benefits
				Days? _____ Dollars? _____

PROPOSED

HOME-BASED OR OTHER OUT-PATIENT CARE BENEFITS

Covered Services (State whether covered and briefly explain limitations on benefits)	Gatekeeping (Threshold) Requirements	Maximum Home or Out-Patient Benefits
Hygiene/Personal Care? _____ Chore Services? _____ Meals/Nutritional Services? _____ Respite Care? _____ Adult Day Care? _____ Durable Medical Equipment? _____	Transportation? _____ Physician/Nursing Services? _____ Therapists? _____ Medical/Social Worker Services? _____ Drugs? _____ Other: _____	Prior in-patient care required? Yes/No _____ Prior level of in-patient care required? _____ Assessment by case manager or other required? Yes/No _____ Explain: _____
		Maximum number of days or visits: _____ Maximum duration of visits: _____ Dollar Maximum: _____

SPECIAL COVERAGE OR LIMITATIONS: _____

 =====

Premium: _____ Mode: _____

*This disclosure form was delivered to me on: _____ (date)

* _____
(Signature of Applicant)

*By: _____

*(Agent or Broker -- printed name and signature)

Contract Form No. _____

* A direct response insurer need not include this portion of the disclosure form.

PROPOSED

I. INSTITUTIONAL CARE

What levels of care are covered by the policy?

Does the policy provide benefits for these levels of care?

- skilled nursing care?
- intermediate nursing care?
- custodial/personal care?

NOTE: By state law, all long-term care policies sold to residents of Washington state must cover all three of the above levels of care.

Where can care be received and be covered under the policy?

Does the policy pay for care in any licensed facility?

If no, define the restrictions (if any) on where care can be obtained:

Is an alternative plan of care benefit available with the institutional benefits part of policy?

- Does the alternative plan of care benefit include home care?
- Does the alternative plan of care benefit include structural home improvements?

II. HOME or COMMUNITY-BASED CARE

What types of care are covered by the policy?

Does the policy provide home care benefits for:

- adult day care
- adult day health care
- chore services
- home health aides
- homemaker services
- hospice
- hygiene/personal care
- laboratory services
- meals/nutrition services
- medical equipment/supplies
- prescription drugs
- physician/nursing services
- respite care
- social workers
- therapies (list)
- transportation
- other: (list)

Where can home/community-based care be received?

please check all that apply:

- adult day care centers
- alternative care facilities
- assisted living facilities
- boarding homes
- community centers
- congregate care facilities
- multiple family residences
- single family residences
- other: (list)

Does the alternative plan of care benefit include home care?

Does the alternative plan of care benefit include structural improvements?

III. CONTRACT PROVISIONS AND FEATURES

What are the limits of this policy?

What is the maximum daily benefit amount for:

- institutional/nursing home care?
- home/community-based care?

Are there limits on the number of days (or visits) per year for which benefits will be paid for:

- institutional/nursing home care?
- home/community-based care?

What are the dollar limits the policy will pay during the policyholder's lifetime for:

- institutional/nursing home care?
- home/community-based care?
- total lifetime limit?

What basic features and benefits does the policy offer?

Is the policy guaranteed renewable?

Can you purchase additional increments of coverage? If yes:

- when can additional coverage be purchased?
- how much can be purchased?
- when is additional coverage no longer available for purchase?

Does the policy have inflation protection? If yes:

- what is the amount of the increase?
- is the rate of increase simple or compound? (Indicate increase as a percentage)
- when do increases stop?

If the policy includes inflation coverage, what is the daily benefit for:

- institutional/nursing home care:
 - 5 years from policy effective date?
 - 10 years from policy effective date?
- home/community-based care:
 - 5 years from policy effective date?
 - 10 years from policy effective date?

After the limits have been reached for inflation adjustments, what is the maximum daily benefit for:

- institutional/nursing home care?
- home/community-based care?

After the limits have been reached for inflation adjustments, what is the maximum lifetime benefit for:

- institutional/nursing home care?
- home/community-based care?

Is there a waiver of premium provision for:

- institutional/nursing home care?
- home/community-based care?
- how many days of confinement in an institution are required before the waiver of premium benefit is available?
- how many days of confinement at home are required before the waiver of premium benefit is available?
- how many days of benefits must be paid before waiver is effective?

Does the policy have a nonforfeiture benefit? If yes: How many years must the policy be in effect before the insured benefits from nonforfeiture values?

- what would the benefit value be in terms of dollars after 20 years?
- what does the nonforfeiture benefit promise? (give an appropriate example showing dollars and time limits)

Does the policy have a death benefit? If yes:

- specify value (in dollars or percentage)
- what conditions or limitations apply, if any?

Does the policy have a restoration of benefits provision?

If yes, describe:

How long is the elimination or waiting period before benefits begin for:

PROPOSED

-institutional or nursing home care?

-home or community-based care?

If disability recurs, is there a new elimination or waiting period before benefits begin again?

If yes, after how long?

How long is the waiting period for preexisting conditions?

How is "preexisting condition" defined?

What gatekeepers are required before benefits start?

-Doctor certification

-Case management

If yes, by whom?

-Plan of treatment

If yes, by whom?

-Inability to perform activities of daily living (ADLs)

If yes: How many ADLs must fail to trigger benefits?

-define "inability to perform" an ADL

Is there a separate benefit qualification requirement if there is a cognitive impairment?

If yes, define the separate benefit qualification requirement

IV. WHAT DOES THE POLICY COST?

How often may the premium increase?

Is there an annual limit to how much the premium may increase?

Is there a discount if two spouses buy policies? If so, how much?

Is the discount lost if one spouse dies?

V. POLICY DEFINITIONS (define terms used in the disclosure statement, as appropriate, including but not limited to the following)

Activities of daily living

Acute care or condition

Adult day care

Assisted living

Custodial care

Exclusion

Elimination period

Home care

Home health care

Hospice

Intermediate care

Intermittent care

Long-term care

Nonforfeiture benefit

Preexisting condition

Premium waiver

VI. COMPARISON WORKSHEET (include a worksheet for use by applicants substantially similar to the following)

PROPOSED

	POLICY OPTION 1	POLICY OPTION 2	POLICY OPTION 3	POLICY OPTION 4
COMPANY NAME.	_____	_____	_____	_____
ELIMINATION(DEDUCTIBLE)PERIOD	_____	_____	_____	_____
BENEFIT PERIOD	_____	_____	_____	_____
\$ BENEFIT FOR DAY	_____	_____	_____	_____
\$ MAXIMUM BENEFIT	_____	_____	_____	_____
Institutional/Nursing Home	_____	_____	_____	_____
Home Health/Community Based	_____	_____	_____	_____
PREMIUM SUBTOTAL \$	_____	_____	_____	_____
OPTIONAL BENEFITS	_____	_____	_____	_____
Inflation	_____	_____	_____	_____
Non Forfeiture	_____	_____	_____	_____
Spousal Discount	_____	_____	_____	_____
Return of premium	_____	_____	_____	_____
Death Benefit	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
PREMIUM TOTAL \$	_____	_____	_____	_____
BENEFIT "TRIGGERS"				
(QUALIFICATION REQUIREMENTS)				
List _____	_____	_____	_____	_____
List _____	_____	_____	_____	_____
List _____	_____	_____	_____	_____

AMENDATORY SECTION (Amending Order R 94-10, filed 7/6/94, effective 8/6/94)

WAC 284-54-270 Requirement to offer inflation protection. (1) No insurer may offer a long-term care insurance contract unless, in addition to any other inflation protection option, the insurer offers to the applicant the option to purchase a contract that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the contract. Insurers must offer to each applicant, at the time of purchase, the option to purchase a contract with an inflation protection feature no less favorable than one of the following:

(a) Increases benefit levels annually in a manner so that the increases are compounded annually at a rate not less than five percent;

(b) Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five percent for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

(c) Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

(2) Where the contract is issued to a group, the required offer in subsection (1) of this section shall be made to the group policyholder; except, if the policy is issued to an association group (defined in RCW 48.24.045) other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.

(3) The offer in subsection (1) of this section shall not be required of life insurance policies or riders containing accelerated long-term care benefits.

(4)(a) Insurers shall include the following information in or with the outline of coverage:

(i) A graphic comparison of the benefit levels of a contract that increases benefits over the contract period with a contract that does not increase benefits. The graphic comparison shall show benefit levels over at least a twenty-year period.

(ii) Any expected premium increases or additional premiums to pay for automatic or optional benefit increases.

(b) An insurer may use a reasonable hypothetical, or a graphic demonstration, for the purposes of this disclosure.

(c) It is intended that meaningful inflation protection be provided. Meaningful benefit minimums or durations may, for example, include providing increases to attained age, or for a period such as at least twenty years, or for some multiple of the policy's maximum benefit, or throughout the period of coverage.

(5) Inflation protection benefit increases under a contract which contains such benefits shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the contract.

(6) An offer of inflation protection which provides for automatic benefit increases shall include an offer of a premium which the insurer expects to remain constant. Such offer shall disclose in a conspicuous manner that the premium may change in the future unless the premium is guaranteed to remain constant.

(7)(a) Inflation protection as provided in subsection (1)(a) of this section shall be included in a long-term care insurance contract unless an insurer obtains a written rejection of inflation protection signed by the applicant.

(b) The rejection shall be considered a part of the application and shall state:

"I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this contract with and without inflation protection. Specifically, I have reviewed Plans, and I reject inflation protection."

WSR 94-23-135

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Filed November 23, 1994, 9:00 a.m.]

Original Notice.

Title of Rule: Actuarial opinion and memorandum regulation.

Purpose: Define specifics of the actuarial opinion and memorandum required by RCW 48.74.025. Also, provide an exemption from certain costly procedures for companies whose assets do not exceed \$500,000,000, and which may be regarded as lower-risk companies.

Other Identifying Information: Insurance Commissioner Matter No. R 94-26.

Statutory Authority for Adoption: RCW 48.01.030, 48.02.060, 48.74.025, 48.36A.250, 48.36A.260.

Statute Being Implemented: RCW 48.74.025, 48.36A.250, 48.36A.260.

Summary: The proposed regulation sets minimum standards for opinions of actuaries regarding the calculation and reporting of reserves and related items which are provided to the commissioner on the company's annual financial statement.

Reasons Supporting Proposal: Actuarial opinions and memoranda must meet certain specified standards to be considered sufficient to protect the insurance-buying public. Adoption of this regulation is required to meet NAIC accreditation standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roy Olson, Olympia, Washington, (206) 753-7305.

Name of Proponent: Insurance Commissioner Deborah Senn, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Defines specifics of the actuarial opinion and memorandum required by RCW 48.74.025. Also, provides an exemption from certain costly procedures for companies whose assets do not exceed \$500,000,000, and which may be regarded as lower-risk companies. The proposed regulation sets minimum standards for opinions of actuaries regarding

PROPOSED

the calculation and reporting of reserves and related items which are provided to the commissioner on the company's annual financial statement. Actuarial opinions and memoranda must meet certain specified standards to be considered sufficient to protect the insurance-buying public. Adoption of this regulation is required to meet NAIC accreditation standards.

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 Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (206) 664-3790, or FAX (206) 586-3535.

Hearing Location: Insurance Building Conference Room, 2nd Floor, 14th and Water, Olympia, Washington 98504, on December 27, 1994, at 9:30.

Assistance for Persons with Disabilities: Contact Lorie Malabed by December 21, 1994, TDD (206) 586-0691.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, FAX (206) 586-3535, by December 23, 1994.

Date of Intended Adoption: December 30, 1994.

November 22, 1994

G. W. Taylor

Deputy Commissioner

NEW SECTION

WAC 284-07-310 Purpose. The purpose of this regulation is to prescribe:

(1) Guidelines and standards for statements of actuarial opinion that are to be submitted in accordance with RCW 48.74.025, 48.36A.250, 48.36A.260, and for memoranda in support thereof;

(2) Guidelines and standards for statements of actuarial opinion which are to be submitted when a company is exempt from RCW 48.74.025(2); and

(3) Rules applicable to the appointment of an appointed actuary.

NEW SECTION

WAC 284-07-320 Authority. This regulation is issued pursuant to the authority vested in the commissioner under RCW 48.01.030, 48.02.060, and chapters 48.36A and 48.74 RCW.

NEW SECTION

WAC 284-07-330 Scope. (1) This regulation applies to all life insurance companies and fraternal benefit societies doing business in this state, to all life insurance companies and fraternal benefit societies which are authorized to reinsure life insurance, annuities, or disability insurance business in this state; and to all disability insurers that file annual statements on the life and accident and health blank.

(2) This regulation applies to all annual statements filed with the commissioner after the effective date of this regulation. Except with respect to companies which are exempted pursuant to WAC 284-07-360, a statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with WAC 284-07-380, and a memorandum in support

thereof in accordance with WAC 284-07-390, shall be required each year. Any company so exempted must file a statement of actuarial opinion pursuant to WAC 284-07-370.

(3) Notwithstanding the foregoing, the commissioner may require any company otherwise exempt pursuant to this regulation to submit a statement of actuarial opinion and to prepare a memorandum in support thereof in accordance with WAC 284-07-380 and 284-07-390 if, in the opinion of the commissioner, an asset adequacy analysis is necessary with respect to the company.

NEW SECTION

WAC 284-07-340 Definitions. (1) "Actuarial opinion" means:

(a) With respect to WAC 284-07-380, 284-07-390, or 284-07-400, the opinion of an appointed actuary regarding the adequacy of the reserves and related actuarial items based on an asset adequacy test in accordance with WAC 284-07-380 and with presently accepted actuarial standards;

(b) With respect to WAC 284-07-370, the opinion of an appointed actuary regarding the calculation of reserves and related items, in accordance with WAC 284-07-370 and with those presently accepted actuarial standards which specifically relate to this opinion.

(2) "Actuarial Standards Board" means the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

(3) "Annual statement" means that statement required by RCW 48.05.250 to be filed annually by the company with the commissioner.

(4) "Appointed actuary" means any individual who is appointed or retained in accordance with the requirements set forth in WAC 284-07-350(3) to provide the actuarial opinion and supporting memorandum as required by RCW 48.74.025.

(5) "Asset adequacy analysis" means an analysis that meets the standards and other requirements referred to in WAC 284-07-350(4); it may take many forms, including, but not limited to, cash flow testing, sensitivity testing, or applications of risk theory.

(6) "Company" means an insurance company, fraternal benefit society, or reinsurer subject to this regulation.

(7) "Noninvestment-grade bonds" means those bonds designated as classes 3, 4, 5, or 6 by the National Association of Insurance Commissioners (NAIC) Securities Valuation Office (SVO).

(8) "Qualified actuary" means an individual who meets the requirements set forth in WAC 284-07-350(2).

(9) "Appointed actuary" means an individual who meets the requirements set forth in WAC 284-07-350(3).

NEW SECTION

WAC 284-07-350 General requirements. (1) Submission of statement of actuarial opinion.

(a) There is to be included on or attached to page 1 of the annual statement for each year beginning with the annual statement for 1994, the statement of an appointed actuary, entitled "statement of actuarial opinion," setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with WAC 284-07-380: *Provided, however,* That any company

exempted pursuant to WAC 284-07-360 from submitting a statement of actuarial opinion in accordance with WAC 280-07-380 shall include on or attach to page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with WAC 284-07-370.

(b) If in the previous year a company provided a statement of actuarial opinion in accordance with WAC 284-07-370, and in the current year fails the exemption criteria of WAC 284-07-360 (3)(a), (b), or (c) to again provide an actuarial opinion in accordance with WAC 284-07-370, the statement of actuarial opinion in accordance with WAC 284-07-380 shall not be required until August 1 following the date of the annual statement. In this instance, the company shall provide a statement of actuarial opinion in accordance with WAC 284-07-370 with appropriate qualification noting the intent to subsequently provide a statement of actuarial opinion in accordance with WAC 284-07-380.

(c) In the case of a statement of actuarial opinion required to be submitted by a foreign or alien company, the commissioner may accept the statement of actuarial opinion filed by such company with the insurance supervisory regulator of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

(d) Upon written request by the company, the commissioner may grant an extension of the date for submission of the statement of actuarial opinion.

(2) "Qualified actuary" means an individual who:

(a) Is a member in good standing of the American Academy of Actuaries; and

(b) Is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements or equivalent standards acceptable to the commissioner; and

(c) Is familiar with the valuation requirements applicable to life and health insurance companies; and

(d) Has not been found by the commissioner (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice to have:

(i) Violated any provision of, or any obligation imposed by, Title 48 RCW or other law or any applicable regulation or order of the commissioner in the course of his or her dealings as a qualified actuary;

(ii) Been found guilty of fraudulent or dishonest practices;

(iii) Demonstrated his or her incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary;

(iv) Submitted to the commissioner during the past five years, an actuarial opinion or memorandum that the commissioner rejected because it did not meet the provisions of this regulation or standards set by the Actuarial Standards Board; or

(v) Resigned or been removed as an actuary within the past five years as a result of acts or omissions indicated in any adverse report on examination or as a result of failure to adhere to generally acceptable actuarial standards; and

(e) Has not failed to notify the commissioner of any action taken by any commissioner of any other state similar to that under (d) of this subsection.

(f) The commissioner may, in his or her sole discretion, accept equivalent qualifications in place of those in (a) and (b) of this subsection.

(3) "Appointed actuary" means a qualified actuary who is appointed or retained to prepare the statement of actuarial opinion required by this regulation; either directly by, or by the authority of, the board of directors through an executive officer of the company. The company shall give the commissioner timely written notice of the name, title (and, in the case of a consulting actuary, the name of the firm), and manner of appointment or retention of each person appointed or retained by the company as an appointed actuary and shall state in such notice that the person meets the requirements set forth in subsection (2) of this section. Once notice is furnished, no further notice is required with respect to this person, provided that the company shall give the commissioner timely written notice in the event the actuary ceases to be appointed or retained as an appointed actuary or to meet the requirements set forth in subsection (2) of this section. If any person appointed or retained as an appointed actuary replaces a previously appointed actuary, the notice shall so state and give the reasons for replacement.

(4) Standards for asset adequacy analysis: Except to the extent the commissioner approves equivalents in advance, the asset adequacy analysis required by this regulation:

(a) Shall conform to the standards of practice as promulgated from time to time by the Actuarial Standards Board and to any additional standards under this regulation, which standards are to form the basis of the statement of actuarial opinion in accordance with WAC 284-07-380; and

(b) Shall be based on methods of analysis as are deemed appropriate for such purposes by the Actuarial Standards Board.

(5) Liabilities to be covered.

(a) Under authority of RCW 48.74.025, the statement of actuarial opinion shall apply to all in force business on the statement date regardless of when or where issued, e.g., reserves of Exhibits 8, 9, and 10, and claim liabilities in Exhibit 11, Part 1 and equivalent items in the separate account statement or statements.

(b) If the appointed actuary determines as the result of asset adequacy analysis that a reserve should be held in addition to the aggregate reserve held by the company and calculated in accordance with methods set forth in RCW 48.74.040, 48.74.070, 48.74.080, and 48.74.090, the company shall establish such additional reserve.

(c) For years ending prior to December 31, 1995, the company may, in lieu of establishing the full amount of the additional reserve in the annual statement for that year, set up an additional reserve in an amount not less than two times the additional reserve divided by three.

(d) Additional reserves established under (b) or (c) of this subsection and deemed not necessary in subsequent years may be released. Any amounts released must be disclosed in the actuarial opinion for the applicable year. The release of such reserves would not be deemed an adoption of a lower standard of valuation.

NEW SECTION

WAC 284-07-360 Required opinions. (1) In accordance with RCW 48.74.025, every company doing business in this state shall annually submit the opinion of an appointed actuary as provided for by this regulation. The type of opinion submitted shall be determined by the provisions set forth in this section and shall be in accordance with the applicable provisions in this regulation.

(2) Company categories. For purposes of this regulation, companies shall be classified as follows based on the admitted assets as of the end of the calendar year for which the actuarial opinion is applicable:

(a) Category A shall consist of those companies whose admitted assets do not exceed twenty million dollars;

(b) Category B shall consist of those companies whose admitted assets exceed twenty million dollars but do not exceed one hundred million dollars;

(c) Category C shall consist of those companies whose admitted assets exceed one hundred million dollars but do not exceed five hundred million dollars; and

(d) Category D shall consist of those companies whose admitted assets exceed five hundred million dollars.

(3) Exemption eligibility tests:

(a) Any Category A company that, for any year beginning with 1994, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with WAC 284-07-380 for the year in which these criteria are met. The ratios in (a)(i), (ii), and (iii) of this subsection shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

(i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .10.

(ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .30.

(iii) The ratio of the book value of the noninvestment-grade bonds to the sum of capital and surplus is less than .50.

(iv) The Examiner Team for the NAIC has not designated the company as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and the commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Staff and Support Office (SSO).

(b) Any Category B company that, for any year beginning with 1994, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with WAC 284-07-380 for the year in which the criteria are met. The ratios in (b)(i), (ii), and (iii) of this subsection shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

(i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .07.

(ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .40.

(iii) The ratio of the book value of the noninvestment-grade bonds to the sum of capital and surplus is less than .50.

(iv) The Examiner Team for the NAIC has not designated the company as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and the commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC SSO.

(c) Any Category A or Category B company that meets all of the criteria set forth in (a) or (b) of this subsection, whichever is applicable, is exempted from submission of a statement of actuarial opinion in accordance with WAC 284-07-380 unless the commissioner specifically indicates to the company that the exemption is not to be taken.

(d) Any Category A or Category B company that for any year beginning with 1994 is not exempted under (c) of this subsection, shall be required to submit a statement of actuarial opinion in accordance with WAC 284-07-380 for the year for which it is not exempt.

(e) Any Category C company that, after submitting an opinion in accordance with WAC 284-07-380 meets all of the following criteria shall not be required, unless required in accordance with (f) of this subsection, to submit a statement of actuarial opinion in accordance with WAC 284-07-380 more frequently than every third year. Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in accordance with WAC 284-07-380 for that year. The ratios in (e)(i), (ii) and (iii) of this subsection shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

(i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .05;

(ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .50;

(iii) The ratio of the book value of the noninvestment-grade bonds to the sum of the capital and surplus is less than .50;

(iv) The Examiner Team for the NAIC has not designated the company as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and the commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC SSO.

(f) Any company which is not required by this section to submit a statement of actuarial opinion in accordance with WAC 284-07-380 for any year shall submit a statement of actuarial opinion in accordance with WAC 284-07-370 for that year unless as provided for by WAC 284-07-330(3) the

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commissioner requires a statement of actuarial opinion in accordance with WAC 284-07-380.

(4) Every Category D company shall submit a statement of actuarial opinion in accordance with WAC 284-07-380 for each year beginning with the year 1994.

NEW SECTION

WAC 284-07-370 Statement of actuarial opinion not including an asset adequacy analysis. (1) The statement of actuarial opinion required by this section shall consist of:

(a) A paragraph identifying the appointed actuary and his or her qualifications;

(b) A regulatory authority paragraph stating that the company is exempt pursuant to this regulation from submitting a statement of actuarial opinion based on an asset adequacy analysis and that the opinion, which is not based on an asset adequacy analysis, is rendered in accordance with this section;

(c) A scope paragraph identifying the subjects on which the opinion is to be expressed and describing the scope of the appointed actuary's work; and

(d) An opinion paragraph expressing the appointed actuary's opinion as required by RCW 48.74.025.

(2) Recommended language: The following language provided is that which in typical circumstances shall be included in a statement of actuarial opinion in accordance with this section. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary shall use language which clearly expresses his or her professional judgment. The opinion shall retain all pertinent aspects of the language provided in this section.

(a) The opening paragraph shall indicate the appointed actuary's relationship to the company.

(i) For a company actuary, the opening paragraph of the actuarial opinion shall read substantially as follows:

"I, [name of actuary], am [title] of [name of company] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of that insurer to render this opinion as stated in the letter to the Commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability companies."

(ii) For a consulting actuary, the opening paragraph of the actuarial opinion shall include a sentence substantially as follows:

"I, [name and title of actuary], a member of the American Academy of Actuaries, am associated with the firm of [insert name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the Commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(b) The regulatory authority paragraph shall include a statement substantially as follows: "The company is exempt pursuant to WAC 284-07-310 through 284-07-400 from

submitting a statement of actuarial opinion based on an asset adequacy analysis. This opinion, which is not based on an asset adequacy analysis, is rendered in accordance with WAC 284-07-370."

(c) The scope paragraph shall contain a sentence substantially as follows: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, []." The paragraph shall list items and amounts with respect to which the appointed actuary is expressing an opinion. The list shall include but not necessarily be limited to:

(i) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 8;

(ii) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 9;

(iii) Deposit funds, premiums, dividend and coupon accumulations, and supplementary contracts not involving life contingencies included in Exhibit 10;

(iv) Net deferred and uncollected premiums for which the full annual mean tabular reserve liability is carried in Exhibit 8;

(v) Policy and contract claims—liability end of current year included in Exhibit 11, Part 1; and

(vi) "Cost of collection" in excess of loading.

(d) If the appointed actuary has examined the underlying records, the scope paragraph shall also include substantially the following statement:

"My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic records and such tests of the actuarial calculations as I considered necessary."

(e) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force prepared by the company or a third party, the scope paragraph shall include a sentence substantially similar to one of the following:

(i) "I have relied upon listings and summaries of policies and contracts and other liabilities in force prepared by [name and title of company officer certifying in force records] as certified in the attached statement. (See accompanying affidavit by a company officer.) In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."

(ii) "I have relied upon [name of accounting firm] for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."

(iii) The statement of the person certifying shall follow the form indicated by (j) of this subsection.

(f) The opinion paragraph shall include substantially the following statement:

"In my opinion the amounts carried in the balance sheet on account of the actuarial items identified above:

- (i) Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated in accordance with sound actuarial principles;
- (ii) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;
- (iii) Meet the requirements of the insurance laws and regulations of the state of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;
- (iv) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end with any exceptions as noted below; and
- (v) Include provision for all actuarial reserves and related statement items which ought to be established.

The actuarial methods, considerations, and analyses used in forming my opinion conform to the appropriate Standards of Practice and Compliance Guidelines as promulgated by the Actuarial Standards Board, which standards and guidelines form the basis of this statement of opinion."

(g) The concluding paragraph shall document the eligibility for the company to provide an opinion as provided by this section. It shall include substantially the following statement:

"This opinion is provided in accordance with WAC 284-07-370. As such it does not include an opinion regarding the adequacy of reserves and related actuarial items when considered in light of the assets which support them.

Eligibility for WAC 284-07-370 is confirmed as follows:

- (i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is [insert amount], which equals or exceeds the applicable criterion based on the admitted assets of the company (WAC 284-07-360(3)).
- (ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is [insert amount], which is less than the applicable criteria based on the admitted assets of the company (WAC 284-07-360(3)).
- (iii) The ratio of the book value of the noninvestment-grade bonds to the sum of capital and surplus is [insert amount], which is less than the applicable criteria of .50.

- (iv) To my knowledge, the NAIC Examiner Team has not designated the company as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile.
- (v) To my knowledge there is not a specific request from any Commissioner requiring an asset adequacy analysis opinion.

Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary"

(h) If there has been any change in the actuarial assumptions from those previously employed, that change shall be described in the annual statement or in a paragraph of the statement of actuarial opinion; and the reference in (f)(iv) of this section to consistency shall read substantially as follows:

"... with the exception of the change described on Page [] of the annual statement (or in the preceding paragraph)."

The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this paragraph.

(i) If the appointed actuary is unable to form an opinion, he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement shall follow the scope paragraph and precede the opinion paragraph.

(j) If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force, there shall be attached to the opinion, the statement of a company officer or accounting firm who prepared such underlying data similar to the following:

"I [name of officer], [title] of [name and address of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, [], prepared for and submitted to [name of appointed actuary], were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company
or Accounting Firm

Address of the Officer of the Company
or Accounting Firm

Telephone Number of the Officer of the
Company or Accounting Firm"

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 284-07-380 Statement of actuarial opinion based on an asset adequacy analysis. (1) The statement of actuarial opinion submitted in accordance with this section shall consist of:

(a) A paragraph identifying the appointed actuary and his or her qualifications (see subsection (2)(a) of this section);

(b) A scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items which have been analyzed for asset adequacy and the method of analysis, (see subsection (2)(b) of this section) and identifying the reserves and related actuarial items covered by the opinion which have not been so analyzed;

(c) A reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures or assumptions, e.g., anticipated cash flows from currently owned assets, including variation in cash flows according to economic scenarios (see subsection (2)(c) of this section), supported by a statement of each such expert in the form prescribed by subsection (5) of this section; and

(d) An opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see subsection (2)(f) of this section).

(e) One or more additional paragraphs may be appropriate in individual company cases, as follows:

(i) If the appointed actuary considers it necessary to state a qualification of his or her opinion;

(ii) If the appointed actuary must disclose the method of aggregation for reserves of different products or lines of business for asset adequacy analysis;

(iii) If the appointed actuary must disclose reliance upon any portion of the assets supporting the asset valuation reserve (AVR), interest maintenance reserve (IMR), or other mandatory or voluntary statement of reserves for asset adequacy analysis;

(iv) If the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;

(v) If the appointed actuary must disclose whether additional reserves of the prior opinion date are released as of this opinion date, and the extent of the release; or

(vi) If the appointed actuary chooses to add a paragraph briefly describing the assumptions which form the basis for the actuarial opinion.

(2) Recommended language: The following paragraphs are to be included in the statement of actuarial opinion in accordance with this section. Language is that which in typical circumstances shall be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary shall use language which clearly expresses his or her professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in this section.

(a) The opening paragraph shall generally indicate the appointed actuary's relationship to the company and his or her qualifications to sign the opinion.

(i) For a company actuary, the opening paragraph of the actuarial opinion shall read substantially as follows:

"I, [name], am [title] of [insurance company name] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of that insurer to render this opinion as stated in the letter to the Commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(ii) For a consulting actuary, the opening paragraph shall contain a sentence substantially similar to the following:

"I, [name], a member of the American Academy of Actuaries, am associated with the firm of [name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the Commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(b) The scope paragraph shall include a statement substantially similar to the following:

"I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, 19[]. Tabulated below are those reserves and related actuarial items which have been subjected to asset adequacy analysis."

PROPOSED

PROPOSED

Asset Adequacy Tested Amounts			Reserves and Liabilities		
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
Exhibit 8					
A Life Insurance					
B Annuities					
C Supplementary Contracts Involving Life Contingencies					
D Accidental Death Benefit					
E Disability - Active					
F Disability - Disabled					
G Miscellaneous					
Total (Exhibit 8 Item 1, Page 3)					
Exhibit 9					
A Active Life Reserve					
B Claim Reserve					
Total (Exhibit 9 Item 2, Page 3)					
Exhibit 10					
1 Premiums and Other Deposit Funds					
1.1 Policyholder Premiums (Page 3, Line 10.1)					
1.2 Guaranteed Interest Contracts (Page 3, Line 10.2)					

PROPOSED

Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
1.3 Other Contract Deposit Funds (Page 3, Line 10.3)					
2 Supplementary Contracts Not Involving Life Contingencies (Page 3, Line 3)					
3 Dividend and Coupon Accumulations (Page 3, Line 5)					
Total Exhibit 10					
Exhibit 11 Part 1					
1 Life (Page 3, Line 4.1)					
2 Health (Page 3, Line 4.2)					
Total Exhibit 11, Part 1					
Separate Accounts (Page 3, Line 27)					
TOTAL RESERVES					

IMR (Page <u>3</u> Line <u>11.4</u>)	
AVR (Page <u>3</u> Line <u>24.1</u>)	(c)

Notes to table of reserves and related actuarial items:

Page and line numbers refer to the 1992 blank. Corresponding entries from blanks from later years shall be substituted as appropriate.

- (a) The additional actuarial reserves are the reserves established under WAC 284-07-350 (5)(b) or (c).
- (b) The appointed actuary shall indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in WAC 284-07-350(4), by means of symbols which shall be defined in footnotes to the table.
- (c) Allocated amount."

(c) If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph shall include a statement substantially similar to one of the following:

- (i) "I have relied on [name], [title] for [e.g., anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios] and, as certified in the attached statement, ..."
- (ii) "I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement."

A statement of reliance on other experts should be accompanied by a statement by each of such experts of the form prescribed by subsection (5) of this section.

(d) If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph shall also include substantially the following statement:

"My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary."

(e) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force or asset records or both prepared by the company or a third party, the reliance paragraph shall include a sentence substantially similar to one of the following:

- (i) "I have relied upon listings and summaries [of policies and contracts, of asset records] prepared by [name and title of company officer certifying in-force records] as certified in the attached statement. In other respects my examination included such review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."
- (ii) "I have relied upon [name of accounting firm] for the substantial accuracy of the in-force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the

actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary."

Such a section shall be accompanied by a statement by each person relied upon based on the form prescribed by subsection (5) of this section.

(f) The opinion paragraph shall include a statement substantially similar to the following:

"In my opinion the reserves and related actuarial values concerning the statement items identified above:

- (i) Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;
- (ii) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;
- (iii) Meet the requirements of the insurance laws and regulations of the state of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;
- (iv) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below);
- (v) Include provision for all actuarial reserves and related statement items which ought to be established.

The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company.

The actuarial methods, considerations, and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion.

This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion.

or

The following material change(s) which occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be

considered in reviewing this opinion: (Describe the change or changes.)

The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis.

Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary"

(3) Assumptions for new issues: The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this section.

(4) Adverse opinions: If the appointed actuary is unable to form an opinion, then he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, then he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

(5) Reliance on data furnished by other persons. If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force or asset-oriented information, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data, substantially similar to either or both of the following, as appropriate:

(a) "I [name of officer], [title], of [name of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, 19[], and other liabilities prepared for and submitted to [name of appointed actuary] were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm"

(b) "I, [name of officer], [title] of [name of company, accounting firm, or security analyst], hereby affirm that the listings, summaries, and analyses relating to data

prepared for and submitted to [name of appointed actuary] in support of the asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company, Accounting Firm or the Security Analyst

Address of the Officer of the Company, Accounting Firm or the Security Analyst

Telephone Number of the Officer of the Company, Accounting Firm or the Security Analyst"

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 284-07-390 Description of actuarial memorandum including an asset adequacy analysis. (1)(a) In accordance with RCW 48.74.025, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his or her opinion regarding the reserves under a WAC 284-07-380 opinion. The memorandum shall be made available for examination by the commissioner upon his or her request but shall be returned to the company after such examination and shall not be considered a record of the commissioner or subject to automatic filing with the commissioner.

(b) In preparing the memorandum, the appointed actuary may rely on, and include as a part of his or her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of WAC 284-07-350(2), with respect to the areas covered in such memoranda, and shall so state in their memoranda.

(c) If the commissioner requests a memorandum and an adequate memorandum is not provided within ten days of the request, or, if the commissioner finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of this regulation, the commissioner may designate a qualified actuary to review the opinion and prepare the supporting memorandum required for review. All reasonable and necessary expenses of the independent review shall be paid by the company but all expenses connected therewith shall be directed and controlled by the commissioner.

(d)(i) The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company and the work papers and documentation of the reviewing actuary shall be retained by the commissioner: *Provided, however,* That any information provided by the company to the reviewing actuary and included in the work papers shall be considered material provided by the company to the commissioner and shall be kept confidential to the same extent as prescribed by law with respect to other

material provided by the company to the commissioner pursuant to the statute governing this regulation.

(ii) The reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to this regulation for the current year or any one of the preceding three years.

(2) When an actuarial opinion under WAC 284-07-380 is provided, the memorandum shall demonstrate that the analysis has been completed in accordance with the standards for asset adequacy referred to in WAC 284-07-350(4) and any additional standards required by the commissioner. The memorandum shall specify:

(a) For reserves:

(i) Product descriptions including market description, underwriting and other aspects of a risk profile, and the specific risks the appointed actuary deems significant;

(ii) Source of liability in force;

(iii) Reserve method and basis;

(iv) Investment reserves;

(v) Reinsurance arrangements.

(b) For assets:

(i) Portfolio descriptions, including a risk profile disclosing the quality, distribution, and types of assets;

(ii) Investment and disinvestment assumptions;

(iii) Source of asset data;

(iv) Asset valuation bases.

(c) Analysis basis:

(i) Methodology;

(ii) Rationale for inclusion/exclusion of different blocks of business and how pertinent risks were analyzed;

(iii) Rationale for degree of rigor in analyzing different blocks of business;

(iv) Criteria for determining asset adequacy;

(v) Effect of federal income taxes, reinsurance, and other relevant factors.

(d) Assumptions:

(i) Lapse rates, including a comparison of assumed lapse rates with actual lapse rates, if lapse experience studies have been performed;

(ii) Interest crediting rate strategy;

(iii) Mortality rates, either specified directly or stated with reference to nonproprietary, published tables;

(iv) Dividend strategy;

(v) Competitor or market interest rate;

(vi) Annuitization rates;

(vii) Commissions and expenses, including a comparison of assumptions with recent actual commissions and expenses;

(viii) Asset default costs;

(ix) Bond call function;

(x) Mortgage prepayment function;

(xi) Market value for assets sold due to disinvestment strategy;

(xii) Anticipated yield on assets acquired through the investment strategy.

(e) Impact of changes in assumptions used in asset adequacy analysis, based on sensitivity tests performed.

(f) Results:

(i) Schedules under each required scenario showing the cash flows, statutory gains or losses, and statutory balance sheet, as modeled, for each year in the projection period: *Provided however*, That for 1994, abbreviated schedules,

appropriate in the judgment of the appointed actuary, are acceptable.

(ii) Summary of results.

(g) Conclusion(s).

(3) The memorandum shall include a statement substantially similar to the following:

"Actuarial methods, considerations, and analyses used in the preparation of this memorandum conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis for this memorandum."

NEW SECTION

WAC 284-07-400 Additional considerations for analysis. (1) Aggregation: For the asset adequacy analysis for the statement of actuarial opinion provided in accordance with WAC 284-07-380, reserves and assets may be aggregated by either of the following methods:

(a) Aggregate the reserves and related actuarial items, and the supporting assets, for different products or lines of business, before analyzing the adequacy of the combined assets to mature the combined liabilities. The appointed actuary must be satisfied that the assets held in support of the reserves and related actuarial items so aggregated are managed in such a manner that the cash flows from the aggregated assets are available to help mature the liabilities from the blocks of business that have been aggregated.

(b) Aggregate the results of asset adequacy analysis of one or more products or lines of business, the reserves for which prove through analysis to be redundant, with the results of one or more products or lines of business, the reserves for which prove through analysis to be deficient. The appointed actuary must be satisfied that the asset adequacy results for the various products or lines of business for which the results are so aggregated:

(i) Are developed using consistent economic scenarios;

or

(ii) Are subject to mutually independent risks, i.e., the likelihood of events impacting the adequacy of the assets supporting the redundant reserves is completely unrelated to the likelihood of events impacting the adequacy of the assets supporting the deficient reserves.

(c) In the event of any aggregation, the actuary must disclose that in his or her opinion such reserves were aggregated on the basis of method (a), (b)(i), or (b)(ii) of this subsection, whichever is applicable, and describe the aggregation in the supporting memorandum.

(2) Selection of assets for analysis: The appointed actuary shall analyze only those assets held in support of the reserves which are the subject for specific analysis, hereafter called "specified reserves." A particular asset or portion thereof supporting a group of specified reserves cannot support any other group of specified reserves. An asset may be allocated over several groups of specified reserves. The annual statement value of the assets held in support of the reserves shall not exceed the annual statement value of the specified reserves, except as provided in subsection (3) of this section. If the method of asset allocation is not consistent from year to year, the extent of its inconsistency should be described in the supporting memorandum.

(3) Use of assets supporting the interest maintenance reserve and the asset valuation reserve:

(i) An appropriate allocation of assets in the amount of the interest maintenance reserve (IMR), whether positive or negative, must be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the asset valuation reserve (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.

(ii) The amount of the assets used for the AVR shall be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum.

(iii) The method used for selecting particular assets or allocated portions of assets shall be disclosed in the memorandum.

(4) Required interest scenarios:

(a) For the purpose of performing the asset adequacy analysis required by this regulation, the qualified actuary shall follow standards adopted by the Actuarial Standards Board or equivalent standards approved in advance by the commissioner. In the analysis, the appointed actuary shall consider the effect of at least the following interest rate scenarios:

(i) Level with no deviation;

(ii) Uniformly increasing over ten years at a half percent per year and then level;

(iii) Uniformly increasing at one percent per year over five years and then uniformly decreasing at one percent per year to the original level at the end of ten years and then level;

(iv) An immediate increase of three percent and then level;

(v) Uniformly decreasing over ten years at a half percent per year and then level;

(vi) Uniformly decreasing at one percent per year over five years and then uniformly increasing at one percent per year to the original level at the end of ten years and then level; and

(vii) An immediate decrease of three percent and then level.

(b) For all scenarios used, projected interest rates for a five-year treasury note need not be reduced beyond the point where the five-year treasury note yield would be at fifty percent of its initial level.

(c) The beginning interest rates may be based on interest rates for new investments as of the valuation date similar to recent investments allocated to support the product being tested or be based on an outside index, such as treasury yields, of assets of the appropriate length on a date close to the valuation date.

(d) The method used to determine the beginning yield curve and associated interest rates shall be specifically defined. The beginning yield curve and associated interest rates shall be consistent for all interest rate scenarios.

(5) Documentation: The appointed actuary shall retain on file, for at least seven years, sufficient documentation so that it will be possible to determine the procedures followed, the analyses performed, the bases for assumptions, and the results obtained.

WSR 94-23-137

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed November 23, 1994, 10:07 a.m.]

Continuance of WSR 94-20-114.

Title of Rule: Amending WAC 356-46-125 Drug testing—Limitations—Uses.

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor Board Room, Olympia, WA 98504, on December 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by December 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, FAX (206) 586-4694, by December 6, 1994.

Date of Intended Adoption: December 8, 1994.

November 21, 1994

Dennis Karras
Secretary

WSR 94-23-138

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed November 23, 1994, 10:13 a.m.]

Continuance of WSR 94-21-092.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on January 12, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact [Department of Personnel] by January 5, 1995, 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 January 10, 1995.

Date of Intended Adoption: January 12, 1995.

November 21, 1994

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 93-19-147, filed 9/22/93)

WAC 356-10-020 Classification plan—Revision. The director shall submit proposed revisions to the classification plan and any proposed alternate compensation implementation plan(s) to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) Beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with 43.88 RCW.

(3) Proposals may be made for an alternate implementation plan(s) for compensation adjustments which are a component of a request for board adoption of classification plan revisions. Compensation plans will be developed through cooperative efforts of those agencies/higher education institutions/organizations affected.

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

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

AMENDATORY SECTION (Amending WSR 91-03-070, filed 1/16/91, effective 3/1/91)

WAC 356-10-050 Employee appointment status—Upward reallocation. Employees in positions that have been reallocated upward are affected as follows:

(1) Employee must compete at the time of certification from the appropriate eligible register, unless otherwise determined by the director of personnel or designee, when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If the employee is appointed from a certification, his/her salary is then determined in accordance with the rule governing promotion. The employee will serve a probationary or trial service.

(2) Employees in positions that have been reallocated upwards based on duties of a higher level classification performed for over one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee; and

(b) The department of personnel verifies that the incumbent has the knowledge, skills and abilities needed for the new class.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within ninety days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a temporary appointment under these rules up to thirty days after the register is established. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel resources board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the

new range as held in the present range unless an alternate compensation implementation plan(s) is approved by the board.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) In reallocations determined by the department of personnel's director or designee the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

For positions reallocated by agencies under their delegated allocation authority, the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the ((state)) personnel resources board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

WSR 94-23-139

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed November 23, 1994, 10:14 a.m.]

Continuance of WSR 94-21-091.

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 January 12, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by January 5, 1995, 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 January 10, 1995.

Date of Intended Adoption: January 12, 1995.

November 21, 1994

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 93-19-147, filed 9/22/93)

WAC 251-06-020 Classification plan—Adoption. (1) The proposed classification plan and any subsequent proposed revisions thereto and any proposed alternate compensation implementation plan(s) shall be submitted to the board by the director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the board shall hold open hearings on the plan. The plan shall become effective as determined by the board. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures. However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with 43.88 RCW. ~~((Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.))~~

(2) Proposals may be made for an alternate implementation plan(s) for compensation adjustments which are a component of a request for board adoption of classification plan revisions. Compensation plans will be developed through cooperative efforts of those higher education institutions/related boards/agencies/organizations affected.

AMENDATORY SECTION (Amending WSR 91-13-011, filed 6/7/91, effective 6/7/91)

WAC 251-08-112 Salary—Reallocation. (1) An employee occupying a position that is reallocated to an existing class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion in WAC 251-08-110. The periodic increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to an existing class with a lower salary maximum shall be placed in the salary step in the new range which is closest to the current salary, provided such salary does not exceed the top step of the new salary range.

(3) When reallocation is necessary because the board has created, abolished, or modified a class, the incumbent will remain in the position and therefore will not be afforded layoff rights. Employees will be affected as follows unless the board approves an alternate implementation plan(s) for compensation adjustments due to classification plan revisions as provided in WAC 251-06-020:

(a) An employee occupying a position reallocated to a class with a lower salary range maximum will retain his/her salary as of the date preceding the effective date of the board's action and will be allowed to achieve the salary maximum of the former class. The employee will lose the right to such salary maintenance if he/she subsequently voluntarily demotes, promotes, or moves to another class;

(b) An employee occupying a position reallocated to a class with a higher salary range maximum will have his/her salary adjusted to the same step in the new range as was

held in the previous range. The periodic increment date of the affected employee will remain unchanged;

(c) Reallocations due to the board's creation, abolishment, or modification of a class become effective on the effective date of the board's action.

WSR 94-23-142
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 23, 1994, 11:04 a.m.]

Original Notice.

Title of Rule: Proposed amendments to chapters 296-20, 296-23 and 296-23A WAC, regarding reimbursement to health care providers.

Purpose: To change the conversion factor used to calculate reimbursement levels for services payable through the Washington RBRVS fee schedule and to increase the physical and occupational therapy daily maximum rates.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Statute Being Implemented: RCW 51.04.020 and 51.04.030.

Summary: To change the conversion factor used to calculate reimbursement levels for services payable through the Washington RBRVS fee schedule and to increase the physical and occupational therapy daily maximum rates.

Reasons Supporting Proposal: Changes are required to support refinement of the agency's reimbursement policies.

Name of Agency Personnel Responsible for Drafting: Bill Stoner, Tumwater, Washington, 956-6807; Implementation and Enforcement: Mark O. Brown, Tumwater, Washington, 956-4200.

Name of Proponent: [Department of Labor and Industries], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 296-20 WAC will change the conversion factor used to calculate reimbursement rates for health care services. Overall, the change will lead to an increase in agency expenditures for selected health care services. Chapters 296-23 and 296-23A WAC will increase the daily maximum rates for physical and occupational therapy services. This change will lead to an increase in agency expenditures for most physical and occupational therapy services.

Proposal Changes the Following Existing Rules: Per statutory requirements, the conversion factor must be in WAC. As a result, any changes to the conversion factor must be made in WAC. The maximum daily rates for physical and occupational therapy services are also in WAC. In order to change the rate the WAC must also be changed.

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 Bill Stoner, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (206) 956-6807, or FAX (206) 956-4249.

PROPOSED

Hearing Location: Department of Labor and Industries,
7273 Linderson Way, Tumwater, WA, on January 5, 1995,
at 1:30 p.m.

Submit Written Comments to: Bill Stoner, FAX (206)
956-4249, by January 12, 1995.

Date of Intended Adoption: February 15, 1995.

November 23, 1994

Mark O. Brown

Director

AMENDATORY SECTION (Amending WSR 94-02-045
and 94-03-008, filed 12/30/93 and 1/6/94, effective 3/1/94)

WAC 296-20-135 Conversion factors. ~~((1) The following conversion factors are the base fees for determining the maximum amount paid by the department for procedures with specified unit values. Except for anesthesia services, during the transition period for services rendered on or after September 1, 1993, reimbursement levels cannot be determined by multiplying the conversion factor and a relative value unit. However, the conversion factors upon which the transition fees for nonanesthesia services are based are listed below (for informational purposes only). Refer to WAC 296-20-132 for additional information.~~

~~(2) The conversion factor or base fee for medicine, surgery, radiology, pathology, laboratory, chiropractic, physical therapy, occupational therapy, naturopathic physician, nurse practitioners procedure codes, and other providers, as determined by department policy is:~~

~~\$34.51 for services rendered from September 1, 1993, to February 28, 1994.~~

~~\$36.58 for services rendered after March 1, 1994.~~

~~(3) The conversion factor or base fee for anesthesia is \$20.74.)~~

(1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) Washington RBRVS services rendered on or after May 1, 1995, have a conversion factor of \$42.63. The fee schedules list the reimbursement levels for these services.

(3) Anesthesia services that are paid with base and time units have a conversion factor of \$20.74. The base units are listed in the fee schedules.

(4) Services that do not use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 94-02-045,
filed 12/30/93, effective 3/1/94)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-095.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ~~(((\$63.65,))~~ \$72.04 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 94-02-045, filed 12/30/93, effective 3/1/94)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$63.65))~~ \$72.04 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of

therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 94-02-045, filed 12/30/93, effective 3/1/94)

WAC 296-23A-400 Hospital outpatient physical therapy rules. Hospitals should refer to chapter 296-20 WAC for general information and rules, and to department billing instructions pertaining to the care of workers and the billing of services.

The procedure codes and maximum allowable fees for physical therapy services are listed in the fee schedules. Also refer to WAC 296-20-132 and 296-20-135 regarding use of the conversion factor.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist.

The department or self-insurer will review the quality and medical necessity of physical therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or a flat dollar rate of (~~(\$63.65))~~ \$72.04, whichever is less. These limits will not apply to physical therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-075 and 296-23A-100 for further information.

Biofeedback treatment may be rendered on physician's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC and department policy for rules pertaining to the authorized conditions and the reporting requirements. The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

PROPOSED

WSR 94-23-146
PROPOSED RULES
LOTTERY COMMISSION
[Filed November 23, 1994, 11:20 a.m.]

Original Notice.

Title of Rule: WAC 315-11A-136 Instant Game Number 136 (Ace In The Hole), 315-11A-137 Instant Game Number 137 (Walla Walla Walla), 315-11A-138 Instant Game Number 138 (\$2 Bank Roll), and 315-11A-139 Instant Game Number 139 (100 Grands).

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 136 ("Ace In The Hole"), 137 ("Walla Walla Walla"), 138 ("\$2 Bank Roll") and 139 ("100 Grands").

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-136, 315-11A-137, 315-11A-138, and 315-11A-139, 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 does not change existing rules.

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. 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, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, Suite 106, 5963 Corson Avenue South, Seattle, WA 98108, on January 6, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeff Burkhardt by December 27, 1994, (206) 586-6583.

Submit Written Comments to: Jeff Burkhardt, Lottery, FAX (206) 753-2602, by January 5, 1995.

Date of Intended Adoption: January 6, 1995.

November 21, 1994
Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11A-136 Instant Game Number 136 ("Ace In The Hole"). (1) **Definitions for Instant Game Number 136.**

(a) Play symbols: The following are the "play symbols": "0," "00," "000," "0000," "00000," "000000," "0000000," and "00000000." 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 card."

(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 136, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
0	SVN
00	EGT
000	NIN
0000	TEN
00000	JCK
000000	QUE
0000000	KNG
00000000	ASP

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$6.00," "\$12.00," "\$24.00," "100.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning card."

(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 136, 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
\$ 6.00	SIX DOL
\$ 12.00	TLV DOL
\$ 24.00	TTF DOL
\$ 100.00	ONEHUND
\$ 5,000	FIVTHOU

(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 13600001-1-000 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 136 constitute the "pack number" which starts at 13600001; the last three digits constitute the "ticket number" which

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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 136, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
SIX	\$ 6.00 (\$3, \$1, \$1 AND \$1; \$3 AND \$3)
TLV	\$ 12.00 (\$3, \$3, \$3 AND \$3; \$6 AND \$6)
FTE	\$ 48.00 (\$12, \$12, \$12 AND \$12; \$24 AND \$24)
OHN	\$100.00

(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 136.

(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 card," 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) In Instant Game Number 136, the "☰" play symbol shall always be a winning play symbol, and 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 136 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 136; and/or

(ii) Vary the number of tickets sold in Instant Game Number 136 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 136.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for

Instant Game Number 136 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 card" 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-137 Instant Game Number 137 ("Walla Walla Walla"). (1) Definitions for Instant Game Number 137.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "7," and "☰." One of these play symbols appears in each of the six 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 six 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 137, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
1	ONE
2	TWO
3	THR
4	FOR

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5	FIV
6	SIX
7	SVN
♣	ONN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$8.00," "\$10.00," "\$20.00," "\$80.00," 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 137, 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
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 80.00	\$EIGHTY
\$ 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 13700001-1-000 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 137 constitute the "pack number" which starts at 13700001; 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 137, 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 (\$1 AND \$1; \$2)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2 AND \$2)
EGT	\$ 8.00 (\$4, \$1, \$1, \$1 AND \$1)
SXT	\$ 16.00 (\$4, \$4, \$4 AND \$4)
FRY	\$ 40.00 (\$8, \$8, \$8, \$8 AND \$8; \$10, \$10, \$10 AND \$10)
ETY	\$ 80.00 (\$20, \$20, \$20, \$10 AND \$10; \$80)

(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 137.

(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 five 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) In Instant Game Number 137, the "♣" play symbol shall always be a winning play symbol, and 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 137 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 137; and/or

(ii) Vary the number of tickets sold in Instant Game Number 137 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 137.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 137 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six 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

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(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-138 Instant Game Number 138 ("2 Bank Roll"). (1) **Definitions for Instant Game Number 138.**

(a) **Play symbols:** The following are the "play symbols": "2," "3," "4," "5," "6," "7," "8," "9," "10," "12" and "DLR." One of these play symbols appears in each of the ten play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the ten play spots shall be labeled "winning numbers."

(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 138, 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
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
DLR	DLR

(c) **Prize symbols:** The following are the "prize symbols": "\$1.00," "\$2.00," "\$5.00," "\$10.00," "\$20.00," "\$500.00" and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning numbers."

(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 138, 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
\$ 5.00	FIV DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 500.00	FIVHUND
\$ 10,000	TENTHOU

(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 13800001-1-000 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 138 constitute the "pack number" which starts at 13800001; 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 138, 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>
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FIV	\$ 5.00 (\$1, \$1, \$1, \$1 AND \$1; \$2, \$2 AND \$1)
TEN	\$ 10.00 (\$5 AND \$5; \$10)
TWY	\$ 20.00 (\$5, \$5, \$2, \$2, \$2, \$2, \$1 AND \$1; \$5, \$5, \$5 AND \$5)
FTY	\$ 50.00 (\$10, \$10, \$5, \$5, \$5, \$5, \$5 AND \$5; \$20, \$20 AND \$10)
FVH	\$500.00 (\$500)

(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 138.

(a) The price of each instant game ticket shall be \$2.00.

(b) **Determination of prize winning tickets:** An instant prize winner is determined in the following manner:

(i) When any of the eight play symbols matches exactly one of the two play symbols 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) In Instant Game Number 138, the "DLR" play symbol shall always be a winning play symbol, and the bearer of a ticket which has a "DLR" play symbol shall be entitled to the prize shown below the "DLR" 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.

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(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 138 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 138; and/or

(ii) Vary the number of tickets sold in Instant Game Number 138 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 138.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 138 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the ten 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 captions, 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-139 Instant Game Number 139 ("100 Grands"). (1) Definitions for Instant Game Number 139.

(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 six 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 six 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 139, 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," "\$3.00," "\$5.00," "\$9.00," "\$18.00," "\$20.00" and "\$1,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 139, 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
\$ 9.00	NIN DOL
\$ 18.00	EGN DOL
\$ 20.00	TWY DOL
\$ 1,000	ONETHOU

(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 13900001-1-000 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 139 constitute the "pack number" which starts at 13900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

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(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 139, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
THR	\$ 3.00 (\$2 AND \$1; \$3)
NIN	\$ 9.00 (\$2, \$2, \$2, \$2 AND \$1; \$3, \$3 AND \$3)
EGN	\$ 18.00 (\$5, \$5, \$3, \$3 AND \$2; \$9 AND \$9)
SXY	\$ 60.00 (\$18, \$18, \$18, \$3 AND \$3; \$20, \$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 139.

(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 five 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 139 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 139; and/or

(ii) Vary the number of tickets sold in Instant Game Number 139 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 139.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 139 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six 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.

**WSR 94-23-149
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed November 23, 1994, 11:59 a.m.]

Original Notice.

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use fishing rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-12-020, classify all native hard shell clams. Reduce harvester confusion; WAC 220-56-100, clarification of definitions. The new definition of "in the field" provides clarity as for both condition (whole fish versus dressed fish) and possession (shellfish harvesters are required to have separate containers "in the field"); WAC 220-56-105, redefine the mouths of several rivers. Provides better understanding for fishers to determine which body of water is being fished. The Chinook River and Germany and Mill creeks definitions return the mouth to the outermost headlands. The Willapa definition provides additional fishing opportunity; WAC 220-56-115, standardizes gear between game fish and food fish. The two hook restriction for bottomfish and halibut prevents overharvest. The elimination of a second fishing rod in south Puget Sound is consistent with reduced harvest opportunity in these waters; WAC 220-56-116, barbless hooks in the mainstem Columbia River and tributaries prevents hooking mortality in areas where critical species stocks occur; WAC 220-56-124,

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anticipated hatchery return provides additional opportunity for chum salmon; WAC 220-56-126, snagging prohibition requires that gear restrictions apply to all fishing activity; WAC 220-56-128, closure of the western end of the Lake Washington Ship Canal eliminates incidental hooking mortality on untargeted species; WAC 220-56-130 and 220-56-134, separation of these two sections provides clarification; WAC 220-56-180, editorial changes only; WAC 220-56-185, clarifies that catch record card areas apply to species other than salmon; WAC 220-56-190 and 220-56-191, these sections are opened for amendments based on federal management decisions from the Pacific Fisheries Management Council; WAC 220-56-195, 220-56-196 and 220-56-199, editorial changes only; WAC 220-56-205, options are presented for nonbuoyant lure rules. Standardization of the food fish and game fish rules requires a single method of handling terminal gear requirements; WAC 220-56-210, editorial changes only; WAC 220-56-225, options are presented for freshwater fishing hours. Standardization of the food fish and game fish rules requires a single method of handling night closures; WAC 220-56-235, lingcod protection measures include a minimum size in coastal waters and prohibiting the use of gaffs. The rockfish limit in coastal waters is reduced to prevent overharvest; WAC 220-56-240, editorial changes only; WAC 220-56-245 and 220-56-255, these sections are opened for season and possession limits changes to be announced by the International Pacific Halibut Fisheries Commission or the Commerce Department; WAC 220-56-265, editorial change only; WAC 220-56-282, sturgeon protection measures require single barbless hooks. Many fishers use artificial scent, and this proposal allows this to continue; WAC 220-56-285, options are presented for sturgeon fishing in the pools behind lower Columbia River dams; WAC 220-56-305, catch and release only is proposed for Lake Roosevelt and upper Columbia River tributaries, as studies show a declining sturgeon population in these waters; WAC 220-56-310, pinto abalone have been closed since 1994, and a minimum size limit is inappropriate. The daily limit for red rock crab is proposed because of declining populations; WAC 220-56-312, editorial change only; WAC 220-56-330, a closure to all fixed gear is proposed to reduce handling mortality; WAC 220-56-335, a size limit is proposed for red rock crab because of declining populations; WAC 220-56-340, use of rakes is allowed for clam harvest; WAC 220-56-350, this section is opened for amendments to beach closures based on surveys to be completed by January 1995; WAC 220-56-365, editorial changes only; WAC 220-56-370, the "present at site" requirement was eliminated by legislative action in 1994; WAC 220-56-380, this section is opened for amendments to beach closures based on surveys to be completed by January 1995; WAC 220-56-390, separate containers are proposed to assure identification of catch level effort; chapter 220-57 WAC, proposed changes are based on estimated run size and prevention of conflicts with game fish rules. Additionally, sections are opened for amendments based on federal management decisions from the Pacific Fisheries Management Council. Sockeye/kokane proposals provide additional protection for sockeye salmon; and chapter 220-57A WAC, editorial changes only, except sockeye/kokane distinctions in Lake Washington and Lake Sammamish provide additional protection for sockeye

salmon and rescinding the closures in Lake Wenatchee provide additional fishing opportunity.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary 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. These proposals involve recreational fishing only, and do not affect ten percent of the small businesses in any one four-digit industrial classification nor twenty percent of all small businesses.

Hearing Location: The department will hold three public hearings on these proposals on January 7, 1995, beginning at 10:00 a.m., at the following locations: Student Center, Lower Columbia College, 1600 Maple, Longview, WA; at the Auditorium, Chelan County PUD, 5th and Wenatchee Avenue, Wenatchee, Washington; and at the NOAA Auditorium, Building 9, NOAA Regional Center, Sand Point, 7600 Sand Point Way, Seattle, WA.

Assistance for Persons with Disabilities: Contact Evan Jacoby by December 31, 1994, TDD (206) 902-2207, or (206) 902-2930.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (206) 902-2942, by January 6, 1995.

Date of Intended Adoption: January 28, 1995.

November 23, 1994
Bruce A. Crawford
for Robert Turner
Director

AMENDATORY SECTION (Amending Order 91-22, filed 4/23/91, effective 5/24/91)

WAC 220-12-020 Shellfish—Classification. The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

Abalone	
Red abalone	<i>Haliotis refescens</i>
Pinto abalone	<i>Haliotis kamschatkana</i>
Mussel	
Blue mussel	<i>Mytilus edulis</i>
California mussel	<i>Mytilus californianus</i>
Scallops	
Pacific pink scallop	<i>Chlamys rubida</i>
Rock scallop	<i>Crassadoma gigantea</i>
Spiny scallop	<i>Chlamys hastata</i>
Weathervane scallop	<i>Patinopecten caurinus</i>
Clams	
Bent nose clam	<i>Macoma secta</i>
All other macoma clams	<i>Macoma spp.</i>
Butter clam	<i>Saxidomus giganteus</i>
Common cockle	<i>Clinocardium nuttalli</i>
Geoduck	<i>Panope abrupta</i>

Horse or Gaper clam	<i>Tresus nuttalli</i> , <i>Tresus capax</i>
Mud or soft shell clam	<i>Mya arenaria</i>
Manila clam	<i>Tapes philippinarum</i>
Piddock	<i>Zirfaea pilsbryi</i>
Razor clam	<i>Siliqua patula</i>
Rock or native little neck clam	<i>Protothaca staminea</i>
<u>All other native clams</u>	<u>(Eulamellibranchia)</u>
Oysters	
Eastern oyster	<i>Crassostrea virginica</i>
Olympia or native oyster	<i>Ostrea lurida</i>
Pacific oyster	<i>Crassostrea gigas</i>
Kumamoto oyster	<i>Crassostrea gigas (kumamoto)</i>
European oyster	<i>Ostrea edulis</i>
All other oysters	(Ostreidae)
Squid	
Pacific Coast squid	<i>Loligo opalescens</i>
Nail squid	<i>Onychoteuthis borealijaponica</i>
Flying squid	<i>Ommastrephes bartramai</i>
All other squid	Sepioidea or Teuthoiden
Octopus	
Octopus	<i>Octopus dolfeni</i>
Barnacles	
Goose barnacle	<i>Pollicipes polymerus</i>
Shrimp	
Coonstripe shrimp	<i>Pandalus danae</i>
Coonstripe shrimp	<i>Pandalus hypsinotus</i>
Ghost or sand shrimp	<i>Callinassa spp.</i>
Humpy shrimp	<i>Pandalus goniurus</i>
Mud shrimp	<i>Upogebia pugettensis</i>
Ocean pink shrimp	<i>Pandalus jordani</i>
Pink shrimp	<i>Pandalus borealis</i>
Sidestripe shrimp	<i>Pandalopsis dispar</i>
Spot shrimp	<i>Pandalus platyceros</i>
Crab	
Dungeness or Pacific crab	<i>Cancer magister</i>
Red rock crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
Crawfish	
Crawfish	<i>Pacifastacus sp.</i>
Sea cucumber	
Sea cucumber	<i>Parastichopus californicus</i>
Sea cucumber	<i>Cucumaria miniata</i>
Sea urchin	
Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Strongylocentrotus franciscanus</i>
Purple urchin	<i>Strongylocentrotus purpuratus</i>

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-100 Definitions—Personal use. (1) ~~("Personal use possession" and)~~ "Daily ((bag)) limit((s))" ~~((are defined as))~~ means the maximum number((s)) or pounds of food fish ((or),) shellfish or seaweed of the required size of a given species or aggregate of species which ((may be taken)) a person may legally retain in a single day ((or held in possession at one time, unless otherwise provided)).

(2) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

"In the field or in transit" means any place other than in the residence or residential equivalency of the harvester or in a residence where the harvester is an invited guest. A residential equivalency is any temporary domicile that has sleeping, cooking and toilet facilities, and includes hotels and motels, motorhomes, the living quarters of vessels so equipped, camp trailers, and enclosed areas within fishing and hunting camps where a reasonable expectation of privacy is demonstrated, but does not include cold storage lockers, charter boats, or public facilities.

(3) "Hook" means one single, double or treble hook. A "single hook" ((is defined as)) means a hook having a single point ((or barb,)). A "double hook" ((es)) means a hook having two points ((or barbs)) on a common shank((; and)). A "treble hook" ((es)) means a hook having three points ((or barbs)) on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

~~((3)) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.))~~

(4) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which does not use scent and/or flavoring to attract fish.

"Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

"Bait" means any substance which attracts fish by scent and/or flavors. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which uses scent and/or flavoring to attract fish.

"Natural bait" means a bait consisting only of an animal or part of an animal.

(5) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

~~((5))~~ (6) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

~~((6))~~ (7) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with one lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

~~((7)) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner))~~ (8) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

~~((8)) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.))~~ "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

"Spearing" or "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) ~~((The term "natural bait," unless otherwise provided, is defined as a lure consisting of an animal or part of an animal with one single hook.~~

~~((11)))~~ The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

~~((12)))~~ (11) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the lighthouse on Tatoosh Island to the buoy adjacent Duntz Rock then to Bonilla Point on Vancouver Island.

~~((13)))~~ (12) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 near the mouth of the Columbia River.

~~((14)))~~ (13) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

~~((15)))~~ (14) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chehalis River - U.P. Railway Bridge in Aberdeen.

~~((Chinook River - The tide gates at the Highway 101 Bridge.))~~

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

~~((Germany Creek - Downstream side of the Highway 4 Bridge.))~~

Hoquiam River - Highway 101 Bridge.

Humtulpis River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Lake Washington Ship Canal - A line 400 feet ((below)) west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

~~((Mill Creek - Downstream side of the Highway 4 Bridge.))~~

Naselle River - Highway 101 Bridge.

North Nemah River - ~~((Line from markers approximately one half mile below the))~~ Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th ~~((Avenue NE))~~ Street Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridge crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Tucannon River - State Highway 261 Bridge.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the south-westerly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Highway 14 Bridge.

Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River - ~~((Highway 101 Bridge))~~ South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-56-115 Angling—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line with ~~((one lure at any one time))~~ three hooks while angling for food fish for personal use except:

(a) It is ~~((lawful))~~ unlawful to use more than two ~~((natural baits per line while angling in freshwater))~~ hooks while fishing for bottomfish or halibut.

(b) It is lawful to use ~~((two lures per line while angling in marine waters for food fish other than salmon or))~~ baitfish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using baitfish jigger gear is lawful while ~~((angling in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands, and Puget Sound.~~

~~((d) It is lawful to use two lines (two rods) to fish for salmon in Catch Record Card Areas 10, 11 and 13, and lawful to use a third line using baitfish jigger gear in these areas))~~ fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-116 Salmon—Barbless hooks. (1) ~~((Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured.~~

~~((2)))~~ It is unlawful to use barbed hooks while angling for salmon in all marine waters of Puget Sound, the Pacific Ocean, Grays Harbor, Willapa Bay, and waters at the mouth of the Columbia River westerly of a line drawn true north-south through Buoy 10 ~~((except that it is lawful to use barbed hooks when fishing from the North Jetty at the mouth of the Columbia River)).~~

(2) It is unlawful to use barbed hooks while fishing for salmon in the mainstem Columbia River downstream from the Highway 395 Bridge at Pasco.

(3) From June 16 through March 15 it is unlawful to use barbed hooks while fishing for salmon in Drano Lake and the White Salmon River.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-124 Unlawful provisions—Hoodsport Hatchery. During the period October 16 through December 15, those waters of Catch Record Card Area 12 within a 1,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodsport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) ~~((If the surrounding waters are open to salmon angling, the bag and possession limit are the same as in the surrounding waters. If the surrounding waters are closed, there is a))~~ Special daily ((bag)) limit of three ((enum)) salmon not more than two of which may be coho or chinook salmon or a combination of coho and chinook salmon.

(3) During the period October 16 through December 15 it is unlawful to fish for or possess salmon taken from these waters from 8:00 p.m. to 6:00 a.m.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-56-126 Unlawful provisions—Duwamish Waterway. During the period July 1 through November 30, in those waters of the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island:

(1) It is unlawful to take, fish for or possess ~~((salmon))~~ food fish using any gear other than that gear that meets the requirements of this subsection:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to take, fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-128 Food fish fishing—Closed areas. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within ~~((one mile))~~ 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge the Lake Washington Ship Canal are closed to ~~((salmon angling. For food fish other than salmon, those waters easterly of the Burlington Northern Railroad Bridge are closed June 1 through September 30. During the period October 1 through May 31 it is lawful to fish for food fish other than salmon up to the mouth of the Lake Washington Ship Canal))~~ fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Waters within 200 yards of the salmon net pens located near Sund Rock in Hood Canal are closed to the taking of food fish other than salmon at all times.

(15) Waters of the Titlow Beach Marine Preserve Area are closed to the taking of food fish at all times except that it is lawful to fish for salmon with artificial lures only from shore or a nonmotorized vessel.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-130 Edmonds underwater marine park. ~~((1))~~ It shall be unlawful to take, fish for or possess food fish and shellfish by any means from within the boundaries of the city of Edmonds underwater marine park located inside the following lines:

That portion of Edmonds tidelands fronting on Government Lot 2, Section 23, Township 27 North, Range 3 East, W.M., described as extending between the mean high tide and the Outer Harbor Line, and lying between the northeasterly line of Main Street and its westerly projection and a line parallel with and 250 feet northerly of (measured at right angles) the northeasterly line of Main Street.

~~((2) It shall be unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds public fishing pier as described in this subsection, except while fishing from the Edmonds public fishing pier.~~

~~Underwater artificial reef area: Those waters lying northerly and easterly of the north breakwater of the port of Edmonds marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy thence northeasterly 1350 feet to a marker buoy thence southeasterly to the northeastern end of the city of Edmonds public beach.)~~

NEW SECTION

WAC 220-56-134 Edmonds public fishing pier. (1) It is unlawful to fish for or possess food fish or shellfish taken from the following waters except while fishing from the Edmonds public fishing pier: Waters inside a line from a boundary marker on the north breakwater to the southernmost marker buoy then to the north end of the city of Edmonds public beach.

(2) It shall be unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds public fishing pier as described in this subsection, except while fishing from the Edmonds public fishing pier.

Underwater artificial reef area: Those waters lying northerly and easterly of the north breakwater of the port of Edmonds marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy thence northeasterly 1350 feet to a marker buoy thence southeasterly to the northeastern end of the city of Edmonds public beach.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-56-180 ((Bag)) Daily limit codes. (1) Code A: In waters having this code designation, the ~~((bag))~~ daily limit in any one day is six salmon not less than 12 inches in length, not more than two of these six salmon may be any combination of the following:

- Chinook over 24 inches in length
- Coho over 20 inches in length
- Pink, chum or sockeye over 12 inches in length
- Atlantic salmon (no minimum length).

(2) Code C: In waters having this code designation, the ~~((bag))~~ daily limit in any one day is six chinook and coho salmon in the aggregate not less than 12 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code D: In waters having this code designation, the ~~((bag))~~ daily limit in any one day is six salmon including Atlantic salmon not less than 12 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the ~~((bag))~~ daily limit in any one day is two salmon including Atlantic salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 16 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code G: In waters having this code designation, the ~~((bag))~~ daily limit is four salmon including Atlantic salmon, not more than two of which may be chinook salmon and the minimum size for chinook salmon is 22 inches in length.

(6) Code H: In waters having this code designation, the ~~((bag))~~ daily limit in any one day is three salmon including Atlantic salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 16 through June 15 in Catch Record Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily ~~((bag))~~ limit may be chinook, except the daily ~~((bag))~~ limit in Catch Record Card Area 12 is three salmon of any species.

(d) During the period July 1 through September 30 the daily ~~((bag))~~ limit is 2 salmon of any species in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, and 9.

(7) Code I: In waters having this code designation, the ~~((bag))~~ daily and possession limits, size restrictions, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington fish and wildlife commission. A salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(8) The possession limit in all waters regulated under ~~((Bag))~~ Daily Limits A, C, D, F, G, H, and special ~~((bag))~~ daily limits shall not exceed the equivalent of two daily ~~((bag))~~ limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. ~~((The possession limit in waters regulated under Bag Limit I is the same as the possession limit for gamefish as regulated under Title 77 RCW by the Washington wildlife commission.))~~

(9) In all freshwater areas where the ~~((bag))~~ daily limit allows adult salmon to be taken, it is unlawful to continue to

fish for salmon after the adult portion of the ~~((bag))~~ daily limit has been retained.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-56-185 Marine area codes. The term "marine area code numbers" is defined as the catch area for the ~~((salmon))~~ catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. ~~((Effective January 1, 1989, Area 1 includes only))~~ Waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-190 Coastal salmon—Saltwater seasons and ((bag)) daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the ((bag)) daily limit codes in WAC 220-56-180:

(1) Catch Record Card Areas 1, 2, 3, 4 and those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River - Closed to salmon angling through December 31, 1994.

(2) Grays Harbor (Catch Record Card Area 2-2) (a) Open to salmon angling coincidentally with the season, daily and weekly ((bag)) limits, size, and gear restrictions in adjacent waters of the Pacific Ocean (Catch Record Card Area 2). Lawful to fish from the bank only of the north and south jetties 7 days per week when the recreational season is in progress in adjacent ocean waters, (b) ((Bag)) Daily Limit A - ((December 1)) August 16 through January 31 in the Westport and Ocean Shores boat basins only. There are additional restrictions at the Westport Boat Basin as provided for in WAC 220-56-123, (c) ((Bag)) Daily Limit A - ((December 1)) September 16 through January 31: Waters of Catch Record Card Area 2-2 east of the Channel Marker 13 Line.

(3) Willapa Bay (Catch Record Card Area 2-1) (a) Open to salmon angling coincidentally with the season, daily and weekly ((bag)) limits, size, and gear restrictions in adjacent waters of the Pacific Ocean (Catch Record Card Area 2), (b) ((Bag)) Daily Limit A - August 16 through January 31.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-191 Puget Sound salmon—Saltwater seasons and ((bag)) daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, sizes, and for the species designated in this section and as defined in the ((bag)) daily limit codes in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190.

(1) Catch Record Card Areas 5 and 6 - November 1 through December 31 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon. During the period April 16 through June 15

all chinook salmon greater than 30 inches in length must be released.

(2) Catch Record Card Area 7:

(a) May 1 through September 5 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon. During the period April 16 through June 15 all chinook salmon greater than 30 inches in length must be released.

(b) September 6 through October 31 - Daily ((bag)) limit of 1 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(c) November 1 through December 31 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(3) Catch Record Card Area 8-1:

(a) May 1 through October 31 - Open only in those waters of Oak Harbor west of a line from Forbes Point to Blowers Bluff. Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(b) November 1 through December 31 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(4) Catch Record Card Area 8-2:

(a) August 1 through October 31 - Open only in those waters adjacent Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point. Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(b) September 1 through October 31 - Open only in those waters at the Snohomish River mouth east of a line from Priest Point to the northernmost point of the Snohomish River entrance jetty, and waters inside of a line from the lighted buoy at the southern tip of the Snohomish River entrance jetty to the green lighted bell buoy westerly of the entrance to the Snohomish River, thence southerly to the railroad overpass tower at Pidgeon Creek. Daily ((bag)) limit of 2 salmon, except no chinook or pink salmon may be retained. No minimum size for retained salmon.

(c) November 1 through December 31 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(5) Catch Record Card Area 9:

(a) May 1 through June 30 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(b) July 1 through October 31 - Open only when fishing from the Edmonds public fishing pier. Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(c) November 1 through December 31 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(6) Catch Record Card Area 10:

(a) May 1 through June 30 - Daily ((bag)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(b) July 1 through August 31 - Open only when fishing from the Seacrest Park Fishing Pier. Daily ((bag)) limit of

2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(c) July 1 through October 15 - Open only in those waters adjacent to and westerly of Bainbridge Island defined as all waters west of a line from the Indianola Dock to Point Monroe and waters west of a line from Beans Point to Orchard Point, and open only in those waters of Allen Bank within a line from the southeast tip of Blake Island to the east tip of the Southworth Ferry Dock, then to the buoy at the northerly tip of Vashon Island, then to the buoy at the northeasterly tip of Blake Island, then to point of origin. Daily ((~~bag~~)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(d) September 1 through October 15 - Open only in those waters of Elliott Bay east of a line from Alki Point to Fourmile Rock. Daily ((~~bag~~)) limit of 2 salmon. Chinook minimum size 22 inches and no minimum size for other salmon.

(e) October 16 through December 31 - Daily ((~~bag~~)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(7) Catch Record Card Area 11 - May 1 through December 31 - Daily ((~~bag~~)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(8) Catch Record Card Area 12 - November 1 through December 31 - Daily ((~~bag~~)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(9) Catch Record Card Area 13 - May 1 through December 31 - Daily ((~~bag~~)) limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, and Budd Inlet, and at Titlow Beach and the Edmonds underwater park and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of a line between the south end of McGlinn Island and the light at the south end of Fidalgo Island (Qk Fl) at the south end of Swinomish Slough shall be closed to salmon angling April 16 through June 15.

(2) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point,

thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island thence to March Point on Fidalgo Island and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling April 16 through July 31.

(3) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling from April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling April 16 through September 30.

(c) Those waters of Carr Inlet and Hale Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge shall be closed to salmon angling from April 16 through June 15.

(4) Dungeness Bay: Those waters westerly of a line projected 155 degrees true from Dungeness Spit Light to Kulakala Point are closed to salmon angling April 16 through June 30.

(5) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(6) Port Susan: Those waters of Port Susan north of a line from Camano Head to Hermosa Point are closed to salmon angling April 16 through September 30.

(7) Columbia River Mouth ((~~Conservation~~)) Control Zone 1: Washington waters within ((~~Conservation~~)) Control Zone 1, which ((~~Conservation~~)) Control Zone is described as the ocean area surrounding the Columbia River mouth west of the Buoy 10 line and bounded by a line extending for 6 nautical miles due west from North Head along 46°18'00" N. latitude to 124°13'18" W. longitude, then southerly along a line of 167° true to 46°11'06" N. latitude and 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the ((~~Conservation~~)) Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(8) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed from April 16 through June 30.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-196 Closed areas—Pink salmon angling. ((~~It is unlawful to take or possess~~)) Pink ((~~salmon taken for personal use from the following marine waters:~~)) only closures—None.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-199 Closed areas—Chinook salmon angling. ((~~It is unlawful to take or possess~~)) Chinook ((~~salmon from those waters of Port Susan lying northerly of a line projected from Camano Head to Hermosa Point during the period April 15 through June 15~~)) only closures—None.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-205 Hook (~~regulations—Freshwater salmon angling~~) rules—Nonbuoyant lures. It is unlawful to fish for or to possess salmon taken for personal use from freshwater unless the hooks used meet the requirements of this section:

(1) (~~Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank except nonbuoyant lures used in the Columbia River downstream from Bonneville Dam may have up to three hooks, which may be single, double, or treble hooks. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank except in the Columbia River downstream from Bonneville Dam, natural bait lures may have up to three hooks in total on the combination of all terminal gear.~~) Nonbuoyant lure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

<u>Area</u>	<u>Unlawful to use nonbuoyant lures</u>
<u>Naselle River</u>	<u>September 1-November 30</u>
<u>Willapa River</u>	<u>September 1-November 30</u>
<u>Humtuplups River</u>	<u>September 1-November 30</u>
<u>Satsop River</u>	<u>September 1-November 30</u>
<u>North Nemah River</u>	<u>September 1-November 30</u>
<u>Carbon River</u>	<u>September 1-November 30</u>
<u>Dungeness and Gray Wolf Rivers</u>	<u>August 1-October 15</u>
<u>Kennedy Creek</u>	<u>October 1-December 31</u>
<u>South Fork Nooksack River</u>	<u>August 1-December 31</u>
<u>Big Quilcene River</u>	<u>August 1-December 31</u>
<u>Samish River</u>	<u>August 1-December 31</u>
<u>Stillaguamish River</u>	<u>August 1-December 31</u>
<u>Whatcom Creek</u>	<u>August 1-December 31</u>
<u>Cowlitz River</u>	
<u>From Mill Creek to Barrier Dam</u>	<u>April 1-October 31</u>
<u>Kalama River</u>	
<u>From 200 feet above Modrow Trap to mouth</u>	<u>September 1-October 31</u>
<u>North Lewis River</u>	
<u>From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp</u>	<u>April 1-October 31</u>
<u>Washougal River</u>	
<u>Downstream of Salmon Falls Bridge</u>	<u>September 1-October 31</u>
<u>Icicle River</u>	
<u>From Leavenworth Federal Fish Hatchery to mouth</u>	<u>May 8-June 30</u>
<u>Wenatchee River</u>	
<u>From mouth of Icicle River to Highway 2 Bridge</u>	<u>May 8-June 15</u>
<u>Skagit River (and tributaries)</u>	
<u>Upstream of Gilligan Creek</u>	<u>July 1-November 30</u>

(or)

Nonbuoyant lure restriction: It is unlawful to fish in freshwater rivers and streams with a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank.

(2) (~~Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.~~)

(3) No leads, weights or sinkers may be attached below or less than 12 inches above a buoyant lure.

(4) (3) All hooks must be attached within three inches of the bait or lure.

(5) On the lower Columbia River (downstream from Bonneville Dam), single hooks may not measure more than 1 inch from point to shank, and multiple point hooks may not measure more than 9/16 inch from point to shank.)

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-210 Fly fishing—(Salmon) Food fish. (It is unlawful for any person to fish for or take salmon in or from waters restricted to fly fishing only by use of any metal, plastic, or wooden lure, plug, spinner, or spinner fly, or to use tackle where a weight of any kind is attached externally to either the line or the leader. Fixed spool reels and/or monofilament lines may not be used in fishing those waters restricted to fly fishing only. Under this regulation, monofilament line may be used for backing and leader, provided this backing is attached to not less than twenty five feet of conventional fly line at the terminal end and the leader is not less than four feet nor more than fifteen feet in length, nor more than twelve pounds in breaking strength. Any type of angling whereby the fly is cast directly from the reel shall be prohibited.

Lawful fly sizes shall not exceed 1/2 inch when measured from the outside of the shank of the hook directly across the gap of the hook to the point.

Thread, feathers, hackle, and yarn are to be used as decorations on the hook, and a minimum of half the shank of the hook is to be covered by this decoration. Metallic colored tape, tinsel, mylar or beadeyes may be used as an integral design of the fly pattern, but not as an additional weight to the fly itself.)

(1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

(a) A fixed spool reel.

(b) Fishing line other than conventional fly line, except that other line may be used for backing and leader if it is attached to not less than 25 feet of conventional fly line.

(c) Monofilament leader greater than fifteen feet in length or with a breaking strength of more than 12 pounds.

(d) Hooks that exceed 1/2 inch when measured from point to shank.

(e) A lure other than a fly with a single-pointed hook.

(f) Bait.

(g) Weight attached to the leader or line.

(2) "Fly" means a lure on which thread, feathers, hackle, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

PROPOSED

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

~~WAC 220-56-225 ((Salmon angling hours—))~~ Freshwater angling hours. ~~((It is unlawful to take, fish for or possess salmon for personal use in all freshwater areas of the state from one hour after official sunset to one hour before official sunrise.))~~ Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction.

(or)

Freshwater fishing hours: It is unlawful to fish in freshwater from one hour after sunset to one hour before sunrise except it is lawful to fish at any time in the following waters:

All lakes, ponds and reservoirs

Columbia River

Snake River

Yakima River upstream to Benton City

Walla Walla River, Palouse River, Touchet River (mouth to South Fork Road), Spokane River, Tucannon River (mouth to Highway 12 Bridge), and Grand Ronde River (mouth to County Road Bridge).

Drano Lake, White Salmon River, Wind River (upstream to Shipherd Falls).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful ~~((, unless otherwise provided,))~~ for any ~~((one))~~ person to take in any ~~((one))~~ day more than the following quantities of bottomfish for personal use. The possession limit at any ~~((one))~~ time shall not exceed the equivalent of two daily ~~((bag))~~ limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish minimum length 22 inches in Catch Record Card Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line;

(ii) 2 fish minimum length 22 inches in Catch Record Card Area 4 east of the Bonilla-Tatoosh line.

(b) Rockfish - ~~((12))~~ 10 fish ~~((except 15 fish if taken from Catch Record Card Area 1)).~~

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	15 fish
Pollock	15 fish

Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	15 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	3 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	5 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily ~~((bag))~~ limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily ~~((bag))~~ limit if taken by spear fishing.

(f) It is unlawful to use a gaff to land lingcod taken in ~~((Catch Record Card Areas 5 through 13))~~ all state waters.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-240 ((Bag) Daily limits((—)) sturgeon, smelt, herring and other food fish not otherwise provided for. It is unlawful for any ~~((one))~~ person to ~~((fish for or possess))~~ retain in any ~~((one))~~ day more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) 1 fish not less than 48 inches nor more than 66 inches in length in the Columbia River and tributaries upstream from the Dalles Dam to the United States/Canada border and those waters of the Snake River and tributaries from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.

(b) 2 fish with the following size restrictions in all other state waters:

(i) Minimum size is 42 inches in length;

(ii) Maximum size is 66 inches in length;

(iii) Not more than one of the two fish may be less than 48 inches in length; and

(iv) Not more than one of the two fish may equal or exceed 48 inches in length.

PROPOSED

(c) The possession limit is two daily ((~~bag~~)) limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(d) There is an annual personal use ((~~bag~~)) limit of 10 sturgeon.

(2) Smelt: 20 pounds. The daily ((~~bag~~)) limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-245 Halibut—((~~Bag~~)) Daily and possession limits. (1) It is unlawful to fish for or possess more than 1 halibut taken from state or United States waters in any one day.

(2) The possession limit shall not exceed one daily ((~~bag~~)) limit of fresh halibut.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-255 Halibut—Season. It is unlawful to fish for or possess halibut taken for personal use except from:

(1) Catch Record Card Areas 1 and 2: June 2 and June 9.

(2) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: 12:01 a.m. Tuesday through 11:59 p.m. Saturday, beginning May ((3)) 2, except that the following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a line from 48°17'N, 125°10'W to 48°17'N, 125°00'W to 48°05'N, 125°10'W to 48°05'N, 125°00'W to the point of origin.

(3) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May 2 through July 5 - Open 12:01 a.m. Thursday through 11:59 p.m. Tuesday of each week during the open period (closed Wednesdays).

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-265 Baitfish—Lawful gear. It shall be lawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use with rake, hand dip net gear not exceeding 36 inches across the bag frame and baitfish jigger gear having not more than three treble or nine single hooks. Baitfish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch. ((~~Baitfish jigger gear as defined herein is considered as one lure.~~))

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-56-282 Sturgeon—Lawful gear. It is unlawful to fish for sturgeon with other than natural bait and single barbless hooks((~~and it is unlawful to use more than~~

~~two single barbless hooks per natural bait, or to use more than two natural baits)). It is lawful to use artificial scent with natural bait when fishing for sturgeon.~~

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-285 Shad and sturgeon—Areas and seasons. It is lawful the entire year to fish for or possess sturgeon and shad taken for personal use except in the following closed waters:

(1) Waters lying ((~~one mile~~)) 400 feet downstream below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC, except as provided in subsections (2) and (3) of this section.

(2) Waters lying 400 feet downstream below any dam, rack or obstruction in the Snake River.

(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1-1/4 mile downstream from the dam, are closed to the fishing for or possession of sturgeon, except when fishing with hand-casted hook and line gear from the mainland shore in those waters lying downstream of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island thence to the Oregon angling boundary marker on Bradford Island (located approximately 850 feet downstream from the fish ladder entrance to the lowermost Bonneville Dam powerline crossing. Closed to angling inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore).

(4) Waters between the upstream line of Bonneville Dam and a line 400 feet below McNary Dam:

Option 1: Close Bonneville, The Dalles and John Day pools to sturgeon fishing July 1-December 31 (or January 1-June 30).

(or)

Option 2: Close The Dalles and John Day pools to retention of sturgeon (catch and release allowed). Close Bonneville Pool July 1-December 31.

(or)

Option 3: Close Bonneville, The Dalles, and John Day pools to sturgeon fishing September 1-May 31.

(or)

Option 4: Close Bonneville, The Dalles, and John Day pools to sturgeon fishing June 1-August 31.

(or)

Option 5: Close Bonneville Pool above the Hood River Bridge, The Dalles Pool above Highway 97 Bridge, and John Day Pool above Light #60 in the Irrigon area year around.

(or)

Option 6: Establish a one-fish daily limit and 48-inch minimum size in Bonneville Pool.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-305 Sturgeon—(~~Snake River~~) Catch and release. (~~It is unlawful to fish for and possess sturgeon taken for personal use from those waters of the Snake River within 400 feet down stream below any dam, rack or obstruction, and~~) It is unlawful to retain sturgeon taken from any waters of the Snake River or tributaries upstream from Lower Granite Dam, and those waters of the Columbia River and tributaries upstream from Grand Coulee Dam and those hooked must be immediately released and returned to the water.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-56-310 Shellfish—Daily (~~bag~~) limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all waters except Shrimp District 5 - 10 pounds, whole in the shell.

(b) In Shrimp District 5 (Hood Canal) - 7 pounds, whole in the shell.

(10) Octopus: 2 octopus.

(11) Pinto abalone: (~~3 abalone, minimum size limit 4 inches measured in horizontal line across the longest portion of the shell.~~) Closed state-wide.

(12) Crawfish: 10 pounds in the shell.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red rock crabs: (~~12~~) 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-312 Shellfish—Possession limits. It is unlawful for any one person to possess at any time more than one daily (~~bag~~) limit of fresh shellfish. Additional shellfish may be possessed in a frozen or processed form.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-56-330 Crab—Areas and seasons. (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The shellfish pot gear season in Puget Sound includes ring nets, star traps and all forms of crab pots. The open shellfish pot gear season for crab in Puget Sound waters may open by emergency regulation prior to July 16, but if not previously opened by emergency regulation will open July 16 through April 15. The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

(4) On days that Hood Canal is open to recreational shrimp fishing, it is unlawful to fish for or possess crab taken with shellfish pot or ring net gear except during the times that it is lawful to fish for shrimp.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-56-335 Crab—Unlawful acts. (1) It is unlawful for any person to take or possess for personal use any female Dungeness crabs.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use which measure less than the following sizes:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) except those waters of Hood Canal south of the Hood Canal Floating Bridge - 6 1/4 inch minimum size.

(b) In those waters of Hood Canal south of the Hood Canal Floating Bridge - 6 inch minimum size.

(c) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay and the Columbia River - 6 inch minimum size:

(3) It is unlawful to take or possess any red rock crabs taken for personal use that measure less than five inches.

(4) All measurement shall be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

~~((4))~~ (5) It is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-340 General provisions—Clams, cockles, mussels—Gear. (1)(a) It is lawful to take, dig for and possess clams (excluding razor clams), cockles, and mussels taken for personal use by hand or with hand-operated forks, picks, mattocks, rakes and shovels.

(b) It is lawful to take, dig for and possess razor clams taken for personal use by hand, shovels or with cylindrical cans, tubes or hinged digging devices. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of 4 inches at the bottom.

(2) Any newly-designed or modified digging device intended for the recreational use of razor clams must receive the specific approval of the director of ~~((fisheries))~~ fish and wildlife.

(3) In the field each digger, including holders of razor clam disability permits, must have his or her daily ~~((bag))~~ limit in a separate container.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Belfair State Park: Closed the entire year.

(b) Brown Point - DNR Beach 57-B is open April 1 through August 15.

~~((b))~~ (c) Camano Island State Park: Open June 1 through June 30.

~~((e))~~ (d) 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 the entire year except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

~~((d))~~ (e) 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.

~~((e))~~ (f) Eagle Creek: Open January 1 through May 15.

~~((f))~~ (g) Fort Flagler State Park: Open April 1 through June 30.

~~((g))~~ (h) Garrison Bay: Tidelands at Guss Island and those 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 the entire year.

~~((h))~~ (i) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

~~((i))~~ (j) Hope Island State Park (South Puget Sound): Open April 1 through June 15.

~~((j))~~ (k) Illahee State Park: Open April 1 through April 30.

~~((k))~~ (l) Kayak Point County Park: All tidelands are closed except tidelands north of the county fishing pier are open April 16 through May 15 of even-numbered years and tidelands south of the county fishing pier are open April 16 through May 15 of odd-numbered years.

~~((l))~~ (m) Kitsap Memorial State Park: Open April 1 through June 30.

~~((m))~~ (n) Kopachuck State Park: Open January 1 through April 15.

~~((n))~~ (o) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

~~((o))~~ (p) 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 to the harvest of clams the entire year except as follows: 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 will remain open.

~~((p))~~ (q) Oak Bay County Park: Open January 1 through June 15.

~~((q))~~ (r) Oyster Reserves: Puget Sound state oyster reserves are closed the entire year except the following are open the entire year:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet.

(ii) Oakland Bay: Tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.

~~((r))~~ (s) Penrose Point State Park: Open April 16 through December 31.

~~((s))~~ (t) Point Whitney: Open April 1 through May 31.

~~((t))~~ (u) Point Whitney Lagoon: Open June 1 through June 15.

~~((u))~~ (v) Port Townsend Ship Canal: Open January 1 through May 15.

~~((v))~~ (w) Saltwater State Park: Open April 1 through April 30.

~~((w))~~ (x) 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 to the harvest of clams the entire year.

~~((x))~~ (y) South Indian Island County Park: Open April 1 through December 31.

~~((y))~~ (z) South Lilliwaup: Open January 1 through May 31 on those tidelands marked by orange posts attached to trees at south end of Lilliwaup Bay (approximately 700 feet of beach).

~~((z))~~ (aa) Spencer Spit State Park: Open April 1 through June 30.

~~((aa))~~ (bb) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

~~((bb))~~ (cc) Triton Cove State Park: Open April 1 through June 30.

~~((ee))~~ (dd) Twanoh State Park: Closed the entire year.

~~((dd))~~ (ee) West Dewatto: DNR beach 44A is closed the entire year.

~~((ee))~~ (ff) Wolfe Property State Park: Open January 1 through May 15 from 7 Sisters Road north to spit connecting Hood Head to the mainland.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-365 Razor clams—Unlawful acts. It is unlawful to return any razor clams to the beach or water regardless of size or condition, and all razor clams taken for personal use must be retained by the digger as a part of his or her daily ~~((bag))~~ limit.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-370 Razor clams—Disability permits. It shall be lawful to dig the personal use daily ~~((bag))~~ limit of razor clams for another person if that person has in possession a physical disability permit signed by the director ~~((and is physically present with the digger on the site where such digging occurs and both the disabled person and the digger are licensed to dig razor clams for personal use under chapter 75.25 RCW)).~~ Such permit may be obtained by providing to the director written certification from a licensed physician that said person is physically unable to dig razor clams.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-380 Oysters—Areas and seasons. (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Belfair State Park: Closed the entire year.

(b) Brown Point: DNR Beach 57-B is closed the entire year.

~~((b))~~ (c) 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 the entire year, except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

~~((e))~~ (d) 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 oysters the entire year.

~~((d))~~ (e) Hoodspport: Tidelands at the Hoodspport Salmon Hatchery are closed the entire year.

~~((e))~~ (f) Illahee State Park: Open January 1 through April 30.

~~((f))~~ (g) Kitsap Memorial State Park: Open April 1 through June 30.

~~((g))~~ (h) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

~~((h))~~ (i) Mystery Bay State Park: Open January 1 through August 15.

~~((i))~~ (j) 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 to the harvest of oysters the entire year, except as follows: State-owned Oysters 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 will remain open.

~~((j))~~ (k) Oyster Reserves: All Puget Sound oyster reserves are closed the entire year.

~~((k))~~ (l) Point Whitney Lagoon: Closed the entire year.

~~((l))~~ (m) Potlatch State Park: Open April 1 through June 30.

~~((m))~~ (n) 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.

~~((n))~~ (o) Rendsland Creek: Open April 1 through June 30.

~~((o))~~ (p) Triton Cove State Park: Open April 1 through June 30.

~~((p))~~ (q) Twanoh State Park: Open January 1 through July 31.

~~((q))~~ (r) West Dewatto: DNR beach 44A is open April 1 through June 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-390 Squid, octopus. (1) It is lawful to take, fish for or possess squid and octopus the entire year.

(2) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch.

(3) Octopus may be taken by hand or by any instrument which will not penetrate or mutilate the body except that it is lawful to retain octopus taken while angling with hook and line gear.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-125	Unlawful provisions—Shilshole Bay.
WAC 220-56-127	Unlawful provisions—Budd Inlet.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-001 Freshwater seasons and ~~((bag))~~ daily limits. It shall be unlawful to take, fish for or possess salmon taken for personal use, except from the following areas during the seasons, in the quantities, sizes, and for the species designated as follows in chapters 220-57 and 220-57A WAC and for the ~~((bag))~~ daily limits as defined in WAC 220-56-180. All freshwater streams and lakes not listed as open for salmon fishing are closed.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-120 Bear River. ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from the lime quarry road to Highway 101 Bridge (a distance of approximately 2 stream miles).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-130 Bogachiel River. ~~((Bag))~~ Daily Limit A - July 1 through ~~((October 9))~~ **November 30:** Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-135 Calawah River. ~~((Bag))~~ Daily Limit A - July 1 through ~~((October 9))~~ **November 30:** Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-137 Carbon River. ~~((Bag))~~ Daily Limit A - September 1 through November 30 downstream from the old bridge abutments near the east end of Bridge Street in Orting.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-138 Chambers Creek. ~~((Bag))~~ Daily Limit A - July 1 through November 15: Downstream from a set of markers 400 feet below the Boise-Cascade Dam (immediately upstream from the Boise-Cascade West Tacoma Mill).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-140 Chehalis River. (1) ~~((Bag))~~ Daily Limit A - May 1 through June 30: Downstream from the Porter Bridge.

(2) ~~((Bag))~~ **Daily Limit A** - July 1 through September 30: Downstream from the Mellon Street Bridge in Centralia.

(3) ~~((Bag))~~ **Daily Limit A** - October 1 through January 31: Downstream from the Highway 603 Bridge.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-155 Clearwater River (Jefferson County). ~~((Bag))~~ Daily Limit A - September 1 through November 30: Downstream from the mouth of the Snahapish River.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-160 Columbia River. (1) ~~((Bag))~~ Daily Limit D - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the west end of the tailrace deck downstream 400 feet to boundary markers in Okanogan County.

(b) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(2) Rocky Reach Dam to Priest Rapids Dam: ~~((Bag))~~ **Daily Limit D** - June 1 through September 15; ~~((Bag))~~ **Daily Limit A** September 16 through December 31. The following are closed waters: Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(3) Priest Rapids Dam to the Vernita Bridge: ~~((Bag))~~ **Daily Limit D** - June 1 through August 15; ~~((Bag))~~ **Daily Limit A** - August 16 through October 31; ~~((Bag))~~ **Daily Limit C** - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(b) Jackson (Moran) Creek - All waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; ~~((Bag))~~ **Daily Limit D** - June 16 through August 15; ~~((Bag))~~ **Daily Limit A** - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: ~~((Bag))~~ **Daily Limit D** - June 1 through August 15; ~~((Bag))~~ **Daily Limit A** - August 16 through December 31. Additionally, Special ~~((Bag))~~ **Daily Limit**: 2 salmon per day - April

1 through July 31: Bank fishing only from the hatchery side of the Columbia River from the WDF marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a WDF boundary marker approximately 1/4 mile downstream of Ringold waterway outlet.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: ~~((Bag))~~ Daily Limit A - August 1 through December 31. It is unlawful to take or possess sockeye or chum salmon taken downstream of the Highway 395 Bridge.

The following waters are closed to fishing for food fish at all times:

(a) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(e) Bonneville Dam - waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: ~~((Bag))~~ Daily Limit A - January 1 through March 31; ~~((Bag))~~ Daily Limit A - August 1 through December 31. During ~~((the month of))~~ September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River ~~((extending to midstream between))~~ north of a line ((projected perpendicular to the stream flow)) from Abernathy Point Light to a ~~((line projected perpendicular to the stream flow from a))~~ boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye or chum salmon taken downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.

(8) Megler-Astoria Bridge to the Buoy 10 Line:

(a) ~~((Bag))~~ Daily Limit F - August 1 through Labor Day.

(b) Special daily ~~((bag))~~ limit of 3 adult salmon - the day after Labor Day through September 30.

(c) Special daily ~~((bag))~~ limit of 6 salmon, only 3 of which may be adult salmon - October 1 through December 31.

(d) ~~((Bag))~~ Daily Limit A - January 1 through March 31.

(e) It is unlawful to take or possess sockeye or chum salmon taken downstream from the Megler-Astoria Bridge to the Buoy 10 Line.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the ~~((conservation))~~ control zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the ~~((bag))~~ daily limit shall be the same

as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. ~~((Bag))~~ Daily limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye or chum salmon taken from the North Jetty.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-310 Kalama River. (1) ~~((Bag))~~ Daily Limit A ((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon)) - June 1 through December 31: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point.

(2) ~~((Bag))~~ Daily Limit A ((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon)) - open the entire year: Downstream from the mouth of Summers Creek to the markers at the Kalama Falls (Upper) Salmon Hatchery.

(3) ~~((Bag))~~ Daily Limit A ((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon)) - open the entire year: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery, with the following special gear restrictions: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be open for fly fishing only and lawful salmon angling gear in those waters upstream from the fly fishing area to a point 1,000 feet below the fishway at the upper salmon hatchery and downstream from the fly fishing area to the Interstate 5 Bridge is limited to bait or lures with one single point hook only, measuring not more than ~~((1/2))~~ 3/4 inch from point to shank.

October 1 through December 31: Chinook salmon over 28 inches caught in the area downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the natural gas pipeline must be released.

(4) During the time the department of ~~((fisheries))~~ fish and wildlife's temporary rack is installed just below the Modrow Bridge, that portion of the river from a point 200 feet above the temporary rack downstream to a set of markers 1,500 feet below the temporary rack is closed to salmon angling.

(5) Fishing from boats with motors is prohibited at all times in waters upstream of the Modrow Bridge.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-57-313 Kennedy Creek. Special ~~((Bag))~~ Daily Limit - 2 adult salmon - October 1 through November 30: Downstream from the Highway 101 Bridge to mouth. Barbless hooks only.

PROPOSED

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-425 Skagit River. Special ((Bag)) Daily Limit of 2 chum salmon per day - October 16 through December 31: Downstream from the mouth of Gilligan Creek. All waters of the Skagit River between a line projected across the thread of the river 200 feet above the east bank of the Baker River and a line projected across the thread of the river 200 feet below the west bank of the Baker River are closed.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-427 Skamokawa Creek. ((Bag Limit A - August 16 through December 31: Downstream from mouth of first west fork downstream to Highway 4 Bridge.)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-165 Copalis River. ((Bag)) Daily Limit A - July 1 through January 31: Downstream from the Carlisle Bridge.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

WAC 220-57-170 Coweeman River. ((Bag)) Daily Limit C - September 1 through December 31 - downstream from the mouth of Mulholland Creek.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-175 Cowlitz River. (1) ((Special bag)) Daily limit A - April 1 through July 31: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam. ((Bag limit is six salmon per day not less than 12 inches in length, only three of which may exceed 24 inches in length.))

(2) ((That portion of the Cowlitz River downstream from the mouth of Mill Creek is open to salmon angling 24 hours per day during the period April 1 to July 31.

(3) Bag)) Daily Limit A ((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon)) - August 1 through March 31: Downstream from fishing boundary markers approximately 400 feet below the barrier dam structures. During the period October 1 through December 31, chinook salmon over 28 inches in length taken upstream of the mouth of Blue Creek must be released.

((4)) (3) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

((5) Bag)) (4) Daily Limit A except minimum size of 8 inches - open the entire year: From the confluence of the Muddy Fork and Ohanapecosh rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-181 Dakota Creek. ((Bag)) Daily Limit A - October 1 through December 31: Downstream from the Giles Road Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-190 Deschutes River. ((Bag)) Daily Limit A - July 1 through November 30: Upstream from Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to the Old Highway 99 Bridge immediately upstream from Tumwater Falls.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-200 Dickey River. ((Bag)) Daily Limit A - July 1 through ((October 9)) November 30: Downstream of the mouth of east fork of the Dickey River to the National Park boundary.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57-205 Dosewallips River. Special ((Bag)) Daily Limit - 2 adult chum salmon - November 1 through January 31: Downstream from the Highway 101 Bridge. Coho salmon must be released immediately.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-210 Duckabush River. Special ((Bag)) Daily Limit - 2 chum salmon - November 1 through December 15: Downstream from the Mason County Public Utility District #1 overhead electrical distribution line. All other salmon must be released immediately.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-215 Dungeness River. ((Closed to salmon angling.)) Daily Limit A - October 16 through December 31. Chinook and pink salmon must be released immediately.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-57-220 Duwamish River. ((Bag)) Daily Limit A - July 1 through November 30: Downstream from the Highway 405 Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-230 Elk River. ((Bag)) Daily Limit A - July 1 through January 31: Downstream from the confluence of the west and middle forks to the Highway 105 Bridge.

PROPOSED

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-235 Elochoman River. (1) ~~((Bag))~~ Daily Limit A - September 1 through September 30: Downstream from the mouth of the west fork.

(2) ~~((Bag))~~ Daily Limit A - October 1 through October 15: Downstream from the mouth of the west fork to the Foster Road Bridge. All chinook salmon greater than 28 inches in length must be released immediately.

(3) Special ~~((Bag))~~ Daily Limit - 6 salmon not less than 12 inches in length not more than ~~((4))~~ 2 of which may be adult coho salmon and all chinook salmon greater than 28 inches in length must be released: Downstream from the mouth of west fork to the Foster Road Bridge.

(4) ~~((Bag))~~ Daily Limit A ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ - October 1 through December 31: Downstream from the Foster Road Bridge.

(5) The following waters are closed to salmon angling at all times:

(a) From a point 100 feet above the upper hatchery rack to the Elokomin Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.

(b) From the department of ~~((fisheries))~~ fish and wildlife's temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in the river.

(c) Between points 50 feet above and 100 feet below the outlet pipes from the most downstream Elokomin Salmon Hatchery rearing pond and extending 30 feet out from the south bank of the river.

(d) From the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-240 Elwha River. (1) ~~((Bag))~~ Daily Limit A except that up to six coho salmon may be retained in the daily ~~((bag))~~ limit. Chinook salmon and pink salmon must be released immediately - October 1 through December 31.

(2) It is unlawful to fish for or possess salmon from the waters of the Elwha River between markers located approximately 50 yards upstream and downstream from the tribal hatchery outfall or from the slough connecting the hatchery outfall to the mainstem of the river.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-250 Grays River. ~~((Bag))~~ Daily Limit A - September 1 through October 31: Open from mouth to ~~((7000 line bridge))~~ mouth of South Fork Grays River. During the period October 1 through October 31, chinook salmon greater than 28 inches in length must be released immediately in those waters upstream from the covered bridge. West Fork Grays River closed to salmon angling.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-255 Green River (Cowlitz County). ~~((Bag))~~ (1) Daily Limit A - June 1 through August 31. Open from mouth to 2800 Bridge.

(2) Daily Limit A - except chinook salmon greater than 28 inches in length must be released - open September 1 through November 30: Downstream from fishing boundary markers located 1500 feet below the Toutle Hatchery temporary rack. During the fishery provided for in this subsection, open waters are restricted to fly fishing gear only and it is unlawful to use any gear except fly fishing gear.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-57-260 Green River (King County). ~~((Bag))~~ Daily Limit A - July 1 through October 15: Downstream from the Auburn Eighth Street N.E. Bridge to the Highway 405 Bridge. ~~((Bay ((Bag)))~~ Daily Limit A - October 16 through November 30: Downstream from the downstream side of the Highway 18 Bridge to the Highway 405 Bridge.

AMENDATORY SECTION (Amending Order 91-41, filed 6/27/91, effective 7/28/91)

WAC 220-57-265 Hamma Hamma River. ~~((Closed to salmon angling the entire year.))~~ Daily Limit A, except that chinook and coho salmon must be released immediately - August 1 through September 30.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-270 Hoh River. (1) ~~((Bag))~~ Daily Limit C - May 16 through August 31: Downstream from the mouth of the south fork Hoh to the Morgan's Crossing boat launch, including Olympic National Park.

(2) ~~((Bag))~~ Daily Limit A - May 16 through August 31: Downstream from the Morgan's Crossing boat launch.

(3) ~~((Bag))~~ Daily Limit A - September 1 through November 30: Downstream from the ~~((Highway 101 Bridge))~~ South Fork Hoh River.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-280 Hoquiam River. Main Hoquiam River, west fork of Hoquiam River downstream from the bridge on the Dekay Road and east fork of Hoquiam River downstream from the abandoned flat car bridge below the mouth of Berryman Creek - ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-285 Humptulips River. (1) ~~((Bag))~~ Daily Limit C - ~~((December))~~ July 1 through January 31: Downstream of confluence of east and west forks to Highway 101 Bridge.

(2) ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-57-290 Icicle River. Special ~~((Bag))~~ Daily Limit: Two salmon per day, minimum size 12 inches - May ~~((46))~~ 8 through June 30: Downstream from a point 400 feet below Leavenworth National Fish Hatchery to fishing boundary markers at the mouth of the Icicle River.

AMENDATORY SECTION (Amending Order 85-33, filed 4/16/85)

WAC 220-57-295 Joe Creek (Grays Harbor County). ~~((Bag))~~ Daily Limit A - September 1 through November 30: Downstream from the County Highway 101 Bridge to the State Highway 109 Bridge, except that chinook salmon greater than 24 inches in length must be released immediately.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-300 Johns River. ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from Old M&B Logging Camp Bridge at upper boundary of Johns River Habitat Management Area to Highway 105 Bridge.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79, effective 4/1/79)

WAC 220-57-305 Kalaloch Creek. ~~((Bag))~~ Daily Limit C - July 1 through October 31.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-315 Klickitat River. (1) ~~((Bag))~~ Daily Limit A - April 1 through January 31 ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth, except open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31.

(2) ~~((Bag))~~ Daily Limit C - May 30 through July 31 - downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

(3) ~~((Bag))~~ Daily Limit A - August 1 through ~~((January 31 except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ November 30: Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-319 Lewis River. (1) Mainstem - ~~((Bag))~~ Daily Limit A ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ - open entire year: Downstream from east fork to mouth.

(2) East fork:

(a) ~~((Bag))~~ Daily Limit A - ~~((open entire year: Downstream from the LaCenter Bridge))~~ April 16 through May 31: Downstream from posted markers at top boat ramp at Lewisville Park.

(b) ~~((Bag))~~ Daily Limit A - June 1 through ~~((December 31))~~ March 15: Downstream from posted markers downstream from Lucia Falls ((to the LaCenter Bridge)). All chinook salmon over 28 inches caught after September 30 must be released immediately.

(3) North fork:

(a) ~~((Bag))~~ Daily Limit A - January 1 through September 30: Downstream from overhead power lines below Ariel Dam except as provided in subsection (3)(b).

(b) ~~((Bag))~~ Daily Limit A ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ - open entire year: Downstream from the mouth of Colvin Creek (approximately 1/4 mile upstream of the salmon hatchery) to the mouth of the east fork, except that at all times it is unlawful to take, fish for or possess salmon taken for personal use from waters shoreward of the cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery Fishway.

(c) During the period September 1 through ~~((November 30))~~ October 31, in those waters downstream from the mouth of Colvin Creek to the lower Cedar Creek concrete boat ramp, lawful salmon angling gear is limited to bait or lures with one single pointed hook only, which hook measures not more than ~~((1/2))~~ 3/4 inch from point to shank.

NEW SECTION

WAC 220-57-321 Little White Salmon River (Drano Lake). Daily Limit A - August 1 through December 31: Downstream from markers downstream from federal salmon hatchery.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-326 McAllister Creek. ~~((Bag))~~ Daily Limit A - July 1 through November 30: Downstream from the downstream side of the Olympia-Steilacoom Road Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-327 McLane Creek. ~~((Bag))~~ Daily Limit A - July 1 through November 30: Open from a line 100 feet upstream and parallel to the south bridge of Highway 101 at Mud Bay to a line 50 feet north of and parallel to the Mud Bay Road Bridge, except waters within 400 feet of the outfall of the Allison Springs chinook rearing pond are closed to salmon angling.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-335 Naselle River. (1) ~~((Bag))~~ Daily Limit A - October 16 through January 31: Downstream from the Highway 4 Bridge to Highway 101 Bridge.

(2) ~~((Bag))~~ Daily Limit A - October 16 through January 31: Downstream from the Big Hill Bridge to the Highway 4 Bridge.

(3) Waters within 400 feet both upstream and downstream from the entrance to the Naselle Salmon Hatchery Attraction Channel are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-57-340 Nemah River. (1) Middle Nemah, ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from the department of natural resources bridge on the Middle Nemah A Line Road.

(2) North Nemah - ~~((Bag))~~ Daily Limit A - October 1 through January 31: Downstream from lower bridge on dead end Lower Nemah Road to the mouth.

(3) South Nemah - ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from the confluence of the Middle Nemah to the mouth.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-342 Niawiakum River. ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from the South Bend-Palix Road Bridge to the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-345 Nisqually River. ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from military tank-crossing bridge located one mile upstream from the mouth of Muck Creek. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-350 Nooksack River. (1) ~~((Bag))~~ Daily Limit A - September 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.

(2) North Fork - ~~((Bag))~~ Daily Limit A - October 1 through December 31: Downstream from Maple Creek to mouth of north fork.

(3) South Fork - ~~((Bag))~~ Daily Limit A - October 1 through December 31: Downstream from the Saxon Bridge to mouth of south fork.

(4) Closed to the taking of pink salmon.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

WAC 220-57-355 North River. ~~((Bag))~~ Daily Limit A - July 1 through January 31 - downstream from the mouth of Salmon Creek.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-365 Palix River. ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from the confluence of the ~~((south))~~ north and middle forks to the Highway 101 Bridge.

AMENDATORY SECTION (Amending WSR 93-15-011, filed 7/8/93, effective 8/8/93)

WAC 220-57-370 Puyallup River. ~~((Bag))~~ Daily Limit A - July 16 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-380 Quilcene (Big Quilcene) River. ~~((Closed to salmon angling the entire year.))~~ Daily Limit A, except that chinook and coho salmon must be released immediately - August 1 through September 30.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-385 Quillayute River. ~~((Bag))~~ Daily Limit A - March 1 through ~~((October 9))~~ November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-390 Quinault River. ~~((Bag))~~ Daily Limit C - July 1 through October 31: Downstream from the bridge connecting Graves Creek and North Shore roads.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

WAC 220-57-395 Salmon Creek (Clark County). ~~((Bag Limit C - July 1 through October 31 - downstream from the Interstate 5 freeway bridge.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-400 Salmon River (Jefferson County). ~~((Bag))~~ Daily Limit A - September 1 through November 30: Downstream from the Q 1000 Road Bridge including waters within Olympic National Park outside the boundaries of the Quinault Indian Reservation.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57-405 Samish River. ~~((Bag))~~ Daily Limit A - July 1 through October 15: Downstream from the Thomas Road Bridge to the Bayview-Edison Road Bridge. Terminal gear is limited to a single bait or lure with one single-point hook measuring no more than 1/2 inch from point to shank. ~~((Bag))~~ Daily Limit A - October 16 through December 31: Downstream from Interstate 5 Bridge to

PROPOSED

markers located approximately one-quarter mile downstream from Samish Island Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-410 Sammamish River (Slough). (1) ~~(Bag)~~ Daily Limit A - August 16 through December 31: Downstream from the 102 Avenue NE Bridge to the Kenmore Highway Bridge. All sockeye salmon must be released.

(2) ~~(Bag)~~ Daily Limit A - October 16 through December 31: Upstream from the 102 Avenue NE Bridge to Lake Sammamish. All sockeye salmon must be released immediately.

(3) Kokanee/sockeye under 15 inches in length are kokanee while those 15 inches and over are sockeye salmon.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-415 Satsop River. ~~(Bag)~~ Daily Limit A - ~~(December)~~ October 1 through January 31: Downstream from the bridge at Schafer State Park on east fork. Chinook salmon must be released immediately.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-430 Skokomish River. ~~(Bag)~~ Daily Limit A - August 1 through August 31 except all coho salmon must be released and November 1 through December 15, except all coho salmon must be released: Downstream from the Highway 101 Bridge. Terminal gear on the Skokomish River is limited to one bait or lure with one single-pointed hook only, measuring no more than 1/2 inch from point to shank.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-435 Skykomish River. ~~(Bag)~~ Daily Limit A - September 1 through December 31 except all chinook salmon must be released: Downstream from the confluence of north and south forks. During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-440 Smith Creek (Pacific County). ~~(Bag)~~ Daily Limit A - July 1 through January 31: Downstream from Highway 101 Bridge to the mouth.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-450 Snohomish River. ~~(Bag)~~ Daily Limit A - September 1 through December 31 except all chinook salmon must be released: Downstream from confluence of Skykomish and Snoqualmie rivers. During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-455 Snoqualmie River. ~~(Bag)~~ Daily Limit A - September 1 through December 31 except all chinook salmon must be released. During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-460 Sol Duc River. ~~(Bag)~~ Daily Limit A - March 1 through November 30: Downstream from the concrete pump station at the Soleduck Hatchery.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-465 Stillaguamish River. Special daily ~~(Bag)~~ limit of two chum salmon - November 1 through December 31: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water flow control structure to a point 400 feet downstream. It is unlawful to take or possess chinook, coho or pink salmon.

AMENDATORY SECTION (Amending Order 91-41, filed 6/27/91, effective 7/28/91)

WAC 220-57-470 Tahuya River. ~~(Closed to salmon angling the entire year.)~~ Daily Limit A, except that chinook and coho salmon must be released immediately - August 1 through September 30.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-473 Tilton River. (1) Mainstem - ~~(Bag)~~ Daily Limit A - June 1 through December 31: Downstream from west fork Tilton River.

(2) North fork - ~~(Bag)~~ Daily Limit A - June 1 through October 31: Downstream from markers 400 feet above the 73 Road Bridge to the Tilton River (approximately lower two miles).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-480 Toutle River. ~~(Bag)~~ Daily Limit A - except chinook salmon greater than 28 inches in length must be released - September 1 through November 30.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-495 Washougal River. ~~(Bag)~~ Daily Limit A - June 1 through March 15 ~~(except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon)~~: Downstream from bridge at Salmon Falls to mouth. During the period October 1 through December 31, in waters upstream from the mouth of Little Washougal River, chinook salmon over 28 inches in length must be released. From September 1 to October 31, lawful salmon angling gear shall be restricted to bait or

lures with one single point hook only, measuring no more than ~~((4/2))~~ 3/4 inch from point to shank.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-57-497 Wenatchee River. Special ~~((bag))~~ daily limit: 2 salmon per day, minimum size 12 inches - May ~~((46))~~ 8 through June 15. Downstream from the mouth of the Icicle River to the Highway 2 Bridge at Leavenworth.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-502 Whatcom Creek. ~~((Bag))~~ Daily Limit A - August 1 through December 31: Downstream from the footbridge below Dupont Street in Bellingham.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-57-505 White Salmon River. (1) ~~((Bag))~~ Daily Limit A - January 1 through September 30: Upstream from the mouth to the power house below Condit Dam.

(2) Daily Limit C - October 1 through December 31: Upstream from ~~((a set of markers approximately 1/2 mile north of Highway 14 Bridge to a line 400 feet downstream from))~~ the mouth to the power house below Condit Dam.

~~((2))~~ Bag (3) Daily Limit A - ~~((January 1 through September 30))~~ November 16 through June 15: Downstream from a line 400 feet downstream from Condit Dam ~~((, and October 1 through December 31: Downstream from a set of markers approximately 1/2 mile north of the Highway 14 Bridge))~~ to the power house.

~~((3))~~ Little White Salmon River (Drano Lake): Bag Limit A - August 1 through December 31: Downstream from markers on point of land downstream and across from Federal Salmon Hatchery.)

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-510 Willapa River. (1) ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek, to the Highway 101 Bridge.

(2) ~~((Bag))~~ Daily Limit A - October 16 through January 31: Downstream from mouth of Fork Creek to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-515 Wind River. ~~((Bag))~~ Daily Limit A - August 1 through October 31: Downstream from the Burlington Northern Railroad Bridge to the mouth.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-520 Wishkah River. ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from the mouth of the west fork.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-57-525 Wynoochee River. ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from the 7400 line bridge above the mouth of Schafer Creek.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-001 General provisions—Lakes. (1) It is unlawful to fish for or possess salmon taken from any lake not listed in this chapter.

(2) The daily ~~((bag))~~ limit, possession limit, opening and closing hours, and seasons of all lakes regulated under ~~((Bag))~~ Daily Limit I are identical with those limits and times as provided for gamefish, as regulated by the Washington ~~((game))~~ fish and wildlife commission under Title 77 RCW.

(3) The daily ~~((bag))~~ limit, possession limit, and seasons of all lakes regulated under ~~((Bag))~~ Daily Limit A, ~~((Bag))~~ Daily Limit C, or special ~~((bag))~~ daily limits, are in addition to gamefish limits as regulated by the Washington ~~((game))~~ fish and wildlife commission, under Title 77 RCW.

(4) The daily ~~((bag))~~ limit, possession limit, opening and closing hours, and seasons codified by the department ~~((of game))~~ in chapter 232-24 WAC are incorporated herein and by reference made a part hereof.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-015 Banks Lake (Grant County). ~~((Bag))~~ Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-017 Big Lake (Skagit County). ~~((Bag))~~ Daily Limit I.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57A-030 Capitol Lake. ~~((Bag))~~ Daily Limit A - July 1 through November 30: Downstream from the Interstate 5 Bridge to the shear boom at the north end of the lake. Percival Cove shall be defined as those waters of Capitol Lake lying westerly of a set of markers on the western shoreline of the south basin of Capitol Lake. Percival Cove is closed to food fish angling the entire year.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-57A-035 Chelan Lake (Chelan County). Special ~~((Bag))~~ Daily Limit 2 chinook salmon per day, minimum size 15 inches.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-037 Clear Lake (Pierce County). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-040 Cushman Lake (Mason County). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-045 Davisson Lake (Riffe) (Lewis County). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-110 Mayfield Lake (Lewis County). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-112 McMurray Lake (Skagit County). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-120 Merwin Lake (Reservoir). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 78-8, filed 2/21/78, effective 4/1/78)

WAC 220-57A-125 Ozette Lake. ((Bag)) Daily Limit C - July 1 through October 31.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-140 Roosevelt Lake (Ferry County). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57A-145 Sammamish Lake. ((Bag)) Daily Limit A - August 16 through December 31: Waters within 1/4 mile of the mouth of Issaquah Creek are closed to salmon angling at all times. Closed to the taking of sockeye salmon. Kokanee/sockeye under 15 inches in length are kokanee while those 15 inches and over are sockeye salmon.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57A-175 Lake Washington. (1) Waters north of the Evergreen Point Floating Bridge - ((Bag)) Daily Limit A - August 1 through December 31. Sockeye salmon must be released immediately. Kokanee/sockeye under 15

inches in length are kokanee while those 15 inches and over are sockeye salmon.

(2) Waters south of the Evergreen Point Floating Bridge - ((Bag)) Daily Limit A - October 16 through December 31. Sockeye salmon must be released immediately.

Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57A-180 Washington Ship Canal, Lake (including Lake Union). ((Bag)) Daily Limit A - August 1 through December 31: West of University Bridge, to a north-south line located 400 feet east of the eastern end of the north wingwall of the Chittenden Locks. Sockeye salmon must be released immediately. Kokanee/sockeye under 15 inches in length are kokanee while those 15 inches and over are sockeye salmon. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57A-183 Lake Wenatchee. Special daily ((bag)) limit of two sockeye salmon not less than 16 inches in length - August 1 through August 15 (~~except closed to salmon angling within 300 feet of the mouths of the Little Wenatchee River and the White River~~).

AMENDATORY SECTION (Amending Order 86-13, filed 3/27/86)

WAC 220-57A-185 Wilderness Lake (King County). ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-13, filed 3/27/86)

WAC 220-57A-190 Wynoochee Reservoir (Grays Harbor County). ((Bag)) Daily Limit I.

WSR 94-23-006
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 628—Filed November 3, 1994, 3:51 p.m.]

Date of Adoption: November 1, 1994.

Purpose: Proposed amendment to WAC 332-30-166 will increase the proprietary fees for disposal of dredged material to open water sites in Puget Sound and the Straits of Juan de Fuca. Also, amend the rule to reflect existing fees for Grays Harbor and Willapa Bay disposal sites.

Citation of Existing Rules Affected by this Order: Amending WAC 332-30-166 Open water disposal sites.

Statutory Authority for Adoption: RCW 79.90.560, 43.30.150.

Other Authority: RCW 79.90.550, 79.90.555, and 79.90.560.

Pursuant to notice filed as WSR 94-18-122 on September 7, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 1, 1994

Jennifer M. Belcher, Chair
Board of Natural Resources

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 ~~((+))~~

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

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.

PERMANENT

WSR 94-23-007
PERMANENT RULES
GAMBLING COMMISSION

[Filed November 3, 1994, 3:55 p.m., effective January 1, 1995]

Date of Adoption: October 14, 1994.

Purpose: WAC 230-04-190, housekeeping changes to accompany requested increases to fee changes to applicable rules. Clarifies two-part plan and adds provision for twenty-five dollar administrative fee for two-part payment plan; WAC 230-04-199, repealer, companion action for implementation of new section WAC 230-46-100 which authorizes limited social card games for charitable/nonprofit organizations without obtaining a license; WAC 230-04-201, repealer, companion action to implementation of new sections which consolidate fees by type of license; WAC 230-04-203, new section will set forth fees for businesses; WAC 230-04-204, new section will set forth fees for individuals; WAC 230-08-017, change to increase fees from \$.25 to \$.26 on identification and inspection services stamps; WAC 230-12-090, new section to comply with legislative requirement in recognition of problem gambling. Provides for signing of 1-800 number in licensed facilities; and WAC 230-46-100, new section authorizes charitable or nonprofit organizations to conduct limited card games on their premises without obtaining a license.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-04-199 and 230-04-201; and amending WAC 230-04-190 and 230-08-017.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 94-17-089 on August 16, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 230-12-090, the wording in the second paragraph was changed to clarify the rule and the penalty schedule in the third paragraph was changed; and WAC 230-46-100, subsection (5) was added at the end of the rule.

Effective Date of Rule: January 1, 1995.

November 3, 1994
Shanna R. Lingel
Rules Coordinator

AMENDATORY SECTION (Amending Order 229, filed 10/29/91, effective 11/29/91)

WAC 230-04-190 Issuance of license—Expiration—Restrictions. (1) **Charitable and nonprofit organizations and agricultural fairs.** The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs; ~~((and))~~
- (e) Social ~~((cards-))~~ card games; and

~~((2))~~ (f) Fund raising events as defined in RCW 9.46.0233 ~~((The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than))~~; Provided, That any agricultural fair ((defined therein, to conduct)) authorized under the provisions of chapter 15.76 or 36.37 RCW is prohibited from conducting fund raising events.

~~((3))~~ (2) Commercial ((location)) amusement games ((license)). The commission may issue a separate license to ~~((commercial business operators of))~~ any person to operate amusement games at one or more of the locations listed in WAC 230-04-138.

~~((4))~~ (3) Commercial stimulant card games. The commission may issue a license to any person((s)) operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

~~((5))~~ (4) Public card room employee. The commission may issue a license to ~~((*))~~ any person to perform duties in a public card room.

~~((6))~~ (5) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punchboards and pull tabs upon specified premises.

~~((7))~~ (6) Manufacturers and distributors of gambling equipment and paraphernalia. The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, ~~((and))~~ devices for the dispensing of pull tabs, bingo equipment, and other gambling equipment, supplies, and paraphernalia; and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and any gambling equipment, supplies, or paraphernalia for use in connection with ((licensed fund raising events)) authorized activities.

~~((8))~~ (7) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.

~~((9))~~ (8) Recreational gaming activity permit. The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

~~((10))~~ **(9) License expiration.** Each such license shall be valid for one year from the date that it is issued: Provided, That~~(-)~~

~~(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates.)~~ license expiration dates may be adjusted by commission staff to schedule workload. Organizations licensed for more than one activity may have all expiration dates adjusted to end on the same day. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For ~~((the))~~ purposes of ~~((this proration,))~~ computing fees under this section, any part of a month in which the activity is ~~((licensed))~~ authorized to be operated shall be deemed to be a whole month ((when computing an annual fee)). Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant. Specific expiration dates are as follows:

~~((b))~~ (a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

~~((c) Notwithstanding the provisions of (a) of this subsection,))~~ (b) A license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival((-);

~~((d))~~ (c) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days((-);

~~((e))~~ (d) A license issued to conduct a fund raising event shall be valid only for ((one year from the date issued but the event (or events) permitted under the license shall be held only at)) the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event((-); Provided, That a fund raising event license shall allow an organization to have possession of gambling equipment authorized for use at a fund raising event for a period of one year beginning on the day of the event and to rent such for up to four occasions per year to other organizations licensed to operate fund raising events;

~~((f))~~ (e) A license issued to an individual shall be valid for a period of one year from the date of employment or

issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

~~((g))~~ **(10)** If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a ~~((pre-licensing))~~ prelicensing evaluation/ investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received at the commission headquarters office within the ((fourteen (14) day)) fourteen-day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

~~((h))~~ **(11)** The commission may allow an applicant renewing an annual license or applying for an additional license to pay the license fee in two payments under the following conditions:

(a) The license fee is at least eight hundred dollars;

(b) The applicant pays an administrative processing fee of twenty-five dollars plus one-half of the annual license fee at the time of application or renewal;

(c) Licenses ((approved)) issued under the ((six-month payment)) two-payment plan shall be issued with an expiration date ((of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of)) as determined by subsection (9) of this section and a second-half payment due date. If the second-half payment ((, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due)) is received on or before the due date, the license will remain in effect until the expiration date. If the licensee fails to submit the second-half ((of the fee)) payment(((s) as established by WAC 230-04-201)) prior to the ((expiration)) due date, the license shall expire((-) and all operations of the activity must stop; and

(d) Gross gambling receipts during the first-half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus twenty-five dollars.

~~((i))~~ **(12) Conditions of license issuance.** All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-04-199 Class R recreational card games conducted by a bona fide charitable or bona fide nonprofit organization.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-04-201 Fees.

NEW SECTION

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	Limited card games - hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage (Fee to play charged)	\$ 155
Class C	Tournament only, no more than ten consecutive days per tournament.	\$ 155
Class D	General (No fee to play charged)	\$ 50
Class E	General (Fee to play charged)	
E-1	One table only	\$ 370
E-2	Up to two tables	\$ 635
E-3	Up to three tables	\$1,060
E-4	Up to four tables	\$2,120
E-5	Up to five tables	\$3,190

2. COMMERCIAL AMUSEMENT (Fee based on annual gross gambling receipts)		
* Class A	Premises only	** \$265/\$115
Class B	Up to \$ 50,000	\$ 370
Class C	Up to \$ 100,000	\$ 950
Class D	Up to \$ 250,000	\$2,120
Class E	Up to \$ 500,000	\$3,720
Class F	Up to \$1,000,000	\$6,380
Class G	Over \$1,000,000	\$7,980

* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

** Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

3. PUNCHBOARDS/ PULL TABS (Fee based on annual gross gambling receipts)		
		VARIANCE*
Class A	Up to \$50,000	\$ 5,000 \$ 505
Class B	Up to \$100,000	\$ 5,000 \$ 900

Class C	Up to \$200,000	\$10,000	\$1,700
Class D	Up to \$300,000	\$10,000	\$2,470
Class E	Up to \$400,000	\$10,000	\$3,190
Class F	Up to \$500,000	\$10,000	\$3,850
Class G	Up to \$600,000	\$10,000	\$4,470
Class H	Up to \$700,000	\$10,000	\$5,030
Class I	Up to \$800,000	\$10,000	\$5,530
Class J	Up to \$1,000,000	\$20,000	\$6,280
Class K	Up to \$1,250,000	\$25,000	\$6,970
Class L	Up to \$1,500,000	\$25,000	\$7,610
Class M	Up to \$1,750,000	\$25,000	\$8,140
Class N	Up to \$2,000,000	\$25,000	\$8,620
Class O	Over \$2,000,000	Nonapplicable	\$9,470

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

4. DISTRIBUTOR (Fee based on annual gross sales of gambling related supplies and equipment)		
(a) Class A	Nonpunchboard/pull tab only	\$ 530
Class B	Up to \$ 250,000	\$1,060
Class C	Up to \$ 500,000	\$1,590
Class D	Up to \$1,000,000	\$2,120
Class E	Up to \$2,500,000	\$2,760
Class F	Over \$2,500,000	\$3,400

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

(b) FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR		
Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$210
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$530

5. MANUFACTURER (Fee based on annual gross sales of gambling related supplies and equipment)		
Class A	Machines only	\$ 530
Class B	Up to \$ 250,000	\$1,060
Class C	Up to \$ 500,000	\$1,590
Class D	Up to \$1,000,000	\$2,120
Class E	Up to \$2,500,000	\$2,760
Class F	Over \$2,500,000	\$3,400

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

6. PERMITS		
AGRICULTURAL FAIR/ SPECIAL PROPERTY BINGO		
Class A	One location and event only (See WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (See WAC 230-04-193) (See WAC 230-02-505 and 230-25-330)	\$155
RECREATIONAL GAMING ACTIVITY (RGA)		
		\$ 50

PERMANENT

7. CHANGES

NAME	(See WAC 230-04-310)	\$25
LOCATION	(See WAC 230-04-320)	\$25
BUSINESS CLASSIFICATION	(Same owners) (See WAC 230-04-340)	\$50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	\$25
DUPLICATE LICENSE OWNERSHIP OF STOCK LICENSE TRANSFERS	(See WAC 230-04-290) (See WAC 230-04-340) (See WAC 230-04-125, 230-04-340, and 230-04-350)	\$25 \$50 \$50

8. SPECIAL FEES

INVESTIGATION IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-04-240)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-08-017)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-030)	As required
EXCEEDING LICENSE CLASS REVIEW,	(See WAC 230-30-016)	\$25
INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-04-260)	As required
	(See WAC 230-08-017)	As required

9. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$25
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NEW SECTION

WAC 230-04-204 Fees—Individuals. Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. BINGO GAME MANAGER	Original	\$155
	Renewal	\$75
	Change of Employer	\$75
2. DISTRIBUTOR'S REPRESENTATIVE	Original	\$210
	Renewal	\$130
	Change of Employer	\$50
3. MANUFACTURER'S REPRESENTATIVE	Original	\$210
	Renewal	\$130
4. PUBLIC CARD ROOM EMPLOYEE	Original	\$155
	Renewal	\$75

5. OTHER FEES

CHANGE OF NAME	(See WAC 230-04-310)	\$25
DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	\$25
OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps. To ensure gambling equipment is used only as authorized, manufacturers, distributors, and operators shall maintain close control over all gambling equipment in their possession. Each transfer of such equipment shall be documented by completing an invoice or other written record setting forth the information required by WAC 230-08-040. Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

- (1) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:
 - (a) Punchboards and pull tab series;
 - (b) Pull tab dispensing devices;
 - (c) Disposable bingo cards: *Provided*, That this requirement applies to cards shipped for use in Washington state after December 31, 1993. All inventory on hand at the distributor and operator level at the close of business on December 31, 1993, shall be exempt from this requirement; and
 - (d) Other gambling equipment or devices, as determined by the director.

(2) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: *Provided*, That a licensed owner of controlled gambling equipment may purchase and attach stamps per WAC 230-30-018;

(3) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

- (a) Punchboards and pull tabs - (~~twenty-five~~) twenty-six cents;
- (b) Pull tab dispensing devices - (~~twenty-five~~) twenty-six cents;
- (c) Disposable bingo cards:
 - (i) Sets of individual cards or sheets of cards - (~~twenty-five~~) twenty-six cents;
 - (ii) Collations of cards - one dollar and six cents;
 - (d) Other equipment or devices - the actual cost of inspection or approval, as determined by the director.

(4) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: *Provided*

PERMANENT

ed, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed in the following manner:

(a) Punchboards - On the reverse side in an area that will not obstruct removal of punches: *Provided*, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) Pull tabs - On the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission; and

(c) Pull tab dispensing devices - On the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded; and

(d) Disposable bingo cards - On the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: *Provided*, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons.

(5) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval; and

(6) Any person requesting commission staff review, inspection, and/or evaluation of equipment, paraphernalia, services, or schemes related to licensed gambling activities shall reimburse the commission the cost to conduct such. If the requestor is currently licensed, there will be no assessment of cost for the first hour of service. A deposit of estimated cost may be required prior to performance of such service.

NEW SECTION

WAC 230-12-090 Problem gambling informational sign must be posted. The legislature recognizes that some individuals in Washington state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, horse racing commission and gambling commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, horse racing commission and gambling commission shall jointly develop informational signs concerning problem and compulsive gambling, and the signs shall be placed in establishments of gambling licensees, horse racing licensees and lottery retailers.

All gambling commission licensees shall prominently post the problem gambling informational signs at each

entrance and exit of their establishments. The informational signs will be provided to the licensee by the gambling commission and will contain the toll-free hotline number for the Washington state council on problem gambling. Brochures to patrons containing the toll-free hotline number meet the posting requirement and will be supplied by the gambling commission: *Provided*, That licensees may develop signs in compliance with this rule and the provision of RCW 9.46.071, but the signs must be reviewed and approved by the gambling commission.

If a licensee fails to prominently post the problem gambling informational signs in their establishments, they may be subject to a suspension of two days for the first violation, seven days for the second violation and fourteen days for each violation noted thereafter.

NEW SECTION

WAC 230-46-100 Bona fide charitable/nonprofit organizations—Limited social card games without obtaining a license—Conditions. Bona fide charitable or nonprofit organizations may, as defined by RCW 9.46.0209, allow limited social card games to be played upon their premises without obtaining a license under the conditions set out below:

(1) Only bona fide members of the organization and members of a chapter or unit organized under the same state, regional, or national chapter who are players, as defined by RCW 9.46.0265, are allowed to participate;

(2) No person is, directly or indirectly, charged a fee to participate;

(3) Only bona fide members of the organization and members of a chapter or unit organized under the same state, regional, or national charter, who are not compensated for such services, are permitted to perform any work or service in support of such card games;

(4) The types of card games played are limited to the following:

- (a) Hearts;
- (b) Rummy;
- (c) Pitch;
- (d) Pinochle;
- (e) Cribbage; and
- (f) Bridge;

(5) All restrictions regarding the granting of credit, method and amount of wagers, and rules of play set out in this title and chapter 9.46 RCW are complied with.

**WSR 94-23-009
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed November 3, 1994, 4:26 p.m.]

Date of Adoption: October 21, 1994.

Purpose: Establish procedures by which the Washington State Parks and Recreation Commission will administer grants supported by water trail program funds; provide for issuance and use of water trail permits; and provide for distribution of trail use guidelines.

Statutory Authority for Adoption: RCW 43.51.440.

Pursuant to notice filed as WSR 94-18-075 on September 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to further clarify WAC 352-68-010 and 352-68-030.

Effective Date of Rule: Thirty-one days after filing.
October 21, 1994
Anne Cox Preecs
Chair

Chapter 352-68 WAC WATER TRAIL PROGRAMS

NEW SECTION

WAC 352-68-010 Purpose. (1) This chapter:

(a) Establishes procedures by which the Washington state parks and recreation commission will administer grants supported by water trail program funds; and

(b) Provides for issuance and use of water trail permits; and

(c) Provides for distribution of trail use guidelines.

(2) The commission retains the authority pursuant to RCW 43.51.442 and 43.51.444 to enter into nongrant contracts with any public agency, tribal government, entity, or person to develop and implement water trail programs. Such contracts are not subject to this chapter.

NEW SECTION

WAC 352-68-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section:

"Commission" means the Washington state parks and recreation commission.

"Director" means the director of the Washington state parks and recreation commission or the director's designee.

"Site" means a designated area and the fixtures and improvements thereon or nearby provided to people traveling the water trail for their overnight stays ashore.

"Water trail program funds" means the funds deposited in the water trail program account administered by the Washington state parks and recreation commission pursuant to this chapter and chapter 43.51 RCW.

"Water trail system" means a network of designated water trail sites strategically located for the convenience, and use of holders of water trail permits when traveling from site to site.

NEW SECTION

WAC 352-68-030 Water trail program funds. Water trail program funds may be used by the commission solely for water trail program purposes, including, but not limited to, grants for planning, acquisition, development, maintenance, operation and administration of a water trail program and a water trail system of sites and water trail access and launching areas and facilities, such as sanitary facilities, trails, camping areas, and equipment, and for enforcement, education and information programs. Sites for which water trail program funds are used shall be open to holders of a water trail permit.

NEW SECTION

WAC 352-68-040 Funding priorities. The unranked priorities for the water trail program grant funds are:

(1) Administering a water trail program which includes safety education and trail information;

(2) Incorporating public land holdings into the water trail system, with emphasis on reducing distances between sites and providing alternate routes through scenic areas;

(3) Developing sites that minimize the potential for conflict with other users of public lands;

(4) Developing, in cooperation with public and private entities, programs, regulations, site improvements, and equipment that minimize maintenance costs and reduce impacts of trail use on sites and adjacent areas;

(5) Acquiring new sites for the water trail system;

(6) Conducting studies of the interaction of the trail system, its users, and the public to guide future development of the trail system;

(7) Supporting special water trail programs; and

(8) Other water trail program needs as may be determined by the commission.

NEW SECTION

WAC 352-68-050 Eligibility. Any municipal corporation, public agency, or tribe in the state of Washington is eligible to apply for grants of water trail program funds to support up to one hundred percent of the cost of the water trail programs.

NEW SECTION

WAC 352-68-060 Application process. Applicants for water trail program grant funds must:

(1) Complete an application form and timely file it with the commission.

(2) File documentation of permission to conduct the proposed program from all owners of land on which the program is to occur.

(3) Comply with applicable laws and ordinances.

(4) Agree to:

(a) File an annual report with the commission on the funded program by January 15 following receipt of the program funds;

(b) Return, or replace in kind, to the commission, any losses of grant funds, if due to the action of a recipient of funds, or unspent grant funds if a program is not completed in a timely manner or is canceled;

(c) Execute a grant contract with the commission for the program to be funded; and

(d) Fulfill all obligations of the grant contract.

(5) Certify to the commission that any facility for which funds are received will be open to all holders of a water trail permit for, at minimum, the period of time specified in the grant contract.

NEW SECTION

WAC 352-68-070 Grant selection. The selection process which will be used by the commission in the review and disbursement of water trail grant funds is as follows:

(1) Applications will be reviewed by state parks staff to determine eligibility and consistency with the requirements of this chapter.

(2) The director will receive and consider the recommendations of the water trails advisory committee and will present final recommendations to the commission.

(3) The commission retains the authority and responsibility to make the final decision concerning the grant of funds.

NEW SECTION

WAC 352-68-080 Disbursement of funds. The commission may disburse funds for approved water trail programs either:

(1) After submittal of a billing indicating satisfactory compliance with contractual obligations; or

(2) In the case of municipal corporations or other public agencies, in advance payment upon written request to and approval by the director.

NEW SECTION

WAC 352-68-090 Accountability. Recipients of water trail program funds shall maintain accurate accounting records on the expenditure of funds, provide the commission with these records upon request, and permit the commission to audit the use of the funds.

NEW SECTION

WAC 352-68-100 Water trail permit—Issuance. Permits will be issued on a calendar year basis by the commission or its designee upon payment of the permit fee as specified in WAC 352-32-250. A valid permit entitles the holder to the use of all designated water trail sites that are open for public use.

NEW SECTION

WAC 352-68-110 Water trail permit—Inspection. Any person using a designated water trail site shall carry the water trail permit and make it available for inspection when requested by an authorized agent. A violation of this section shall constitute a civil infraction as provided in RCW 43.51.454.

NEW SECTION

WAC 352-68-120 Water trail use regulations. Guidelines for use of water trails shall be distributed with the water trail permit. Use of commission owned or commission administered sites shall be subject to all applicable public use regulations of the commission.

NEW SECTION

WAC 352-68-130 Severability. Should any section of the foregoing regulations be found invalid, the remainder of the regulations shall remain in full force and effect.

**WSR 94-23-010
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed November 3, 1994, 4:30 p.m., effective January 1, 1995]

Date of Adoption: October 21, 1994.

Purpose: To establish procedures for the issuance of permits for filming within state parks.

Citation of Existing Rules Affected by this Order: Amending WAC 352-74-020, 352-74-040, 352-74-060, and 352-74-070.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 94-18-076 on September 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to further clarify WAC 352-74-045(2) by stating how a site location fee will be charged.

Effective Date of Rule: January 1, 1995.

October 21, 1994
Anne Cox Preecs
Chair

AMENDATORY SECTION (Amending Order 82, filed 10/2/84)

WAC 352-74-020 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) "Applicant" means an individual or organization who submits an application to the ~~((commission))~~ director to film within state parks for other than personal or news purposes.

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Director" means the director of the Washington state parks and recreation commission.

(4) "Film and filming" mean still and movie camera filming and video taping.

(5) "Film maker" means an applicant who has received approval to film within state parks through the issuance of a filming permit by the director or the designee of the director.

AMENDATORY SECTION (Amending WSR 94-08-005, filed 3/24/94, effective 5/1/94)

WAC 352-74-040 Film permit application~~((fee))~~. Persons or organizations that desire to film within a state park for other than personal or news purposes shall submit a completed film permit application ~~((provided by the director))~~ with the appropriate fees to the:

Director
Washington State Parks and
Recreation Commission
7150 Cleanwater Lane ~~((KY-11))~~
PO Box 42650
Olympia, WA 98504-2650

~~((Each application shall be accompanied by an application fee of one hundred dollars if submitted ten or more days in advance of filming date or three hundred dollars if submitted less than ten days in advance of filming which~~

PERMANENT

~~shall be in the form of a check or money order payable to the Washington state parks and recreation commission.)~~

NEW SECTION

WAC 352-74-045 Filming fees. (1) Permit application fee - Each application shall be accompanied by an application fee of one hundred dollars if submitted ten or more days in advance of the filming date or three hundred dollars if submitted less than ten days in advance of filming which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) Site location fee - Prior to commencing filming activities or otherwise as specified by the director or the director's designee, each applicant shall pay an additional site location fee, set by the director or the director's designee based on the magnitude and duration of the impact on park resources and normal public use, the uniqueness of the site, and such other considerations as the director or director's designee deem appropriate.

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-74-060 Issuance and revocation of film permit. The director or designee of the director, shall issue a film permit (~~provided by the commission~~) to an approved applicant after the applicant has submitted to the (~~commission~~) director any fees, bond, damage deposit, and insurance certification established pursuant to WAC 352-74-050 and has demonstrated in its application or otherwise to the satisfaction of the director that filming:

- (1) Is compatible with the activities of park visitors;
- (2) Will not damage facilities or resources, or interfere with park operations;
- (3) Will not disrupt wildlife;
- (4) Will not imply the endorsement of the commission for the content of the film;
- (5) Will acknowledge the cooperation of the commission;
- (6) Is not inconsistent in the judgment of the director with the purposes for, or conditions on which, the property where the filming is to take place was acquired; and
- (7) Will conform with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming.

If a film maker does not comply with all of the applicable statutes, rules, policies, and procedures of the commission, the conditions upon which the permit was granted, and the instructions of the commission staff who supervise the filming, then the director or designee of the director shall revoke the film permit.

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-74-070 Additional fees and release of bond or damage deposit. After completion of filming the director or the designee of the director shall determine if any additional fees are to be assessed a film maker and whether or not any bond or damage deposit submitted to the (~~commission~~) director by a film maker may be released.

If the director or the designee of the director determines that no additional fees are to be assessed and that a bond or damage deposit is to be released, then a bond or damage deposit shall be returned to a film maker.

If the director or the designee of the director determines that additional fees are to be assessed or that a bond or damage deposit is not to be released, then the film maker shall be so informed.

If a film maker pays additional fees in the form of a check or money order payable to the Washington state parks and recreation commission which is submitted to the (~~commission~~) director within thirty days of receipt of the notice to pay the fees, then the director or the designee of the director shall return a bond or damage deposit to a film maker.

If a film maker does not pay additional fees within the time period and in accordance with the procedures set forth above, then the director or designee of the director shall exercise the rights of the commission under a bond or damage deposit to pay the additional fees and so inform a film maker or exercise any such other legal rights as may be available.

WSR 94-23-013

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 94-27—Filed November 4, 1994, 10:40 a.m.]

Date of Adoption: November 4, 1994.

Purpose: To adopt an amendment to the Renton shoreline master program.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2520.

Statutory Authority for Adoption: Chapter 90.58 RCW.
Pursuant to notice filed as WSR 94-14-086 on July 5, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 4, 1994

Mary Riveland

Director

AMENDATORY SECTION (Amending Order 90-08, filed 8/22/90, effective 9/22/90)

WAC 173-19-2520 Renton, city of. City of Renton master program approved January 23, 1976. Revision approved February 23, 1977. Revision approved September 12, 1984. Revision approved August 22, 1990. Revision approved November 4, 1994.

WSR 94-23-024

PERMANENT RULES

PARKS AND RECREATION

COMMISSION

[Filed November 7, 1994, 2:09 p.m., effective January 1, 1995]

Date of Adoption: October 21, 1994.

Purpose: Establishes rules and fees for the use of state park areas.

Citation of Existing Rules Affected by this Order:
Amending WAC 352-32-010, 352-32-030, 352-32-045, and
352-32-250.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 94-18-077 on September 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 352-32-010, anticipated changes to some parts of these sections were not needed; WAC 352-32-030(10), this subsection is addressed in WAC 352-32-045; WAC 352-32-045 (1), (4), (6), (7), changes were made to further clarify the subsections and to move reference of fees to WAC 352-32-250; WAC 352-32-250, director's authority to discount fees was further clarified; WAC 352-32-250(4), anticipated change was not needed; WAC 352-32-250 (7)(a), increase in fee was inadvertently forgotten in the proposed filing; WAC 352-32-250 (19)(a), formula for arriving at annual fee is explained; WAC 352-32-250 (19)(b), formula for arriving at the one day/night fee is explained; WAC 352-32-250 (9)(e), clarifies issuance and use of water trail permits for overnight camping pass holders; and WAC 352-32-250 (23) and (24), reference added for existing Fort Worden State Park fees and filming within state park fees.

Effective Date of Rule: January 1, 1995.

October 21, 1994

Anne Cox Preecs

Chair

AMENDATORY SECTION (Amending WSR 94-08-036,
filed 3/31/94, effective 5/1/94)

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

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

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

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

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

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

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

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

"Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be a formalized group or an organized collection of families wishing to camp or use the

ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

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

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

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

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

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

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

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity by Thursday or Friday night during the high use season and the typical park user plans to stay more than one night.

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

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

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

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW

43.51.170, and shall include the park manager in charge of any state park area.

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

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

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

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

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

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

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

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

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

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 93-06-001, filed 2/17/93, effective 3/20/93)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010(17)).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping unit for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping unit must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee (WAC 352-32-250(6)). Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten

consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: *Provided*, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the designated or developed tent pad as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles shall occupy a campsite.

(10) ~~((All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.~~

~~A group can be any formalized group or an organized collection of families wishing to camp together.~~

~~Group camping areas other than marine trail camping areas, may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "Group use permit and regulation form."~~

(11) ~~Marine))~~ Water trail camping ((areas)) sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are not subject to the campsite capacity limitations as otherwise set forth in this section. Capacities for ~~((marine))~~ water trail camping ((areas)) sites may be established by the ranger on an individual basis and are subject to change based upon the impacts to the area. All persons using ~~((such camping areas))~~ water trail camping sites shall ~~((pay the applicable fee))~~ have in their possession a valid water trail permit.

~~((12))~~ (11) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

~~((13))~~ (12) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 94-08-036, filed 3/31/94, effective 5/1/94)

WAC 352-32-045 Reservations for use of designated group ((day-use)) facilities. (1) All ~~((reserved))~~ designated group ((day-use activities)) facilities shall be ~~((arranged for only at those parks having identified group day-use activity areas. A group is defined as 20 or more people engaged~~

~~together and commonly in outdoor day-use recreation at one park location))~~ reservable by groups. A group is defined as 20 or more people engaged together and commonly in outdoor recreation at one park location.

(2) ~~((Such identified))~~ All designated group ((day-use activity areas)) facilities shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas. Groups making reservations shall be charged the applicable group fee for the minimum of 20 people, if less than that number actually use the group facility.

(3) Use of ~~((these activity areas shall))~~ designated group facilities may be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) ~~((A minimum daily permit fee of fifty dollars for groups of 20 to 50 persons, plus additional fifty dollar increments as the group increases by increments of 50 people.))~~ For use of these facilities, payment of appropriate fees, which may include a nonrefundable reservation fee, a first day/night use fee and a damage deposit will be required. Fees are specified in WAC 352-32-250. Payment of the fee must be made with the submission of the group use permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) ~~((Reservation requests for groups of 20, but not exceeding 250, may be approved by the park manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the region supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the assistant director for operations.))~~ For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility following the payment of the appropriate extra vehicle parking fee.

(6) A damage deposit ((shall be submitted with the request for reservation)) may be required by the park manager as part of the reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group ~~((activity area))~~ facility. ~~((For groups of 20 to 50 persons, this deposit shall be \$50. For groups of 51 to 100 persons, this deposit shall be \$100. For groups of 101 to 500 persons, this deposit shall be \$250. For groups in excess of 500, this deposit shall be \$500.))~~ Deposits are specified in WAC 352-32-250. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Facility reservations will be accepted for the calendar year, on or after the first working day in January of that calendar year. Reservations ~~((for all groups))~~ shall be made by a person of the age of majority, who must be in

attendance during the group's activities. Reservations at the parks will be accepted in writing, in person, or by phone at the discretion of the park manager. In person and phone reservation requests shall only be accepted during normal park operation hours. All reservation requests will be processed in order of arrival. Group facility areas not reserved are available on a first-come, first-serve basis.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

AMENDATORY SECTION (Amending WSR 94-13-080, filed 6/13/94, effective 7/14/94)

WAC 352-32-250 Standard fees charged. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission: Provided, however, That the director has the authority to discount fees to a maximum of 50% below the fee amounts listed or referenced in this section in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director may consider the following factors in discounting fees:

Prevailing rates for comparable facilities;

Day of the week;

Season of the year;

Amenities of the park area and site;

Demand for facilities; and

Such other considerations as the director deems appropriate.

(1) Overnight camping - standard campsite: \$10.00 per night;

(2) Overnight camping - utility campsite: \$15.00 per night. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$3.00 per night;

(3) Overnight camping - primitive campsite: \$5.00 per night for nonmotorized vehicle and \$7.00 per night for motorized vehicle;

(4) (~~Overnight camping~~) Reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(6) Group camping area - certain parks: \$1.00 per person for groups of 20 or more per day and/or night; nonrefundable reservation/registration fee - \$25.00. Camping units must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center - overnight camping: (~~(\$5.50)~~) \$6.00 per camper per night;

(a) Camp Wooten environmental learning center during the season the swimming pool is operational: (~~(\$6.85)~~) 7.25 per camper per night;

(b) Environmental learning center - day use only: \$2.00 multiplied by the minimum capacity established for each environmental learning center or \$2.00 for each member of the group - whichever is higher;

(c) A late check-in fee of \$50.00 shall be charged if arrival is more than one hour after the scheduled check-in time, unless the group contacts the park ranger prior to scheduled check-in time in order to reschedule the check-in;

(8) Hot showers: \$.25 for a maximum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle overnight parking fee: \$5.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) Overnight camping - emergency camp area: The fee shall be the standard campsite fee.

~~((These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.))~~

(14) Unattended vehicle overnight parking permit: \$5.00 per night per vehicle. Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(15) Boat launch permit fee - \$4.00 per day per watercraft for use of all designated boat launches (~~designated by the commission~~) with hard surface ramps, maintained bathrooms, parking areas, and docking facilities. \$3.00 per day per watercraft for use of all other designated boat launches (~~designated by the commission~~) with hard surface ramps. Boat launch permit shall not be required for:

(a) Vehicles registered for camping or overnight mooring in the park containing the boat launch area;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual boat launch permit;

(16) Annual boat launch permit fee - \$40.00 per boat launching vehicle per calendar year. Valid January 1 - December 31 at any launch designated by the commission. Permit must be displayed as instructed on permit backing;

(17) Trailer dump station fee - \$3.00 per use: Fee shall not be required for registered camping vehicles in the park containing the dump station;

(18) Popular destination park fee - \$1.00 surcharge for use of standard or utility campsite located in a popular destination park during the period of April 1 through September 30;

(19) ~~(Marine trail camping area fee - certain parks: \$1.00 per person per day and/or night)~~ Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(20) A surcharge of \$5.00 per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

(21) Group day use facilities - A minimum daily permit fee of fifty dollars for groups of 20 to 50 persons, plus additional fifty dollar increments as the group increases by increments of 50 people;

(22) Group facilities deposit - For groups of 20 to 50 persons, this deposit shall be \$50. For groups of 51 to 100 persons, this deposit shall be \$100. For groups of 101 to 500 persons, this deposit shall be \$250. For groups in excess of 500, this deposit shall be \$500;

(23) Fort Worden recreational and conference center - See WAC 352-32-25001 and 352-32-25002;

(24) Filming within state parks - See chapter 352-74 WAC.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

Purpose: To incorporate National Shellfish Sanitation Program (NSSP) compliance standards into the rules governing the sanitary control of shellfish, chapter 246-282 WAC.

Citation of Existing Rules Affected by this Order: New section WAC 246-282-005.

(1) Every person engaged in a shellfish operation shall comply with and shall be subject to:

(a) the "satisfactory compliance" standards of the 1993 Revision of the National Shellstock Sanitation Program (NSSP) Manual of Operations Part I and II, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. Copies can be obtained through the United States Food and Drug Administration, Shellfish Sanitation Branch and the Washington State Department of Health, Office of Shellfish Programs.

(b) all other provisions of this chapter.

(2) Where a "satisfactory compliance" provision is inconsistent with a provision otherwise established under this chapter or other state law or rule, the more stringent provision, as determined by the department, shall apply.

Statutory Authority for Adoption: RCW 69.30.030 (section 3, chapter 144, Laws of 1955).

Pursuant to notice filed as WSR 94-17-121 on August 19, 1994.

Effective Date of Rule: Thirty-one days after filing.
November 5, 1994

Sylvia Beck

Executive Director

State Board of Health

NEW SECTION

WAC 246-282-005 Minimum performance standards. (1) Every person engaged in a shellfish operation shall comply with and shall be subject to:

(a) the "satisfactory compliance" standards of the 1993 Revision of the National Shellfish Sanitation Program (NSSP) Manual of Operations Part I and II, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. Copies can be obtained through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington State Department of Health, Office of Shellfish Programs.

(b) all other provisions of this chapter.

(2) Where a "satisfactory compliance" provision is inconsistent with a provision otherwise established under this chapter or other state law or rule, the more stringent provision, as determined by the Department, shall apply.

WSR 94-23-029

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 8, 1994, 10:09 a.m.]

Date of Adoption: November 8, 1994.

Purpose: Amending chapter 308-330 WAC, implementing laws enacted [enacted] in 1994 legislative session and make administrative changes.

WSR 94-23-026

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed November 8, 1994, 9:28 a.m.]

Date of Adoption: October 12, 1994.

PERMANENT

Citation of Existing Rules Affected by this Order:
Amending WAC 308-330-157, 308-330-197, 308-330-300,
308-330-307, 308-330-320, 308-330-400, and 308-330-425.

Statutory Authority for Adoption: RCW 46.90.010.

Pursuant to notice filed as WSR 94-19-057 on September 20, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 1, 1994

Kathy Baros Friedt
Director

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-157 Police or police officer. "Police or police officer" includes, in addition to the meaning in RCW 46.04.391, the police officers of a city, a town, marshal, or the sheriff and his/her deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-197 RCW sections adopted—Off road and nonhighway vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.120, 46.09.130, 46.09.140, ~~((and))~~ 46.09.180, and 46.09.190.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-307 RCW sections adopted—Driver licenses-identificards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.309, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 46.20.365, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.435, 46.20.500, 46.20.510, 46.20.550, and 46.20.750.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-320 RCW sections adopted—Size, weight, load. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, 46.44.015, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.043, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, and 46.44.180.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.20.309, 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through ~~((46.61.515))~~ 46.61.508 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.504, 46.61.506, ~~((46.61.515))~~ 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.527, 46.61.530, 46.61.535, ~~((and))~~ 46.61.540, 46.61.5051, 46.61.5052, 46.61.5053, 46.61.5054, 46.61.5057, and 46.61.5058.

WSR 94-23-031

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 8, 1994, 2:41 p.m.]

Date of Adoption: November 7, 1994.

Purpose: To delete the listing and fees for the plant identification exam and proctoring program both of which have been discontinued.

Citation of Existing Rules Affected by this Order:
Amending WAC 308-13-150.

Statutory Authority for Adoption: RCW 43.24.086.

Pursuant to notice filed as WSR 94-19-056 on September 20, 1994.

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Changes Other than Editing from Proposed to Adopted Version: The amendment will delete the listing and fees for the plant identification examination and proctoring program both of which have been discontinued.

Effective Date of Rule: Thirty-one days after filing.
November 7, 1994
M. C. Collins
Assistant Director

AMENDATORY SECTION (Amending WSR 94-04-044, filed 1/27/94, effective 2/27/94)

WAC 308-13-150 Landscape architect fees. The following fees shall be charged by the ~~((professional licensing))~~ business and professions division of the department of licensing:

Title of Fee	Fee
Application fee	\$150.00
Examination (entire) fee	((475.00)) 450.00
Reexamination administration fee	50.00
Examination Sections:	
Section 1: Legal and administrative aspects of practice	25.00
Section 2: Programming and environmental analysis	35.00
Section 3: Conceptualization and communication	85.00
Section 4: Design synthesis	80.00
Section 5: Integration of technical and design requirements	95.00
Section 6: Grading and drainage	85.00
Section 7: Implementation of design through construction process	45.00
((Section 8: Plant identification	40.00))
Exam proctor	100.00
Renewal (3 years)	450.00
Late renewal penalty	150.00
Duplicate license	25.00
Initial registration (3 years)	450.00
Reciprocity application fee	200.00
Certification	45.00
((Proctoring program	125.00))
Replacement certificate	20.00

WSR 94-23-033
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed November 8, 1994, 4:03 p.m.]

Date of Adoption: November 8, 1994.

Purpose: To interpret and administer chapter 19.146 RCW by providing and amending rules regarding the education and testing requirements, the bonding requirements, the fees, and the penalties and fines applicable to mortgage brokers, and interim licensing by the Department of Financial Institutions.

Citation of Existing Rules Affected by this Order: Amending WAC 50-60-040, 50-60-060, 50-60-080, and 50-60-170.

Statutory Authority for Adoption: RCW 19.146.225.
Pursuant to notice filed as WSR 94-20-128 on October 5, 1994.

Effective Date of Rule: Thirty-one days after filing.
November 8, 1994
John L. Bley
Director

Chapter 50-60
Mortgage Brokers and Loan Originators — Licensing

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-040 Experience, education and testing requirements. (1) An applicant who has ~~((two years of experience in the following categories))~~ satisfactorily completed an approved course or courses of study and has passed an approved examination shall be judged to meet the educational requirements for licensing as expressed in RCW 19.146.210 (1)(e).

(2) An applicant who has two years of experience in the following categories may apply to the director for a waiver of the requirement for completion of an approved course of study:

(a) Mortgage broker, or responsible individual in a mortgage brokerage business, or branch manager of a mortgage brokerage business;

(b) Mortgage banker, or responsible individual in a mortgage brokerage business or branch manager of a mortgage brokerage business;

(c) Loan officer, with responsibility primarily for loans secured by lien interests on real estate;

(d) Branch manager of a lender, with responsibility primarily for loans secured by lien interests on real estate.

(e) Mortgage broker with a license from another state ((whose)) the licensing standards ((are)) of which ((determined by)) the director determines to be substantially similar to those in this state.

~~((2) An applicant who is currently active and licensed as a real estate broker in Washington or a state with similar licensing requirements, and who has at least two years of experience as a real estate broker, and has completed a training course approved by the director covering all laws and regulations applicable to the business of mortgage brokering will be judged to meet the experience requirements as expressed in RCW 19.146.210 (1)(e).))~~

(3) An applicant shall be deemed to have satisfactorily completed an approved course of study and passed an approved examination if the applicant has:

(a) Attended at least 40 hours of class of an approved course of study, or such other period of class time as the director may deem adequate, and

(b) Received a certificate of completion from the course provider, which certificate verifies the applicant's attendance in the course and the applicant's satisfactory performance on an approved examination.

(4) Each licensee shall, upon or before the last business day of the calendar month in which their license was

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originally issued, submit to the director a certificate of completion from a course provider, which certificate verifies that a responsible party designated by the licensee and all of the licensee's branch managers have attended a seminar which was approved by the director and contained as its content a presentation and discussion of relevant changes to the laws, regulations, and industry practices and ethics listed in WAC 50-60-045 (c)(i) through (x).

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 50-60-045 Approval of course providers, courses of study, and examinations. (1) An application to the director for approval of a course of study shall include the following items:

(a) A description of the course provider's experience in teaching this type of course and administering this type of examination;

(b) A complete listing of all instructors for the course, including their qualifications and experience teaching courses similar to this course;

(c) All course materials and lesson plans on a session by session basis, which shall cover at least the following subjects to be taught:

(i) The Mortgage Broker Practices Act, chapter 19.146 RCW, and the rules promulgated pursuant to this Act in chapter 50-60 WAC;

(ii) The Consumer Protection Act, chapter 19.86 RCW;

(iii) The Escrow Agent Registration Act, chapter 18.44 RCW;

(iv) Real Estate Settlement procedures Act, Truth in Lending Act, Equal Credit Opportunity Act, Fair Credit Reporting Act, Fair Housing Act, Home Mortgage Disclosure Act, and Community Reinvestment Act, and the regulations promulgated pursuant to these Acts.

(v) Trust account and record keeping requirements as defined in chapter 19.146 RCW and chapter 50-60 WAC;

(vi) Mortgage, deed of trust, and real estate contract law as provided in Title 61 RCW;

(vii) Principal and agent law;

(viii) Real estate and appraisal law as provided for in chapters 18.85 and 18.140 RCW;

(ix) Arithmetical computations common to mortgage brokering including, but not limited to, the computation of annual percentage rate, finance charge, amount financed, payment and amortization;

(x) Ethics in the mortgage industry; and

(d) a copy of any examinations to be used in determining satisfactory comprehension of the contents of the course and the grading scale to be used. Any new or revised examinations or grading scales to be used by a course provider shall be submitted to the director for his or her approval prior to their use in the course of study.

(2) The director shall review the items submitted to the department and determine whether the provider, the proposed course of study, and the proposed examinations and grading scales are approved. Such approval shall be before the period of two years and shall be confirmed through issuance of a

certificate of approval. The director or his or her designee may audit a course of study at any time. If the director finds that a course of study is not approved, or if the provider of the course of study has not complied with the requirements of this section, the director may withhold or suspend approval of the course of study and require the return of any certificate of approval previously issued by the director.

(3) Prior to expiration of its certificate of approval, each course provider that desires to maintain its approved status shall submit to the director the items required in paragraph (1) of this section to renew its certificate of approval.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-060 ((Licensee fee)) Application deposits, investigation fees, and annual assessment. ((New licensee-))

(1) For each application for a Washington mortgage broker license, the director shall receive and there shall be paid to the director, prior to issuance of the license (~~@@ nonrefundable license fee of five hundred dollars to cover the license period state on the licensee-)~~, an application deposit. Upon completion of processing and reviewing of the application, the department will prepare a billing, regardless of whether a license has been issued, calculated at the rate of \$35 per hour for each hour devoted to processing and reviewing the application. The application deposit will be applied against this bill. Any amount left owing to the department will be billed to the applicant, while any balance remaining from the deposit will be refunded to the applicant.

(2) (~~For each application for a Washington mortgage broker branch office license, the director shall receive and there shall be paid to the director prior to issuance of the license a nonrefundable license fee of one hundred dollars to cover the license period as stated on the license-)~~ Upon completion of any investigation or examination of any licensee, or of any mortgage broker subject to the investigatory and enforcement powers of the director under RCW 19.146.020(2), such person shall pay to the director an investigation charge to cover the cost of the investigation or examination. This investigation charge will be calculated at the rate of \$45 per hour for each hour devoted to the investigation or examination of the books and records of the mortgage broker. Those licensees issued licenses prior to March 21, 1994 shall be deemed to have prepaid in their initial license fee the cost of the first compliance examination conducted by the department during the licensee's first two years of operating under a mortgage broker license.

(3) Each licensee shall pay to the director each year, on or before the last business day of the calendar month in which their license was originally issued, an annual assessment of \$500 for each mortgage broker license.

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

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-080 Surety bond for applicants engaging in the business of a mortgage broker - General requirements. (1) ~~((A licensee engaged in the business of a mortgage broker))~~ Prior to licensing, an applicant for a mortgage broker license shall obtain and file with the director ~~((prior to licensing))~~ a surety bond ~~((in the amount of forty thousand dollars))~~ along with a valid power of attorney issued by a bonding company or insurance company authorized to do business in this state. The surety bond amount required of each applicant, ranging from \$20,000 to \$60,000, will be determined by the monthly average number of loan originators employed or engaged by the applicant for the previous 12 months.

(2) ~~((In lieu of such surety bond, the applicant may deposit with the director a certificate of deposit or other time deposit properly assigned to the director for an amount equal to the required bond. The depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the director, to substitute other qualified deposits, and shall be required to do so on written order of the director made for good cause shown.))~~ The monthly average number of loan originators employed or engaged by the applicant shall be calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the previous 12 months, and dividing this total by 12. If the applicant has been in business less than 12 months, the monthly average number of loan originators employed or engaged by the applicant will be calculated by adding the number of loan originators employed or engaged each month (or part thereof) for the number of months the applicant has been in business and the projected number of loan originators to be employed each month (or part thereof) for the remaining months in the twelve month period, and dividing this total by twelve. If the applicant has no history of business, the monthly average number of loan originators will be determined by adding up the projected number of loan originators to be employed or engaged each month for the first twelve months during which the applicant will do business, and dividing this total by twelve. The projected number of loan originators to be employed or engaged during the first twelve months during which the applicant will do business must reflect at least the actual number of originators at the inception of business.

(3) ~~((In lieu of such surety bond, the applicant may deposit with the director an irrevocable letter of credit drawn in favor of the director for an amount equal to or greater than the required bond. The irrevocable letter of credit must be issued by a bank, savings bank, savings and loan association, or credit union as such applicant may designate and the director may approve.))~~ Based upon the calculation of the monthly average number of loan originators employed or engaged by the applicant, the applicant shall maintain on file with the director a surety bond in an amount equal to or greater than that indicated by the following table:

<u>Monthly Average Number of Loan Originators</u>	<u>Bond Amount</u>
<u>3 or fewer</u>	<u>\$20,000</u>

<u>greater than 3 to 6</u>	<u>\$30,000</u>
<u>greater than 6 to 9</u>	<u>\$40,000</u>
<u>greater than 9 to 15</u>	<u>\$50,000</u>
<u>greater than 15</u>	<u>\$60,000</u>

(4) ~~((The surety bond or approved equivalents listed in subsections (1), (2), and (3) of this section are subject to the provisions of RCW 19.146.240.))~~ Each licensee shall maintain on file with the director a valid surety bond or approved alternative in an amount equal to or greater than the required amount. Each licensee shall calculate the monthly average number of loan originators it has employed or engaged over the previous twelve months at least once each year forty-five (45) days prior to the anniversary date of its bond. If this calculation reveals that the monthly average number of loan originators has increased by an amount which requires an increase in the licensee's surety bond amount, according to the surety bond amount table provided in this section, then the licensee shall obtain an increase in the amount of coverage on its surety bond to the required amount within thirty days of the date of the calculation.

(5) Each licensee shall maintain for a period of four (4) years in an accessible location a worksheet of the calculation required in subsection (4) of this section.

(6) Each licensee shall use the bond form, assignment of certificate of deposit form, or irrevocable letter of credit form approved by the director.

NEW SECTION

WAC 50-60-085 Alternatives to the surety bond. (1) In lieu of a surety bond as required under WAC 50-60-080, an applicant or licensee may with the approval of the director:

(a) properly assign to the director a certificate of deposit on a form acceptable to the director for an amount equal to or greater than the required surety bond amount. The depositor shall be entitled to receive all interest and dividends thereon.

(b) An applicant or licensee may also file with the director an irrevocable letter of credit drawn in favor of the director for an amount equal to or greater than the required surety bond. The irrevocable letter of credit must provide the same measure of protection to the consumer and others who may have reason to make claim on the instrument as a surety bond. This means, in part, that the irrevocable letter of credit must provide security for one year after its expiration or suspension against claims from violations that occurred during the period over which it was in effect. The irrevocable letter of credit must be issued by a bank, savings bank, savings and loan association, or credit union, as approved by the director. The licensee and any bank, savings bank, savings and loan association, or credit union providing a letter of credit to the licensee must notify the director within two business days of any suspension, expiration, or material change in the security provided by the irrevocable letter of credit.

(2) A licensee may submit a written request to the director asking that an assigned certificate of deposit or irrevocable letter of credit be released. The director may release the assignment of a licensee's certificate of deposit when a sufficient period of time has passed to provide

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reasonable confidence that no new claims will be presented against the certificate of deposit. To ensure that there are no outstanding claims or potential claims against the licensee which could result in claims against the licensee's certificate of deposit or irrevocable letter of credit, the director may require that the licensee provide to the director prior to release of the certificate of deposit or letter of credit:

(a) a surety bond in the required amount or an approved alternative if the licensee intends to remain in the mortgage broker business and continue operating under their license;

(b) all of the licensee's licenses and branch licenses if the licensee intends to surrender their licenses and no longer engage in the business of mortgage brokering. In addition, the director may require that the licensee provide to the director proof of exemption from licensing if the licensee intends to surrender its license and remain engaged in the business of mortgage brokering;

(c) copies of any agreements between the licensee and any bank, savings and loans association, savings bank, or credit union which provided the certificate of deposit or irrevocable letter of credit;

(d) Copies of any agreements between the licensee and any third party which represents an outstanding claim, potential claim, or settlement of any claim against the licensee which could diminish the measure of protection enjoyed by consumers or others who may have reason to make a claim against the licensee;

(e) an audited financial statement for the licensee's mortgage broker business;

(f) copies of any notes, secured or unsecured, or other forms of debt that are outstanding to any parties not mentioned in (a) through (e) above;

(g) any other information the director may deem necessary under the circumstances of any licensee's request for release of the certificate of deposit or irrevocable letter of credit;

(4) The surety bond or approved equivalents listed in this section are subject to the provisions of RCW 19.146.240.

NEW SECTION

WAC 50-60-165 Violations - Penalties and fines.

Every mortgage broker and their officers, employees, independent contractors, and agents shall comply with chapter 19.146 RCW and all rules and regulations issued thereunder. The violation of any provision of chapter 19.146 RCW, or any rule issued thereunder, or of any order, directive, or requirement of the director shall subject the violator to a fine of \$100 for each offense. Each day's continuance of the violation shall be a separate and distinct offense.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-170 Transitional rule. ~~((Pursuant to the authority granted under RCW 19.146.210(3), the director declares the effective date of the licensing requirements expressed in RCW 19.146.200 to be extended to November 30, 1993.))~~ Businesses engaged in mortgage brokering and required to be licensed under ~~((chapter 468, Laws of 1993))~~ chapter 19.146 RCW, may file an application with the

director and obtain, upon acceptance of the application as complete and a determination by the director that the applicant meets the verifiable requirements for licensing, an interim license. This interim license shall expire on ~~((February 28, 1994))~~ the date set by the director, unless extended by the director. ~~((This section shall be void after July 1, 1994.))~~

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 94-23-036
PERMANENT RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY**
[Filed November 9, 1994, 9:24 a.m.]

Date of Adoption: November 3, 1994.

Purpose: To define the requirements, conditions, and prohibitions relative to open burning and agricultural burning.

Citation of Existing Rules Affected by this Order: Amending SCAPCA Regulation I, Article VI, Section 6.01.

Statutory Authority for Adoption: RCW 70.94.141.

Pursuant to notice filed as WSR 94-18-069 on September 1, 1994.

Changes Other than Editing from Proposed to Adopted Version: A nonsubstantive change was made to Section 6.01.C.12 to clarify that silvicultural debris is not considered yard and garden debris.

Effective Date of Rule: Thirty-one days after filing.

November 4, 1994
Eric Skelton
Director

**ARTICLE VI
EMISSIONS PROHIBITED**

ADOPTED: June 9, 1969

REVISED: ~~May 11, 1993~~

EFFECTIVE: ~~June 11, 1993~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 6.01 OPEN ~~FIRE~~ BURNING

A. Purpose. ~~This rule, promulgated under Chapter 70.94 RCW, the Washington State Clean Air Act, authorizes the Spokane County Air Pollution Control Authority to implement the provisions of that act. This rule~~ Section establishes controls for open burning in Spokane County in order to:

1. Reduce open burning to the greatest extent practical, consistent with the policy of the State of Washington.

~~±~~ 2. Minimize the impact of emissions from open burning by burning only when weather and ventilation conditions are favorable.

~~±~~ 3. Establish rules and procedures by Define conditions under which open burning may be conducted.

3.4. Encourage the development and specify the use of alternate methods of disposal of combustible waste materials.

5. Geographically limit open burning in order to assure continued attainment of the National Ambient Air Quality Standards for carbon monoxide and fine particulate matter (PM10).

B. Applicability. This Section applies to open burning in all parts areas of Spokane County except to: unless exempted in Section 6.01.E.

1. Burning of field and turf grasses grown for seed (governed by Chapter 173-430 WAC).

2. Open burning for activities subject to the permit issuing authority of the Department of Natural Resources, as given in RCW 70.94.660.

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in Chapter 70.94.650 RCW or other authoritative source on agricultural practices.

2. Authority means the Spokane County Air Pollution Control Authority.

3. Ceremonial Fire means a fire associated with a Native American ceremony or ritual.

4. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in Chapter 70.94.715 RCW.

5. Impaired Air Quality, for purposes of open burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:

a. Particulates which are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of seventy-five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

b. Carbon monoxide is measured at any location inside Spokane County at an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.

c. Air contaminant levels reach or exceed other limits, established pursuant to Chapter 173-425-030 (5)(b) WAC, by resolution of the Board of Directors of the Authority, or established pursuant to Chapter 70.94.690 RCW, by mutual agreement between the Authority and the Washington Department of Natural Resources.

6. Land Clearing means removing trees, shrubbery, or other natural vegetation from a plot of land.

7. Nonattainment Area means the Spokane County PM10 Nonattainment Area and the Spokane Urban Carbon

Monoxide Nonattainment Area as defined in CFR Title 40, Part 81.

8. Nuisance means an emission of smoke or other emissions from any open fire that unreasonably interferes with the use and enjoyment of property.

9. Open Burning or Outdoor Burning means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion in a manner approved by the Authority.

10. Permitting Authority means the Spokane County Air Pollution Control Authority, or Spokane County, any fire department, any fire district, or the Spokane County Conservation District, whenever the referenced agency enters into a written agreement with the Authority to administer a permit program pursuant to Chapter 173-425-070 WAC.

11. Phase-out Area means any geographical area which is outside the No-Burn Area, as defined in Attachment A of Resolution 91-01 of the Authority, and inside the Spokane PM10 Nonattainment Area, as defined in CFR Title 40, Part 81.

12. Premises of a Residence means the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural or silvicultural use, other than yard and gardening activities connected with the residence.

13. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke or obnoxious odors.

14. Reasonable Alternatives means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard (This amount may be adjusted periodically by policy decision of the Department of Ecology), or more costly disposal alternatives which have been deemed reasonable, on a case-by-case basis, by the Authority.

15. Recreational Fire means a small fire, limited to barbecues and campfires, using charcoal, natural gas, propane, or natural wood, and which occurs in designated areas on public lands or on private property. Fires used for debris disposal are not considered recreational fires.

16. Responsible Person means any person who has applied for and received a permit, or any person allowing, igniting or attending to an open fire, or any person who owns or controls property on which an open fire occurs.

17. Social Event means a public event or celebration officially sponsored by Spokane County or an incorporated city or town.

18. Silvicultural Burning means burning on unimproved land the Department of Natural Resources protects pursuant to Chapter 70.94.030(20), 70.94.660, and 70.94.690 RCW, and pursuant to Chapter 76.04 RCW.

19. Small Fire means a fire generated by a pile of combustible material with dimensions no greater than four feet by four feet by three feet.

20. Urban Growth Area means an area defined by Chapter 36.70A.030 RCW.

21. Yard means a maintained area on residential property.

22. Yard and Garden Debris means dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles generated from a residential yard or garden.

D. Prohibitions. Except as provided in Section 6.01.E., no person shall practice or permit the practice of open burning in any of the following circumstances and locations:

1. Within the No-Burn Area, as defined by resolution of the Board of Directors of the Authority.

2. Within any part of a nonattainment area that is not within an open burning phase-out area.

3. After November 1, 1994, in any area where no permit program is being administered by a permitting authority.

4. Within any open burning phase-out area after the final phase-out date as approved by the Department of Ecology.

5. After December 31, 2000, within any urban growth area or any incorporated city or town with a population of 10,000 or more.

6. Outside the period designated by the Authority or permitting authority for burning yard and garden debris.

7. When the materials to be burned include any prohibited materials.

8. During an episode or impaired air quality as declared by the Department of Ecology or the Authority for a defined geographical area.

9. When the fire is larger than a small fire, unless a valid written permit has been issued by a permitting authority.

10. In or within 500 feet of forest slash, unless a written permit has been issued by the permitting authority.

11. When burning is for commercial purposes, other than silvicultural burning, agricultural burning, or burning of land clearing debris.

12. Where the Authority, Department of Ecology, or permitting authority has determined that reasonable alternatives are available.

13. When burning causes a nuisance, or the Authority or permitting authority determines that the creation of a nuisance is the likely result of burning.

E. Exceptions. Exceptions to Section 6.01.D shall be made as follows:

1. The prohibitions in Subsections 1 through 7 of Section 6.01.D shall not apply to the following types of fires if authorized by the Authority and a written permit has been issued by the Authority:

C. Episodes.

1. No open fire shall be ignited during any stage of an episode.

2. Any person responsible for an open fire already ignited when any stage of an episode is declared shall extinguish that fire when informed that an episode has been declared. Open fires conducted under the auspices of the Department of Natural Resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

D. Prohibited materials. Except as provided in Subsection F, the following materials shall not be burned in any open fire:

1. Garbage;
2. Dead animals;
3. Asphaltic products;

4. Waste petroleum products;

5. Paints;

6. Rubber products;

7. Plastics;

8. Any substance, other than natural vegetation, which normally emits dense smoke or obnoxious odors.

E. Restrictions on outdoor combustion devices and containers except as provided in Subsection F.

It shall be unlawful for any person to burn any combustible material in any outdoor container or device within the jurisdiction of this Authority except in an approved multiple-chambered unit such as in a multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an outdoor combustion device or container of approved design if he finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.

F. Exceptions. Exceptions to this Section shall be made only as follows:

1. a. When ordered by a duly authorized health officer and when authorized by the Authority, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.

2. b. When ordered by a fire protection agency of jurisdiction and when authorized by the Authority, fires to dispose of materials presenting a danger to life, property, or public welfare may be burned, if no practical alternate method of disposal is available.

3. c. When approved by the Authority fires authorized by a fire protection agency of jurisdiction, fires as necessary for training, including military training, may be burned.

4. d. When ordered by a fire protection agency of jurisdiction and when authorized by the Authority, fires to prevent or abate a fire hazard may be burned, if no practical alternative method of disposal is available.

5. e. When approved by the Authority, fires set as part of a defined research project may be burned.

6. The following fires may be burned, if they do not contain prohibited materials, as provided in Subsection D, and no nuisance is created:

2. The prohibitions in Subsections 1 through 6 of Section 6.01.D shall not apply to the following types of fires if authorized by the Authority:

a. Ceremonial fires. Fires set for religious ceremony or food preparation.

b. Small fires set for warming purposes at temporary construction and demolition sites provided that:

1. Fires are confined in barrels or portable stoves, not exceeding twenty five (25) cubic feet capacity.

2. Fires contain only clean dry wood.

3. The number of fires is kept to a reasonable minimum. This shall be limited to one fire per work station or one for every four employees working in the immediate area.

4. Warming fires are not allowed when the outside temperature is above 45°F.

5. The containers must not be placed within 50 feet of any combustible material or structure other than a windbreak used in conjunction with the warming fire.

b. Recreational fires, provided the fire is not started an unreasonable length of time before nor continues an unreasonable length of time beyond its recreational purpose.

c. Fires set for recreational or a social purposes event, provided that:

1. The fire is a small fire, or has been approved in writing by the Authority.

2. Only clean, dry wood, or fuels approved in writing by the Authority, are burned.

3. The fire is not started an unreasonable length of time before the recreational or social event begins nor continues an unreasonable length of time after beyond the event ends.

4. Attendance of person(s) at the fire site who is (are) responsible for the same and capable of extinguishing the fire is required on a continuous basis until extinguishment.

5. Compliance with all requirements of the Authority, Department of Natural Resources, local fire districts and 70.94 RCW is maintained.

d. In unincorporated areas of Spokane County which are outside of the restricted area described as Fairchild Air Force Base; Sections 1 through 6, Township 24 N, Range 42 E; Townships 25 and 26 N, Range 42 E; Sections 1 through 24, Township 24 N, Range 43 E; Townships 25, 26 and 27 N, Range 43 E; Sections 19 through 36, Township 28 N, Range 43 E; Sections 1 through 24, Township 24 N, Range 44 E; Township 25 N, Range 44 E; Sections 19 through 36, Township 26 N, Range 44 E; Township 25 N, Range 45 E; Sections 1 through 4, 9 through 16 and 19 through 36, Township 26 N, Range 45 E; Sections 33 through 36, Township 27 N, Range 45 E; Sections 6, 7, 18, 19, 30 and 31, Township 25 N, Range 46 E; Sections 6, 7, 18, 19, 30 and 31, Township 26 N, Range 46 E; Section 31, Township 27 N, Range 46 E, burning of household refuse shall be permitted provided that:

1. The fires shall not contain material specified in subsection D.

2. The fire is confined in a barrel or stove not exceeding twenty five (25) cubic feet capacity.

3. Such fires shall not create a nuisance or safety hazard.

4. A burning permit has been obtained from the Authority.

5. Burning is done only during daylight hours.

d. Fires set for improving and maintaining fire dependent ecosystems, as provided in Chapter 70.94.660 RCW.

e. Fires fueled exclusively by from flares and or torches.

3. Nothing in Section 6.01, except for Subsection 8 of Section 6.01.D., shall apply to the following types of fires:

a. Silvicultural burning.

b. Agricultural burning pursuant to Section 6.11.

c. Grass field burning pursuant to Section 6.10.

4. Subsection 6 of Section 6.01.D. shall not apply to fires for which a valid written permit has been issued by a permitting authority.

5. Nothing in Section 6.01 shall apply to burning of combustible material in a multiple-chambered unit, such as in a multiple-chambered incinerator, as long as the unit is registered with the Authority pursuant to Article IV or the operator possesses a valid Approval of Construction issued pursuant to Article V and the unit complies with all applicable regulations.

F. General Conditions. Considering population density and local conditions affecting air quality, the permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting burning to a defined season, restricting the size of fires, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Any person who practices or permits the practice of open burning shall, in addition to any specific permit conditions imposed, comply with all of the following conditions:

1. Whenever an episode or impaired air quality is declared, all small fires shall be immediately extinguished by smothering the fire with water or soil. All other fires shall be extinguished by withholding new fuel and allowing the fire to burn down.

2. The fire shall be attended by a person who is responsible for and capable of extinguishing the fire. The fire must be extinguished before leaving it.

3. Burning shall occur during daylight hours only, or a more restrictive period as determined by the permitting authority.

4. All fires shall be on non-combustible surfaces at an adequate distance but no less than 50 feet from buildings, fences, other combustible materials, and other fires.

5. If requested by the permitting authority, the responsible person shall provide adequate justification that burning, as requested, is reasonably necessary to successfully carry out the enterprise in which the person is engaged.

6. Permission from a landowner, or owner's designated representative, must be obtained prior to igniting an open fire.

7. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority or permitting authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.

8. The Authority or permitting authority shall be contacted to confirm burning conditions for each day, prior to igniting an open fire.

G. Residential Open Burning of Yard and Garden Debris. All of the following shall apply:

1. No open fire shall be allowed on the premises of any residence:

a. Within a no burn area designated in Subsection J.

b. During any stage of an episode (see Subsection C).

c. If the fire contains prohibited materials, as given in Subsection D.

d. If the fire contains any material other than natural vegetation; or

e. If the fire is larger than a small fire.

The premises of a residence include the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural use, other than yard and gardening activities connected with the residence.

2. 1. Single small fires for the disposal of yard and garden debris generated on the premises of a residence,

consisting of four dwelling units or less, may be allowed under a permit program administered by a permitting authority, without a written permit, to dispose of yard and garden debris if:

- a. ~~None of the provisions of Subsection C.1. are violated;~~
- b. ~~Such fires do not violate any local regulations to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to a nuisance; and~~
- c. ~~Means of extinguishment are readily available;~~
- d. ~~Such fires are attended at all times by a person capable of extinguishing them.~~

2. Single small fires for the disposal of yard and garden debris generated on the premises of residential property consisting of more than four dwelling units may be allowed under a written permit issued to a responsible person by a permitting authority.

3. e. Burning is shall be done only during periods specified by the Board of Directors or Control Officer of the Authority. These periods shall not exceed twenty three (23) days in the spring and twenty three (23) days in the fall. the following limitations:

~~f. Such fires are on non-combustible surfaces at an adequate distance from buildings, fences, or other combustible materials. Fifty (50) feet is the minimum desired distance separating fires and combustible materials.~~

g a. Burning shall be done between the hours of 9 a.m. and 5 p.m. or a more restrictive period as determined by the permitting authority.

b. Until December 31, 1995, the number of specified burn days shall not exceed 21 days per year.

c. After December 31, 1995, the number of specified burn days shall not exceed 14 days per year.

d. After December 31, 1998, the number of specified burn days shall not exceed 7 days per year.

H. Commercial Open Burning.

~~1. No permit shall be issued for commercial open burning, and commercial open burning shall not be conducted:~~

- a. ~~Within a no burn area designated in Subsection J.~~
- b. ~~During any stage of an episode (See Subsection C).~~
- c. ~~If the burning contains prohibited materials, as provided in Subsection D.~~
- d. ~~Where a practical alternate method of disposal is reasonably available;~~
- e. ~~If the material is or contains anything other than natural vegetation.~~

~~2. No commercial open burning shall be conducted without authorization from the Authority. Open burning shall be authorized only if:~~

- a. ~~The applicant shows that no practical alternate method of disposal is reasonably available; and~~
- b. ~~The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and~~
- c. ~~The burning will not violate any regulations of a local fire protection agency, or any local county or city ordinance or resolution pertaining to a nuisance.~~

~~3. Considering population concentration and local conditions affecting air quality, the Authority shall condition permits issued under this section. Permits shall be conditioned to minimize air pollution as much as practical.~~

~~Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.~~

~~4. It becomes apparent at any time to the Control Officer that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the board, the Control Officer, or any authorized agent shall notify the permittee and any limitation so imposed shall be treated as conditions under which the permit is issued.~~

H. Field response.

1. By November 1, 1994, Spokane County shall identify a fire marshal or other appropriate county official for field response and to document open burning complaints and violations in the unincorporated portions of the following geographical areas, using appropriate field notices.

a. The Spokane Carbon Monoxide Nonattainment Area

b. The Spokane PM10 Nonattainment Area

c. The No-Burn Area, as defined by resolution of the Board of Directors of the Authority.

d. Any additional No-Burn Area subsequently created by the absence of agreement on a permit program pursuant to Chapter 173-425-070 WAC.

2. By November 1, 1994, all agencies which have agreed to become permitting authorities shall commence field response programs to document open burning complaints and violations within their respective areas of jurisdiction, using appropriate field notices.

I. Agricultural Open Burning.

~~1. No permit shall be issued for agricultural open burning, and agricultural open burning shall not be conducted:~~

- a. ~~Within a no burn area designated in Subsection J.~~
- b. ~~During any stage of an episode (see Subsection C).~~
- c. ~~If the burning contains prohibited materials, described in Subsection D, or~~
- d. ~~If the burning contains any material other than natural vegetation generated on the property, which is the burning site, or transported to the burning site by wind or water.~~

~~2. Except as provided in Subsection I.3., agricultural open burning shall not be conducted without a permit from the Authority. Permits shall be issued only if:~~

- a. ~~None of Subsection I.1. would be violated by the burning;~~
- b. ~~The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in;~~
- c. ~~The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance; and,~~
- d. ~~The burning is necessary to control disease or insect infestation, and other measures are not available.~~

~~3. Agricultural open burning may be conducted without a permit if:~~

- a. ~~None of Subsection H.1. would be violated by the burning;~~
- b. ~~The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to~~

prevent or abate nuisances, or any local or city ordinance or resolution pertaining to a nuisance; and

e. The fire(s) cover one acre or less and the burning is done to destroy obnoxious weeds or crop residue along fence rows, ditches, or in cultivated fields.

4. Considering population concentration and local conditions affecting air quality, the Authority shall condition permits issued under this section. Permits shall be conditioned to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

5. If it becomes apparent at any time to the Control Officer that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Board, the Control Officer, or any authorized agent shall notify the permittee and any limitation so imposed shall be treated as conditions under which the permit is issued.

J. No Burn Area Designation.

1. The Authority shall designate as "no burn" areas those geographic areas where ambient air quality standards for suspended particulates, set forth in WAC 18-40-030, are being exceeded or are threatened to be exceeded. These designations shall be based on monitoring data, topography and meteorology.

2. The designation of any area as a "no burn" area by the Authority shall be made by rule-making procedure and only after public hearing.

3. Open burning shall not be conducted in any designated "no burn" area.

K. Department of Natural Resources — Smoke management plan. The Department of Natural Resources has the responsibility for issuing and regulating burning permits for open fires in areas protected by the Department of Natural Resources, when such fires are for:

1. Abating a forest fire hazard;
2. Preventing a fire hazard;
3. Instruction in methods of forest fire fighting;
4. Any silvicultural operation to improve the forest lands of the state.

Fires set for these purposes must be conducted according to the provisions of the smoke management plan administered by the Department of Natural Resources in agreement with the Department of Ecology and other involved agencies and written agreements between the Department of Natural Resources and the Authority.

L I. Notice of Violations.

1. The Authority may issue a Notice of Violation to a responsible person responsible for a fire when:

1 a. Conditions of a Any specific permit condition issued under this or any general permit condition specified in Section 6.01.F. are is violated; or

2 b. Any open fire is ignited or, if ignited, is not extinguished, when the person responsible for the fire is aware that any air pollution episode stage has been declared; Any prohibition in Section 6.01.D. is violated; or

3 c. An open fire is ignited where, under this Section such fires are prohibited or where a permit is required and no such permit has been obtained.

~~4. Prohibited materials are burned in an open fire. Procedures for Notices of Violation shall follow RCW 70.94.332 and Regulation I, Article II.~~

~~2. A fire protection agency called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the responsible person(s), the costs of its response and control action.~~

~~3. Spokane County and all permitting authorities may refer field notices and other documentation to the Authority for appropriate enforcement action. The Authority shall remit one-half of any civil penalty collected, to the referring agency, if the referring agency makes such a request in writing at the time of referral.~~

~~4. Smoke visible from open burning after a time period of three hours has elapsed from the time of declaration of an episode or impaired air quality shall constitute prima facie evidence of unlawful open burning.~~

M. Remedies.

Any violation of this Section may be subject to any penalty or other remedy given in chapter 70.94 RCW and Regulation I, Article II.

It shall be prima facie evidence that the person who owns or controls property on which an open fire, prohibited in this Regulation, occurs has caused or allowed said open fire.

J. The provisions of this Section are severable. If any phrase, sentence, paragraph, or provision is held invalid, the application of such phrase, sentence, paragraph, or provision to other circumstances and the remainder of this Section shall not be affected.

K. Compliance with other laws and regulations. Compliance with Section 6.01 or qualifying for an exception in Section 6.01.E. does not necessarily mean that open burning complies with applicable laws and regulations implemented by other authorities.

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

NEW SECTION

SECTION 6.11 AGRICULTURAL BURNING

A. Purpose. This Section establishes fees and controls for agricultural burning in Spokane County, consistent with best management practices.

B. Applicability. This Section applies to agricultural burning in all areas of Spokane County unless specifically exempted.

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in Chapter 70.94.650 RCW or other authoritative source on agricultural practices.

2. Authority means the Spokane County Air Pollution Control Authority.

3. **Episode** means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in Chapter 173-435 WAC.

4. **Impaired Air Quality**, for purposes of agricultural burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:

a. Particulates which are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of seventy-five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

b. Carbon monoxide is measured at any location inside Spokane County at an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.

c. Air contaminant levels reach or exceed other limits, established pursuant to Chapter 173-425-030 (5)(b) WAC, by resolution of the Board of Directors of the Authority.

5. **Nuisance** means an emission of smoke or other emissions from agricultural burning that unreasonably interferes with the use and enjoyment of property.

6. **Permitting Authority** means the Spokane County Air Pollution Control Authority, or Spokane County, the Spokane County Conservation District, or any fire protection agency, whenever the referenced agency is delegated the authority, pursuant to RCW 70.94.654, to issue permits.

7. **Prohibited Materials** means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke or obnoxious odors.

8. **Responsible Person** means any person who has applied for and received a permit for agricultural burning, or any person allowing, igniting or attending to agricultural burning, or any person who owns or controls property on which agricultural burning occurs.

D. Prohibitions. Except as provided in Section 6.11.E, no person shall practice or permit the practice of agricultural burning in any of the following circumstances and locations:

1. Within the No-Burn Area, as defined by resolution of the Board of Directors of the Authority.

2. When the materials to be burned include any prohibited materials.

3. During an episode or impaired air quality as declared by the Department of Ecology or the Authority for a defined geographical area.

4. When burning causes a nuisance or the Authority or permitting authority determines that the creation of a nuisance is the likely result of burning.

5. Unless a written permit has been issued by the permitting authority.

6. If the applicant is unable to show to the satisfaction of the Authority or permitting authority that burning, as requested:

a. is reasonably necessary to successfully carry out the enterprise in which the applicant is engaged; or
b. constitutes a best management practice; or
c. is necessary to control disease or insect infestation, and other measures are not available.

7. If the burning includes any material other than natural vegetation generated on the property, which is the burning site, or transported to the burning site by wind or water.

E. Nothing in Section 6.11 shall apply to the following types of fires:

1. Silvicultural burning.

2. Grass Field Burning pursuant to Section 6.10.

F. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting burning to a defined season, restricting the size of fires, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Any person who practices or permits the practice of agricultural burning shall, in addition to any specific permit conditions imposed, comply with all of the following conditions:

1. Whenever an episode or impaired air quality is declared, all fires shall be extinguished by withholding new fuel, as appropriate and allowing the fire to burn down.

2. The fire shall be attended by a person who is responsible for the same and capable of extinguishing the fire. The fire must be extinguished before leaving it.

3. Burning shall occur during daylight hours only, or a more restrictive period as determined by the Authority.

4. Permission from a landowner, or owner's designated representative, must be obtained before starting the fire.

5. The fire district of jurisdiction shall be notified by the responsible person, prior to igniting a fire.

6. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.

G. Administrative requirements.

1. Until January 1, 1995, all applicants for agricultural burning permits shall pay a one-time interim fee of \$20 at the time the application is submitted. Payment shall be made by check, payable to the Washington Department of Ecology.

2. After January 1, 1995, all applicants for agricultural burning permits shall pay a fee at the time of application, not to exceed the level determined by the agricultural burning practices and research task force, pursuant to Chapter 70.94.650 RCW. The schedule of fees shall be established by resolution of the permitting authority.

3. The permitting authority shall act upon a complete permit application within 7 days from the date such complete application is filed.

H. Compliance with other laws and regulations. Compliance with Section 6.11 does not necessarily mean that agricultural burning complies with applicable laws and regulations implemented by other authorities.

WSR 94-23-037
PERMANENT RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed November 9, 1994, 9:26 a.m.]

Date of Adoption: November 3, 1994.

Purpose: To limit particulate and toxic air pollutant emissions from surface coating (painting) operations.

Citation of Existing Rules Affected by this Order: Amending SCAPCA Regulation I, Article VI (new section added).

Statutory Authority for Adoption: RCW 70.94.141.

Pursuant to notice filed as WSR 94-19-050 on September 19, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 4, 1994

Eric Skelton

Director

NEW SECTION

SECTION 6.13 GENERAL SURFACE COATING

A. Purpose. This Section establishes controls on surface coating operations in Spokane County in order to:

1. Reduce particulate emissions from coating overspray;
2. Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;
3. Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
4. Encourage pollution prevention.

B. Applicability. This Section applies to all surface preparation, surface coating, cleanup and disposal, associated with general surface coating in Spokane County, unless specifically exempted. Sections 6.13.A., B., C., G.3, G.4, G.5, H., I., and J. become effective 45 days after the date of

$$VOC_{TM} = \frac{VOC_{BC} + VOC_{X1} + VOC_{X2} + \dots + VOC_{Xn} + 2VOC_{CC}}{n+3}$$

where:

VOC_{TM} is the sum of the VOC content, as applied to the surface, in a multi-coat system; and

VOC_{BC} is the VOC content, as applied to the surface, of the base coat; and

VOC_X is the VOC content, as applied to the surface, of each sequentially applied midcoat; and

VOC_{CC} is the VOC content, as applied to the surface, of the clear coat; and

n is the total number of midcoats applied to the surface.

11. Precoat means any coating that is applied to bare metal, primarily to deactivate the metal surface for corrosion resistance to a subsequently applied water-based primer.

12. Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as nonreusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.

adoption. Sections 6.13.D., E., F., G.1, and G.2 become effective 12 months after the date of adoption.

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Brush Coat Application means manual application of coatings by use of a paint brush.

2. Coating means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.

3. Dip Coat Application means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.

4. Electrostatic Application means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.

5. Exempt Solvent means a solvent, or solvent component, which is not a volatile organic compound (VOC).

6. Flow Coat Application means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.

7. High-Volume Low-Pressure or Low-Volume Low-Pressure Coating System means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure.

8. Light Duty Vehicle means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of 8500 pounds or less, or components thereof.

9. Metallic/Iridescent Topcoat means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied to the surface, where such particles are visible in dried film.

10. Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent midcoats, and a transparent clear coat. The VOC content for a multi-coat system shall be calculated as follows:

13. Pretreatment Wash Primer means any coating which contains a minimum of 0.5% acid by weight that is applied directly to bare metal to etch the metal surface to enhance corrosion resistance and adhesion of subsequently applied coatings.

14. Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.

15. Primer Sealer means any coating that is applied prior to the application of a topcoat to enhance corrosion resistance, adhesion of the topcoat, color uniformity, and the ability of an undercoat to resist penetration by the topcoat.

16. Primer Surfacer means any coating that is applied prior to the application of a topcoat to enhance corrosion

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resistance, adhesion of the topcoat, and a uniform surface by filling in surface imperfections.

17. **Reducer** means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.

18. **Refinishing** means reapplying coating to a surface to repair, restore, or alter the finish.

19. **Roll Coat Application** means manual application of coatings by the use of a paint roller.

20. **Solvent Consumption** means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.

21. **Specialty Coating** means any coating that is necessary due to unusual job performance requirements, including but not limited to uniform finish blenders, elastomeric materials for coating of flexible plastic parts, coatings for non-metallic parts, jaming clear coatings, gloss flatteners, and anti-glare/safety coatings.

22. **Surface Coating** means the application of coating to a surface.

23. **Topcoat** means any coating that is applied over a primer or directly to a surface, primarily to enhance appearance.

24. **Touchup** means that portion of the coating operation, involving nine square feet (9 ft²) or less or 10% or less, which ever is smaller, of total surface, which is incidental to the main coating process but necessary to cover minor imperfections.

25. **Volatile Organic Compound (VOC)** has the same meaning as the definition in 40 CFR 51.100(s).

26. **VOC Content** means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L), minus water and exempt solvents. The VOC content is calculated as follows:

$$VOC_{CT} = \frac{W_V}{V_M - V_W - V_{ES}}$$

where:

VOC_{CT} is the VOC content of the coating, as applied to the surface;

and

W_V is the weight of VOC per unit volume of coating, as applied to the surface; and

V_M is the unit volume of coating, as applied to the surface; and

V_W is the volume of water per unit volume of coating, as applied to the surface; and

V_{ES} is the volume of exempt solvents per unit volume of coating, as applied to the surface.

27. **Wash Solvent** means any solution, solvent, suspension, compound, or other material that is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.

28. **Wipe-Down Agent** means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

D. Light duty vehicle refinishing - prohibitions on VOC content. Except as provided in Section 6.13.I., no person shall cause or allow the application of any coating or other

agent to any light duty vehicle or light duty vehicle component, with a VOC content in excess of the following limits:

Type of Coating or Agent	VOC Content	
	Lb/Gal	G/L
Metallic/Iridescent		
Topcoat	6.0	720
Multi-Coat System	5.2	620
Plastic Parts Cleaner	7.0	840
Precoat	5.5	660
Pretreatment Wash Primer	6.5	780
Primer	5.0	600
Primer Sealer	6.0	720
Primer Surfacer	5.0	600
Specialty Coating	7.0	840
Topcoat (General)	5.0	600
Wipe-Down Agent	1.4	170

E. Prohibitions on emissions of certain toxic air pollutants. No person shall cause or allow the application of any coating which contains:

1. Greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium; or

2. Sufficient quantities of VOC or exempt solvents to cause facility-wide light duty vehicle refinishing emissions to exceed the small quantity emission rates as defined in Chapter 173-460-080 (2)(e) WAC.

F. Application methods. Except as provided in Section 6.13.I., no person shall cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by the use of one of the following methods:

1. High-Volume, Low-Pressure coating system; or
2. Low-Volume, Low-Pressure coating system; or
3. Electrostatic application; or
4. Flow coat application; or
5. Dip coat application; or
6. Brush coat application; or
7. Pre-packaged aerosol can application; or
8. Roll coat application; or
9. Other application methods that have received the prior written approval of the Control Officer.

G. Enclosure and control requirements. Except as provided in Section 6.13.I., all persons subject to the requirements of Section 6.13 shall comply with all of the following enclosure and control requirements:

1. Spray application is conducted in a booth or area which is vented to an operating particulate control system. The control system shall be equipped with a fan which is capable of capturing all visible overspray and vented to the atmosphere through a vertical stack which is at least 1.2 times the height (as measured from ground level) of the tallest building within 200 feet of the stack and which does not impede the upward vertical flow of the exhausted air. Visible emissions from the stack shall not exceed 10% opacity for an aggregate of more than three (3) minutes in any one hour period, as determined by EPA Method 9.

2. Equipment cleanup and any other use of wash solvent is totally enclosed during washing, rinsing, and draining; or wash solvent, after making contact with the equipment being cleaned, is immediately drained to a closed sump which is an integral part of the cleaning system.

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3. All containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC are closed, except when in use, or when being filled or emptied.

4. Spills of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC are cleaned up upon discovery and the waste is stored in closed containers.

5. All disposable materials which contain VOC and are associated with wipe-down or with application of coatings and other agents are stored in closed containers for disposal.

H. Recordkeeping requirements. Except as provided in Section 6.13.I., all persons subject to the requirements of Section 6.13 shall maintain the following records for all coatings, coating additives, wipe-down agents, wash solvents, and reducers for the previous 24-month period at the place of business where surface coating is performed:

1. The most current material safety data sheets (MSDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system.

2. Records of purchases and usage, including unused materials returned to the supplier.

3. Records of disposal of waste materials, including volumes of waste solvents and coatings transferred in sealed containers to authorized waste haulers.

4. Records of the volume of reducers added to light duty vehicle refinishing coatings, with sufficient detail to determine whether the coatings, as applied, comply with Section 6.13.D.

I. Exceptions. Exceptions to Section 6.13 shall be made as follows:

1. Noncommercial exemption. Nothing in Section 6.13 shall apply to surface coating operations conducted solely for personal, noncommercial purposes if, on a facility-wide basis, less than 5 gallons of surface coatings are applied per year.

2. Architectural coating exemption. Nothing in Section 6.13 shall apply to the application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

3. Low usage exemption. Nothing in Sections 6.13.F. or 6.13.G.1&2 shall apply to surface coating operations which, on a facility-wide basis, apply less than 10 gallons per year of surface coatings.

4. Exemption for touchup. Nothing in Section 6.13.F or Subsection 6.13.G.1. shall apply to touchup operations.

5. Exemption for large objects. Nothing in Subsection 6.13.G.1. shall apply to the outdoor surface coating of large objects where the control officer determines that it is impractical to totally enclose the object inside a booth or vented area. In such case, a temporary enclosure (tarps) shall be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.

6. Wash solvent exemption. Nothing in Subsection 6.13.G.2. shall apply to:

a. the use of wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20°C as determined by ASTM Method D-2306-81; or

b. wash solvent operations if total wash solvent consumption does not exceed 120 gallons per year.

7. Stack height exemption. The stack height requirements in Subsection 6.13.G.1. shall not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the control officer that emissions of toxic air pollutants will not exceed the Acceptable Source Impact Levels as defined in Chapter 173-460-150 & 160 WAC and emissions will not create a nuisance.

8. Aerosol can exemption. Nothing in Subsection 6.13.G.1 shall apply to the application of any coating or other agent from pre-packaged aerosol cans.

9. Low VOC content exemption. Nothing in Section 6.13.F shall apply to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.

10. Toxic air pollutant exemption. The prohibition in Section 6.13.E.1 shall not apply to a surface coating operation where the control officer determines that no practical alternative coating is available.

J. Compliance with other laws and regulations. Compliance with Section 6.13 or qualifying for an exemption in Section 6.13.I. does not necessarily mean that the surface coating operation complies with fire protection, waste disposal, or other applicable laws or regulations.

K. Compliance schedule. All persons subject to the requirements of Subsection 6.13.G.1 and not already in compliance on the date of adoption shall comply with the following schedule:

1. No later than 6 months prior to the effective date, apply for a Notice of Construction and Order of Approval, pursuant to Article V of this Regulation, to install the required equipment; and

2. No later than 30 days after the date of the Order of Approval, order the required equipment; and

3. No later than 1 month prior to the effective date, commence installation of the required equipment; and

4. No later than the effective date, be in full compliance with Section 6.13.G.

WSR 94-23-038

PERMANENT RULES

SPOKANE COUNTY AIR

POLLUTION CONTROL AUTHORITY

[Filed November 9, 1994, 9:28 a.m.]

Date of Adoption: November 3, 1994.

Purpose: To provide general definitions which apply to all of Regulation I. To exempt certain equipment from visible emissions standards.

Citation of Existing Rules Affected by this Order: Amending SCAPCA Regulation I, Article I, Section 1.04 and Article VI, Section 6.09.

Statutory Authority for Adoption: RCW 70.94.141.

Pursuant to notice filed as WSR 94-19-051 on September 19, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 4, 1994

Eric Skelton

Director

AMENDATORY SECTION

ARTICLE I, SECTION 1.04 GENERAL DEFINITIONS

When used in Regulation I of the Spokane County Air Pollution Control Authority:

A. 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 registered for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management ((the growing of crops, the raising of fowl, animals, or bees as a gainful occupation)).

B. 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.

C. Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance or any combination thereof. "Air pollutant" means the same as "air contaminant".

D. Air Pollution means the presence in the out((side)) door atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to ((public welfare; to)) human health, plant((s)) or animal life, or ((to)) property; or which unreasonably interferes with enjoyment of life and property.

E. Ambient Air means the surrounding outside air.

F. Authority means Spokane County Air Pollution Control Authority.

G. Board means Board of Directors of the Spokane County Air Pollution Control Authority.

H. Certified Observer means a person who has met the requirements pursuant to 40 CFR 60, Appendix A, Method 9.

I. Combustion means the ((rapid)) exothermic reaction of any material with oxygen.

J. Control Equipment means any equipment which has the primary function of regulating or controlling ((the)) emissions from a process, fuel burning or refuse burning equipment and thus reduces the formation of or the emission of air contaminants into the atmosphere, or both.

K. Control Officer means Air Pollution Control Officer for the Spokane County Air Pollution Control Authority or his/her representative. "Director" means the same as "control officer".

L. Emission means a release ((into the outdoor atmosphere)) of air contaminants into the ambient air.

M. Emission Point means the point at which emissions are released into the ambient air, such as but not limited to a duct, vent, stack, pipe, or other opening to the ambient air.

N. Emissions Unit means any part of a source which ((equipment, device, process, or activity that produces and)) emits or would have the potential to ((to the outside air, or that may produce and)) emit ((to the outside air,)) any pollutant subject to regulation under the FCAA, Chapter 70.94 RCW, Chapter 70.98 RCW, or Regulations of the Authority ((contaminant regulated by local, state, or federal law)).

O. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in Chapter 70.94.715 RCW.

(M. Equivalent Method means a method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with 40 CFR 53, and/or defined in the Source Test Method Procedures Book for the State of Washington, Department of Ecology; it does not include a method for which an equivalent method designation has been canceled in accordance with 40 DFR 53.11 or 53.16-))

P. Federal Clean Air Act (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq, as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

Q. Fire ((Department)) Protection Agency means a ((fire control agency such as C)) city ((F)) fire ((D)) department ((s)), ((C)) county ((F)) fire ((D)) department ((s)), local fire ((control)) protection district((s)), or the Washington State Department of Natural Resources.

R. Garbage means putrescible animal or vegetable waste resulting from the handling, preparation, cooking ((and)) or serving of food.

S. Incinerator means a furnace used primarily for the thermal destruction of waste. ((any article, machine, or equipment, contrivance, structure, or part of a structure capable of withstanding heat and designed to reduce the solid, semi solid, or liquid by combustion-))

(Q. Motor Vehicle means equipment propelled by an internal combustion engine in or upon which people or material may be transported on the ground-))

T. Odor means that property of a substance which allows its detection by the sense of smell.

U. Opacity means the degree to which an object seen through a plume is obscured, stated as a percentage.

V. Open Fire, Outdoor Fire or Open Burning means the combustion of material of any type in an ((a fire where any material is burned in the)) open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion in a manner approved by the Authority ((other than a furnace, incinerator, or other equipment connected to a stack or chimney which has been approved by the Control Officer in accordance with Section 6.01 E)).

W. Particulate Matter or particulates means any airborne ((material except uncombined water that exists in a)) finely-divided ((form as a liquid or)) solid or liquid material with an aerodynamic diameter smaller than 100 micrometers ((at standard conditions of temperature and pressure)).

X. Person means an ((any)) individual, firm, public or private corporation, association, partnership, political subdivision, ((board, department, or bureau of)) municipality, or government agency ((partnership, association, trust, estate or other legal entity whatsoever, which is recognized by law as the subject of rights and duties, or any officer or employee of any of the foregoing)).

Y. Pollution Control Hearings Board of Washington: established under Chapter 43.21 RCW to adjudicate

hearings pertaining to decisions and orders of the Department of Ecology and other pollution control agencies.

Z ((W)). Refuse means putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, dead animals, abandoned automobiles, solid market wastes, street cleanings, and solid commercial and industrial waste (including waste disposal in industrial salvage).

~~((X. Salvage Operation~~ means any operation conducted in whole or part, for the salvaging or reclaiming of any product or material.

Y. Sensitive Areas: (1) Any location included in whole or part within the boundaries of the designated air quality maintenance area for Spokane County, and (2) any location within the City limits of Cheney, Washington.)

AA. Silvicultural Burning means burning on unimproved land the Department of Natural Resources protects pursuant to RCW 70.94.030(20), 70.94.660, 70.94.690 and pursuant to RCW 76.04.

~~((Z. Single Source~~ means any equipment, device, duct, stack, chimney, or opening which discharges air or other gases into the outdoor atmosphere.

AA. Smoke means small gas borne particles, other than water generated from combustion processes in sufficient number to be observable.

~~BB. Stack~~ means duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants.)

BB. Source or Air Contaminant Source means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

CC. Standard Conditions means a temperature of 20°C (68°F) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.

~~((DD. Certified Observer~~ means a person who has completed the requirements of the Oregon Washington Criteria for Visible Emissions, Revised 1979 and hereinafter amended.

EE. Opacity means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~FF. Agricultural Open Burning~~ means open burning conducted as part of any agricultural operation; but not including yard and gardening activities connected with a residencee.

~~GG. Commercial Open Burning~~ means open burning conducted as part of any commercial or business operation, including land clearing when the land is cleared to change the use of the cleared land. Commercial open burning does not include agricultural open burning.

HH. Director means the director of the Spokane County Air Pollution Control Authority or his authorized representative. Director also means Control Officer.

II. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in RCW 70.94.415.

~~II. Land Clearing~~ means removing structures, trees, shrubbery, or other natural vegetation from a plot of land.

~~KK. No Burn Area~~ means an area designated by the Authority as an area exceeding or threatening to exceed a state ambient air quality standard.

~~LL. Recreational Fire~~ means an outdoor fire not associated with a commercial or industrial activity for the purpose of sports, pastime or refreshment such as campfires, bonfires, etc. Fires in or within five hundred (500) feet of logging slash are not included.

MM. Residence means a place, especially a house, in which a person lives or resides.

NN. Small Fire means a fire not more than four feet in diameter or more than three feet high.

OO. Silvicultural Operation means the growing of trees for commercial or recreational use, including preparing the land, planting, growing, and harvesting of trees.

PP. Yard means an area usually planted with grass, shrubs and trees, adjacent to a residencee.

QQ. Yard and Garden Debris means dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles generated from a yard or garden.)

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

AMENDATORY SECTION ARTICLE VI, SECTION 6.09 EXCEPTIONS TO THIS ARTICLE

The following equipment is ~~((exempted))~~ exempt from Section 6.02 of this Article:

~~((1. Fuel burning equipment, other than solid fuel burning devices as defined in Article VIII, Section 8.03, II, used exclusively for space heating in a dwelling serving less than five (5) families.~~

2.) Grain elevators engaged exclusively in receiving, transferring, and storing of cereal grains ~~((of))~~ or legumes ~~((and not located in whole or part within a sensitive area are exempt from Section 6.02, only)).~~

WSR 94-23-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3806—Filed November 9, 1994, 2:33 p.m.]

Date of Adoption: November 9, 1994.

Purpose: Children who receive foster care are now considered "independent children" to qualify needy, nonparental relatives for AFDC although the income, resources, or needs of these children is not taken into account. Clarifies that children receiving SSI may also qualify a needy, nonparental relative for AFDC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1610 Assistance units—Optional members.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-20-091 on October 4, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 9, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-215-1610 Assistance units—Optional members. Except as specified under WAC 388-215-1620, the department may include in the assistance unit at the option of the family:

(1) One needy (~~relative~~) nonparental caretaker relative of specified degree as defined under WAC 388-215-1080 whose eligibility depends solely on caring for the eligible child(ren), if a parent does not reside in the family home(+). For the purpose of determining the eligibility of the nonparental caretaker relative under this section, the department shall:

(a) Consider a child who receives SSI or federal, state or local foster care benefits as an eligible child when no other AFDC eligible child lives in the home; and

(b) Not include the income, resources or needs of the child who receives SSI or federal, state or local foster care when determining the need and the amount of the assistance payment of the assistance unit.

(2) The stepbrothers or stepsisters of a child included in the assistance unit, except as required in WAC 388-215-1600;

(3) (~~At the option of the family, the department shall exclude~~) The sibling(s) of an SSI child.

**WSR 94-23-043
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 94-14—Filed November 10, 1994, 11:03 a.m.]

Date of Adoption: November 8, 1994.

Purpose: To provide legislative directive to add a section relative to sexual harassment in the public schools to the K-12 anti-sex discrimination laws.

Citation of Existing Rules Affected by this Order: Amending chapter 392-190 WAC.

Statutory Authority for Adoption: SHB 2153, chapter 213, Laws of 1994.

Pursuant to notice filed as WSR 94-18-040 on August 30, 1994.

Changes Other than Editing from Proposed to Adopted Version: Clarification was added to define applicable parties and responsibilities. An informal grievance procedure was added to the criteria for policies.

Effective Date of Rule: Thirty-one days after filing.

November 8, 1994
Judith A. Billings
Superintendent of
Public Instruction

NEW SECTION

WAC 392-190-056 Sexual harassment—Definitions.

(1) As used in this chapter, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

(a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(c) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

(2) For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

Note: School districts must be guided by federal and state case law in their interpretation of sexual harassment complaints and will need to determine sexual harassment on a case-by-case basis.

NEW SECTION

WAC 392-190-057 Sexual harassment policy—Adoption date—Required criteria.

In order to eliminate sexual harassment in connection with any responsibility, function or activity within the jurisdiction of a school district, a sexual harassment policy shall be adopted and implemented by each district no later than June 30, 1995. This policy shall apply to all school district employees, volunteers, parents, and students, including but not limited to, conduct between students. This policy shall incorporate the following criteria:

(1) Definitions consistent with the categories in RCW 28A.640.020 (2)(f);

(2) District and staff responsibilities;

(3) Informal grievance procedures;

(4) Grievance procedures consistent with WAC 392-190-065 through 392-190-075 of this chapter;

(5) Investigative procedures and reasonable and prompt timelines;

(6) Remedies available to victims of sexual harassment;

(7) Disciplinary actions against violators which must conform with collective bargaining agreements and state and federal laws;

(8) Reprisal, retaliation and false accusations prohibition;

(9) Dissemination and implementation; and

(10) Internal review.

NEW SECTION

WAC 392-190-058 Sexual harassment—Procedures.

(1) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under WAC 392-190-057 as

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part of the monitoring process established in RCW 28A.640.030. The superintendent of public instruction shall supply upon request sample sexual harassment policies to school districts.

(2) The school district's sexual harassment policy shall be easily understood and conspicuously posted throughout each school building, and provided to each employee, volunteer and student.

(3) Reasonable efforts shall be made to inform all students and their parents about the district's sexual harassment policy and procedures.

(4) A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(5) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

**WSR 94-23-047
PERMANENT RULES
LOTTERY COMMISSION**

[Filed November 10, 1994, 1:16 p.m.]

Date of Adoption: November 4, 1994.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 133 (Pocket Cash), 134 (7 Cards Up), and 135 (Bingo); and to amend WAC 315-11A-130 and 315-04-200.

Citation of Existing Rules Affected by this Order: Amending WAC 315-11A-130 and 315-04-200.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 94-19-059 on September 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: Game 134, "7 Cards Up," was adopted with a \$700 prize which was not included in the proposed version.

Effective Date of Rule: Thirty-one days after filing.
November 4, 1994
Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11A-133 Instant Game Number 133 ("Pocket Cash"). (1) **Definitions for Instant Game Number 133.**

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "7," 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 133, 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
\$\$	DLR

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$5.00," "\$7.00," "\$50.00," and "\$500.00." 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 symbols 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 133, 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
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	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 13300001-1-000 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 133 constitute the "pack number" which starts at 13300001; 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 133, 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 (\$1 AND \$1)
FIV	\$ 5.00 (\$2, \$1, \$1 AND \$1; \$5)

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SVN	\$	7.00	(\$4, \$1, \$1 AND \$1; \$7)
FRN	\$	14.00	(\$4, \$4, \$4 AND \$2; \$7 AND \$7)
TTF	\$	24.00	(\$7, \$7, \$5 AND \$5)
FTY	\$	50.00	
FVH	\$	500.00	

(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 133.

(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) In Game 133, the "\$\$" play symbol shall always be a winning play symbol, and 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 133 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 133; and/or

(ii) Vary the number of tickets sold in Instant Game Number 133 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 133.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 133 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 captions, 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-134 Instant Game Number 134 ("Cards Up"). (1) Definitions for Instant Game Number 134.

(a) Play symbols: The following are the "play symbols": "2," "3," "4," "5," "6," "7," "9," "10," "J," and "Q." One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the nine play spots shall be labeled "winning card."

(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 134, 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
7	SVN
9	NIN
10	TEN
J	JCK
Q	QUE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$7.00," "\$10.00," "\$70.00," "\$700.00," and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number."

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(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 134, 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
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 70.00	SVNTY\$
\$ 700.00	SVNHUND
\$ 10,000	TENTHOU

(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 13400001-1-000 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 134 constitute the "pack number" which starts at 13400001; 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 134, 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>
TWO	\$ 2.00 (\$1 AND \$1; \$2)
SVN	\$ 7.00 (\$1, \$1, \$1, \$1, \$1, \$1 AND \$1; \$7)
FRN	\$ 14.00 (\$2, \$2, \$2, \$2, \$2, \$2 AND \$2; \$7 AND \$7)
TTN	\$ 21.00 (\$3, \$3, \$3, \$3, \$3, \$3 AND \$3; \$7, \$7 AND \$7)
SVY	\$ 70.00 (\$10, \$10, \$10, \$10, \$10, \$10 AND \$10; \$70)

(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 134.

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the seven play symbols matches exactly one of the two play symbols 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 134 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 134; and/or

(ii) Vary the number of tickets sold in Instant Game Number 134 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 134.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 134 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the nine 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 captions, 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.

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NEW SECTION

WAC 315-11A-135 Instant Game Number 135 ("Bingo"). (1) Definitions for Instant Game Number 135.

(a) Play symbols: The play symbols are all the integers from "1" to "75," inclusive, and the word "free." Twenty-four of these play symbols shall appear in each of four play fields on the front of the ticket. Each playfield shall be known as a "player's card" and each ticket shall have four player's cards, one each labeled "Card 1," "Card 2," "Card 3," and "Card 4." The 24 play symbols in each card shall be placed in a 5-play-symbol by 5-play-symbol configuration with a "free" space in the center of each card. Each ticket shall have a "Caller's Card" which shall have 24 play symbols which shall be covered by latex.

(b) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(c) Pack-ticket number: The twelve-digit number of the form 13500001-1-000 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 135 constitute the "pack number" which starts at 13500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(d) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket in the Caller's Card section which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 135, the retailer verification code is a three-letter code, with each letter appearing beneath the removable covering and among the play symbols in the Caller's Card section on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00
THR	\$ 3.00
FIV	\$ 5.00 (\$2 AND \$3)
TEN	\$ 10.00
TWF	\$ 25.00
TRY	\$ 30.00 (\$2, \$3, AND \$25)
FRY	\$ 40.00 (\$2, \$3, \$10, AND \$25)
FTY	\$ 50.00
OHF	\$150.00
TWH	\$200.00 (\$25, \$25, AND \$150; \$50 AND \$150)
THF	\$250.00 (\$25, \$25, \$50 AND \$150; \$250)

(e) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 135.

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When the play symbols in any of the player's cards, which match exactly the play symbols in the Caller's Card, form the following configurations, the bearer of the ticket shall be entitled to a prize as follows:

-Card 1: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 1 shall entitle the bearer to \$2.00.

- A matching play symbol in each and every corner space of Card 1 shall entitle the bearer to \$25.00.

- Eight matching play symbols forming an "X" on Card 1 shall entitle the bearer to \$150.00. The "X" must have the "free" space at its center.

-Card 2: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 2 shall entitle the bearer to \$3.00.

- A matching play symbol in each and every corner space of Card 2 shall entitle the bearer to \$50.00.

- Eight matching play symbols forming an "X" on Card 2 shall entitle the bearer to \$250.00. The "X" must have the "free" space at its center.

-Card 3: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 3 shall entitle the bearer to \$10.00.

- A matching play symbol in each and every corner space of Card 3 shall entitle the bearer to \$150.00.

- Eight matching play symbols forming an "X" on Card 3 shall entitle the bearer to \$1,000.00. The "X" must have the "free" space at its center.

-Card 4: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 4 shall entitle the bearer to \$25.00.

- A matching play symbol in each and every corner space of Card 4 shall entitle the bearer to \$250.00.

- Eight matching play symbols forming an "X" on Card 4 shall entitle the bearer to \$10,000. The "X" must have the "free" space at its center.

(ii) The bearer of a ticket which is entitled to a prize from more than one player's card shall be entitled to the total of the prizes won on all the cards, provided however, that where there is more than one prize on one player's card, only the highest prize on that player's card shall be paid.

(iii) Play symbols may not be combined, exchanged, or intermingled among or within one or more player's cards.

(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 135 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.

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(e) Notwithstanding any other provisions of these rules, the director may:

- (i) Vary the length of Instant Game Number 135; and/or
- (ii) Vary the number of tickets sold in Instant Game

Number 135 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 135.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 135 all of the following validation requirements apply:

(i) Exactly 25 play symbols must appear in each of the player's cards on the front of the ticket. One of the play symbols shall be "free" which shall appear in the exact center of each player's card.

(ii) Exactly 24 play symbols must appear in the Caller's Card section on the front of the ticket.

(iii) 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
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 94-15-049, filed 7/15/94, effective 8/15/94)

WAC 315-11A-130 Instant Game Number 130 ("Moolah Moolah"). (1) Definitions for Instant Game Number 130.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "9," and "\$\$." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the six 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 130, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR

4	FOR
5	FIV
6	SIX
9	NIN
\$\$	DLRS

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$6.00," "\$9.00," "\$16.00," "\$50.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols 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 130, 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
\$ 6.00	SIX DOL
\$ 9.00	NIN DOL
\$ 16.00	SXT DOL
\$ 50.00	\$FIFTY\$
\$ 5,000	FIVTHOU

(e) Validation number: The unique ((~~nine~~)) nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The ((~~eleven~~)) twelve-digit number of the form 13000001-1-000 printed on the ((~~front~~)) back of the ticket. The ((~~back~~)) first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 130 constitute the "pack number" which starts at 13000001; 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 130, 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; \$3)
SIX	\$ 6.00 (\$3 AND \$3; \$2, \$2, \$1 AND \$1)
NIN	\$ 9.00 (\$3, \$3, \$2 AND \$1)
SXT	\$ 16.00 (\$9, \$6 AND \$1; \$16)
FTY	\$ 50.00
ONH	\$100.00 (\$50 AND \$50)

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(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 130.

(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 one of the play symbols 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 130 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 130; and/or

(ii) Vary the number of tickets sold in Instant Game Number 130 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 130.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 130 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six 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 captions, 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.

AMENDATORY SECTION (Amending Order 97, filed 12/16/86)

WAC 315-04-200 Denial, suspension or revocation of a license. The director may deny an application for or suspend or revoke any license issued pursuant to these rules for one or more of the following reasons:

(1) Failure to meet or maintain the eligibility criteria for license application and issuance established by chapter 7, Laws of 1982 2nd ex. sess., or these rules;

(2) Failure to account for lottery tickets received or the proceeds of the sale of tickets or to post a bond if required by the director or to comply with the instructions of the director concerning the licensed activity;

(3) Failure to pay to the lottery any obligation when due;

(4) Violating any of the provisions of chapter 7, Laws of 1982 2nd ex. sess., or these rules;

(5) Failure to file any return or report or to keep records required by the director or by these rules;

(6) Failure to pay any federal, state or local tax or indebtedness;

(7) Fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the lottery;

(8) If public convenience is adequately served by other licensees;

(9) Failure to sell a sufficient number of tickets to meet administrative costs;

(10) If there is a history of thefts or other forms of losses of tickets or revenue therefrom;

(11) If there is a delay in accounting or depositing in the designated depository the revenues from the ticket sales;

(12) Has violated, failed or refused to comply with any of the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW (Gambling Act), or chapter 7, Laws of 1982 2nd ex. sess., or when a violation of any provisions of chapter 7, Laws of 1982 2nd ex. sess., has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(13) Knowingly causes, aids, abets or conspires with another to cause any person to violate any of the laws of this state;

(14) Has obtained a license by fraud, misrepresentation, concealment or through inadvertence or mistake;

(15) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required

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payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any ~~(crime, whether a felony or)~~ misdemeanor, involving any gambling activity or physical harm to individuals or involving moral turpitude, or of any felony;

(16) Makes a misrepresentation of, or fails to disclose, a material fact to the commission or director on any report, record, application form or questionnaire required to be submitted to the commission or director. Misrepresentation of, or failure to disclose criminal history shall be considered a material fact for purposes of this section;

(17) Denies the commission or director or their authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted, or fails to promptly produce for inspection or audit any book, record, document or item required by law or these rules;

(18) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses indicated under subsection (15) of this section: *Provided*, That at the request of an applicant for an original license, the director may defer decision upon the application during the pendency of such prosecution or appeal;

(19) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in lottery or gambling or related activities would be inimical to the proper operation of an authorized lottery or gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

(20) Is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of this state or to the proper operation of the authorized lottery or gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders;

(21) Failure to follow the instructions of the director for the conduct of any particular game or special event;

(22) Failure to follow security procedures of the director for the handling of tickets or for the conduct of any particular game or special event;

(23) Makes a misrepresentation of fact to the purchaser, or prospective purchaser, of a ticket, or to the general public with respect to the conduct of a particular game or special event;

(24) Failure to comply with lottery point-of-sale requirements which have been published and disseminated to lottery retailers; or

(25) Failure or inability to meet financial obligations as they fall due in the normal course of business.

WSR 94-23-049
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed November 10, 1994, 1:25 p.m.]

Date of Adoption: October 28, 1994.

Purpose: To amend WAC 415-112-415 by removing words "sick leave" from reference to cashout of unused leave.

Citation of Existing Rules Affected by this Order:
Amending WAC 415-112-415.

Statutory Authority for Adoption: RCW 41.50.050.

Pursuant to notice filed as WSR 94-18-101 on September 6, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 10, 1994

Sheryl Wilson

Director

AMENDATORY SECTION (Amending WSR 94-11-009, filed 5/5/94, effective 6/5/94)

WAC 415-112-415 Treatment of cash payments made in lieu of unused leave—First-in-first-out accounting method for determining when leave earned—Forms of leave deemed excess compensation—Conversions. (1) Cash compensation in lieu of unused annual (~~or sick~~) leave may be considered earnable compensation for Plan I members subject to the provisions of RCW 41.32.010 (10)(a) and WAC 415-112-410. Employers may not limit the inclusion of cash compensation paid in lieu of unused annual (~~or sick~~) leave as compensation earnable in conflict with RCW 41.32.010 (10)(a). Provisions of collective bargaining agreements, employment and administrative policies or other rules applied by an employer that conflict with RCW 41.32.010 (10)(a) and rules adopted thereunder are without legal effect.

(2) When an employer provides cash compensation in lieu of unused annual (~~or sick~~) leave, the department applies a first-in-first-out accounting method to determine when the compensated leave was earned and when or whether the leave was used or cashed out, unless the employer has in place a regulation, charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates when the cashed out leave was accrued, or a different method of accounting for the accrual and use of leave, and, if applicable, compensation for unused leave and the same such method is consistently applied in each instance and for all purposes.

Any employer's policy which is not consistent for all purposes which is contained in a regularly negotiated labor agreement in effect on the effective date of this section will be honored until the expiration date of the agreement not including any extensions at which time it will be brought into compliance with this section. Any employer's policy which is not consistent for all purposes which is established by the employer shall be brought into compliance within sixty days of the effective date of this section. In the event an employer fails to come into full compliance with this section by the dates established herein, the department will

treat cashed out leave on the same basis as the employer has established for using leave.

(3) A cash out of leave which is not annual leave as defined under WAC 415-112-015, shall be treated by the department as "any other form of leave" under RCW 41.50.150(2). The department shall bill the employer for any such leave cash out as excess compensation under RCW 41.50.150.

(4) For purposes of determining average final compensation and excess compensation, hours of leave earned by a member shall be considered for all purposes in the form in which it was earned. The department shall disregard any conversion of leave by an employer of one form to another and bill the employer for the amount converted as excess compensation pursuant to RCW 41.50.150.

WSR 94-23-053
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed November 10, 1994, 4:34 p.m.]

Date of Adoption: November 10, 1994.

Purpose: To provide tax reporting information to persons who perform landscape and horticultural services and to implement 1993 legislation which made landscape maintenance a retail sale.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-226.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: Implement RCW 82.04.050 (3)(e).

Pursuant to notice filed as WSR 94-10-013 on April 25, 1994.

Changes Other than Editing from Proposed to Adopted Version: All of the changes are considered to be editing changes. It should be noted that the example in (6)(g) has been added to further clarify that all tree trimming for residential customers are retail sales. Additional editing changes to clarify that this rule does not apply to silvicultural activities.

Effective Date of Rule: Thirty-one days after filing.

November 9, 1994

Russell Brubaker

Assistant Director

Legislation and Policy

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-226 Landscape ((~~gardeners~~)) and horticultural services. ((~~The business of landscape gardening ordinarily includes one or more of the following activities:~~

~~(a) The performance of contracts for grading, filling, leveling and planting of yards, lawns, and grounds.~~

~~(b) The sale, rental, or planting of ornamental trees, plants, shrubs, etc.~~

~~(c) The performance of contracts for the construction of structures, such as walks, pools, fences or trellises, rockeries and retaining walls.~~

~~(d) The maintenance of lawns, plants, or gardens, including grass cutting, hedge trimming, watering, and the pruning of trees and shrubs.~~

Business and Occupation Tax

~~Landscape gardeners are taxable under the classification retailing upon gross proceeds of sales of tangible personal property at retail and upon gross income from performing contracts of types (a), (b), and (c) for consumers. Landscape gardeners are taxable under the classification wholesaling on gross proceeds of sales for resale and upon gross income from performing contracts of types (a), (b), and (c) for other contractors for resale. Such persons are taxable under the classification service and other activities upon gross income from activities of type (d).~~

Retail Sales Tax and Use Tax

~~Landscape gardeners must collect and report the retail sales tax upon the full contract price when performing contracts of types (a), (b), and (c) for consumers. Such persons must pay the retail sales tax to their vendors when purchasing tools, equipment and supplies which are not resold, either directly or as a component part of the finished work. The use tax must be paid upon the value of any such property purchased or acquired without payment of the Washington retail sales tax. Landscape gardeners may give resale certificates to their vendors and are not liable for payment of the retail sales tax upon purchases of plants, shrubs, seed, ornamental trees, fertilizer, peat moss, building materials and any other tangible personal property which is resold either directly or as a component part of the finished work in the course of performing contracts of types (a), (b), and (c) for consumers. Retail sales tax or use tax is due with respect to articles or products used by landscape gardeners in the course of performing contracts of type (d).)~~

(1) Introduction. This section provides tax reporting instructions for persons who provide landscape and horticultural services. Section 301, chapter 25, Laws of 1993 sp. sess. amended RCW 82.04.050 to include as a retail sale landscape maintenance and horticultural services, except horticultural services provided to farmers. This change became effective July 1, 1993. Landscape maintenance and horticultural services previously were taxed under the service and other business activities classification. The law change which made landscape maintenance and horticultural services a retail sale does not apply to silvicultural activities. Silviculture means the commercial production of timber and includes activities such as growing seed into seedlings, planting, fertilizer and pesticide application, pruning and thinning as provided to timber growers. These activities are specifically excluded from the scope of this rule. Silvicultural activities are generally subject to the extracting B&O tax classification or the service and other business activities B&O tax classification. (See WAC 458-20-135 and 458-20-224.)

(2) Retail landscape and horticultural services. Landscape and horticultural services which are retail sales include:

(a) Grading, filling, leveling, planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, and fertilizing to establish, promote, or control the growth of trees, shrubs, flowers,

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grass, ground cover and other flora for ornamentation or other nonagricultural purposes.

(b) The sale or rental of landscaping materials and the construction of sprinkling systems, walks, pools, fences, trellises, rockeries, and retaining walls.

(c) Cultivating fruits, flowers, and vegetables for consumers other than farmers.

(d) All tree trimming other than for farmers or persons engaged in silviculture. This includes all trimming for size, shape, aesthetics, removal of diseased branches, and removal of limbs because they are too close to structures. It also includes tree trimming performed for public and private utilities to keep power lines free of tree branches. The department of revenue has considered trimming of trees for public or private utilities to be a landscape maintenance activity and not subject to retail sales tax for periods prior to July 1, 1993.

(3) Nonretail landscape and horticultural services. Landscape and horticultural services which are not retail sales include:

(a) Landscape design services performed by a landscape architect separate from a contract for landscape maintenance.

(b) Planting trees for farmers.

(c) Thinning or planting of trees for persons who are involved in the commercial production of timber. These are silvicultural activities and silvicultural activities are not considered to be horticultural or landscape maintenance activities. (See WAC 458-20-135 and 458-20-209.)

(d) Landscape services performed for municipal corporations or political subdivisions of the state on real property owned by those entities if the real property is used or held for public road purposes. (See WAC 458-20-171.)

(e) Horticultural services, including spraying and fertilizing, performed for farmers for agricultural purposes. See WAC 458-20-209 for examples of horticultural services performed for farmers.

(4) Business and occupation tax.

(a) Retailing. The gross income from landscape and horticultural services which are retail sales and which are performed for consumers is taxable under the retailing classification.

(b) Wholesaling. The gross income from services which are retail sales and which are performed for other contractors for resale is taxable under the wholesaling classification.

(c) Service. The gross income from horticultural services provided to farmers is taxable under the service and other activities classification.

(d) Selected business services. Effective July 1, 1993, landscape architects who perform design services are taxable under the selected business services tax classification. See RCW 82.04.290.

(e) Public road construction. Persons who perform landscape services for municipal corporations or political subdivisions of the state on real property owned by those entities are taxable under the public road construction B&O tax classification, but only if the real property is used or held for public road purposes.

(f) Government contracting. This classification applies to persons engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures for the United States, or a city or county

housing authority created under chapter 35.82 RCW. This classification would include the construction or maintenance of items such as walls, fences, walks, pools and other structures. This classification does not include the planting of lawns or trees or the cutting of grass or tree trimming performed for these customers. These activities are subject to the retailing classification.

(5) Retail sales and use tax.

(a) Landscape gardeners and horticulturists, except horticulturists performing services for farmers, must generally collect and report the retail sales tax upon the full contract price when performing landscaping or horticultural services for consumers. For purposes of collecting the local option retail sales tax, the sale takes place where the service is performed. See WAC 458-20-145. The retail sales tax does not apply to charges to the United States for landscape services, including landscape maintenance services, and sellers may take a deduction from the retail sales tax classification in reporting those sales which are taxable under the retailing B&O tax classification.

(b) Persons performing a landscaping or horticultural service for a contractor for resale must provide a resale certificate. See WAC 458-20-102.

(c) Landscape gardeners and horticulturists must pay the retail sales tax to their vendors when purchasing tools, equipment, and supplies which are not resold, either directly or as a component part of the finished work. They must pay deferred sales or use tax directly to the department upon the value of any such property that was purchased or acquired without payment of Washington retail sales tax.

(d) Plants, shrubs, trees, sod, seed, chemicals, fertilizer, peat moss, sprinkler systems, rocks, building materials and any other tangible personal property which becomes a part of the finished work may be purchased for resale, except items used in providing horticultural services for farmers and items used in performing public road construction, government contracting, or services for timber growers.

(e) Retail sales tax or use tax is due with respect to items purchased by horticulturists for use in performing services for farmers.

(f) Retail sales tax or use tax is due with respect to items purchased for use in performing services for timber growers or which are taxable as either public road construction or government contracting. This includes items such as sod, seed, trees, building materials, fertilizers, spray materials, etc.

(6) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) John Doe, a landscaper, was hired by a city to maintain the landscaping around the buildings at the city's municipal golf courses. He must collect and report the retail sales tax and pay retailing B&O tax on the full contract amount.

(b) John Doe purchased several plants, some fertilizer, and insect spray to use in landscaping the golf course. He also purchased some solvent and mineral oil to clean and maintain some of his landscaping tools. His purchases of the plants, fertilizer and insect spray are purchases for resale.

He must pay retail sales tax to his vendors on his purchases of the solvent and mineral oil.

(c) Landscaping company provides complete landscaping services including landscape design by a licensed landscape architect, installation, and maintenance. Landscaping charged Jane Smith two hundred dollars for a landscaping plan for her new home. She planned to purchase the plants and do the landscaping work herself. Landscaping must report B&O tax on the charge for the design service at the rate for selected business services.

(d) Landscaping company entered into a contract to landscape the yard for a client's new home. The company must collect and report retail sales tax and pay retailing B&O on the full contract amount, even though part of Landscaping's services included drawing a landscaping plan.

(e) Landscaping company entered into a two-phase contract with a county. Phase one required the company to plant trees and shrubs and put in a sprinkling system as part of a public road project. The sprinkler system is located in the public road right of way. The contract provided Landscaping would receive five hundred thousand dollars for phase one of the project. Phase two provided that Landscaping would maintain the trees and shrubs for a period of five years. The contract provided for payments of four thousand dollars per month plus costs for fertilizer and spray for maintaining the planted strips. Phase one is part of public road construction and Landscaping is taxable under the public road construction classification upon the five hundred thousand dollars received for phase one. The company must pay sales tax when purchasing the trees and shrubs and materials for the sprinkling system for use in phase one of the project. See WAC 458-20-171 for the tax liability for public road construction.

Phase two for the maintenance of the completed project is also public road construction. This is not a retail sale because the work is performed for a municipal corporation or political subdivision of the state on land owned by that entity and which is being used for public road purposes. See RCW 82.04.190.

Landscaping will owe B&O tax under the public road construction classification and must pay retail sales or use tax on any items used in performing this work, including purchases of fertilizers, chemicals and other materials.

(f) John Doe operates a tree trimming business and has a contract with a public utility district (PUD) to trim trees along the PUD's power lines. Some of these trees are on private property with the PUD obtaining the permission of the owners to trim the trees. Some trees are also located on land for which the PUD has an easement, including along public road right of ways. This tree trimming is a retail sale, including trimming performed along the road right of way. The property on the road right of way is not owned by the PUD for whom the work is being performed. The easement is not for use as a public road and as such the tree trimming is not public road construction.

(g) John Doe provides a tree trimming service to his residential customers. Tree trimming is performed to remove diseased limbs, limbs too close to the house, limbs which are a safety hazard because of their proximity to power lines, and limbs which are objectionable to the desired shape of the tree. All of this tree trimming is a retail

activity, regardless of the specific reason for cutting the limbs.

WSR 94-23-056
PERMANENT RULES
INSURANCE COMMISSIONER'S
OFFICE

[Filed November 14, 1994, 11:39 a.m.]

Date of Adoption: November 14, 1994.

Purpose: To establish an enforcement procedure for compliance by certified health plans with Washington Health Services Commission rules governing certified health care provider selection and termination by certified health plans, and certified health plan resolution of disputes with health care providers.

Statutory Authority for Adoption: RCW 48.01.030, 48.02.060 (3)(a), 48.43.140, 43.72.100(4), and 43.72.100(6). Pursuant to notice filed as WSR 94-10-077 on May 4, 1994.

Changes Other than Editing from Proposed to Adopted Version: Certified health plans must describe the basis for the plan's designation of provider selection criteria as proprietary rather than demonstrate that such criteria meet the statutory definition of proprietary. A conforming change is made to provisions governing the commissioner's rejection of a plan's designation. A provision is added clarifying the rule's application. The rule applies to certified health plans offering the uniform benefits package or supplemental benefits as defined by RCW 43.72.010.

Effective Date of Rule: Thirty-one days after filing.

November 14, 1994

G. W. Taylor

Deputy Commissioner

CHAPTER 284-43 WAC
Certified Health Plans

NEW SECTION

WAC 284-43-040 Review and approval of certified health plan provider selection, termination, and dispute resolution provisions. (1) Each certified health plan shall submit to the insurance commissioner all criteria used by the plan to select and terminate health care providers and provisions for the resolution of disputes with providers. If the criteria or provisions fail to meet the requirements of chapter 245-04 WAC, the commissioner may within thirty days of receipt reject the criteria or provisions, specifying in writing the manner in which they fail to meet the requirements. If the commissioner has not disapproved the criteria or provisions within thirty days, they are deemed approved. If at any time after the thirty-day period the commissioner finds that the criteria or provisions do not meet requirements, the commissioner shall, after a hearing, issue an order specifying the manner in which the criteria or provisions fail to meet the requirements, and stating when, within a reasonable period thereafter, the criteria or provisions shall be deemed no longer effective. The order shall not affect any selection or termination of providers or resolution of disputes made prior to expiration of the period set forth in the order.

(2) The commissioner will not require the public disclosure of proprietary or competitive selection and termination criteria. The certified health plan may designate parts of its provider selection and termination criteria as proprietary or competitive in nature. The plan must demonstrate that disclosure of the criteria would hurt the plan's ability to compete or to manage health services. Disclosure of criteria is proprietary or anticompetitive if revealing them would have the tendency to cause providers to alter their practice patterns in a manner that would harm efforts to contain health care costs. Disclosure of criteria is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

If the commissioner rejects a plan's designation of certain criteria as proprietary or competitive, the plan may contest the commissioner's decision in accordance with chapter 34.05 RCW. The proceedings shall be conducted in a manner that prevents disclosure of the criteria that are the subject of the proceedings until and unless the commissioner's determination of criteria as not proprietary or competitive is sustained.

(3) The insurance commissioner will not act to arbitrate or mediate disputes between a provider and a certified health plan regarding the plan's decision not to include a provider or regarding any other dispute between a provider and a plan arising under, or by reason of, a provider contract or its termination.

WSR 94-23-058
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-160—Filed November 14, 1994, 2:32 p.m.]

Date of Adoption: November 10, 1994.

Purpose: Amend hydraulics code rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-110-090, 220-110-110, and 220-110-260; and amending WAC 220-110-010, 220-110-020, 220-110-030, 220-110-040, 220-110-050, 220-110-060, 220-110-070, 220-110-080, 220-110-100, 220-110-120, 220-110-130, 220-110-140, 220-110-150, 220-110-160, 220-110-170, 220-110-180, 220-110-190, 220-110-200, 220-110-210, 220-110-220, 220-110-230, 220-110-240, 220-110-250, 220-110-270, 220-110-280, 220-110-290, 220-110-300, 220-110-310, 220-110-320, 220-110-330, 220-110-340, 220-110-350, and 220-110-360.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 94-11-126 on May 18, 1994; and WSR 94-23-057 on November 14, 1994.

**Explanatory Statement of Modifications
to the Hydraulic Code Rule Proposal**

Changes Other than Editing from Proposed to Adopted Version: The following modifications have been made to the hydraulic code rules (chapter 220-110 WAC) in response to public testimony. WAC 220-110-020, the definition of "bio-engineering" was modified to clarify that this may also include projects that only utilize live woody vegetation, and to include the use of wood structures as well as the limited

use of rock to provide stability for the establishment of vegetation. These modifications are consistent with the bio-engineering practices which utilize natural materials and maintain habitat diversity. "Hatchery" has been defined to clarify the reference in the definition of "hydraulic project." This modification was in response to public testimony and identifies those fish production facilities that are at greatest risk from water quality or other adverse habitat impacts upstream. The reference to the forest practices rules in the definition of "hydraulic project" has been modified to include the appropriate citation. The references to Type 4 and 5 waters in the definition of "hydraulic project" have been modified, where appropriate, to provide consistency by referencing "Type 4 and 5 waters" and by referencing waters with "identifiable bed or banks." The definition of "hydraulic project approval" has been modified to state that a hydraulic project approval can be approved by the director or the director's designates. This change reflects the agency merger and clarifies that only designates approved by the director may approve hydraulic project approvals. The definition of "impervious surface" has been deleted since the only reference to this term was in the stormwater management section, which was deleted from the rule proposal. The definition of "non-net-loss" has been modified to include mitigation as well as avoidance. Mitigation of adverse impacts is an alternative available to achieve no-net-loss. The WAC citation in the definition of "water type" was modified to the correct reference.

WAC 220-110-030, the words "granting approval" were removed from subsection (8) in accordance with the agency merger. The wording "that issued the HPA" was deleted in subsection (11) in accordance with the agency merger.

WAC 220-110-032, the last paragraph was modified to also allow additional special provisions, where appropriate, to implement management prescriptions developed through watershed analysis. The prescriptions resulting from watershed analysis often result in watershed specific prescriptions appropriate to address specific problems within the watershed.

WAC 220-110-035, the title of this section was modified to also include exemptions, which are included in the specific elements of the rule. Subsection (2) was modified to clarify that removal of noxious weeds may be conducted by hand or using hand-held tools without the need for hydraulic project approval. Removal of aquatic vegetation not classified as noxious weeds would require hydraulic project approval. Subsection (4) was modified to make the referenced date consistent with the rule adoption date. Subsection (5) has been added to clarify that remedial actions conducted pursuant to a consent decree, order, or agreed order are exempt from the procedural, but not the substantive requirements of the hydraulic code. This is consistent with 1994 legislation.

WAC 220-110-040, wording has been modified to clarify that freshwater technical provisions may be applied to tidally influenced areas and areas upstream of river mouths. This provides greater certainty to a project applicant regarding potential provisions that may apply to the proposed project.

Freshwater and Saltwater Technical Provisions for Specific Projects: The lead wording of specific technical provision sections has been modified to state that mitigation

measures to achieve no-net-loss of productive capacity of fish and shellfish habitat shall be required as necessary. Previous wording required mitigation for all projects, even though mitigation measures may not have been necessary for certain projects.

WAC 220-110-050, the wording of subsection (5) has been modified to clarify that revegetation of the banks, including riprap areas, is required. Wording has also been modified to state that the requirement to plant woody vegetation may be waived where engineering or safety factors preclude them. These factors are always considered in determining revegetation requirements, but the requirements are only dropped when precluded by these considerations. This modification was also made to similar provisions throughout the remainder of the rule. Wording in subsection (6) and (7)(a) has been modified to clarify that projects should be designed to provide stability to the 100-year peak flow. Similar modifications have been made throughout the freshwater provisions in the rule. This provides a consistent measurable standard for project design.

WAC 220-110-060(6), was modified to state that flotation only needs to be contained when necessary to avoid breakup or loss. Containment is not always necessary, depending on the type of flotation used (e.g., clean empty barrels).

WAC 220-110-070 (2)(c), has been modified to state that temporary culverts left in place during the period from June 16 through September 30 shall be designed to maintain structural integrity at the peak flow expected during the period of installation. This continues to meet the objective, but is less restrictive than the proposed language, allowing the culvert and fill to be overtopped rather than having to pass all flows through the temporary culvert. Subsection (2)(g) has been modified to allow that fill be left in the stream after culvert removal, provided that is clean rounded gravel suitable for fish spawning. This material may be left without adverse impact to the adjacent spawning habitat. Subsection (3)(a) has been modified to clarify that only fish passage barriers that can reasonably be expected to be corrected should be considered. There may be fish passage barriers downstream that could potentially be modified to provide passage, but where the modification is not feasible or reasonable. The second sentence in this subsection was also deleted. Although the statement was correct, the language was primarily advisory and not appropriate in the technical provisions. Subsection (3)(b)(i) was modified to clarify that the installation depth consideration does not apply to bottomless culverts, and that footings for bottomless culverts shall be buried sufficiently so they will not become exposed by erosion within the culvert. This clarifies requirements applicable to bottomless culverts, which are preferred by the department and which are being used more frequently. A new subsection (3)(b)(ii)(C) has been added to clarify what hydraulic drop is and how it is to be calculated. Hydraulic drop criteria have also been incorporated into Table 1 as one of the key design elements. The reference in new subsection (3)(b)(ii)(E) has been modified to hydraulic methods, rather than hydrologic methods. This better reflects standard engineering terminology. Subsection (3)(g) has been modified to clarify that owners must maintain culverts in a manner such that the fish passage design criteria in Table 1 are not exceeded. The wording was also

modified to clarify that if a culvert were to become a hindrance to fish passage, the owner would be responsible for obtaining hydraulic project approval and providing prompt repair. This language provides notice of potential future liability to the owner of the culvert prior to initial installation. This type of provision is necessary due to the high number of fish passage problems that result at sites where culverts are installed. Fish production will be lost if these barriers are not corrected.

WAC 220-110-080, the provision numbering sequence has been modified beginning at subsection (4) to better separate unrelated sections.

WAC 220-110-130(1), has been modified to allow dredging in fish spawning areas where the dredging is designed to enhance access or quality of fish spawning areas. There is a slight modification in the wording of subsection (8) to clarify the reason for ensuring that the bed does not contain pits, potholes, or large depressions.

WAC 220-110-160, the wording in subsections (3) and (5) has been modified to apply to only watercourses with identifiable bed or banks. This provides greater clarity on application of these provisions in Type 5 waters. Subsection (6) has been modified to require that precautions be taken to minimize the release of sediment to waters downstream from the felling or yarding activity. It is not feasible to prevent the release of sediment, and "minimize" is more consistent with normal application of the provision on the ground.

WAC 220-110-180(3), has been modified to allow the opportunity for construction of longer bypass reaches where the intent of the longer bypass reach is to enhance fish life or habitat.

WAC 220-110-190, clarifications in the lead language to state that certain work can be performed on existing irrigation or stock watering diversion structures without the use of equipment without first securing an HPA, and that compliance with the provisions of the Irrigation and Fish Pamphlet is required and that the pamphlet be on site. This helps ensure that the individual performing the work is aware of the restrictions pertaining to the work performed.

WAC 220-110-200(2), has been modified to refer to hand-held tools, consistent with other references in the text. Subsection (11) has been modified to better advise HPA holders that there are a number of access limitations that may apply to their proposed mineral prospecting activity, and to provide contacts where they can determine the extent of any access or archaeological preservation considerations. This modification has also been incorporated into WAC 220-110-210 and 220-110-220.

WAC 220-110-230, same modifications as in WAC 220-110-040 above.

WAC 220-110-270(7), new subsection was added stating that petroleum products or other deleterious substances shall not enter surface waters. This provides consistency with other marine technical sections.

WAC 220-110-290, minor editing modifications to subsections (2) and (3) to improve clarity.

WAC 220-110-300, modification to the section title and a number of provisions to ensure coverage of all structure types likely to be covered by this section and to provide consistency throughout the section.

WAC 220-110-340, modification to allow department to stay time limitations for filing informal appeals if negotiations are ongoing with regional personnel.

Effective Date of Rule: Thirty-one days after filing.

November 14, 1994

Robert Turner

Director

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-010 Purpose. It is the intent of the department to provide protection for all fish life through the development of a state-wide system of consistent and predictable rules. The department will coordinate with other local, state, and federal regulatory agencies, and tribal governments, to minimize regulatory duplication. Pursuant to ((RCW 75.20.100, 75.20.103, 75.20.106, 75.20.130, and 75.20.140)) chapter 75.20 RCW, this chapter establishes regulations for the construction of ((any form of)) hydraulic project(s) or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, and sets forth procedures for obtaining a hydraulic project approval (HPA). In addition, this chapter incorporates criteria ((and guidelines)) generally used by the department of ((fisheries and the department of game)) fish and wildlife for project review and conditioning ((hydraulic project approvals)) HPAs. ((It is not intended that))

The technical provisions in WAC 220-110-040 through 220-110-330 represent common provisions for the protection of fish life for typical projects proposed to the department. Implementation of these provisions is necessary to minimize project specific and cumulative impacts to fish life. These regulations reflect the best available science and practices related to protection of fish life. The department will incorporate new information as it becomes available, and to allow for alternative practices that provide equal or greater protection for fish life.

The technical provisions ((will automatically)) shall apply to ((each)) a hydraulic project ((approval)) when included as provisions on the HPA. ((Rather,)) Each application ((will)) shall be reviewed on an individual basis. Common technical provisions applicable to a specific project may be modified or deleted by the department pursuant to WAC 220-110-032. HPAs may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the common technical provisions.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-020 Definitions. As used in this chapter, unless the context clearly requires otherwise:

(1) "Beach area" means the beds between the ordinary high water line and extreme low tide.

(2) "Bed" means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, ((storm-water)) storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(3) "Bed materials" means natural-occurring material found in the beds of state waters ((of the state)).

(4) "Bio-engineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

(5) "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

(6) "Cofferdam" means a temporary enclosure used to keep water from a work area.

((5)) (7) "Department((s))" means the department of ((fisheries and the department of game)) fish and wildlife.

((6)) (8) "Dredging" means removal of bed material using other than hand held tools.

((7)) (9) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions ((or)), other natural conditions, or fire.

((8)) (10) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

((9)) (11) "Established ford" means a crossing place in a ((river or stream which has existed for at least three years)) watercourse that was in existence and annually used prior to 1986 or subsequently permitted by the department, and, has ((an)) identifiable ((approach on the stream bank)) approaches on the streambanks.

((10)) (12) "Extreme low tide" means the lowest level reached by a receding tide.

((11)) (13) "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

(14) "Filter blanket" means a layer or combination of layers of pervious materials (organic, mineral, or ((man-made)) synthetic) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

((12)) (15) "Fish life" means all fish species, including but not limited to food fish, shellfish, ((and)) game fish, and other nonclassified fish species and all stages of development of those species.

((13)) (16) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of the department of ((fisheries)) fish and wildlife.

((14)) (17) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

((15)) (18) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the ((state game)) fish and wildlife commission.

~~((16))~~ (19) "General provisions" means those provisions that are contained in every ~~(hydraulic project approval)~~ (HPA).

~~((17))~~ (20) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Examples are shovels, rakes, ~~(and)~~ hammers, etc.

~~((18))~~ (21) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish and shellfish.

(22) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic projects include forest practice activities, conducted pursuant to the forest practices rules (Title 222 WAC), that involve construction or performance of other work in or across the ordinary high water line of:

(a) Type 1-3 waters; or

(b) Type 4 and 5 waters with identifiable bed or banks where there is a hatchery water intake within two miles downstream; or

(c) Type 4 and 5 waters with identifiable bed or banks within one-fourth mile of Type 1-3 waters where any of the following conditions apply:

(i) Where the removal of timber adjacent to the stream is likely to result in entry of felled trees into flowing channels;

(ii) Where there is any felling, skidding, or ground lead yarding through flowing water, or through dry channels with identifiable bed or banks with gradient greater than twenty percent;

(iii) Where riparian or wetland leave trees are required and cable tailholds are on the opposite side of the channel;

(iv) Where road construction or placement of culverts occurs in flowing water;

(v) Where timber is yarded in or across flowing water;

(d) Type 4 and 5 waters with identifiable bed or banks that are likely to adversely affect fish life, where the HPA requirement is noted by the department in response to the forest practice application.

Hydraulic projects and associated permit requirements for specific project types are further defined in other sections of this chapter.

~~((19))~~ (23) "Hydraulic project application" means a form provided by and submitted to the department of ~~(fisheries or the department of game)~~ fish and wildlife accompanied by plans and specifications of the proposed hydraulic project.

~~((20))~~ (24) "Hydraulic project approval" (HPA) means:

(a) A written approval for a hydraulic project signed by the director of the department of ~~(fisheries or the department of game)~~ fish and wildlife, or ~~(by employees designated and authorized to do so)~~ the director's designates; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of ~~(fisheries or the director of the department of game)~~ fish and wildlife, or ~~(by employees designated and authorized to do so)~~ the director's designates; or

(c) A "Gold and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities for mineral prospecting (panning); or

(d) An "Irrigation and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities.

~~((21))~~ (25) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet and rootwads, wholly or partially waterward of the ordinary high water line.

(26) "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the MLLW = 0.0 tidal elevation.

(27) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each day's lowest tide at a particular location over a period of ~~((18-6))~~ nineteen years. It is the tidal datum ~~(base)~~ for ~~(tide levels and)~~ vertical tidal references in the saltwater area.

~~((22))~~ (28) "Mitigation" means actions which shall be required as provisions of the HPA to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action; ~~(and/or)~~

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; ~~(and/or)~~

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; ~~(and/or)~~

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; ~~(and/or)~~

(e) Compensating for the impact by replacing or providing substitute resources or environments; ~~(and)~~ or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

~~((23))~~ (29) "Natural conditions" means those conditions which arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

~~((24))~~ (30) "No-net-loss" means:

(a) Avoidance or mitigation of adverse impacts to fish life; or

(b) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(c) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

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

freshwater shall be the ~~((line))~~ elevation of the mean ((high water)) annual flood.

~~((25))~~ (32) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

~~((26))~~ (33) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

~~((34))~~ "River or stream." ~~((means waters in which fish may spawn, reside, or through which they may pass. This includes watercourses which exist on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This also includes any natural watercourses which have been altered by man. This definition is not meant to include irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses except where they exist in a natural watercourse which has been altered by man.~~

~~((27))~~ See "watercourse."

(35) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

~~((28))~~ (36) "Shellfish" means those species of ~~((ma- rine))~~ saltwater and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of ~~((fisheries))~~ fish and wildlife. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((29))~~ (37) "Special provisions" means those conditions that are a part of the ~~((hydraulic project approval))~~ (HPA), but are site or project specific, and are used to supplement or amend the technical provisions.

~~((30))~~ (38) "Streambank stabilization" means those projects which prevent or limit erosion, slippage, and mass wasting; including, but not limited to bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection (physical armoring of streambanks using rock or woody material, or placement of jetties or groins), gravel removal or erosion control.

(39) "Technical provisions" means those conditions that are a part of the ~~((hydraulic project approval))~~ (HPA) and apply to most projects of that nature.

~~((31))~~ (40) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

(41) "Watercourse" and "river or stream" means any portion of a channel, bed, bank, or bottom ~~((within))~~ waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition

~~((is))~~ does not ((meant to)) include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by ((man)) humans.

~~((32))~~ (42) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, pursuant to Title 90 RCW.

(43) "Waters of the state" or "state waters" means all ~~((marine))~~ salt waters and fresh waters ((within)) waterward of ordinary high water lines and within the territorial boundaries of the state.

~~((33))~~ (44) "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules and regulations, published and dated November 1, 1988.

(45) "Wetted perimeter" means the areas of a watercourse covered with water, flowing or nonflowing.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-030 Hydraulic project approvals— Procedures. (1) A person shall ~~((secure a hydraulic project approval))~~ obtain an HPA before conducting a hydraulic project.

(2) A person seeking ~~((hydraulic project approval))~~ an HPA shall submit a complete application to the department ~~((of fisheries or the department of game)).~~ The application shall contain general plans for the overall project, complete plans and specifications for the proposed construction or work ~~((below))~~ waterward of the mean higher high water line in salt water or waterward of the ordinary high water line ((of state waters)) in fresh water, and complete plans and specifications for the proper protection of fish life. The application shall be signed and dated by the applicant or their agent.

(3) ~~((Application for hydraulic project approval shall be submitted to the department of fisheries or department of game. The department having jurisdiction of a particular site will cooperate with the other department to protect all species of fish. If either department receives an application concerning a site not in its jurisdiction, it will transmit the application to the other department within three days, and the applicant will be notified.~~

~~((a))~~ For projects located in the following areas, an application shall be submitted to the Department of Fisheries, Habitat Management Division, 115 General Administration Building, Olympia, WA 98504, (206) 753-6650:

(i) Western Washington, which includes all lands lying west of the summit of the Cascade Mountains;

(ii) The mainstem Snake River and the mainstem Columbia River downstream from Chief Joseph Dam.

~~((b))~~ For projects located in the following areas, an application shall be submitted to the Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504, (206) 753-5897:

Eastern Washington, which includes all lands lying east of the summit of the Cascade Mountains, including Klickitat County except those areas in ~~((a))~~(ii) of this subsection.

~~((c))~~ The departments reserve the right to exchange jurisdiction on individual projects.

~~((d))~~ Receipt of any one of the following documents ~~((at the addresses listed in (a) and (b) of this subsection))~~ constitutes application for ~~((a hydraulic project approval))~~ an HPA:

~~((ii))~~ (a) A completed hydraulic project application submitted to the department ~~((of fisheries or department of game));~~

~~((iii))~~ (b) A completed forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010~~((19))~~; or

~~((iii))~~ (c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard.

(4) The ~~((appropriate))~~ department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the State Environmental Policy Act (SEPA) (chapter 43.21C RCW). The department~~((s))~~ shall strive to ~~((process hydraulic project applications))~~ issue HPAs in less than thirty days. The forty-five day requirement shall be suspended if:

(a) An incomplete application is received;

(b) The site is physically inaccessible for inspection;

(c) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(d) The applicant requests delay.

(5) Immediately upon determination that the forty-five day period is suspended, the ~~((appropriate))~~ department shall notify the applicant in writing of the reasons for the delay.

(6) The department may issue an expedited written HPA in those instances where normal processing would result in unanticipated extreme hardship for the applicant, or unacceptable environmental damage would occur. An expedited HPA may be granted upon request for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources that are subject to imminent danger by weather, flow, or other natural conditions. Expedited HPA requests require complete written application and shall take precedence over other nonemergency applications and will normally be issued within ten calendar days of request. All SEPA requirements shall be met prior to issuance of an expedited HPA.

(7) Verbal approval shall be granted immediately upon request for emergency work to repair existing structures, move obstructions, restore banks, or protect property that is subject to immediate danger by weather, flow, or other natural conditions. Verbal approval shall be granted immediately upon request for driving across a stream during an emergency, as defined in WAC 220-110-020~~((7))~~.

~~((7))~~ (8) The department~~((s))~~ may accept written or verbal requests for time extensions, renewals, or alterations of an existing ~~((approval))~~ HPA. Approvals of such requests shall be in writing. Transfer of an HPA to a new permittee requires written request by the original permittee or their agent and such request shall include the HPA number. This written request shall be in a form acceptable to the department and shall contain an affirmation by the new permittee that he/she agrees to be bound by the conditions on the HPA. Project activity shall not be conducted by the new permittee until approval has been issued by the department.

~~((8))~~ (9) Each ~~((approval))~~ HPA is usually specific to a watercourse, stating the exact location of the project site, and usually consists of general, technical, and special provisions.

~~((9))~~ (10) The written ~~((hydraulic project approval))~~ HPA, or ~~((an exact copy))~~ clear reproduction, shall be on the project site when work is being conducted and shall be immediately available for inspection.

~~((10))~~ (11) All ~~((hydraulic project approvals))~~ HPAs may be granted for a period of up to five years. ~~((However, approvals issued under RCW 75.20.103 for work of a seasonal nature that diverts water for irrigation or stock watering purposes shall remain in effect without need for periodic renewal, provided the permittee notifies the agency that issued the approval before commencing the work each year. All))~~ Permittees ~~((must))~~ shall demonstrate substantial progress on construction of that portion of the project relating to the ~~((hydraulic approval))~~ (HPA) within two years of the date of issuance. The following types of HPAs issued under RCW 75.20.103 shall remain in effect without the need for periodic renewal provided the permittee notifies the department before commencing the work each year.

(a) Work of a seasonal nature that diverts water for irrigation or stock watering purposes.

(b) Streambank stabilization projects if the problem causing the erosion occurs on an annual or more frequent basis as demonstrated by the applicant. Evidence of erosion may include, but is not limited to history of permit application, approval, or photographs. Periodic flood waters by themselves do not constitute the problem that requires a HPA.

~~((11))~~ (12) A hydraulic project application ~~((with))~~ shall be denied when, in the judgment of the department ~~((of fisheries or department of game))~~, the project ~~((is directly or indirectly harmful))~~ will result in direct or indirect harm to fish life unless adequate mitigation can be assured by conditioning the ~~((approval))~~ HPA or modifying the proposal. If approval is denied, the department ~~((of fisheries or department of game with))~~ shall provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely affect fish life.

~~((12))~~ (13) Protection of fish life shall be the only grounds upon which an ~~((approval))~~ HPA may be denied or conditioned.

~~((13))~~ ~~Hydraulic project approvals~~ (14) HPAs may have specific time limitations on project activities to protect fish life.

~~((14))~~ ~~Hydraulic project approvals~~ (15) HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, ~~((other state, and))~~ federal, and other Washington state agencies.

~~((15))~~ (16) Administration of this chapter shall be conducted in compliance with ~~((the State Environmental Policy Act))~~ SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100 ~~((or))~~, and 232-19 WAC.

~~((16))~~ If a person commences any activity subject to RCW 75.20.100 or 75.20.103 without having first obtained approval of the department of fisheries or department of game or if any person fails to follow or carry out any of the requirements or provisions as are made a part of such approval, that person is guilty of a gross misdemeanor. In

lieu of gross misdemeanor charges, at the discretion of the department of fisheries or the department of game, the person who violates RCW 75.20.100, 75.20.103, or chapter 220-110 WAC may be subject to a civil penalty of up to one hundred dollars per day. The amount of the civil penalty will be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty. The notice will describe the violation, the amount of the penalty, how to pay the penalty, and the appeal rights of the person incurring the penalty.

(17) In addition to hydraulic project approval, mechanical or hydraulic clam harvesters shall be governed by the provisions of WAC 220-52-018 and shall obtain and comply with the provisions of the department of fisheries' permit to operate a clam harvesting machine.

(18) The hydraulic code cannot be used to limit the amount or timing of water diverted under a water right. However, construction of structures or placement of devices or other work within waters of the state which will use, divert, obstruct or change the natural flow or bed of any river or stream, or that will utilize any of the waters of the state in order to take water allowed by a water right requires a hydraulic project approval. Regulation of water flow from a permanent irrigation structure by operating valves, or manipulating stop logs, check boards or head boards, does not require hydraulic project approval.

(19) Persons who have historically used and are currently using a gravel berm dam as the method of diversion shall be permitted to continue to do so. The departments can, however, condition the approval of gravel berms.

(20) The following general provisions apply to and are found on each hydraulic project approval:

(a) This approval is to be available on the job site at all times and its provisions followed by the permittee and operator performing the work.

(b) The person(s) to whom this approval is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this approval.

(c) Failure to comply with the provisions of this approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

(d) All hydraulic project approvals) (17) All HPAs issued pursuant to RCW 75.20.100 ((are)) and 75.20.160 may be subject to additional restrictions, conditions, or revocation if the department ((of fisheries or department of game)) determines that new biological or physical information indicates the need for such action. The permittee has the right ((pursuant)) to request an informal or formal appeal in accordance with chapter ((34.04)) 34.05 RCW((, to appeal such decisions)). All ((hydraulic project approvals)) HPAs issued pursuant to RCW 75.20.103 may be modified by the department ((of fisheries or department of game)) due to changed conditions after consultation with the permittee: *Provided however, That ((such)) modifications of HPAs issued pursuant to RCW 75.20.103 and 75.20.160 shall be subject to appeal to the hydraulic appeals board established in RCW 75.20.130.*

((e) This approval pertains only to the provisions of the fisheries and game codes. Additional authorization from other public agencies may be necessary for this project.

(21) ~~Cleaning, adjusting, operating, and maintaining existing irrigation diversion structures or maintaining established fords, by use of hand held tools, may be accomplished without first securing a written hydraulic project approval. For these purposes, this subsection, or the latest edition of the *Irrigation and Fish* pamphlet issued by the departments of fisheries and game, shall serve as the hydraulic project approval. This does not include the use of equipment as defined in WAC 220-110-020(8). If adverse impacts to fish life occur, the project shall immediately cease, and an application for approval shall be made in accordance with WAC 220-110-030 (1), (2), and (3).~~

(22) ~~Aquatic weed control by hand pulling or hand tools does not require hydraulic project approval. This does not include the use of equipment as defined in WAC 220-110-020(8).~~

(23) ~~Driving a vehicle, or operating equipment, on or across an established ford does not require a hydraulic project approval. However, ford repair with equipment or construction work within the ordinary high water lines requires a hydraulic project approval. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires a hydraulic project approval.~~

(24) ~~The installation, by hand or hand tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require a hydraulic project approval.~~

(25) ~~The installation and operation of portable boat hoists in lakes does not require a hydraulic project approval, provided:~~

(a) ~~Equipment is not operated below the ordinary high water line during installation;~~

(b) ~~The hoist is not installed at the mouth of any river or stream; and~~

(c) ~~Dredging, filling, or pile driving is not conducted as part of the project.~~)

NEW SECTION

WAC 220-110-032 Modification of technical provisions. Technical provisions applicable to a specific project may be modified or deleted by the department where any of the following is demonstrated:

(1) The provision has no logical application to a project;

(2) The applicant provides an alternate plan to the provision and demonstrates that it provides equal or greater protection for fish life;

(3) Enforcement of the provision would result in denial and there is adequate mitigation to allow the project and achieve no-net-loss of fish life or productive fish or shellfish habitat;

(4) The modification or deletion of the provision will not contribute to net loss of fish life;

(5) The proposal is part of an approved clean-up action under Model Toxics Control Act; Comprehensive Environmental Response Compensation and Liability Act; or Superfund Amendment and Reauthorization Act; or

(6) The technical provisions conflict with applicable local, state, or federal regulations that provide adequate protection for fish life.

HPAs may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the technical provisions, or to implement management prescriptions developed through watershed analysis. The HPA will include all of the technical provisions with which an applicant will be required to comply.

NEW SECTION

WAC 220-110-035 Miscellaneous hydraulic projects—Permit requirements and exemptions. (1) Operators of mechanical or hydraulic clam harvesters shall be required to obtain an HPA and comply with provisions of WAC 220-52-018, and shall obtain and comply with the provisions of the department's permit to operate a clam harvesting machine.

(2) Noxious aquatic weed control by hand pulling or hand-held tools does not require hydraulic project approval.

(3) The installation, by hand or hand-held tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require an HPA.

(4) Driving a vehicle or operating equipment on or across an established ford does not require an HPA. However, ford repair with equipment or construction work waterward of the ordinary high water lines requires an HPA. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires an HPA. HPAs for new fords issued subsequent to January 1995 shall require that the entry and exit points of the ford not exceed one hundred feet upstream or downstream of each other.

(5) A person conducting a remedial action under a consent decree, order, or agreed order, pursuant to chapter 70.105D RCW, and the department of ecology when it conducts a remedial action, are exempt from the procedural requirements of the Hydraulic Code. Compliance with the substantive provisions of the Hydraulic Code is required.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-040 Freshwater technical provisions. WAC 220-110-050 through ~~((220-110-220))~~ 220-110-225 set forth technical provisions that ~~((typically))~~ shall apply to freshwater hydraulic projects. Certain technical provisions ~~((may))~~ shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life. Saltwater provisions referenced in WAC 220-110-230 through 220-110-330 may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam, where applicable.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-050 Bank protection. Bio-engineering is the preferred method of bank protection where practicable. Bank protection projects shall incorporate mitigation mea-

asures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ~~((may))~~ shall apply to bank protection projects:

(1) Bank protection work shall be ~~((confined))~~ restricted to ~~((damaged))~~ work necessary to protect eroding banks.

(2) ~~((Watercourse encroachment shall be held to a minimum.~~

~~((3) Bank protection material shall not appreciably reduce normal watercourse capacity or configuration.~~

~~((4))~~ Bank protection material placement waterward of the ordinary high water line shall be restricted to the minimum amount necessary to protect the toe of the bank, or for installation of mitigation features approved by the department.

(3) The toe shall be designed to protect the integrity of bank protection material.

~~((5))~~ (4) Bank sloping shall be accomplished in a manner that ((will prevent the)) avoids release of overburden material into the water. Overburden material resulting from the project shall be deposited so as not to reenter the water.

~~((6) Bank protection material shall be clean, angular rock or other material of a sufficient size to prevent its being washed away by water action. River gravels shall not be used as exterior armor.~~

~~((7) Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.~~

~~((8) Filter blanket material shall be placed prior to placement of bank protection material.~~

~~((9))~~ (5) Alteration or disturbance of the bank and bank vegetation shall be ((held to a minimum)) limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks, including riprap areas, shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

~~((10) Overburden material resulting from this project shall be deposited so as not to reenter the water))~~ (6) Fish habitat components such as logs, stumps, and/or large boulders may be required as part of the bank protection project to mitigate project impacts. These fish habitat components shall be installed according to an approved design to withstand 100-year peak flows.

(7) When rock or other hard materials are approved for bank protection, the following provisions shall apply:

(a) Bank protection material shall be angular rock. The project shall be designed and the rock installed to withstand 100-year peak flows. River gravels shall not be used as exterior armor, except as specifically approved by the department.

(b) Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-060 ((~~Bridge, pier, and piling construction~~)) Construction of freshwater docks, piers, and floats and the driving or removal of piling. All pier, dock, float, and piling construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ((~~may~~)) shall apply to ((~~bridge, pier, and piling~~)) freshwater dock, pier, and float construction projects and the driving or removal of piling:

(1) ((~~Excavation for the footings, piers, or abutments shall be isolated from the wetted perimeter by a dike, cofferdam, or similar mechanism.~~

(2) Wastewater discharged to receiving waters shall not adversely impact fish life.

(3) Structures containing concrete or wood preservatives shall be cured or dried prior to water encroachment.

(4) Abutments, piers, piling, sills, etc., shall not restrict the flow so as to cause any appreciable increase in backwater elevation or scour and shall be aligned to cause the least effect on the hydraulics of the body of water.

(5) Riprap materials used for structure protection shall be clean and of sufficient size to prevent their being washed away.

(6) Backfilling and armoring around each structure shall take place prior to removal of cofferdams.

(7) The bridge shall be constructed high enough to pass the fifty year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.

(8) Alteration or disturbance of bank or bank vegetation shall be held to a minimum, and all disturbed areas shall be protected from erosion and revegetated.)) Excavation for and placement of the footings and foundation shall be landward of the ordinary high water line unless the construction site is separated from state waters by use of an approved dike, cofferdam, or similar structure.

(2) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(3) Removal of existing or temporary structures shall be accomplished so that the structure and associated material does not reenter the watercourse.

(4) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

(5) Skirting or other structures shall not be constructed around piers, docks, or floats unless specifically approved in the HPA.

(6) Floatation for the structure shall be enclosed and contained, when necessary, to prevent the breakup or loss of the floatation material into the water.

(7) All work operations shall be conducted in such a manner that causes little or no siltation to adjacent areas. If at any time, fish are observed in distress, a fish kill occurs, or water quality problems develop as a result of a pier, dock, float, or piling project, construction operations shall cease and the permittee or authorized agent shall immediately contact the department.

(8) Removal of aquatic vegetation shall be limited to that necessary to gain access to construct the project.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-070 ((~~Bridge construction—Stringer type~~)) Water crossing structures. ((The following technical provisions may apply to bridge construction—Stringer type projects:)) In fish bearing waters, bridges are preferred as water crossing structures by the department in order to ensure free and unimpeded fish passage for adult and juvenile fishes and preserve spawning and rearing habitat. Pier placement waterward of the ordinary high water line shall be avoided, where practicable. Other structures which may be approved, in descending order of preference, include: Temporary culverts, bottomless arch culverts, arch culverts, and round culverts. Corrugated metal culverts are generally preferred over smooth surfaced culverts. Culvert baffles and downstream control weirs are discouraged except to correct fish passage problems at existing structures.

An HPA is required for construction or structural work associated with any bridge structure waterward of or across the ordinary high water line of state waters. An HPA is also required for bridge painting and other maintenance where there is potential for wastage of paint, sandblasting material, sediments, or bridge parts into the water, or where the work, including equipment operation, occurs waterward of the ordinary high water line. Exemptions/5-year permits will be considered if an applicant submits a plan to adhere to practices that meet or exceed the provisions otherwise required by the department.

Water crossing structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to water crossing structures:

(1) ((~~Unless construction is separated from state waters by use of a cofferdam or similar mechanism,~~)) Bridge construction.

(a) Excavation for and placement of the foundation and superstructure shall be outside the ordinary high water line unless the construction site is separated from waters of the state by use of an approved dike, cofferdam, or similar structure.

~~((2))~~ At least one end of the bridge or stringer shall be securely anchored.

~~(3)~~ The stringers or structure shall be placed by floating equipment or by working from outside the ordinary high water line and in a manner as to not damage the beds or banks.

~~(4))~~ (b) The bridge structure or stringers shall be placed in a manner to minimize damage to the bed.

~~(c)~~ Alteration or disturbance of bank or bank vegetation shall be ~~((held to a minimum and))~~ limited to that necessary to construct the project. All disturbed areas shall be ~~((revegetated or otherwise))~~ protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

~~((5))~~ (d) Removal of existing or temporary structures shall be accomplished so that the structure and associated material does not enter the watercourse ~~((and placed so it will not re-enter the watercourse))~~.

~~((6))~~ (e) The bridge shall be constructed ~~((high enough))~~, according to the approved design, to pass the ~~((fifty))~~ 100-year ~~((flood level))~~ peak flow with consideration of debris likely to be encountered. Exception shall be granted if applicant provides hydrologic or other information that supports alternative design criteria ~~((to support a more appropriate level))~~.

(f) Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(g) Structures containing concrete shall be sufficiently cured prior to contact with water to avoid leaching.

(h) Abutments, piers, piling, sills, approach fills, etc., shall not constrict the flow so as to cause any appreciable increase (not to exceed .2 feet) in backwater elevation (calculated at the 100-year flood) or channel wide scour and shall be aligned to cause the least effect on the hydraulics of the watercourse.

(i) Riprap materials used for structure protection shall be angular rock and the placement shall be installed according to an approved design to withstand the 100-year peak flow.

(2) Temporary culvert installation.

The allowable placement of temporary culverts and time limitations shall be determined by the department, based on the specific fish resources of concern at the proposed location of the culvert.

(a) Where fish passage is a concern, temporary culverts shall be installed according to an approved design to provide adequate fish passage. In these cases, the temporary culvert installation shall meet the fish passage design criteria in Table 1 in subsection (3) of this section.

(b) Where culverts are left in place during the period of September 30 to June 15, the culvert shall be designed to maintain structural integrity to the 100-year peak flow with consideration of the debris loading likely to be encountered.

(c) Where culverts are left in place during the period June 16 to September 30, the culvert shall be designed to maintain structural integrity at a peak flow expected to occur once in 100 years during the season of installation.

(d) Disturbance of the bed and banks shall be limited to that necessary to place the culvert and any required channel modification associated with it. Affected bed and bank areas outside the culvert shall be restored to preproject condition following installation of the culvert.

(e) The culvert shall be installed in the dry, or in isolation from stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area. Exception may be granted if siltation or turbidity is reduced by installing the culvert in the flowing stream. The bypass reach shall be limited to the minimum distance necessary to complete the project. Fish stranded in the bypass reach shall be safely removed to the flowing stream.

(f) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(g) Imported fill which will remain in the stream after culvert removal shall consist of clean rounded gravel ranging in size from one-quarter to three inches in diameter. The use of angular rock may be approved from June 16 to September 30, where rounded rock is unavailable. Angular rock shall be removed from the watercourse and the site restored to preproject conditions upon removal of the temporary culvert.

(h) The culvert and fill shall be removed, and the disturbed bed and bank areas shall be reshaped to preproject configuration. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors need to be considered.

(i) The temporary culvert shall be removed and the approaches shall be blocked to vehicular traffic prior to the expiration of the HPA.

(j) Temporary culverts may not be left in place for more than two years from the date of issuance of the HPA.

(3) Permanent culvert installation.

(a) In fish bearing waters or waters upstream of a fish passage barrier (which can reasonably be expected to be corrected, and if corrected, fish presence would be reestablished), culverts shall be designed and installed so as not to impede fish passage. Culverts shall only be approved for installation in spawning areas where full replacement of impacted habitat is provided by the applicant.

(b) To facilitate fish passage, culverts shall be designed to the following standards:

(i) Culverts may be approved for placement in small streams if placed on a flat gradient with the bottom of the culvert placed below the level of the streambed a minimum of twenty percent of the culvert diameter for round culverts, or twenty percent of the vertical rise for elliptical culverts (this depth consideration does not apply within bottomless culverts). Footings of bottomless culverts shall be buried sufficiently deep so they will not become exposed by scour within the culvert. The twenty percent placement below the streambed shall be measured at the culvert outlet. The culvert width at the bed, or footing width, shall be equal to or greater than the average width of the bed of the stream.

(ii) Where culvert placement is not feasible as described in (b)(i) of this subsection, the culvert design shall include the elements in (b)(ii)(A) through (E) of this subsection:

(A) Water depth at any location within culverts as installed and without a natural bed shall not be less than that identified in Table 1. The low flow design, to be used to determine the minimum depth of flow in the culvert, is the two-year seven-day low flow discharge for the subject basin or ninety-five percent exceedance flow for migration months of the fish species of concern. Where flow information is unavailable for the drainage in which the project will be conducted, calibrated flows from comparable gauged drainages may be used, or the depth may be determined using the installed no-flow condition.

(B) The high flow design discharge, used to determine maximum velocity in the culvert (see Table 1), is the flow that is not exceeded more than ten percent of the time during the months of adult fish migration. The two-year peak flood flow may be used where stream flow data are unavailable.

(C) The hydraulic drop is the abrupt drop in water surface measured at any point within or at the outlet of a culvert. The maximum hydraulic drop criteria must be satisfied at all flows between the low and high flow design criteria.

(D) The bottom of the culvert shall be placed below the natural channel grade a minimum of twenty percent of the culvert diameter for round culverts, or twenty percent of the vertical rise for elliptical culverts (this depth consideration does not apply within bottomless culverts). The downstream bed elevation, used for hydraulic calculations and culvert placement in relation to bed elevation, shall be taken at a point downstream at least four times the average width of the stream (this point need not exceed twenty-five feet from the downstream end of the culvert). The culvert capacity for flood design flow shall be determined by using the remaining capacity of the culvert.

2. Flow Depth Minimum (ft)	0.8	0.8	1.0
3. Hydraulic Drop, Maximum (ft)	0.8	0.8	1.0

(E) Appropriate statistical or hydraulic methods must be applied for the determination of flows in (b)(ii)(A) and (B) of this subsection. These design flow criteria may be modified for specific proposals as necessary to address unusual fish passage requirements, where other approved methods of empirical analysis are provided, or where the fish passage provisions of other special facilities are approved by the department.

(F) Culvert design shall include consideration of flood capacity for current conditions and future changes likely to be encountered within the stream channel, and debris and bedload passage.

(c) Culverts shall be installed according to an approved design to maintain structural integrity to the 100-year peak flow with consideration of the debris loading likely to be encountered. Exception may be granted if the applicant provides justification for a different level or a design that routes that flow past the culvert without jeopardizing the culvert or associated fill.

(d) Disturbance of the bed and banks shall be limited to that necessary to place the culvert and any required channel modification associated with it. Affected bed and bank areas outside the culvert and associated fill shall be restored to preproject configuration following installation of the culvert, and the banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(e) Fill associated with the culvert installation shall be protected from erosion to the 100-year peak flow.

(f) Culverts shall be designed and installed to avoid inlet scouring and shall be designed in a manner to prevent erosion of streambanks downstream of the project.

(g) Where fish passage criteria are required, the culvert facility shall be maintained by the owner(s), such that fish passage design criteria in Table 1 are not exceeded. If the structure becomes a hindrance to fish passage, the owner shall be responsible for obtaining a HPA and providing prompt repair.

(h) The culvert shall be installed in the dry or in isolation from the stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area. Exception may be granted if siltation or turbidity is reduced by installing the culvert in the flowing stream. The bypass reach shall be limited to the minimum distance necessary to complete the project. Fish stranded in the bypass reach shall be safely removed to the flowing stream.

(i) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

PERMANENT

Table 1

Fish Passage Design Criteria for Culvert Installation

Criteria	Adult Trout	Adult Pink, Chum Salmon	Adult Chinook, Coho, Sockeye, Steelhead
	>6 in.(150mm)		
1. Velocity, Maximum (fps)			
Culvert Length (ft)			
a. 10 - 60	4.0	5.0	6.0
b. 60 - 100	4.0	4.0	5.0
c. 100 - 200	3.0	3.0	4.0
d. >200	2.0	2.0	3.0

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-080 Channel change~~((Temporary and permanent))~~/ realignment. Channel changes/realignments are generally discouraged, and shall only be approved where the applicant can demonstrate benefits or lack of adverse impact to fish life. Channel change/realignment projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ~~((may))~~ shall apply to channel change~~((Temporary))~~ and ~~((permanent))~~ channel realignment projects:
When approved, a channel change may occur provided:

(1) Permanent new channels shall, at a minimum, be similar in length, width, depth, floodplain configuration, and gradient, ~~((and meander configuration))~~ as the old channel. The new channel shall incorporate fish habitat components, bed materials, meander configuration, and native or other approved vegetation equivalent to or greater than that which previously existed in the old channel.

~~((2))~~ The new channel shall provide fish habitat similar to that which previously existed in the old channel.

~~((3))~~ During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel.

~~((4))~~ (3) Before water is diverted into a permanent new channel, the applicant shall complete the following actions:

(a) Approved fish habitat components, bed materials and bank protection to prevent erosion shall be in place.

(b) Approved fish habitat components shall be installed according to an approved design to withstand the 100-year peak flows.

(4) All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(5) Diversion of flow into a new channel shall be accomplished by: (a) First removing the downstream plug; (b) removing the upstream plug; and (c) closing the upstream end of the old channel.

~~((5))~~ (6) Filling of the old channel shall begin from the upstream closure and the fill material shall be compacted. Water discharging from the fill shall not adversely impact fish life.

~~((6))~~ Before water is diverted into a permanent new channel, the banks shall be armored to prevent erosion.

(7) The angle of the structure used to divert the water into the new channel shall allow a smooth transition of water flow.

~~((8))~~ (After completion of the permanent new channel and filling of the old channel, all unprotected banks shall be revegetated or otherwise protected to prevent erosion.

~~((9))~~ If fish may be ~~((endangered))~~ adversely impacted as a result of this project, the permittee will be required to capture and safely ~~((transport game and))~~ move food fish ~~((from the job site)),~~ game fish or other fish life (at the discretion of the department) to the nearest free-flowing water. The permittee may request the department ~~((of fisheries or department of game))~~ to assist in capturing and safely ~~((transporting game and food))~~ moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-100 Conduit crossing. Conduit crossing projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. An HPA is not required for conduit crossings attached to bridge structures. The following technical provisions ~~((may))~~ shall apply to conduit crossing projects:

(1) Conduit alignment shall be as nearly perpendicular to the watercourse as possible.

(2) The conduit shall be installed at sufficient depth so that subsequent disturbance of the bed of the watercourse is avoided.

(3) If the method used is boring or jacking:

(a) Pits shall be isolated from surface water flow;

(b) ~~((All drainage water removed from the boring or jacking pit shall not adversely impact fish life; and~~

~~((c) Provisions of subsection (4)(a), (b), (c), and (d) of this section shall not apply.))~~ Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(4) If the method used is trench excavation:

(a) Trenches shall be excavated in the dry or shall be isolated from the flowing watercourse by the installation of a cofferdam, culvert, flume, or other approved method;

(b) Plowing, placement, and covering shall occur in a single pass of the equipment;

(c) Disturbance of the bed as a result of the plowing operation shall be ~~((held to a minimum; and~~

~~((d) Provisions of subsection (3)(a), (b), and (c) of this section shall not apply.))~~ limited to the amount necessary to complete the project.

(5) Trenches shall be backfilled with approved materials and the bed shall be returned to preproject condition.

(6) Excess spoils shall be disposed of so as not to reenter the watercourse.

(7) The conduit approach trench shall be isolated from the watercourse until laying of the conduit across the watercourse takes place.

(8) Alteration or disturbance of the banks ~~((or))~~ and bank vegetation shall be ~~((held to a minimum and all denuded))~~ limited to that necessary to construct the project. All disturbed areas shall be ~~((revegetated or otherwise))~~ protected from erosion within seven days of completion of

the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-120 Temporary bypass culvert ~~((or))~~, flume, or channel. Temporary bypass culvert, flume, or channel projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ~~((may))~~ shall apply to temporary bypass culvert ~~((or))~~, flume, or channel projects:

(1) The temporary bypass culvert ~~((or))~~, flume, or channel shall be in place prior to initiation of other work in the wetted perimeter.

(2) A sandbag revetment or similar device shall be installed at the inlet to divert the entire flow through the culvert ~~((or))~~, flume, or channel.

(3) A sandbag revetment or similar device shall be installed at the downstream end of the culvert ~~((or))~~, flume, or channel to prevent backwater from entering the work area.

(4) The culvert ~~((or))~~, flume, or channel shall be of sufficient size to pass flows and debris ~~((occurring during))~~ for the duration of the project.

(5) For diversion of flow into a temporary channel the relevant provisions of WAC 220-110-080 shall apply.

(6) Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

~~((6))~~ (7) Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to preproject conditions.

~~((7))~~ (8) If fish may be ~~((endangered))~~ adversely impacted as a result of this project, the permittee ~~((will))~~ shall be required to capture and safely ~~((transport))~~ move game and food fish and other fish life, (at the discretion of the department), from the job site to the nearest free-flowing water. The permittee may request the department ~~((of fisheries or department of game))~~ to assist in capturing and safely ~~((transporting game and food))~~ moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

(9) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis.

The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-130 Dredging in freshwater areas. Dredging projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ~~((may))~~ shall apply to dredging projects:

(1) Dredging shall not be conducted in fish spawning areas unless it is designed to create or improve the access or quality of fish spawning areas.

(2) During the dredging of a lake or pond, a boom or similar device ~~((shall))~~ may be ~~((installed))~~ required to contain floatable materials.

(3) Dredged bed materials shall be disposed of at ~~((department of natural resources open water))~~ approved in-water disposal sites or upland ~~((sites approved by the departments))~~ so as not to reenter state waters. The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or capping of contaminated sediments.

(4) Dredging shall be conducted with dredge types and methods that cause the ~~((lowest mortality on))~~ least adverse impact to fish ~~((ife))~~ and shellfish and their habitat.

(5) ~~((Dredging shall stop when distressed or dead fish are observed in the work area. The departments shall be notified immediately.))~~ If at any time, fish are observed in distress, a fish kill occurs, or water quality problems develop as a result of dredging, operations shall cease immediately and the department shall be immediately contacted.

(6) ~~((If a))~~ An hydraulic dredge ~~((is used, it))~~ shall only be operated with the intake ~~((on))~~ at or below the surface of the material being removed. ~~((Reverse purging of the intake line shall be held to a minimum.))~~ The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(7) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged material shall not be stockpiled ~~((in))~~ waterward of the ordinary high water line.

(8) Upon completion of the dredging, the ~~((water-course))~~ bed shall not contain pits, potholes, or large depressions to avoid stranding of fish.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-140 Gravel removal. Gravel removal projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ~~((may))~~ shall apply to gravel removal projects:

(1) Gravel removal from a watercourse shall be limited to removal from exposed bars and shall not result in a lowering, over time, of the average channel cross-section profile through the project area or downstream. Additional removal of bed material, including removal from wetted

portions of the channel, may be authorized where the project is an integral part of a comprehensive flood control plan approved by the department.

(2) An "excavation line" shall be established. "Excavation line" means a line on the dry bed, at or parallel to the water's edge (~~(+ two feet vertically above the existing water level, unless otherwise stated, and)~~), the distance from the water's edge to be determined by the department on a site-specific basis. The excavation line may change(~~(s)~~) with water level fluctuations.

~~((2) Bed material shall not be removed from the water side of the excavation line.~~

~~(3) Excavation shall begin at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.~~

~~(4) The maximum distance of excavation toward the bank from the excavation line shall be approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.~~

~~(5) The excavation zone shall be identified by boundary markers.~~

~~(6) A minimum two percent gradient upward from the excavation line shall be maintained in the excavation zone.~~

~~(7) At the end of each days' operation the excavation zone shall not contain pits or potholes.~~

~~(8) Excavated materials shall not be stockpiled or spoiled within the ordinary high water line.~~

~~(9) Equipment shall not enter the wetted perimeter of the watercourse.~~

~~(10) Debris in the excavation zone shall be disposed of so as not to reenter the watercourse.~~

~~(11) Gravel washing or crushing operations shall not take place below the ordinary high water line.)) (3) An "excavation zone" shall be defined as the area between the "excavation line" and the bank or the center of the bar. The "excavation zone" shall be identified by boundary markers placed by the applicant and approved by the department prior to the commencement of gravel removal.~~

~~(4) Excavation shall begin at the excavation line and proceed toward the bank or the center of the bar, perpendicular to the alignment of the watercourse.~~

~~(5) Bed material shall not be removed from the water side of the excavation line.~~

~~(6) Equipment shall not enter or operate within the wetted perimeter of the watercourse.~~

~~(7) Gravel may be removed within the excavation zone from a point beginning at the excavation line and progressing upward toward the bank or the center of the bar on a minimum two percent gradient. It may be necessary to survey the excavation zone upon completion of the gravel removal operation to ensure the two percent gradient is maintained and that no depressions exist. When required the survey shall be made at the applicant's expense.~~

~~(8) Preproject and postproject channel cross-section surveys shall be required for gravel removal projects for commercial purposes, and may be required as part of a comprehensive flood control plan approved by the department. The cross-sections shall be referenced vertically to a permanent bench mark and horizontally to a permanent base line, and shall be done perpendicular to the high flow channel every one hundred feet through the project area and at cross-sections upstream and downstream at adjacent~~

~~channel riffles. The preproject survey information shall be submitted to the department at the time of application for HPA, and the postproject survey shall be submitted to the department within ninety days of completion of removal of gravel or the expiration date of the HPA, whichever occurs first.~~

~~(9) At the end of each work day the excavation zone shall not contain pits, or potholes, or depressions that may trap fish as a result of fluctuation in water levels.~~

~~(10) Stockpiling of material waterward of the ordinary high water line, after the initial bed disturbance, shall be limited to avoid impacts to fish life. If stockpiling is approved waterward of the ordinary high water line, the material shall be completely removed prior to the onset of fish spawning in the vicinity or the typical onset of increasing stream flows. Timing restrictions shall be determined on a site-specific basis. If the water level rises and makes contact with stockpiles, further operation of equipment or removal of the stockpiles shall not proceed unless authorized under a separate HPA issued by the department.~~

~~(11) The upstream end of the gravel bar shall be left undisturbed to maintain watercourse stability waterward of the ordinary high water line.~~

~~(12) Large woody material shall be retained waterward of the ordinary high water line and repositioned within the watercourse. Other debris shall be disposed of so as not to reenter the watercourse.~~

~~(13) Gravel washing or crushing operations shall not take place waterward of the ordinary high water line.~~

~~(14) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to access the excavation zone. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.~~

~~(15) Equipment shall be inspected, cleaned, and maintained to prevent loss of petroleum products waterward of the ordinary high water line.~~

~~(16) The department shall be notified at least five working days before the start of actual gravel removal, and upon project completion to allow for compliance inspection.~~

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-150 ((Log and log jam removal))
Large woody material removal or repositioning. Large woody material removal or repositioning projects shall incorporate mitigation measures as necessary to achieve non-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ((may)) shall apply to ((log and log jam projects)) large woody material removal or repositioning:

~~(1) (Logs or log jams shall be removed by yarding from the bank.~~

~~(2) Where logs are to be yarded up a bank, skid logs or similar methods shall be used to prevent bank damage.~~

~~(3) Upon completion of the yarding operation skid logs shall be removed and the bank restored to preproject condition.~~

~~(4) Material associated with the log or debris jam shall be removed and disposed of so as not to reenter the watercourse.~~

~~(5) Logs embedded in a bank or bed shall be cut off at the bank or bed line.~~

~~(6) Log or debris jam removal shall be accomplished in a manner which prevents the release of logs or debris downstream.~~

~~(7) Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the water.) Large woody material removal from watercourses shall only be approved where necessary to address safety considerations, or its removal would not diminish the fish habitat quality of the watercourse. The department may approve the repositioning of large woody material within the watercourse to protect life and property or as needed to conduct a hydraulic project. Repositioned large woody material shall be placed or anchored to provide stable, functional fish habitat.~~

(2) Large woody material removal shall be conducted by equipment stationed on the bank, bridge, or other approved structure.

(3) Unless otherwise authorized, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Yarding corridors or full suspension shall be required to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

(4) Where large woody material cannot be suspended above the bed and banks, skid logs or similar methods shall be used to avoid bank damage. Upon completion of the yarding operation, skid logs shall be removed in a manner that avoids damage to streambanks and vegetation, and the bank shall be restored to preproject condition.

(5) Smaller limb and bark debris associated with the large woody material shall be removed and disposed of so as not to reenter the watercourse.

(6) Large woody material embedded in a bank or bed shall be left undisturbed and intact except where authorized for removal.

(7) Large woody material removal or repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

(8) Depressions created in gravel bars shall be filled, smoothed over, and sloped upwards toward the bank on a minimum two percent gradient.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-160 ((Logging)) Felling and yarding of timber. The following technical provisions ((may)) shall apply to ((logging projects)) any felling and yarding of timber for which an HPA is required (see WAC 220-110-020). Timber felling and yarding projects requiring an HPA

shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

(1) Trees shall not be felled into or across a watercourse, with identifiable bed or banks, except where authorized in special provisions of an HPA.

(2) Trees or logs which enter a watercourse, with identifiable bed or banks, during felling or yarding shall remain where they enter unless parts or all of the trees or logs are specifically authorized to be removed.

(3) Logs transported across a watercourse, with identifiable bed or banks, shall be suspended so no portion of the logs or limbs can enter the watercourse or damage the bed and banks. Yarding corridors or full suspension shall be required to prevent damage to riparian vegetation.

~~((3) Debris resulting from the project shall be removed from the bed during the operation and before removal of equipment from the site. Debris removal shall be accomplished so the watercourse, bed or banks are not disturbed.)~~

(4) Cable tailholds may be placed over watercourses, with identifiable bed or banks, provided the number of yarding roads is kept to a minimum. When changing roads, the cable shall be moved around or over the riparian vegetation to avoid damage to the vegetation.

(5) If limbs or other small debris enter the watercourse, with identifiable bed or banks, as a result of felling and yarding of timber, they shall be removed concurrently with each change in yarding road or within seventy-two hours after entry into the watercourse and placed outside the 50-year flood plain. Limbs or other small debris shall be removed from dry watercourses prior to the normal onset of high flows. Large woody material which was in place prior to felling and yarding of timber shall not be disturbed.

(6) Precautions shall be taken to minimize the release of sediment to waters downstream from the felling or yarding activity. Sediment control devices, including, but not limited to, straw bales and filter fabric check dams, shall be used as necessary to avoid the release of sediment downstream. Accumulated sediment shall be removed from above check dams prior to their removal. The requirement to provide sediment control may be waived where adequate protection is provided through seasonal restriction of operations.

(7) There shall be no skidding or ground lead yarding or equipment operation within flowing waters in channels with defined bed or banks.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-170 Outfall structures. Outfall structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Additional restrictions may apply to outfall structures associated with storm water management projects (see WAC 220-110-225). The following technical provisions ((may)) shall apply to outfall structure projects:

(1) The outfall structure shall be ((designed and)) constructed according to an approved design to prevent the entry of fish, except where fish passage could enhance fish life or habitat.

(2) The watercourse bank and bed at the point of discharge shall be armored to prevent scouring.

(3) Excavation for placement of the structure or armor-ing materials shall be isolated from the wetted perimeter.

(4) Alteration or disturbance of banks ~~((or))~~ and bank vegetation shall be ~~((held to a minimum, and))~~ limited to that necessary to construct the project. All disturbed areas shall be ~~((revegetated or otherwise protected from erosion))~~ protected from erosion within seven days of completion of the project using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(5) Structures containing concrete ~~((or wood preserva-tives))~~ shall be sufficiently cured prior to contact with water ~~((encroachment))~~, to avoid leaching.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-180 Pond construction. Pond construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ~~((may))~~ shall apply to pond construction projects connected to a watercourse:

(1) Ponds shall not be constructed within the water-course.

(2) Ponds shall be designed ~~((and))~~, constructed, and screened to prevent the entry of fish unless the pond will provide beneficial habitat, as determined by the department, in which case free and unrestricted access shall be provided.

(3) ~~((Flow from the))~~ Pond ~~((to the watercourse))~~ return flow shall be ~~((by gravity. Pond return flow shall be located near the inlet))~~ located to minimize the length of the bypass reach unless the bypass reach is intended to enhance fish life or habitat.

(4) ~~((Initial filling of the pond shall occur during a high flow period. Fifty percent of the flow shall be maintained within the watercourse during initial filling of the pond.))~~ Pond construction activities involving diversion of state waters shall be dependent upon first obtaining a water right. This requirement does not apply to construction of storm water pond facilities landward of the ordinary high water line.

(5) The work area shall be isolated from the watercourse during construction of the pond, the diversion system, and the return flow system.

(6) Prior to the initial filling, all disturbed ~~((banks shall be revegetated or otherwise protected to prevent erosion))~~ areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native

or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(7) Ponds shall be designed and constructed so the outflow temperature is not harmful to fish life.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-190 Water diversions. A written HPA is not required for emergency water diversions during emergency fire response. The department shall be notified prior to the diversion, when possible. When prior notification is not possible, the department shall be notified within twenty-four hours of the diversion. The hydraulic code cannot be used to limit the amount or timing of water diverted under a water right. However, construction of structures or placement of devices or other work within waters of the state which will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, or that will utilize any of the waters of the state in order to divert water pursuant to a water right, requires an HPA. Regulation of water flow from a permanent irrigation structure by operating valves, or manipulating stop logs, check boards or head boards, does not require an HPA. Any hydraulic project activity related to a change in the manner or location of water diversion will require an HPA modification.

Persons who have gravel berm dams as the method of diversion permitted by the department prior to January 1994 shall be allowed to continue to do so consistent with the provisions of an HPA. The department can, however, condition the approval of gravel berms.

Construction or maintenance of fish screens or guards requiring use of equipment requires a written HPA. Installation of suction hoses or cleaning, adjusting, operating, and maintaining existing irrigation or stock water diversion structures including intakes or screens without the use of equipment, may be accomplished without first securing a written HPA. For these activities, compliance with the provisions of the latest edition of the Irrigation and Fish pamphlet issued by the department is required. The pamphlet shall be on-site and serve as the HPA. If a fish kill occurs or fish are observed in distress, the project activity shall cease and the department shall be notified immediately.

The following technical provisions ~~((may))~~ shall apply to water diversions:

(1) Gravel berm dams shall be constructed of gravels available on site waterward of the ordinary high water line, or of clean round gravel transported to the site. Bed disturbance shall be limited to the minimum necessary to achieve the provisions of the water right. No dirt from outside the ordinary high water line shall be used to seal ~~((them))~~ the dam and no logs or woody ~~((debris presently in the river))~~ material waterward of the ordinary high water line

may be utilized for ~~((their))~~ construction of the dam, unless specifically authorized.

(2) Logs and large woody ~~((debris))~~ material may be ~~((removed from the river or stream only))~~ relocated waterward of the ordinary high water line, if they block water flow into the ditch or inhibit construction.

(3) As long as the applicant or permittee can divert enough water to satisfy the water right, the ~~((gravel berm))~~ diversion dam shall be constructed so that it does not hinder upstream and downstream adult and juvenile fish passage. If passage problems develop, department ~~((of fisheries or department of game))~~ personnel may, after consultation, require modification of the gravel berm dam.

(4) At pump stations, screens and headgate areas, a backhoe or suction dredge may be used to remove accumulated silts and gravel from the pumping sump. Material removed shall be placed so it will not ~~((be washed back into the river))~~ reenter state waters.

(5) ~~((A diversion))~~ Any device used for ~~((conducting))~~ diverting water from a ~~((lake, river, stream or other watercourse for any purpose))~~ fish bearing watercourse shall be equipped with a fish guard ~~((screen))~~ approved by the department of fisheries to prevent passage of fish into the diversion device pursuant to RCW 75.20.040 and ~~((the department of game pursuant to RCW))~~ 77.16.220 ~~((to prevent the passage of fish into the diversion device)).~~

(6) Diversion canals shall be maintained (sediment and debris removal) to provide maximum hydraulic gradient in the diversion canal in order to minimize the need for work within the natural watercourse.

(7) The exercise of project activity associated with diversion of state waters shall be dependent upon first obtaining a water right.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-200 Mineral prospecting (panning). A copy of the current *Gold and Fish Pamphlet* available from the department shall be on the job site at all times and shall serve as an HPA. The following technical provisions ~~((may))~~ are found in the pamphlet and apply to mineral prospecting (panning) projects:

(1) Gold pans, mini-rocker boxes, and nonmotorized sluice boxes are allowed. The riffle area of the sluice box ~~((size))~~ shall not exceed one-foot ~~((width))~~ wide by ~~((three-foot length in the riffle area))~~ three feet long, and shall not ~~((to))~~ exceed fifty percent of the width of the wetted perimeter of the stream.

(2) All work ~~((will))~~ shall be performed by hand or with hand-held tools only.

(3) There shall be no disturbance of graveled spawning areas.

(4) There shall be no streambank excavation.

(5) There shall be no disturbance of rooted or embedded woody plants (trees, shrubs, etc.) waterward of the ordinary high water line.

(6) Materials too large to be moved by hand ~~((will))~~ or hand-held tools shall not be disturbed.

(7) There shall be no damming of the flowing stream.

(8) All pits, furrows, potholes and diversions ~~((must))~~ shall be filled, leveled, or removed prior to leaving the project site, to prevent fish entrapment.

(9) No motorized, tracked, or wheeled vehicles ~~((will))~~ shall be allowed within the wetted perimeter of the stream.

(10) ~~((Any))~~ Siltation ~~((in excess of state water quality standards resulting from this project may be considered))~~ resulting from this project, which the department considers damaging to fish life, ~~((causing))~~ may cause operations to be terminated and the HPA cancelled.

(11) This HPA does not authorize entry onto private property or removal of minerals from an existing mining claim ~~((is not authorized))~~ on federal property or on property covered under mineral prospecting leases or mining contracts issued by the department of natural resources. It is the applicant's responsibility to contact the bureau of land management or department of natural resources to determine if a claim, prospecting lease, or mining contract has been issued. ~~((The department of natural resources or bureau of land management should be contacted regarding this.~~

(12) A copy of the current *Gold and Fish Pamphlet* shall be on the job site at all times and shall serve as a formal approval.) The office of state historic preservation should be contacted to determine if there are any restrictions regarding culturally sensitive areas in the vicinity.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-210 Mineral prospecting (sluicing). An individual written HPA will be required for all mineral prospecting (sluicing) projects. A copy of the HPA and current *Gold and Fish Pamphlet* available from the department shall be on the job site at all times. The following technical provisions ~~((may))~~ shall apply to mineral prospecting (sluicing) projects:

(1) ~~((Nonmotorized))~~ Motorized sluice boxes are ~~((allowed. Sluice boxes))~~ prohibited. The riffle area of the nonmotorized sluice box shall not be wider than two feet ~~((in the riffle area))~~ and shall not ~~((to))~~ exceed fifty percent of the wetted perimeter of the stream.

(2) Suction removal of aggregate from sluice or sluice tailings may be performed by a suction device powered by an engine of not more than 3 HP with a maximum intake nozzle size of 1.5 inches.

(3) There shall be no ~~((stream bank))~~ streambank excavation.

(4) There shall be no disturbance of graveled spawning areas.

(5) All excavations shall be performed by hand or with hand-held tools only.

(6) Materials too large to be moved by hand or hand-held tools shall not be disturbed.

(7) Diversion of the flowing stream shall be restricted to only that necessary to direct water into a sluice box.

(8) There shall be no damming of the flowing stream.

(9) All pits, furrows, and potholes and diversions ~~((must))~~ shall be filled, leveled, or removed prior to leaving the project site, to prevent fish entrapment.

(10) No motorized, tracked, or wheeled vehicles shall be allowed within the wetted perimeter of the stream.

(11) ~~((Any siltation in excess of state water quality standards resulting from this project may be considered))~~ Siltation resulting from this project, which the department considers damaging to fish life, ((causing)) may cause operations to be terminated and the ((hydraulics project approval)) HPA cancelled.

(12) This ~~((approval))~~ HPA does not authorize entry onto private property or removal of minerals from an existing mining claim on federal property or on property covered under mineral prospecting leases or mining contracts issued by the department of natural resources. It is the applicant's responsibility to contact the bureau of land management or department of natural resources to determine if a claim, prospecting lease, or mining contract has been issued. ((The department of natural resources or bureau of land management should be contacted regarding this.)) The office of state historic preservation should be contacted to determine if there are any restrictions regarding culturally sensitive areas in the vicinity.

(13) ~~((A copy of the current Gold and Fish Pamphlet shall be on the job site at all times.~~

~~(14))~~ There shall be no disturbance of rooted or imbedded woody plants (trees, shrubs, etc.) waterward of the ordinary high water line.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-220 Mineral prospecting (dredging). An individual written HPA will be required for all mineral prospecting (dredging) projects. A copy of the HPA and current Gold and Fish Pamphlet available from the department shall be on the job site at all times. The following technical provisions ~~((may))~~ shall apply to mineral prospecting (dredging) projects:

(1) This ~~((approval))~~ HPA authorizes the use of a suction dredge having a nozzle intake size not to exceed that allowed in the stream listing section of the current Gold and Fish Pamphlet for the area in which it is operated. A copy of the current Gold and Fish Pamphlet available from the department shall be on the job site at all times.

(2) There shall be no hydraulicing (jet or nozzle) outside of the wetted perimeter.

(3) There shall be no streambank excavation.

(4) There shall be no disturbance of rooted or embedded woody plants (trees, shrubs, etc.) waterward of the ordinary high water line.

(5) There shall be no disturbance of graveled spawning areas.

(6) All pits, furrows, and potholes ~~((must))~~ shall be filled or leveled prior to leaving the project site, to prevent fish entrapment.

(7) Damming or diversion of the stream shall be allowed, only to the extent necessary to operate a dredge~~((;))~~. The dam shall not restrict more than fifty percent of the natural flow and shall be removed prior to leaving the site.

(8) No motorized, tracked, or wheeled vehicles shall be allowed within the wetted perimeter of the stream.

(9) Motorized tools shall not be used to move materials offering fish cover (boulders, logs, stumps, etc.) ~~((too large to be moved by hand))~~.

(10) Stable log and woody debris jams shall not be disturbed.

(11) ~~((Extreme care shall be taken to assure that))~~ No petroleum products or other deleterious material ((is allowed to fall, be wasted into, or otherwise deposited so as to)) shall enter surface waters.

(12) ~~((Any))~~ Siltation ((in excess of state water quality standards)) resulting from this project ((may be considered)) which the department considers damaging to fish life, ((causing)) may cause operations to be terminated and the ((hydraulic project approval)) HPA cancelled.

(13) This ~~((approval))~~ HPA does not authorize entry onto private property or removal of minerals from an existing mining claim on federal property or on property covered under mineral prospecting leases or mining contracts issued by the department of natural resources. It is the applicant's responsibility to contact the bureau of land management or department of natural resources to determine if a claim, prospecting lease, or mining contract has been issued. ~~((The department of natural resources or the bureau of land management should be contacted regarding this.~~

~~(14) A copy of the current Gold and Fish Pamphlet shall be on the job site at all times.))~~ The office of state historic preservation should be contacted to determine if there are any restrictions regarding culturally sensitive areas in the vicinity.

NEW SECTION

WAC 220-110-223 Freshwater lake bulkheads. Bio-engineering is the preferred method of bank protection where practicable. Freshwater lake bulkhead projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to freshwater bulkhead projects:

(1) The toe of the bulkhead shall be placed landward of the ordinary high water line.

(2) Rock used for the bulkhead construction shall be composed of clean, angular material of a sufficient size to prevent its being washed away by high water or wave action.

(3) Material that is waterward of the ordinary high water line shall not be utilized for backfill.

(4) Excavated or dredged material shall not be stock-piled waterward of the ordinary high water line.

(5) All trenches, depressions, or holes created within the ordinary high water line shall be backfilled prior to inundation by high water or wave action.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

NEW SECTION

WAC 220-110-224 Freshwater boat hoists, ramps, and launches. The installation and operation of portable boat hoists in lakes does not require a HPA, provided:

1. Equipment is not operated below the ordinary high water line during installation;

2. The hoist is not installed at the mouth of any water-course; and

3. Dredging, filling, or pile driving is not conducted as part of the project. Freshwater boat hoist, ramp, and launch projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

The following technical provisions shall apply to boat ramps and launches in freshwater areas.

(1) Structures containing concrete shall be sufficiently cured to prevent leaching prior to contact with water.

(2) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

(3) Overburden material resulting from this project shall be deposited so as not to reenter the water.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-230 Saltwater technical provisions. WAC 220-110-240 through 220-110-330 set forth technical provisions that ~~((typically)) shall apply~~ ~~(, and additional definitions applicable))~~ to saltwater hydraulic projects. Certain technical provisions ~~((may)) shall~~ be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included, as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-240 Tidal reference areas. Tidal reference areas are defined as follows:

(1) Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and Hammersley Inlet westerly of a line projected from Hungerford Point to Arcadia.

(2) Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head. This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.

(3) Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and northerly of a line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.

(4) Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island.

(5) Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound. This area includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.

(6) Tidal Reference Area 6 (Edmonds): All saltwater areas northerly of a line projected true east from Point

Jefferson at 47° 15' N. latitude across Puget Sound and southerly of a line projected true east from Possession Point to Chenault Beach and from Foulweather Bluff to Double Bluff.

(7) Tidal Reference Area 7 (Everett): All saltwater areas northerly of a line projected true east from Possession Point to Chenault Beach, easterly of a line projected 5° true from East Point to Lowell Point, and southerly of the Stanwood to Camano Island Highway. This area includes Port Gardner, Port Susan, and parts of Possession Sound and Saratoga Passage.

(8) Tidal Reference Area 8 (Yokeko Point): All saltwater area westerly and northerly of a line projected 5° true from East Point to Lowell Point, north of the Stanwood to Camano Island Highway, and easterly and southerly of Deception Pass Bridge and the Swinomish Channel Bridge on State Highway 536. This area includes Holmes Harbor, Saratoga Passage, Skagit Bay, Similk Bay, and most of the Swinomish Channel.

(9) Tidal Reference Area 9 (Blaine): All saltwater area in Skagit County and Whatcom County that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and northerly of Deception Pass Bridge.

(10) Tidal Reference Area 10 (Port Townsend): All saltwater area of Puget Sound as defined in WAC 220-16-210 except Hood Canal south of a line projected from Tala Point to Foulweather Bluff, and except all waters defined in Tidal Reference Areas 1 through 9. Area 10 includes waters of the San Juan Islands, Admiralty Inlet, the Strait of Juan de Fuca, and associated bays and inlets.

(11) Tidal Reference Area 11 (Union): All saltwater area of Hood Canal southerly and easterly of a line projected from Lilliwaup Bay to Dewatto Bay.

(12) Tidal Reference Area 12 (Seabeck): All saltwater areas of Hood Canal northerly of a line projected from Lilliwaup Bay to Dewatto Bay and southerly of a line projected true east from Hazel Point. This area includes Dabob Bay and Quilcene Bay.

(13) Tidal Reference Area 13 (Bangor): All saltwater area of Hood Canal northerly of a line projected true east from Hazel Point and south of a line projected from Tala Point to Foulweather Bluff. This area includes Port Gamble.

(14) Tidal Reference Area 14 (Ocean Beaches): All saltwater area between Cape Flattery and the Oregon border at the mouth of the Columbia River, excluding Grays Harbor and Willapa Bay.

(15) Tidal Reference Area 15 (Westport): All saltwater area in Grays Harbor easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty, and westerly of 123° 59' W. longitude.

(16) Tidal Reference Area 16 (Aberdeen): All saltwater area in Grays Harbor easterly of 123° 59' W. longitude and westerly of the Union Pacific railroad bridge across the Chehalis River.

(17) Tidal Reference Area 17 (Willapa Bay): All saltwater area in Willapa Bay easterly of a line projected from Leadbetter Point to Cape Shoalwater Light.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)**WAC 220-110-250 ((Surf smelt spawning beds))
Saltwater habitats of special concern. ((Surf smelt spawning beds are defined as follows:**

(1) All beds within Tidal Reference Area 2 between +9.0 feet and +14.0 feet above MLLW in:

(a) Totten Inlet westerly and southerly of a line projected from Windy Point to Gallagher Cove, except Skookum Inlet westerly of a line projected true north from the entrance to Wildcat Cove, and except that part of Oyster Bay westerly of a line projected true south from the Olympia Oyster Company plant;

(b) Eld Inlet from Flapjack Point southerly to Rocky Point, and from Cooper Point south to the line of 47° 3' 36" N. latitude;

(c) Budd Inlet from Cooper Point south to 47° 4' 6" N. latitude, and from Dofflemyer Point south to 47° 3' 48" N. latitude;

(d) Henderson Inlet from Johnson Point southerly to 47° 7' N. latitude; and

(e) Case Inlet (North Bay) from the mouth of Sherwood Creek north to a point 1/4 mile north of the city of Tacoma's Lake Cushman transmission line.

(2) All beds within Tidal Reference Area 4 between +7.0 feet and +11.5 feet above MLLW in Quartermaster Harbor north of a line projected true west from the northern tip of Doekton.

(3) All beds within Tidal Reference Area 5 between +7.0 feet and +11.0 feet above MLLW in:

(a) Sinclair Inlet from the west city limits of Port Orchard west to 122° 40' W. longitude;

(b) Liberty Bay northerly of a line projected from Bolin Point westerly to the southern property line of the United States Naval Facility;

(c) Dyes Inlet from Silverdale south to Chico;

(d) Dyes Inlet along the west shore of Marine Drive Peninsula from its northern terminus south to a point 300 feet south of Madrona Point;

(e) Dyes Inlet along the west shore of Madrona Point from the southern boundary of Section 9 north a distance of 600 feet; and

(f) Dyes Inlet along the southern shore of Elwood Point Peninsula.

(4) All beds within Tidal Reference Area 7 between +7.0 feet and +11.0 feet above MLLW in Port Susan from the entrance to Triangle Cove south to Camano Country Club.

(5) All beds within Tidal Reference Area 8 between +7.0 feet and +11.0 feet above MLLW in:

(a) Saratoga Passage from Onamac Point northerly to Rocky Point, then easterly to Brown Point in Skagit Bay;

(b) Skagit Bay from the mouth of Dugalla Bay southeasterly for about 2 miles to 48° 19' 54" N. latitude;

(c) Saratoga Passage from Muellers Park in Penn Cove easterly and southerly to a point on Whidbey Island determined by projecting a line true west from Onamac Point;

(d) Penn Cove from San de Fuca to Penn Cove Park;

(e) Oak Harbor from the boat ramp to Blowers Bluff; and

(f) Crescent Harbor adjacent to the United States Naval Air Station property.

(6) All beds within Tidal Reference Area 9 between +6.0 feet and +8.5 feet above MLLW in:

(a) Fidalgo Bay along the north side of Weaverling Spit;

(b) Fidalgo Bay from the tip of Crandall Spit northerly and easterly to the east side of March Point; and

(c) Along the east shore of Fidalgo Bay between a point 1350 feet south of Fidalgo and a point 3900 feet north of Fidalgo.

(7) All beds within Tidal Reference Area 10 between +5.5 feet and +8.0 feet above MLLW in:

(a) Kilisut Harbor (Seow Bay) south of a line projected true west from the mouth of Mystery Bay;

(b) Dungeness Harbor from "Gun Club Spit" at Old Town westerly to the boundary of the Dungeness Wildlife Refuge at the base of Dungeness Spit;

(c) The Strait of Juan de Fuca from 300 yards east of the mouth of East Twin River westerly to 300 yards west of the mouth of West Twin River; and

(d) The Strait of Juan de Fuca at the mouth of Deep Creek and easterly for 1,400 yards.

(8) All beds within Tidal Reference Area 11 between +7.0 feet and +11.5 feet above MLLW in Hood Canal east of a line projected true south from the west side of the Tahuya River and west of a line projected from Rose Point to the mouth of Little Mission Creek.

(9) All beach area within Tidal Reference Area 14 below +9.0 feet above MLLW from Cape Johnson south to the Quinault Indian Reservation.)) In the following saltwater habitats of special concern, or areas in close proximity with similar bed materials, specific restrictions regarding project type, design, location, and timing may apply as referenced in WAC 220-110-270 through 220-110-330. The location of such habitats may be determined by a site visit. In addition, the department may consider all available information regarding the location of the following habitats of special concern.

(1) Information concerning the location of the following saltwater habitats of special concern is available on request to the habitat management division of the department of fish and wildlife. These habitats of special concern may occur in the following types of areas:

(a) Surf smelt (*Hypomesus pretiosus*) spawning beds are located in the upper beach area in saltwater areas containing sand and/or gravel bed materials.

(b) Pacific sand lance (*Ammodytes hexapterus*) spawning beds are located in the upper beach area in saltwater areas containing sand and/or gravel bed materials.

(c) Rock sole (*Lepidopsetta bilineata*) spawning beds are located in the upper and middle beach area in saltwater areas containing sand and/or gravel bed materials.

(d) Pacific herring (*Clupea harengus pallasi*) spawning beds occur in lower beach areas and shallow subtidal areas in saltwater areas. These beds include eelgrass (*Zostera spp*) and other saltwater vegetation and/or other bed materials such as subtidal worm tubes.

(e) Rockfish (*Sebastes spp*) settlement and nursery areas are located in kelp beds, eelgrass (*Zostera spp*) beds, other saltwater vegetation, and other bed materials.

(f) Lingcod (*Ophiodon elongatus*) settlement and nursery areas are located in beach and subtidal areas with sand,

eelgrass (Zostera spp), subtidal worm tubes, and other bed materials.

(2) Juvenile salmonid (Family salmonidae) migration corridors, and rearing and feeding areas are ubiquitous throughout shallow nearshore saltwater areas of the state.

(3) The following vegetation is found in many saltwater areas and serves essential functions in the developmental life history of fish or shellfish:

(a) Eelgrass (Zostera spp);

(b) Kelp (Order laminariales);

(c) Intertidal wetland vascular plants (except noxious weeds).

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-270 Common saltwater technical provisions. The following technical provisions ((that commonly)) apply to projects in ((the)) saltwater areas ((are as follows:)). Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available.

(1) Use of equipment on the beach area shall be held to a minimum and confined to specific access and work corridors.

(2) ((Beach area)) Bed material, other than material excavated for bulkhead footings or placement of bulkhead base rock, shall not be utilized for project construction or fills. The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or cleanup of contaminated sediments.

(3) ((Fresh concrete shall be cured or covered to prevent leaching, prior to water contact.)) Wet concrete shall be prevented from entering waters of the state. Forms for any concrete structure shall be constructed to prevent leaching of wet concrete. Impervious material shall be placed over any exposed concrete not lined with forms that will come in contact with waters of the state. Forms and impervious material shall remain in place until the concrete is cured.

(4) Beach area depressions created during project activities shall be reshaped to preproject beach level upon project completion. Hydraulic clam harvesters shall comply with those conditions specified in WAC 220-52-018.

(5) No debris or deleterious material shall be disposed of or abandoned waterward of the ordinary high water line except at an approved in-water site.

(6) All debris or deleterious material resulting from construction shall be removed from the beach area or bed and prevented from entering ((state)) waters of the state.

((6)) (7) No petroleum products or other deleterious materials shall enter surface waters.

(8) Project activities shall be conducted to minimize siltation ((of)) of the beach area((s)) and bed.

((7)) (9) All piling, lumber, and other materials treated with ((creosote or other)) preservatives shall be ((dry before use in)) sufficiently cured to minimize leaching into the water or bed.

(10) Wood treated with preservatives, trash, waste, or other deleterious materials shall not be burned below the ordinary high water line. Limited burning of untreated wood or similar material, subject to timing restrictions or other provisions may be allowed.

(11) Project activities shall not degrade water quality to the detriment of fish life.

(12) If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and the department granting the HPA shall be notified immediately.

NEW SECTION

WAC 220-110-271 Prohibited work times in saltwater areas. Work waterward of the ordinary high water line shall be prohibited or conditioned for the following times and areas. These timing restrictions shall be applied to projects in the following saltwater areas except when allowed under subsection (6) of this section or WAC 220-110-285 (Single family residence bulkheads in saltwater areas).

(1) The prohibited times and areas for protection of migrating juvenile salmonids, surf smelt, and Pacific herring spawning beds are listed in the following table:

PROHIBITED TIMES

TIDAL REFERENCE AREA	JUVENILE SALMONID MIGRATION FEEDING AND REARING AREAS	SURF SMELT SPAWNING BEDS	HERRING SPAWNING BEDS
1	March 15 - June 14	—	January 15 - March 31
2	March 15 - June 14	July 1 - March 31	January 15 - March 31
3	March 15 - June 14	October 1 - April 30	January 15 - March 31
4	March 15 - June 14	October 1 - April 14	January 15 - April 14
5	March 15 - June 14	September 1 - March 31 in all areas except Eagle Harbor and Sinclair Inlet Year round in Eagle Harbor and Sinclair Inlet	January 15 - April 30
6	March 15 - June 14	—	—
7	March 15 - June 14	Year round	February 1 - April 14
8	March 15 - June 14	Year round	February 1 - April 14
9	March 15 - June 14	Year round	February 1 - April 14 south of a line running due west from Governor's point February 1 - June 14 north of a line running due west from Governor's point January 15 - April 30
10	March 15 - June 14	Sept. 15 - October 31 in Kilisut Harbor October 15 - January 14 in Dungeness Bay May 1 - August 31 in Twin Rivers and Deep Creek Year round in San Juan Islands	January 15 - April 30
11	March 15 - June 14	September 15 - March 1	January 15 - March 31
12	March 15 - June 14	—	February 15 - April 14
13	March 15 - June 14	October 15 - January 31	January 15 - April 14
14	March 1 - June 14	—	—
15	March 1 - June 14	—	—
16	March 1 - June 14	—	—
17	March 1 - June 14	—	February 1 - March 14

(2) Tidal Reference Areas 1 through 17; October 15 through March 1 for projects in or adjacent to Pacific sand lance spawning beds.

(3) Tidal Reference Areas 1 through 17; December 15 through March 31 for projects in or adjacent to rock sole spawning beds.

(4) Tidal Reference Areas 1 through 17; May 15 through October 14 for projects in or adjacent to lingcod settlement and nursery areas.

(5) Additional timing restrictions may apply for protection of other important species of fish or shellfish or if necessary to protect fish life at a particular site.

(6) If the surf smelt spawning season for the project location is six months or longer, work may be permitted if it commences within forty-eight hours after the location is inspected by a department representative or biologist acceptable to the department and it is determined that no spawning is occurring or has recently occurred. The project may be further conditioned to require completion within a particular time.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-280 Bulkheads and ((associated fills)) bank protection in saltwater areas (nonsingle family residence). Bulkhead construction and other bank protection projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

The following technical provisions ((commonly)) apply to bulkhead and ((associated fill)) bank protection projects in saltwater areas on nonsingle family residence property. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) ~~((The construction of sloping or vertical bulkheads and the placement of associated fill is restricted to the tidal elevations and time periods provided for in this section.~~

(2) ~~The lowest tidal elevations for the toe of sloping or vertical bulkheads is as follows:~~

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Tidal Reference Area No.	Name	Vertical or Sloping bulkheads adjacent to smelt spawning beds	All other beach areas	
			Vertical bulkhead	Sloping bulkhead
1	Shelton	N/A [‡]	+11.5 ft	+8.0 ft
2	Olympia	+14.0 ft	+11.6	+8.3
3	South Puget Sound	N/A	+10.7	+7.7
4	Tacoma	+11.5	+9.4	+6.9
5	Seattle	+11.0	+9.0	+6.6
6	Edmonds	N/A	+8.9	+6.6
7	Everett	+11.0	+8.8	+6.5
8	Yokeko Point	+11.0	+8.7	+6.5
9	Blaine	+8.5	+7.5	+6.1
10	Port Townsend	+8.0	+6.5	+5.1
11	Union	+11.5	+9.4	+6.9
12	Seabeck	N/A	+9.2	+6.8
13	Bangor	N/A	+8.7	+6.5
14	Ocean Beaches	+9.0	+7.8	+7.8
15	Westport	N/A	+8.3	+4.8
16	Aberdeen	N/A	+9.4	+5.4
17	Willapa Bay	N/A	+9.1	+5.2

[‡] Not applicable because there are no known surf smelt spawning beds.

(3) The faces of bulkheads shall be constructed of permanent material not readily subject to erosion.

(4) Sloping bulkheads shall have a slope not steeper than 1.5 feet horizontal to 1 foot vertical.

(5) Bulkheads shall be constructed only during periods of low tide.

(6) Bulkhead forms shall be constructed so that leaching of concrete is minimized. Exposed concrete shall be covered or cured prior to water contact.

(7) Bulkhead construction is restricted to the following time periods:

(a) Tidal Reference Area 1: June 16 through March 14.

(b) Tidal Reference Area 2: June 16 through March 14 except June 16 through July 20 only adjacent to smelt spawning beds:

(c) Tidal Reference Area 3: June 16 through March 14.

(d) Tidal Reference Area 4: June 16 through March 14, except March 1 through March 14 and June 16 through September 30 adjacent to smelt spawning beds:

(e) Tidal Reference Area 5: June 16 through March 14, except:

(i) March 1 through March 14 and June 16 through August 30 adjacent to Liberty Bay smelt spawning beds; and

(ii) June 16 through October 15 adjacent to smelt spawning beds within Sinclair Inlet and Dyes Inlet.

(f) Tidal Reference Area 6: June 16 through March 14.

(g) Tidal Reference Area 7: June 16 through March 14, except October 16 through March 14 adjacent to smelt spawning beds:

(h) Tidal Reference Area 8: June 16 through March 14, except October 16 through March 14 adjacent to smelt spawning beds:

(i) Tidal Reference Area 9: June 16 through March 14, except June 16 through September 30 adjacent to smelt spawning beds:

(j) Tidal Reference Area 10: June 16 through March 14, except:

(i) June 16 through September 10 and November 10 through March 14 adjacent to smelt spawning beds within Killisut Harbor;

(ii) June 16 through October 15 and January 15 through March 14 adjacent to smelt spawning beds within Dungeness Harbor; and

(iii) September 1 through May 1 adjacent to Smelt spawning beds at Twin Rivers and Deep Creek.

(k) Tidal Reference Area 11: June 16 through March 14, except June 16 through September 10 and February 1 through March 15 adjacent to smelt spawning beds in southern Hood Canal.

(l) Tidal Reference Area 12: June 16 through March 14.

(m) Tidal Reference Area 13: June 16 through March 14.

(n) Tidal Reference Area 14 through 17: January 1 through December 31.) The waterward face of a new bulkhead or other bank protection shall be constructed according to an approved design, utilizing the least impacting type of structure and shall minimize encroachment waterward of the ordinary high water line to protect juvenile salmonid migration corridors and other habitats of special concern.

(2) Replacement or repair of an existing, functioning bulkhead or other bank protection shall utilize the least impacting type of structure and method of construction and shall minimize further waterward encroachment.

(3) The construction of bulkheads and other bank protection is prohibited in eelgrass (*Zostera spp*), Pacific herring spawning beds, and lingcod and rockfish settlement and nursery areas.

(4) The construction of bulkheads and other bank protection shall not result in a permanent loss of surf smelt, Pacific sand lance, or rock sole spawning beds.

(5) Kelp (Order laminariales) or intertidal wetland vascular plants (except noxious weeds) adversely impacted due to construction of bulkheads or other bank protection shall be replaced using proven methodology.

(6) Project activities within the beach area shall not occur when the project area, including the work corridor, is inundated by tidal waters.

(7) Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for construction of the bulkhead or other bank protection.

(8) All natural habitat features on the beach larger than twelve inches in diameter including trees, stumps and logs, and large rocks shall be retained on the beach following construction.

(9) Excavated materials containing silt, clay, or fine grained soil shall not be stockpiled below the ordinary high water line.

(10) When stockpiling of sand, gravel, and other coarse material is allowed below the ordinary high water line, it shall be placed within a designated work corridor waterward of the bulkhead footing or base rock. All excavated or stockpiled material shall be removed from the beach within seventy-two hours of bulkhead construction.

(11) If sand, gravel, and other coarse material is to be temporarily placed where it will come into contact with tidal waters, this material shall be covered with filter fabric and adequately secured to prevent erosion and/or potential entrainment of fish.

(12) All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal

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waters. Trenches excavated for footings or placement of base rock may remain open during construction, however, fish shall be prevented from entering such trenches.

(13) Placement of appropriately sized gravel on the beach area shall be required following construction of bulkheads or other bank protection in identified surf smelt spawning areas.

NEW SECTION

WAC 220-110-285 Single-family residence bulkheads in saltwater areas. Single-family residence bulkheads shall not result in the permanent loss of critical food fish or shellfish habitat.

The following provisions apply to bulkhead projects in saltwater areas on single-family residence property. Except as expressly provided for in this section, construction of single-family residence bulkheads shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Critical food fish and shellfish habitats pertaining to single-family residence bulkheads as identified in RCW 75.20.160 are those habitats that serve an essential function in the developmental life history of fish or shellfish. These habitats include but are not limited to the following:

- (a) Pacific herring, surf smelt, Pacific sand lance, and rock sole spawning beds;
- (b) Intertidal wetland vascular plants (except noxious weeds);
- (c) Eelgrass (*Zostera* spp);
- (d) Kelp (Order laminariales);
- (e) Lingcod settlement and nursery areas;
- (f) Rockfish settlement and nursery areas;
- (g) Juvenile salmonid migration corridors and rearing and feeding areas.

(2) The waterward face of a new bulkhead shall be located at or above the ordinary high water line. Where this is not practicable due to geological, engineering, or safety concerns, the waterward face of the new bulkhead shall be located only as far waterward of the ordinary high water line as necessary to excavate for footings or place base rock for the structure and under no conditions shall the waterward face of the bulkhead be located more than six feet waterward of the ordinary high water line. In addition, the waterward face of any bulkhead shall be located as close to the toe of the bank as possible.

(3) The waterward face of a replacement bulkhead shall be located no further waterward than the face of the existing, functioning bulkhead except where removal of the existing bulkhead would result in environmental degradation (e.g., release of deleterious material) or removal problems due to geological, engineering, or safety concerns. Where removal of an existing bulkhead is not practicable for the above reasons, the replacement or repair bulkhead shall be placed waterward of and directly abutting the existing structure. The least impacting type of structure and method of construction shall be utilized in these instances.

(4) Construction work on a bulkhead project under this section shall be subject to the timing restrictions in WAC 220-110-271 if the department determines that the project may affect a critical food fish or shellfish habitat described above. To determine if a timing constraint is appropriate for

a bulkhead project under this section the department shall consider the particular location of the project and characteristics of habitats that may be affected by the project, and may include an inspection of the project site to evaluate the particular habitats near the project. The timing constraints listed in WAC 220-110-271 shall be imposed only if the department determines in the particular case that the constraint is necessary to protect a critical food fish or shellfish habitat. In addition, the timing constraints under this section shall meet the following requirements:

(a) When a project under this section may affect more than one critical habitat, the department shall apply the more protective timing constraint.

(b) Timing conditions to protect nearshore juvenile salmonid migration, rearing, and feeding areas shall not be required if:

(i) The excavation for footings or placement of base rock is located at or above MHHW and all construction work is conducted from the landward side of the project; or

(ii) The waterward face of the bulkhead and all work areas and corridors, including stockpile areas, but excluding the area occupied by a grounded barge, are at or above MHHW; or

(iii) The waterward face of the bulkhead is at or above MHHW and the bed of the project site does not contain substantial amounts of silt, clay, or fine grained sediments, so long as the project also meets the following conditions:

(A) If the bulkhead is to be constructed of rock, then work shall be limited to daylight hours in a twenty-five-foot wide corridor immediately waterward of the new bulkhead face (excluding the area occupied by a grounded barge) and construction work shall not occur if tidal waters are within thirty feet of the new bulkhead face or within the stockpile area, whichever is greater. The department may permit rock to be stockpiled within fifty feet of the new bulkhead face.

(B) If the bulkhead is to be constructed of concrete, timber, steel, or material other than rock, work shall be limited to daylight hours in a fifteen foot wide corridor immediately waterward of the new bulkhead face (excluding the area occupied by a grounded barge) and construction work shall not occur if tidal waters are within twenty feet of the new bulkhead face.

(c) Timing conditions to protect surf smelt spawning beds shall be imposed if a bulkhead project is located on or where it may affect a surf smelt spawning area and the surf smelt spawning season for that location is less than six months. If the surf smelt spawning season for the project location is six months or longer, then work may be permitted if it commences within forty-eight hours after the location is inspected by a department representative or biologist acceptable to the department and it is determined that no spawn is occurring or has recently occurred. The project may be further conditioned to require completion within a particular time.

(d) When required by the habitat characteristics of a particular case, location, or project, the department may impose appropriate timing constraints to protect a critical habitat pursuant to WAC 220-110-271(5).

(5) Project activities shall not occur when the project area including the work corridor (excluding the area occupied by a grounded barge), is inundated by tidal waters.

(6) Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for construction of the bulkhead.

(7) All natural habitat features on the beach larger than twelve inches in diameter including trees, stumps, logs, and large rocks shall be retained on the beach following construction.

(8) Excavated materials containing silt, clay, or fine grained soil shall not be stockpiled below the ordinary high water line.

(9) When stockpiling of sand, gravel, and other coarse material is allowed below the ordinary high water line, it shall be placed within a designated work corridor waterward of the bulkhead footing or base rock. All excavated or stockpiled material shall be removed from the beach within seventy-two hours of bulkhead construction.

(10) If sand, gravel and other coarse material is to be temporarily placed where it will come into contact with tidal waters, this material shall be covered with filter fabric and adequately secured to prevent erosion and/or potential entrainment of fish.

(11) All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal waters. Trenches excavated for footings or placement of base rock may remain open during construction, however, fish shall be prevented from entering such trenches.

(12) Placement of appropriately sized gravel on the beach area shall be required following construction of bulkheads in identified surf smelt spawning areas.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-290 Saltwater boat ramps and launches. Boat ramp projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ((commonly)) apply to saltwater area boat ramp and launch projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) ~~Railway-type boat launches ((on smelt and herring spawning beds))~~ shall be designed to cause minimal interference with tidal currents and littoral drift.

(2) ~~((The construction of concrete boat launch ramps or the placement of other material for solid))~~ Boat ~~((launch))~~ ramps ~~((is prohibited on))~~ shall be designed and located to avoid adverse impacts to surf smelt, Pacific sand lance, rock sole, and Pacific herring spawning beds, rockfish and lingcod settlement and nursery areas, and eelgrass (*Zostera spp.*).

(3) The side slopes of a boat ((launch sides)) ramp shall be no steeper than 1.5 feet horizontal to ((+)) one foot vertical.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-300 Saltwater piers, pilings, docks, ((and)) floats, rafts, ramps, boathouses, houseboats, and associated moorings. Piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated mooring projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and

shellfish habitat. The following technical provisions ((commonly)) apply to piers, pilings, docks, ((and)) floats ((projects)), rafts, ramps, boathouses, houseboats, and associated moorings in saltwater areas. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) ~~((Pile driving in or adjacent to surf smelt and herring spawning beds is permitted only as follows:~~

Tidal Reference Area	Permitted Times	Smelt spawning beds	Herring spawning beds
1	January 1 December 31	January 1 December 31	January 1 December 31
2	April 1 July 20	April 1 December 31	April 1 December 31
3	January 1 December 31	January 1 December 31	January 1 December 31
4	March 1 October 1	April 1 January 10	April 1 January 10
5	March 1 September 1	March 20 January 20	March 20 January 20
	in Liberty Bay	in Port Orchard	in Port Orchard
	February 15 October 15 in	April 10 February 20 in	April 10 February 20 in
	Sinclair Dyes Inlet	Port Madison	Port Madison
		March 25 January 10 in	March 25 January 10 in
		Dyes Inlet	Dyes Inlet
6	January 1 December 31	January 1 December 31	January 1 December 31
7	October 15 May 15	April 15 February 15	April 15 February 15
8	October 15 May 15	April 10 February 10	April 10 February 10
9	March 15 October 1	June 1 January 31 at	June 1 January 31 at
		Point Roberts	Point Roberts
		June 15 February 10	June 15 February 10
		Blaine Birch Bay, Point	Blaine Birch Bay, Point
		Whitehorn to	Whitehorn to
		Sandy Point, and Hale	Sandy Point, and Hale
		Passage and Portage Bay	Passage and Portage Bay
		April 10 February 20 in	April 10 February 20 in
		Samish Bay	Samish Bay
		April 10 February 10 in	April 10 February 10 in
		Padilla Bay, Fidalgo Bay	Padilla Bay, Fidalgo Bay
10	January 15 October 15	April 15 February 1 West	April 15 February 1 West
	in Dungeness Harbor	Sound, East Sound,	Sound, East Sound,
		Oreas Island	Oreas Island
	November 10 September 10	March 15 January 15	March 15 January 15
	in Kiliut Harbor	Hunter Bay,	Hunter Bay,
		Lopez Island	Lopez Island
	September 1 May 1 at	April 10 January 10	April 10 January 10
	Twin Rivers and	Mosquito Pass, San	Mosquito Pass, San
	Deep Creek	Juan Islands	Juan Islands
		March 20 January 21	March 20 January 21
		New Dungeness Harbor	New Dungeness Harbor
		April 10 February 1,	April 10 February 1,
		Discovery Bay	Discovery Bay
		March 1 January 31	March 1 January 31
		Sequim Bay	Sequim Bay
		March 20 January 31 Port	March 20 January 31 Port
		Townsend, Kiliut	Townsend, Kiliut
		Harbor	Harbor
11	December 1 September 10	March January 15	March January 15
12	January 1 December 31	April 15 February 10	April 15 February 10
13	January 1 December 31	April 1 January 31	April 1 January 31
14	September 1 April 1	January 1 December 31	January 1 December 31
15	January 1 December 31	January 1 December 31	January 1 December 31
16	January 1 December 31	January 1 December 31	January 1 December 31
17	January 1 December 31	March 15 January 15	March 15 January 15

(2) In addition to those limitations listed in WAC 220-110-300(1) pile driving may be further restricted to protect juvenile salmonids or other species of fish.

(3) Floats and rafts shall be located and anchored to prevent grounding on smelt and herring spawning beds during periods of low tides.

(4) Anchoring systems for floating structures shall be designed and deployed so that beds are not damaged.) Floats and rafts shall not ground on surf smelt, Pacific

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herring, Pacific sand lance, and rock sole spawning beds. In all other areas, no more than twenty percent of the float or raft within the beach area shall ground at any time. Those portions of the float or raft that will ground shall be constructed to align parallel to the shore and provide a minimum of eight inches clearance between the beach area and nongrounding portions of the float.

(2) Floats, rafts, and associated anchoring systems shall be designed and deployed so that the bed is not damaged.

(3) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid shading of eelgrass (*Zostera spp.*).

(4) Kelp (Order laminariales) and intertidal wetland vascular plants (except noxious weeds) adversely impacted due to construction of piers, docks, floats, rafts, ramps, boathouses, and houseboats shall be replaced using proven methodology.

(5) Mitigation measures for piers, docks, floats, rafts, ramps, and associated moorings shall include, but are not limited to, restrictions on structure width and/or incorporation of materials that allow adequate light penetration (i.e., grating) for structures located landward of -10.0 feet MLLW.

(6) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid adverse impacts to Pacific herring spawning beds and rockfish and lingcod settlement and nursery areas.

(7) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid adverse impacts to juvenile salmonid migration routes and rearing habitats.

(8) Floatation for the structure shall be fully enclosed and contained to prevent the breakup or loss of the floatation material into the water.

(9) Boathouses and houseboats and covered moorages shall not be located landward of -10.0 feet MLLW.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-310 Utility lines. Utility line projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ((commonly)) apply to utility line projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Timing restrictions for digging trenches in the beach area for the installation of cables, sewer lines, and other utilities ((is)) may be further restricted to ((the same time periods provided for driving piles (WAC 220-110-300) and dredging (WAC 220-110-320))) protect other important fish life.

(2) Excavation of trenches ((in)) within the beach area((s)) shall ((be conducted in the dry during low tide periods)) not occur when the project area is inundated by tidal waters.

(3) Trenches ((in the beach area shall be backfilled expeditiously and all disturbed areas restored to preproject conditions)) excavated for placement of utilities may remain open for limited times during construction, but fish shall be prevented from entering open trenches.

(4) If a fish kill occurs, or fish are observed in distress, excavation activities shall immediately cease and the department shall be notified immediately.

(5) Excavation for and installation of cables, sewer lines, and other utilities shall be conducted with equipment and techniques that minimize adverse impacts to fish and shellfish and their habitats.

(6) Utility lines shall be located to avoid Pacific herring spawning beds, rockfish and lingcod settlement and nursery areas and eelgrass (*Zostera spp.*).

(7) Kelp (Order laminariales) and intertidal wetland vascular plants (except noxious weeds) adversely impacted due to excavation or installation activities shall be replaced using proven methodology.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-320 Dredging in saltwater areas. Dredging projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions ((commonly)) apply to dredging projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) ((Dredging in Tidal Reference Areas 1 through 13 is limited to the period June 16 through March 15.

(2) Dredging in Tidal Reference Area 14 is permitted year-round.

(3) Dredging in Tidal Reference Area 15 in water shallower than the minus twenty (-20.0) foot contour (MLLW = 0.0) is limited to the period May 1 through February 28.

(4) Dredging in Tidal Reference Area 16 in water shallower than the minus twenty (-20.0) foot contour (MLLW = 0.0) is limited to the period June 16 through February 15.

(5) Dredging in Tidal Reference Area 17 in water shallower than the minus twenty (-20.0) foot contour (MLLW = 0.0) is limited to the period May 1 through February 15.

(6) Floatable materials such as debris and piling shall not be disposed of in the water.

(7) Dredging shall stop if distressed or dead fish are observed in the work area, and the departments shall be notified immediately.

(8)) In addition to those timing limitations listed in WAC 220-110-271, dredge timing may be further restricted to protect other important fish life.

(2) If a fish kill occurs or fish are observed in distress, dredging shall immediately cease and the department shall be notified immediately.

(3) A hydraulic dredge shall ((not)) only be operated with the intake ((above)) at or below the surface of the material being removed. The intake ((may)) shall only be raised ((not over 3)) a maximum of three feet above the bed for brief periods of purging or flushing the intake system. ((This provision does not apply to hopper dredges.

(9)) (4) Each pass of a clamshell dredge bucket shall be complete. Stockpiling of dredged material below the ordinary high water line may be prohibited.

(5) Dredging shall be conducted with dredge types and methods that cause the least adverse impact to fish and shellfish and their habitat.

(6) Dredged bed materials shall be disposed of at ~~((department of natural resources deep water)) approved in-water disposal sites or ((approved)) upland ((sites)). The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or cleanup of contaminated sediments.~~

~~((40)) (7) Dredging shall be conducted to a depth not greater than the channel depth at the seaward end. Dredging to depths greater than the channel at the seaward end may be authorized only in berthing areas and turning basins for commercial shipping purposes.~~

~~((41)) (8) Dredging is prohibited ((en)) in herring spawning beds and in rockfish and lingcod settlement and nursery areas.~~

~~((12) Dredging shall be conducted with dredge types that cause the least adverse impact on fish and shellfish and their habitat.) (9) Kelp (Order laminariales) adversely impacted due to dredging shall be replaced using proven methodology.~~

(10) Dredging shall avoid adverse impacts to eelgrass (*Zostera spp.*)

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-330 Marinas in saltwater areas. Marina construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following ~~((policies and))~~ technical provisions ~~((commonly))~~ apply to marina projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-320 except WAC 220-110-285.

(1) The construction of marinas is prohibited on or over Pacific herring spawning beds and lingcod and rockfish settlement and nursery areas.

(2) Marinas shall be designed, located, and constructed to avoid adverse impacts to surf smelt, Pacific sand lance, and rock sole spawning beds, and eelgrass (*Zostera spp.*)

(3) Open-type construction, utilizing floating breakwaters and open pile work, shall be used whenever practicable.

~~((2)) (4) Physical modeling, numerical models, or other information that demonstrates adequate water exchange and circulation may be required.~~

~~((3)) (5) All navigation channels and breaches shall be maintained at or below marina depth to provide adequate fish passage.~~

~~((4)) (6) Isolated breakwaters beyond the line of extreme low tide shall be constructed of permanent material. No slope restrictions apply.~~

~~((5)) (7) The following provisions apply to marina construction shoreward of the existing ordinary high water line:~~

(a) A single entrance may be required.

(b) The entire inner shoreline shall be in conformance with bulkheading provisions in WAC 220-110-280. ~~((Between the bulkhead toe and the 0 tide level the beach face shall be sloped a minimum of 1.5 feet horizontal to 1 foot vertical.~~

~~((6)) (8) The following provisions apply to marina construction waterward of the ordinary high water line:~~

(a) The beach area inside the marina may be protected in accordance with bulkheading provisions in WAC 220-110-280. Between the elevation of the toe of the bulkhead and ~~((the 0 tide level)) MLLW~~ the beach face shall not exceed a slope of 1.5 feet horizontal to ~~((+)) one foot vertical.~~

(b) For a single entrance or breach marina, the breakwater structure shall not exceed a 1.5 feet horizontal to ~~((+)) one foot vertical slope inside and outside the marina.~~

(c) The following provisions apply when a marina includes breaches that form shore breakwaters (jetties) and detached breakwaters:

(i) The toe of the shore breakwaters (jetties) may extend seaward to ~~((the 0 foot tide level)) MLLW~~, but shall not extend seaward more than 250 feet from MHHW.

(ii) The shore breakwaters shall have a minimum slope of 1.5 feet horizontal to 1 foot vertical throughout.

(iii) The breaches between the shore breakwaters and the detached breakwaters shall be not less than 20 feet in width measured at the toe of the slope.

(d) Boathouses, houseboats, and covered moorages shall not be located landward of -10 feet MLLW.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-340 Informal appeal of adverse administrative decisions. ~~((Any person who has received a civil penalty notice of violation of any provision of RCW 75.20.100 or 75.20.103, any person who, upon proper application pursuant to RCW 75.20.100 or 75.20.103, is denied a requested hydraulic project approval, any person who wishes to contest a condition placed in a granted approval, or any person who is aggrieved by a hydraulic project approval or the conditions thereon issued pursuant to RCW 75.20.100 or 75.20.103 may initiate an informal agency review of any such decision by notifying a field representative of the department having jurisdiction over the project site. Upon the receipt of a request for informal agency review, the department having jurisdiction over the site shall coordinate a comprehensive review of the agency decision by the chief of the habitat management division whose ultimate decision shall be approved or disapproved by the director or designee. If, following this informal agency review process, any person still feels aggrieved by the agency decision, a formal appeal may be taken pursuant to WAC 220-110-350.))~~

It is recommended that an aggrieved party contact the local habitat biologist responsible for the hydraulic permit decision of concern prior to initiating an informal or formal appeal. Discussion of concerns with the habitat biologist often results in resolution of the problem without the need for an informal or formal appeal. The habitat biologist may request review of your concerns by his or her supervisor.

All parties are encouraged to take advantage of this informal appeal process prior to initiating a formal appeal. However, this informal appeal process is not mandatory, and a person may proceed directly to a formal appeal.

(1) The following procedures shall govern informal appeals of department actions taken pursuant to RCW 75.20.100, 75.20.103, 75.20.106, and 75.20.160. A person

who is aggrieved or adversely affected by the following department actions may request an informal review:

(a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA; or

(b) An order imposing civil penalties.

(2) A request for an informal review shall be in writing and shall be received by the department within thirty days of the denial or issuance of an HPA or receipt of an order imposing civil penalties. The thirty-day time requirement may be stayed by the department if negotiations are occurring between the aggrieved party and the habitat biologist and/or their supervisor. Requests for informal review shall be mailed or delivered to the following address: Department of Fish and Wildlife, Habitat Management Division, Natural Resources Building, Fifth Floor, 1111 Washington Street, Post Office Box 43155, Olympia, Washington 98504-3155.

(3) Upon receipt of a written request for informal agency review, the department shall initiate a review of the agency decision. This review shall be conducted by the regulatory services division manager or the division manager's designee. Upon completion of the comprehensive review, the division manager, or designee shall recommend a decision to the director or the director's designee. This recommended decision shall be approved or disapproved by the director or the director's designee within sixty days of the date the informal appeal was received by the department. The department shall notify the appellant in writing of the decision of the director or the director's designee.

(4) If, following this informal agency review process, the appellant still wishes to contest the agency action, a formal appeal may be initiated pursuant to WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

AMENDATORY SECTION (Amending Order 87-48, filed 7/20/87)

WAC 220-110-350 Formal appeal of ((adverse)) administrative decisions. (1) ~~((Any person issued a civil penalty pursuant to RCW 75.20.106 for being in violation of RCW 75.20.100 or 75.20.103, any person denied a hydraulic project approval requested pursuant to RCW 75.20.100, any person wishing to contest a condition placed in an approval granted pursuant to RCW 75.20.100, or any person aggrieved by a hydraulic project approval or the conditions thereon issued pursuant to RCW 75.20.100 is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.04~~

~~RCW. To obtain a hearing, a written request must be filed with the department that issued or denied the approval or levied the civil penalty. The mailing addresses are: Department of Fisheries, Habitat Management Division, Room 115, General Administration Building, Olympia, WA 98504; Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504. Requests must be received within thirty days from the date of denial of a hydraulic approval or issuance of an approval with contested conditions. Hearings are conducted pursuant to the Uniform Procedure Rules, chapter 1.08 WAC, unless modified in writing and by agreement of the parties. Ordinarily, it is expected that an aggrieved party seeking administrative review will waive the notice of hearing requirements~~

~~provided by RCW 34.04.090(1) in order to provide an expeditious decision. An administrative law judge will hear all evidence; subsequently, proposed findings of fact, conclusions of law, proposed order, and exceptions and replies thereto, and written argument, if any, shall be prepared and presented to the director, together with a tape of the contested case hearing, for final decision. All final decisions are appealable as provided by the Administrative Procedure Act, chapter 34.04 RCW. Administrative law judges will be provided by the office of administrative hearings.~~

~~(2) Any person denied a hydraulic project approval requested pursuant to RCW 75.20.103, any person wishing to contest a condition or modification of an approval granted pursuant to RCW 75.20.103, or any person aggrieved by a hydraulic project approval or the conditions thereon issued pursuant to RCW 75.20.103 is entitled to an opportunity for hearing before the hydraulic appeals board established in RCW 75.20.130 and outlined in chapter 259-04 WAC.) The following procedures shall govern formal appeals of department actions taken pursuant to RCW 75.20.100 or 75.20.106. This rule does not apply to an appeal in which a person contests the denial, conditioning or issuance of an HPA issued pursuant to RCW 75.20.103 or 75.20.160, which shall be heard by the hydraulic appeals board. A person who is aggrieved or adversely affected by the following department actions may request a formal appeal:~~

~~(a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA;~~

~~(b) An order imposing civil penalties; or~~

~~(c) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, chapter 34.05 RCW.~~

~~(2) As required by the Administrative Procedure Act, the department shall inform the permittee, or person subject to civil penalty or order of the department, of the opportunity for appeal, the time within which to file a written request for an appeal, and the place to file it.~~

~~(3) A request for an appeal shall be in writing and shall be received during office hours by the department within thirty days of the agency action that is being challenged. Requests for appeal shall be mailed or delivered to the following address: Department of Fish and Wildlife, Habitat Management Division, Natural Resources Building, Fifth Floor, 1111 Washington Street, Post Office Box 43155, Olympia, Washington 98504-3155. If there is no timely request for an appeal, the agency action shall be final and unappealable.~~

~~(4) The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within thirty days of the date of the department's written decision in response to the informal appeal.~~

~~(5) The written request for an appeal shall be plainly labeled as "Request for Formal Appeal" and shall contain the following:~~

~~(a) The name, address, and phone number of the person requesting the appeal;~~

~~(b) The specific agency action that the person contests; for example, denial of an HPA, a particular condition in an HPA, order imposing civil penalties, etc.;~~

(c) Whether the person is the permittee, landowner, resident, or other basis for the person's interest in the agency action in question;

(d) The date of denial, issuance, or condition of an HPA, if the person is contesting denial, issuance, or conditioning of an HPA;

(e) Specific relief requested; and

(f) The attorney's name, address, and phone number, if the person is represented by legal counsel.

(6) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursuant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464.

(7) All hearings conducted by the director, the director's designee, or an ALJ pursuant to subsection (6) of this section, shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

NEW SECTION

WAC 220-110-360 Penalties. (1) Any person that commences any activity subject to RCW 75.20.100, 75.20.103, or 75.20.160 without having first obtained an HPA from the department, or any person that fails to comply with any of the requirements or provisions of an HPA, is guilty of a gross misdemeanor.

(2) The department may impose a civil penalty of up to one hundred dollars per day for a violation or continuing violation of RCW 75.20.100 or 75.20.103, or any provision or condition of an HPA. The department shall impose the civil penalty with an order in writing delivered by certified mail or personal service to the person who is penalized. The notice shall describe the violation, identify the amount of the penalty, identify how to pay the penalty, and identify informal or formal appeal rights for the person penalized. If the violation is an ongoing violation, the penalty shall accrue for each additional day of violation. For ongoing violations, the civil penalty may continue to accrue during any appeal process unless the accrual is stayed in writing by the department.

(3) If not timely appealed under WAC 220-110-340 or 220-110-350, the civil penalty order is final and unappealable. If appealed, the civil penalty becomes final upon issuance of a final order not subject to any further administrative appeal. When a civil penalty order becomes final, it is due and payable. If the civil penalty is not paid within thirty days after it becomes due and payable, the department may seek enforcement of the order pursuant to RCW 75.20.106 and 34.05.578.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-110-090 Channel realignment.
- WAC 220-110-110 Culvert installation.
- WAC 220-110-260 Pacific herring spawning beds.

**WSR 94-23-059
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-162—Filed November 14, 1994, 2:35 p.m.]

Date of Adoption: June 28, 1994.

Purpose: Amend commercial and personal use license rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-051, 220-20-065, 220-55-015, and 220-55-155.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 94-11-005 on May 4, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 14, 1994

Robert Turner
Director

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-20-051 Vessel designation requirements.

(1) In any licensed fishery for which a vessel is required under chapter 75.28 RCW, or for any delivery of food fish or shellfish, or for any charter fishery, it is unlawful to fish for, harvest, deliver, or possess food fish or shellfish unless the licensee has designated the vessel from which the food fish or shellfish are to be taken or delivered, the department has issued a commercial license to the licensee showing the vessel so designated, and the vessel operator has the commercial license in physical possession.

(2) The following definitions apply to this section:

(a) "Documentation" means vessel documentation by the United States Coast Guard showing eligibility for fishery. Once documentation is presented as evidence of ownership it becomes the only acceptable evidence of ownership unless the vessel is remeasured, found to be less than five net tons and no longer eligible for documentation.

(b) "Initial designation" means the designation by an individual licensee of a vessel to be used in a commercial fishery, for delivery of food fish or shellfish, or for charter fishing. Designation by that licensee on additional licenses is not "initial designation," and required evidence of ownership is the same as for continuing designation.

(c) "Continuing designation" means reapplication for a commercial license with no change in vessel designation.

(3) A licensee does not have to own the vessel being designated on the license. However, each licensee initially designating a vessel, except nontransferable emergency salmon delivery licensees, and every licensee continuing designation after the fourth continuous designation must offer evidence of ownership. The following is the only acceptable evidence of ownership:

(a) For initial designation of a vessel measuring less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(b) For initial designation of a vessel thirty-two feet or greater in length, evidence of ownership is:

(i) Current documentation; or

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(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(c) For continuing designation of vessel less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(d) For continuing designation of a vessel between thirty-two and thirty-six feet in length, evidence of ownership is current state registration for vessels with state registration numbers or current documentation for documented vessels.

(e) For continuing designation of a vessel greater than thirty-six feet in length, evidence of ownership is:

(i) Current documentation; or

(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(4) Every vessel designated to participate in a commercial fishery or to deliver food fish or shellfish must have the official Coast Guard documentation number ((~~☐~~)), complete state registration number, or Alaska department of fish and game registration number permanently displayed in ten-inch tall numbers, or letters and numbers, of proportionate width, clearly visible from each side of the vessel. It is unlawful to participate in a commercial fishery or deliver food fish or shellfish without having such numbers displayed. This subsection does not apply to salmon guide, charter or nontransferable emergency salmon delivery licensees, or to Canadian vessels delivering under a nonlimited entry delivery license.

NEW SECTION

WAC 220-20-065 Commercial licensing—Business organizations—Operator designation. Any person which holds a commercial fishing license or delivery license and is a business organization may designate one natural person to act on behalf of the license holder to operate a designated vessel as provided for in this section:

(1) If the business is a sole proprietorship, the designated operator must be the sole proprietor.

(2) If the business is a partnership, the designated operator must be a partner.

(3) If the business is a corporation, the designated operator must be a corporate officer.

(4) In addition to the designated operator, a license holder who is a business organization may designate up to two alternate operators.

(5) A license holder which is a business organization may substitute the designated operator by surrendering the fishery license card, redesignating the operator under the criteria provided for in this section, and paying the replacement license fee provided for in RCW 75.28.030.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-015 Valid personal use license required. (1) It is unlawful for any person required to have a license to take or possess food fish or shellfish for personal use without having in physical possession a valid license. A personal use shellfish and seaweed license is not required for private tideland owners or lessees of state tidelands or members of their immediate family to harvest clams, oysters, cockles, borers, or mussels taken for personal use from their own tidelands.

(2) A shellfish and seaweed license must be displayed on outer clothing while harvesting or transporting shellfish in the field.

(3) The department will not replace lost or mutilated personal use licenses.

NEW SECTION

WAC 220-55-155 Personal use license dealer's fee. A personal use license dealer may retain a license fee of one dollar for each personal use food fish and personal use shellfish and seaweed license sold. No dealers fee may be charged for distributing catch record cards or collecting the recreational fisheries enhancement surcharge and issuing stamps.

WSR 94-23-069
PERMANENT RULES
BOARD OF ACCOUNTANCY
 [Filed November 15, 1994, 4:41 p.m.]

Date of Adoption: October 28, 1994.

Purpose: To renumber sections for improved referencing.

Citation of Existing Rules Affected by this Order: New sections WAC 4-25-625 Commissions and referral fees and 4-25-627 Contingent fees. Statutory Authority for Adoption: RCW 18.04.055.

Pursuant to notice filed as WSR 94-13-062 on June 8, 1994.

Effective Date of Rule: Thirty-one days after filing.
 November 4, 1994
 Carey L. Rader
 Executive Director

NEW SECTION

WAC 4-25-625 Commissions and referral fees. A licensee shall not pay a commission to obtain a client, receive a commission for referral of a client, or accept a commission for a referral to a client of products or services of others. This rule does not prohibit payments for the purchase of all, or a material part, of an accounting practice, or payment to an employee for referral of a client, or retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons.

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NEW SECTION

WAC 4-25-627 Contingent fees. A licensee shall not agree to perform or perform professional services for a fee which is contingent on the findings or results of such professional services, except that contingent fees are allowed in situations where the licensee can reasonably expect that the findings or results, on which the contingent fees are to be based, are to receive substantive consideration by tax authorities.

WSR 94-23-070
PERMANENT RULES
BOARD OF ACCOUNTANCY

[Filed November 15, 1994, 4:44 p.m.]

Date of Adoption: October 28, 1994.

Purpose: To provide examples of acts that constitute grounds for discipline of certified public accountants.

Citation of Existing Rules Affected by this Order: New section WAC 4-25-910 Bases for imposing discipline.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.295.

Pursuant to notice filed as WSR 94-13-061 on June 8, 1994.

Changes Other than Editing from Proposed to Adopted Version: Deleted the phrase "while representing oneself as a CPA" where redundant in WAC 4-25-910 (2)(a).

Effective Date of Rule: Thirty-one days after filing.

November 4, 1994

Carey L. Rader

Executive Director

NEW SECTION

WAC 4-25-910 Bases for imposing discipline. RCW 18.04.295 specifies sanctions the board may impose based on a listing of general causes. The following specific acts are examples of prohibited activities that constitute grounds for discipline under RCW 18.04.295. The board does not intend this listing to be all inclusive.

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining a license, within the meaning of RCW 18.04.295(1), includes but is not limited to making a false or misleading statement in support of another's application for certificate or license.

(2)(a) Dishonesty, fraud, or negligence while representing oneself as a CPA, within the meaning of RCW 18.04.295(2), includes but is not limited to:

(i) Practicing public accountancy in this state prior to obtaining a license;

(ii) Making misleading, deceptive, or untrue representations;

(iii) Engaging in acts of fiscal dishonesty;

(iv) Purposefully, knowingly, or negligently failing to file a report or record, or filing a false report or record, required by local, state, or federal law;

(v) Unlawfully selling unregistered securities;

(vi) Unlawfully acting as an unregistered securities salesperson or broker-dealer;

(vii) Discharging a trustee's duties in a negligent manner or breaching one's fiduciary duties;

(viii) Withdrawing or liquidating, as fees earned, funds received by a CPA from a client as a deposit or retainer when the client contests the amount of fees earned, until such time as the dispute is resolved.

(b) The following shall be prima facie evidence that a certified public accountant has engaged in dishonesty, fraud, or negligence while representing himself or herself as a CPA:

(i) An order of a court of competent jurisdiction finding the CPA to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's fitness to represent himself or herself as a CPA.

(ii) An order of a federal, state, or local regulatory body finding the CPA to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's fitness to represent himself or herself as a CPA.

(3) A conflict of interest, within the meaning of RCW 18.04.055(2), includes but is not limited to:

(a) Self dealing as a trustee, including, but not limited to: Investing trust funds in entities controlled by or related to the trustee; borrowing from trust funds, with or without disclosure; employing persons or entities related to the trustee to provide services to the trust (unless specifically authorized by the trust creation document);

(b) Borrowing funds from any client unless the client is in the business of making loans of the type obtained by the licensee and the loan terms are not more favorable than loans extended to other persons of similar credit worthiness.

(4) A violation of a rule of professional conduct promulgated by the board, within the meaning of RCW 18.04.295(4), includes but is not limited to:

(a) Violation of one or more of the rules of professional conduct included in chapter 4-25 WAC;

(b) Violation of one or more of the administrative rules included in chapter 4-25 WAC;

(c) Concealing another's violation of the accountancy act or board rules.

A CPA's adjudication as mentally incompetent is prima facie evidence that the CPA lacks the professional competence required by the rules of professional conduct.

WSR 94-23-071
PERMANENT RULES
BOARD OF ACCOUNTANCY

[Filed November 15, 1994, 4:47 p.m.]

Date of Adoption: October 28, 1994.

Purpose: To define terms used throughout the board's rules, chapter 4-25 WAC.

Citation of Existing Rules Affected by this Order: New section WAC 4-25-410 Definitions.

Statutory Authority for Adoption: RCW 18.04.055(11).

Pursuant to notice filed as WSR 94-13-059 on June 8, 1994.

Changes Other than Editing from Proposed to Adopted Version: Deleted definition for "professional services."

Effective Date of Rule: Thirty-one days after filing.

November 4, 1994

Carey L. Rader

Executive Director

NEW SECTION

WAC 4-25-410 Definitions. For purposes of these rules the following terms have the meanings indicated:

(1) "Act" means the Public Accountancy Act codified as chapter 18.04 RCW.

(2) "Audit," "review," and "compilation" are terms reserved by the public accountancy profession to identify forms of reports on financial statements that express differing levels of assurance. Professional standards setting bodies, such as the American Institute of Certified Public Accountants (AICPA), specify form and content of these reports

(3) "Board" means the board of accountancy created by RCW 18.04.035

(4) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183. "Valid CPA certificate" means the holder has fully complied with continuing professional education requirements or the board has granted specific exemption from continuing professional education requirements, with or without restricting use of the CPA title.

(5) "Client" means the person or entity that retains a CPA, through other than an employer/employee relationship, for the performance of professional services.

(6) "CPE" means continuing professional education (See also "Interactive CPE").

(7) "Enterprise" means any person or entity, whether organized for profit or not, with respect to which a CPA performs professional services.

(8) "Firm" means a sole proprietorship, a corporation, a limited liability company, or a partnership.

(9) "Generally accepted accounting principles" (GAAP) is a technical accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

(10) "Generally accepted auditing standards" (GAAS) are broad conceptual guidelines, promulgated by the American Institute of Certified Public Accountants (AICPA), for conducting individual audits of historical financial statements. They include general standards, standards of field work, and reporting standards.

(11) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm is a certified public accountant and that the person or firm offers to perform any professional services to the public as a certified public accountant. "Holding out" shall not affect or limit a person not required to hold a certificate under this chapter or a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350(6).

(12) "Interactive self-study program" means a CPE program designed to use interactive learning methodologies that simulate a classroom learning process by employing

software or administrative systems that provide significant ongoing interactive feedback to learners regarding their learning progress.

(13) "Licensee" means the holder of a valid license issued under chapter 18.04 RCW.

(14) "Public practice" or the "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," "compilation reports," or "attestation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters.

(15) "Quality assurance review" (QAR) means a process, established by and conducted at the direction of the board, of study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(16) "Quality review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures but not including a "quality assurance review."

(17) "Reciprocity" means board recognition of certificates or other professional accounting credentials that the board will rely upon in full or partial satisfaction of CPA certification requirements. This board may grant reciprocity, by rule, to CPAs from other states or to certain professional accountants from countries whose credentials are recognized by this board. Board recognition of professional credentials issued by other state accountancy boards or foreign credentialing bodies is conditioned on those bodies' agreements to grant reciprocity to this Board's licensees.

(18) "Reports on financial statements" means any reports or opinions prepared by certified public accountants, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client.

(19) "Rules of professional conduct" means principles and rules adopted by the Board to govern CPAs' conduct while representing themselves to others as CPAs. The rules apply to CPAs' whether engaged in public practice or otherwise engaged in providing professional services while using the CPA title.

(20) "Statements on Standards for Accounting and Review Services" (SSARS) are standards, promulgated by

the American Institute of Certified Public Accountants (AICPA), to give guidance to CPAs who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

(21) "Statements on Standards for Attestation Engagements" are guidelines, promulgated by the American Institute of Certified Public Accountants (AICPA), for use by CPAs in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

WSR 94-23-077
PERMANENT RULES
BOARD OF HEALTH

[Filed November 16, 1994, 3:29 p.m.]

Date of Adoption: November 9, 1994.

Purpose: This amendment implements 1994 amendments to chapter 70.62 RCW, which result in changes to the Department of Health's licensure and survey process, and clarifies existing standards.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-360-190; and amending WAC 246-360-001, 246-360-010, 246-360-020, 246-360-030, 246-360-040, 246-360-050, 246-360-060, 246-360-070, 246-360-080, 246-360-090, 246-360-100, 246-360-110, 246-360-120, 246-360-140, 246-360-150, 246-360-160, 246-360-170, 246-360-180, 246-360-200, and 246-360-500.

Statutory Authority for Adoption: RCW 70.62.240.

Pursuant to notice filed as WSR 94-19-092 on September 21, 1994.

Changes Other than Editing from Proposed to Adopted Version: Many rustic resorts have guests provide their own soap and linens. The proposed rules have been changed to clarify that rustic resorts need not provide these items. Shelters for victims of domestic violence which receive grants from the Department of Social and Health Services pursuant to chapter 70.123 RCW are regulated for health and safety by DSHS. The proposed rules have been changed to clarify these shelters do not require transient accommodation licenses.

Effective Date of Rule: Thirty-one days after filing.

November 14, 1994

Sylvia I. Beck

Executive Director

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

~~WAC 246-360-001 Purpose. ((Chapter 246-360 WAC establishes the Washington state board of health minimum health and sanitation requirements for transient accommodations implementing chapter 70.62 RCW, to protect and promote the health and welfare of individuals using such accommodations. Chapter 246-360 WAC establishes uniform, statewide standards for maintenance and operation, including light, heat, ventilation, cleanliness, and sanitation. Any person operating a transient accommodation, as defined under RCW 70.62.210, shall have a current license for such accommodation from the department.)) (1) This chapter implements chapter 70.62 RCW.~~

(2) This chapter applies to facilities offering three or more lodging units to guests for periods of less than one month, including but not limited to:

- (a) Hotels;
- (b) Motels;
- (c) Bed and breakfast establishments;
- (d) Resorts;
- (e) Rustic resorts;
- (f) Inns;
- (g) Condominiums;
- (h) Apartments;
- (i) Crisis shelters;
- (j) Hostels; and
- (k) Retreats.

(3) This chapter does not apply to:

(a) Overnight youth shelters regulated by chapter 388-160 WAC;

(b) Temporary-worker housing regulated by RCW 70.54.110 and chapter 246-358 WAC;

(c) Medical, psychological, drug/alcohol facilities, or related services otherwise regulated by Washington state law; or

(d) Transitional housing as defined in WAC 246-360-010.

(4) The requirements in WAC 246-360-001 through 246-360-500 are adopted by the board of health pursuant to RCW 70.62.240. WAC 246-360-990 is adopted by the department of health pursuant to RCW 43.70.110 and 43.70.250.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-010 Definitions. ((1) "Adequate" means sufficient to meet the intended purpose and consistent with accepted public health standards, principles, or practices.

(2) "Bathing facility" means a shower, bathtub, or combination bathtub shower.

(3) "Board" means the Washington state board of health established under chapter 43.20 RCW.

(4) "Compliance schedule" means a department prepared document which lists both the violations and the time schedule the licensee shall follow in correcting the violations.

(5) "Department" means the Washington state department of health.

(6) "Dormitory" means any room, building, or part of a building containing beds, cots, pads, or other furnishings intended for sleeping and use by a number of individuals.

(7) "Exemption" means a written authorization from the department releasing a licensee from complying with a specific rule in this chapter or allowing an optional method for meeting a specific rule when the department determines the intent of chapter 70.62 RCW and this chapter is met and the health or safety of the guests will not be jeopardized.

(8) "Feasibility survey" means an on-site visit conducted by the department and the state office of fire protection to determine if a structure proposed for use as a transient accommodation meets or could meet the board's rules concerning transient accommodations and the rules of the state office of fire protection.

(9) "Gross floor area" means the total floor area within a lodging unit.

(10) "Guest" means any individual registering to occupy a lodging unit, excluding an individual provided the use of a lodging unit under RCW 70.54.110, New housing for agricultural workers to comply with board of health regulations.

(11) "Homeless shelter" means any facility offering sleeping and/or eating areas for individuals on a short-term, as-needed basis not to exceed one month; except, a medical, psychological, drug/alcohol facility, or a related service is not included.

(12) "Hostel" means a transient accommodation offering dormitory or lodging units and limited services for guests on a daily or weekly basis.

(13) "Imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety.

(14) "Kitchen" means an area designed and equipped for guests to prepare and cook food.

(15) "Laundry" means an area or room equipped for the cleaning and drying of bedding, linen, towels, and other items provided to the guests.

(16) "Licensee" means any person required under chapter 70.62 RCW to have a transient accommodation license.

(17) "Local health officer" means the legally qualified physician appointed to that position by a city, town, county, or district public health department as authorized under chapters 70.05 and 70.08 RCW or the authorized representative.

(18) "Lodging unit" means one self-contained unit designated by number, letter, or other means of identification.

(19) "New construction" means:

(a) The building of any new transient accommodation; or
 (b) Any construction of, or in, a building never licensed as a transient accommodation, if seeking licensure; or

(c) An addition or major structural alteration to an existing transient accommodation built or remodeled after the effective date of this chapter. Major structural alterations include construction intended to change the functional use of a unit, room, or area.

(20) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(21) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(22) "Rustic resort" means a rural transient accommodation lacking many modern conveniences.

(23) "Sanitary" or "sanitize" means efforts to control or limit the presence of germs, bacteria, and dirt.

(24) "Secretary" means the secretary of the state department of health or authorized designee.

(25) "Self-contained unit" means an individual room or group of interconnected rooms intended for sleeping and/or cooking and/or eating purposes for rent or use by a guest.

(26) "Transient accommodation" means any facility, such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to

guests for periods of less than one month.) For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) "Bathing fixture" means a shower, bathtub, or combination bathtub shower.

(2) "Bathroom" means a room containing a bathing fixture.

(3) "Board" means the Washington state board of health established under chapter 43.20 RCW.

(4) "Clean" means without visible or tangible soil or residues.

(5) "Compliance schedule" means a department-prepared document listing violations and a time schedule for the licensee to follow to correct the violations.

(6) "Construction" means:

(a) A new building to be used as a transient accommodation or part of a transient accommodation;

(b) An addition, modification or alteration which changes the functional use of an existing transient accommodation or portion of a transient accommodation; or

(c) An existing building or portion thereof to be converted for use as a transient accommodation.

(7) "Crisis shelter" means a transient accommodation providing emergency or planned lodging services to a specific population, for example, homeless families or relatives of individuals receiving hospital treatment, for periods of less than one month at a permanent physical location. A crisis shelter may or may not be reimbursed for services in the form of rental fee or labor. Crisis shelters do not include shelters for victims of domestic violence regulated by the department of social and health services pursuant to chapter 70.123 RCW.

(8) "Department" means the Washington state department of health.

(9) "Dormitory" means a lodging unit containing beds, cots, pads, or other furnishings intended for sleeping or use by a number of individuals.

(10) "Exemption" means a written authorization from the department which releases a licensee from meeting a specific requirement or requirements in this chapter.

(11) "Guest" means any individual occupying, or registered to occupy, a lodging unit.

(12) "Hostel" means a transient accommodation offering limited services, including lodging and use of a common kitchen, to guests on a daily or weekly basis in exchange for a rental fee, labor, or a combination of rental fee and labor.

(13) "Imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety.

(14) "Laundry" means a central area or room with equipment to clean and dry bedding, linen, towels, and other items provided to guests.

(15) "Licensee" means the person to whom the department issues the transient accommodation license.

(16) "Local health department" means the city, town, county or district which provides public health services to individuals within the area according to the provisions of chapters 70.05 and 70.08 RCW.

(17) "Lodging unit" means one self-contained unit designated by number, letter, or other means of identification.

(18) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(19) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(20) "Rustic resort" means a rural transient accommodation lacking many modern conveniences.

(21) "Sanitary" means clean with a minimal presence of germs.

(22) "Sanitize" means to treat a surface or object with a chemical or physical process, such as heat, to control or limit the presence of germs.

(23) "Self-contained unit" means an individual room or group of interconnected rooms intended for sleeping, which may or may not include areas for cooking and eating, for rent or use by a guest.

(24) "Self-inspect" means the evaluation of a transient accommodation by the licensee for compliance with specific requirements in this chapter.

(25) "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.

(26) "Transient accommodation" means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than one month.

(27) "Transitional housing" means a program offering lodging for periods exceeding one month for the purpose of helping unemployed, homeless individuals to obtain employment and housing. Transitional housing is not a transient accommodation.

(28) "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling food or drink.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

~~WAC 246-360-020 ((Licensing, administration, enforcement, exemption.)) Licensure. (((1) Licensees or prospective licensees shall:~~

~~(a) Complete and submit an application along with the appropriate fee at least thirty days before:~~

~~(i) Opening a new transient accommodation;~~

~~(ii) Adding new units to an existing transient accommodation; or~~

~~(iii) Changing the license of a transient accommodation.~~

~~(b) Request the department to complete a feasibility survey before applying for a license whenever an existing structure or property was not previously used or licensed as a transient accommodation;~~

~~(c) Secure a valid license issued by the department before initially opening and by January 1 each year thereafter;~~

~~(d) Submit a license renewal with the annual fee by December 10 of each year;~~

~~(e) Conspicuously display the license in the lobby or office;~~

~~(f) Comply with a plan of corrective action if issued by the department; and~~

~~(g) Allow the department to inspect the transient accommodation at any reasonable time.~~

~~(2)(a) Licensees may request, in writing, an exemption from the department if:~~

~~(i) The health and safety of the occupant is not jeopardized;~~

~~(ii) Strict enforcement of this chapter will create undue hardship for the licensee.~~

~~(b) Exemption decisions shall be treated as licensing decisions under subsection (5) of this section.~~

~~(3) Under chapter 70.62 RCW, the department shall have the authority to:~~

~~(a) Inspect transient accommodations including unoccupied lodging units:~~

~~(i) Annually;~~

~~(ii) As needed; and~~

~~(iii) Upon request.~~

~~(b) Issue licenses annually upon receipt of the appropriate fee;~~

~~(c) Issue a license for the person and premises named in the application when the applicant or licensee is in compliance with:~~

~~(i) Chapter 70.62 RCW and this chapter;~~

~~(ii) The rules and regulations of the state director of fire protection; and~~

~~(iii) All applicable local codes and ordinances.~~

~~(d) Respond within thirty days to application requests;~~

~~(e) Respond to complaints;~~

~~(f) Charge fees, authorized under chapters 43.20B and 70.62 RCW, to recover all or a portion of the costs of administering this chapter.~~

~~(4) The department shall have the authority to:~~

~~(a) Deny, revoke, or suspend the license of a transient accommodation which fails to comply with chapter 70.62 RCW and this chapter;~~

~~(b) Take one or more of the following enforcement actions:~~

~~(i) Notify the licensee of violations;~~

~~(ii) Establish a corrective action plan and compliance schedule;~~

~~(iii) Issue a department order;~~

~~(iv) Revoke or suspend the license; and/or~~

~~(v) Initiate legal action.~~

~~(c) Issue a provisional license when a transient accommodation does not meet the standards in this chapter under the following conditions:~~

~~(i) The department has approved a written correction action plan, including a compliance schedule; or~~

~~(ii) An application for change of licensure of an existing, currently licensed transient accommodation is pending; or~~

~~(iii) The licensee is awaiting the board's decision regarding an exemption request; or~~

~~(iv) The licensee is awaiting the final order in an adjudicative proceeding under chapter 34.05 RCW.~~

~~(d) Grant an exemption under subsection (2)(a)(i) and (ii) of this section.~~

~~(5)(a) The department's notice of a denial, suspension, modification, or revocation of a license or a request for an exemption under subsection (2) of this section shall be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.~~

~~(b) A license applicant or holder contesting a department license or exemption decision shall within twenty-eight days of receipt of the decision:~~

~~(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., P.O. Box 47851, Olympia, WA 98504-7851; and~~

~~(ii) Include in or with the application:~~

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

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

~~(C) A copy of the contested department decision.~~

~~(e) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.)~~ (1) A person shall have a current license issued by the department before operating or advertising a transient accommodation.

(2) An applicant for initial licensure shall submit to the department, sixty days or more before commencing business:

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

(b) A completed self-inspection on forms provided by the department;

(c) The fee specified in WAC 246-360-990; and

(d) Other information as required by the department.

(3) A licensee shall apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:

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

(b) A completed self-inspection on forms provided by the department;

(c) The fee specified in WAC 246-360-990; and

(d) Other information as required by the department.

(4) At least thirty days prior to transferring ownership of a transient accommodation:

(a) The current licensee shall submit to the department:

(i) The full name and address of the current licensee and prospective owner;

(ii) The name and address of the currently licensed transient accommodation, and the name under which the transferred transient accommodation will operate;

(iii) Date of the proposed change of ownership; and

(iv) Other information as required by the department; and

(b) The prospective new owner shall apply for licensure by submitting to the department the items required by subsection (2) of this section.

(5) A licensee shall notify the department when changing the number of lodging units or name of the transient accommodation by submitting:

(a) A letter describing the intended change;

(b) The fee specified in WAC 246-360-990 for an amended license; and

(c) Other information as required by the department.

(6) The licensee shall notify the department prior to using new construction by submitting a letter describing:

(a) The construction;

(b) How the construction will be used;

(c) Any changes in the functional use of existing construction; and

(d) Other information as required by the department.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-030 ((Supervision and responsibility.))

Responsibilities and rights—Licensee and department. ((Licensees shall:

(1) Comply with the requirements under chapter 70.62 RCW, Transient Accommodations Licensing—Inspections, chapter 212-52 WAC, Transient Accommodations, Standards for Fire Protection, and this chapter;

(2) Provide supervision of the employees so the transient accommodation facility is maintained:

(a) Clean, safe, and sanitary;

(b) In good repair; and

(c) Free from insects, rodents, and other pests.

(3) Consult with the department or local health officer regarding any suspected imminent health hazard.)) (1) The licensee shall:

(a) Comply with the provisions of chapter 70.62 RCW and this chapter;

(b) Comply with chapter 212-12 WAC, Fire Marshal Standards;

(c) Conspicuously display a current transient accommodation license in the transient accommodation's lobby or office;

(d) Cooperate with the department during on-site surveys and investigations;

(e) Conduct self-inspections as requested by the department;

(f) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report; and

(ii) A progress report of corrections;

(g) Comply with a compliance schedule if issued by the department;

(h) Adequately supervise employees to keep the transient accommodation facility:

(i) Clean, safe, and sanitary;

(ii) In good repair; and

(iii) Free from infestation by insects, rodents, and other pests;

(i) Establish policies and procedures requiring employees to maintain good personal hygiene; and

(j) Consult with the department or local health department on any suspected imminent health hazard.

(2) An applicant or licensee may contest a department decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(3) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license;

(b) Conduct an on-site survey prior to approving the following types of construction in a currently licensed transient accommodation:

(i) A new building;

(ii) An addition, modification or alteration which substantially changes functional use; or

(iii) The conversion of an existing building for use as part of the transient accommodation;

(c) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 70.62 RCW and this chapter;

(d) Issue or renew a license when the applicant or licensee and the facility meet the requirements in chapter 70.62 RCW and this chapter;

(e) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;

(f) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and

(g) Comply with RCW 43.70.095 when assessing civil fines.

(4) The department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation;

(iii) During an on-site survey; or

(iv) In a self-inspection;

(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;

(d) Compromises the health or safety of a guest;

(e) Conducts business or advertising in a misleading or fraudulent manner;

(f) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any book, record, document or item requested by the department, or willfully interferes with an on-site survey or investigation;

(g) Fails to pay a fine within ten days after the assessment becomes final or as agreed to by the department and the licensee; or

(h) Operates with a suspended or revoked license.

(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-040 Water supply and temperature control. The licensee((s)) shall:

(1) Provide a water supply system conforming to state board of health standards for public water systems, chapters 246-290 and 246-291 WAC;

(2) ((Regulate hot water to a temperature of at least 110 degrees Fahrenheit, but not more than 130 degrees Fahrenheit;

(3) When laundry facilities are present, maintain wash water temperature of at least 130 degrees Fahrenheit unless

at least 110 degrees Fahrenheit water is used in combination with:

(a) An appropriate low temperature detergent and effective use of a chemical disinfectant; or

(b) An industrial-type washing machine with multiple rinse cycles.

(4) Label nonpotable water supplies used for irrigation, fire protection, and/or other purposes at all accessible connections and valves:)) Maintain the transient accommodation free of cross connections;

(3) Provide hot and cold water under adequate pressure readily available to guests;

(4) Provide sinks and bathing fixtures used by guests with hot water between 110 and 130 degrees Fahrenheit at all times;

(5) When transient accommodation laundry is washed on site, maintain a minimum wash water temperature of:

(a) 130 degrees Fahrenheit; or

(b) 110 degrees Fahrenheit in combination with:

(i) An appropriate low temperature detergent and effective use of a chemical disinfectant; or

(ii) An industrial-type washing machine with multiple rinse cycles; and

(6) Label nonpotable water supplies at all accessible connections and valves "unsafe for domestic use."

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-050 Sewage and liquid waste disposal. ((Licensees shall:

(1) Ensure all liquid waste is discharged to a public sewage system or a disposal system approved under chapter 246-272 WAC;

(2) Maintain the sewage disposal system to prevent creation of a nuisance or public health hazard; and

(3) Ensure alterations, repairs, or replacement of a sewage disposal system are in compliance with requirements of the board and the local health officer.)) The licensee shall ensure sewage and liquid waste drain into:

(1) A municipal sewage system if available; or

(2) A sewage disposal system designed, constructed, and maintained in accordance with chapters 246-272 and 173-240 WAC and local ordinances.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-060 Swimming pools, spas, hot tubs, wading pools, bathing beaches. The licensee((s)) shall comply with chapter 70.90 RCW and chapter 246-260 WAC governing the safety and sanitation of ((swimming pools, spas, hot tubs, wading pools, and bathing beaches)) water recreation facilities.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-070 Refuse and solid waste. ((Licensees shall:

(1) Provide at least one washable, leakproof refuse container in each lodging unit;

(2) Ensure all refuse is:

(a) Handled in a manner preventing unsanitary or unsafe conditions and nuisances;

(b) Collected at least twice a week or more often as necessary to maintain a clean and sanitary environment in lodging units and areas used by guests;

(c) Stored following collection in washable, leakproof, and covered containers outside the lodging units until removed for disposal; and

(d) Removed and disposed under applicable state and local ordinances;)) The licensee shall:

(1) Provide one or more washable, leak-proof refuse containers, or containers with leak-proof disposable liners, in each lodging unit;

(2) Collect refuse as necessary to maintain a clean and sanitary environment in and around the facility;

(3) Collect refuse from lodging units:

(a) After each guest occupancy; and

(b) Twice a week when guests stay longer than three days;

(4) Handle refuse in a safe, clean and sanitary manner;

(5) Store refuse in washable, leak-proof, and covered containers to prevent the entrance of insects, rodents, birds, or other pests or nuisances outside the lodging units until removed for disposal; and

(6) Remove and dispose of refuse in a manner consistent with state and local sanitation codes and ordinances.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-080 Construction and maintenance.

((Licensees and prospective licensees shall ensure:

(1) All new construction meets the requirements of:

(a) Chapter 70.62 RCW and this chapter as determined by the department;

(b) Chapter 19.27 RCW state building code; and

(c) All other applicable city and county codes and ordinances.

(2) All buildings, facilities, fixtures, and furnishings are structurally sound, safe, clean, and sanitary;)) The licensee shall:

(1) Ensure new construction meets the requirements of:

(a) Chapter 70.62 RCW and this chapter;

(b) Chapter 19.27 RCW state building code; and

(c) All other applicable city and county codes and ordinances;

(2) Ensure all buildings, facilities, fixtures, and furnishings are structurally sound, safe, clean and sanitary; and

(3) Take measures necessary to control insects, rodents and other pests in and around the facility.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-090 Lodging units. ((Licensees shall provide lodging units with:

(1) At least fifty square feet of gross floor area for each guest. The licensee shall exclude space with less than a five foot ceiling when calculating this area requirement.

(2) Beds or sleeping areas spaced according to the following requirements:

(a) An area adequate to move easily between beds, cots, mats, or mattresses; and

(b) A minimum of three feet of clear vertical space between each bed and the ceiling.

(3) Floors and walls which are:

(a) Cleanable;

(b) Kept in good repair, and

(c) Cleaned as necessary;)) The licensee shall provide lodging units with:

(1) At least fifty square feet of total floor area, not counting areas with a ceiling height lower than five feet, for each guest;

(2) Adequate space to allow easy movement between beds, cots, mats or mattresses;

(3) Three or more feet of clear vertical space between each bed or top bunk and the ceiling; and

(4) Cleanable floors and walls kept in good repair.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-100 ((Toilet, handwashing, and bathing facilities;)) Bathrooms, toilet rooms, and handwashing sinks. (((1) Licensees shall provide adequate toilet, handwashing, and bathing facilities for guests.

(2) Licensees shall:

(a) Maintain clean and sanitary toilets, handwashing sinks, and bathing facilities including the floors, walls, ceilings, and fixtures;

(b) Maintain an uncarpeted area around the toilet and adjacent to a bathtub and/or shower;

(c) Ensure all fixtures, drains, and bathing facilities are safe and work properly;

(d) Provide one toilet, handwashing sink, and bathing facility for every fifteen or fewer guests who do not have such facilities in their lodging unit;

(e) Provide for privacy in toilet and bathing facilities;

(f) Provide water flush toilets unless the department or a local health officer approved an alternative device;

(g) Provide handwashing sinks or equivalent facilities with acceptable single use drying devices within, or adjacent to, each common toilet room;

(h) Provide and conveniently locate toilet tissue for each toilet;

(i) Provide soap for each handwashing and bathing facility;

(j) Provide clean towels, washcloths, and floor mats for guests between occupancies and at least twice a week for guests who stay longer than three days; and

(k) Assure clean towels, washcloths, and floor mats stored in lodging units are kept off the floor and in a clean area;)) The licensee shall:

(1) Provide adequate private or common-use bathrooms, toilet rooms and handwashing sinks to meet the needs of guests;

(2) Provide private and common-use bathrooms, toilet rooms, and handwashing areas with cleanable floors, walls, ceilings, fixtures and furnishings;

(3) Provide an uncarpeted, easily cleanable area around each toilet and adjacent to each bathing fixture;

(4) Maintain safe and properly working fixtures and drains;

(5) Provide a means to maintain privacy for toileting and bathing;

(6) Provide water flush toilets unless the licensee has approval from the department and local health district for alternative devices;

(7) Provide a handwashing sink or equivalent within, or adjacent to, each toilet room;

(8) Provide easy access to an acceptable single-use drying device from each common-use handwashing sink;

(9) Provide toilet tissue conveniently located by each toilet;

(10) For transient accommodations other than rustic resorts, provide soap for each handwashing and bathing fixture;

(11) For transient accommodations other than rustic resorts, provide clean towels, washcloths and floor mats:

(a) For guests upon arrival; and

(b) At least twice a week for guests who stay longer than three days;

(12) Assure clean towels, washcloths and floor mats stored in lodging units and common bathrooms are stored in a clean area off the floor; and

(13) Provide common-use bathrooms, toilet rooms and handwashing sinks meeting the requirements of this section in a ratio of one bathing fixture, one toilet and one handwashing sink for each fifteen or fewer guests without such fixtures in their lodging units.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-110 Lodging unit kitchens. (1) A licensee(s) offering kitchens in lodging units shall provide each kitchen with:

(a) ((Clean)) Cleanable and durable floors and walls;

(b) ((Adequate)) Ventilation ((required under)) according to the provisions of WAC 246-360-140;

(c) A sink, other than the handwashing sink, suitable for washing dishes;

(d) Hot running water ((under)) according to the provisions of WAC 246-360-040;

(e) A refrigeration device ((capable of maintaining)) that maintains food at a temperature of 45 degrees Fahrenheit or lower;

(f) Cooking equipment acceptable to the state director of fire protection;

(g) A ((clean)) cleanable food storage area;

(h) A table(s), counter(s), and chairs, or equivalent; and

(i) A washable, ((leakproof)) leak-proof waste food container.

(2) ((Licensees providing eating and/or cooking utensils shall provide guests with single use disposable or multiple-use clean and sanitized utensils in good condition and free from cracks-)) The licensee shall clean and sanitize food preparation areas between each guest occupancy.

(3) A licensee providing utensils shall comply with the provisions of WAC 246-360-160(2).

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-120 Heating and cooling. (1) The licensee(s) shall provide a safe, adequate ((source of heat

capable)) means of maintaining an ambient air temperature of at least 65 degrees Fahrenheit in each lodging unit.

(2) A licensee(s) providing a cooling system shall ((maintain a)) keep the system safe, clean((adequate system)) and in good working condition.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-130 Lighting. ((1) Licensees shall provide a lighting system to maintain a minimum light intensity adequate for the guest's safety and cleaning by staff and measured in foot candles at a height of three feet above the floor as follows:

	Lodging Unit	10 Foot Candles
Toilet and Bathing Facilities	20 Foot Candles	
Lodging Unit Kitchen	20 Foot Candles	
Laundry Room Work Areas	30 Foot Candles	
Corridors, Stairways, and Entryways	5 Foot Candles	
Elevators, Walkways	5 Foot Candles	
Swimming Pools	As required under chapter 248-98 WAC	

(2) Licensees shall provide all parking lots and exterior passages with a minimum light intensity of two foot candles measured three feet above the ground-)) The licensee shall maintain light intensities adequate for safety and facility maintenance with minimum light intensities measured at a height of three feet above the floor, as follows:

Lodging Unit Toilet rooms, bathrooms and handwashing areas	10 Foot Candles
Lodging Unit Kitchen	20 Foot Candles
Laundry Room Work Areas	30 Foot Candles
Corridors, Stairways, and Entryways	5 Foot Candles
Elevators, Walkways	5 Foot Candles
Swimming Pools	As required under chapter 246-260 WAC
Parking lots and exterior passages	5 Foot Candles measured three feet above the ground.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-140 Ventilation. (1) The licensee(s) shall provide ventilation in all lodging units, kitchen areas, bathrooms, toilet rooms((s)) and laundry rooms.

(2) ((Licensees providing only natural ventilation in lodging units shall have windows, vents, and/or ducts opening directly to the out of doors.

(3) Licensees providing only mechanical ventilation systems in lodging units shall:

(a) Install a system capable of supplying at least two air exchanges per hour to each lodging unit and all corridors; and

(b) Maintain a system circulating air to and from out-of-doors.

(4) Licensees providing only natural ventilation in kitchen areas, bathrooms, toilet rooms, and laundry rooms shall have windows, skylights, or ceiling vents opening

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directly to the out-of-doors sufficient to allow five air exchanges per hour.

(5) Licensees providing only mechanical ventilation in kitchen areas, bathrooms, toilet rooms, and laundry rooms shall:

(a) Install a system capable of at least five air exchanges per hour; and

(b) Maintain a system circulating air to and from the out-of-doors.) A licensee providing only natural ventilation:

(a) In lodging units shall provide operable windows, vents, or ducts opening directly to the out-of-doors; and

(b) In kitchen areas, bathrooms, toilet rooms and laundry rooms shall provide operable windows, operable skylights, or ceiling vents opening directly to the out-of-doors sufficient to allow five air exchanges per hour.

(3) A licensee providing mechanical ventilation systems shall assure the system provides:

(a) Two or more air exchanges per hour to each lodging unit and corridor;

(b) Five or more air exchanges per hour to kitchen areas, bathrooms, toilet rooms and laundry rooms; and

(c) Air circulation to and from the out-of-doors.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-150 Beds and bedding. A licensee(s) providing beds (~~and/or bedding~~) shall:

(1) Provide clean, sanitary bedding in good repair;

(2) Maintain clean and safe beds, cots, bunks, or other furniture for sleeping;

(3) Assure bunk beds, if used, have a clear vertical space of at least twenty-seven inches between the bottom bunk and top bunk;

(4) Not provide, or allow the use of, triple bunk beds;

(5) Supply each bed, cot, or bunk with a mattress or pad, top and bottom sheet(s), mattress pad(s), pillow(s) and pillowcase(s), and blankets unless the facility is:

(a) A rustic resort;

(b) A (~~homeless~~) crisis shelter; or

(c) A hostel(-);

(~~(4)~~) (6) Provide clean spreads, blankets(-) and mattress pads as needed;

(~~(5)~~) (7) Provide clean pillowcases and sheets (~~for~~ guests):

(a) (~~Between occupancies~~) For guests upon arrival; and

(b) At least twice a week for guests staying longer than three days(-); and

(~~(6)~~) (8) Ensure clean bedding kept in the lodging units is stored (~~off the floor and~~) in a clean area off the floor.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-160 Food and beverage services. (~~(+)~~) Licensees shall ensure food provided to guests is prepared and served under:

(a) Chapter 246-215 WAC, state board of health standards for food service sanitation and local ordinances;

(b) Chapter 246-217 WAC, state board of health standards for food and beverage service workers permits; and

(c) Chapter 246-217 WAC, state board of health standards for food workers.

(2) Between guest occupancies, licensees providing multiple use or reusable drinking glasses, cups, ice buckets, and other food utensils shall ensure the utilities are:

(a) Washed and sanitized outside the lodging unit, toilet, or bathing facilities; or

(b) Washed and sanitized in an approved lodging unit kitchen defined under WAC 246-360-110;

(c) Handled and stored in a safe and sanitary manner;

(d) Protected from contamination; and

(e) Maintained in good repair.

(3) Licensees shall:

(a) Ensure single use drinking glasses, cups, ice buckets, and other food utensils are discarded after each guest occupancy;

(b) Clean and sanitize ice machines at least twice a year and as needed;

(c) Store and dispense ice provided for guests in a sanitary manner including sanitization of the ice scoop when used;

(d) Control or eliminate the dispensing of unprotected bulk ice by January 1, 1995; and

(e) Clean, maintain, and properly adjust drinking fountains.) (1) A licensee providing food service to guests shall meet the requirements of:

(a) Chapter 246-215 WAC, Food service;

(b) Chapter 246-217 WAC, Food worker permits; and

(c) Local ordinances.

(2) A licensee providing utensils and ice buckets for guests shall:

(a) Dispose of, and replace, single-use utensils and ice buckets between guest occupancies;

(b) Clean and sanitize multiple-use utensils and ice buckets between guest occupancies:

(i) In lodging unit kitchens meeting the requirements in WAC 246-360-110; or

(ii) In a clean and sanitary area separate from bathrooms, toilet rooms and adjoining handwash sinks;

(c) Handle and store utensils and ice buckets in a safe and sanitary manner to protect from contamination; and

(d) Maintain utensils and ice buckets in good condition, free from cracks.

(3) The licensee shall store and dispense ice in a sanitary manner, including:

(a) Cleaning and sanitizing ice machines twice a year or more often as needed; and

(b) Restricting guest access to unprotected bulk ice by:

(i) Providing self-dispensing ice machines or other "no contact" dispensing methods; or

(ii) Having employees dispense bulk ice to guests.

(4) The licensee shall clean, maintain and properly adjust the water flow in drinking fountains.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-170 Travel trailers and mobile homes. A licensee(s) providing travel trailers (~~and/or~~) or mobile homes as lodging units shall:

(1) Comply with chapters 296-150A and 296-150B WAC (~~rules and regulations of the department of labor and~~

industries)), which include minimum standards for factory-built housing, commercial structures, mobile homes, commercial coaches(7) and recreational vehicles; and

(2) Ensure all travel trailers and mobile homes used as lodging units are connected to approved water, sewer or approved sewage disposal system, and electrical utilities.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-180 Laundry. The licensee(s) shall:

(1) Provide ~~((a means for cleaning and sanitizing))~~ clean, sanitary bedding, linens, towels, washcloths(7) and other items intended for guest use by:

(a) Maintaining a laundry ~~((under WAC 246-360-040 and 246-360-180))~~ according to the provisions in this chapter; or

(b) ~~((Sending items to))~~ Using a commercial laundry or other laundry meeting the requirements ~~((under))~~ in WAC 246-360-040 and this section(7);

(2) Store the clean and sanitized bedding, linens, towels, washcloths(7) and other items in an area:

(a) ~~((In an area))~~ Designated for clean items only;

(b) Off the floor;

(c) Protected from contamination; and

(d) Without access ~~((to))~~ by guests, pets(7) or other animals(7); and

(3) Provide a means for handling, transporting, and separating soiled bedding, linens, towels, washcloths(7) and other items to prevent contamination of clean items.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-200 Safety, chemical, and physical hazards. The licensee(s) shall:

(1) ~~((Ensure))~~ Establish and follow policies and procedures for properly storing and labeling all chemical agents, such as cleaners, solvents, disinfectants(7) and insecticides ~~((, except for small amounts of household cleaners stored in kitchen units, are:~~

~~((a) Kept isolated from guests;))~~ to assure chemical agents are:

(a) Inaccessible to guests other than small amounts of household cleaners stored in lodging unit kitchens;

(b) Stored to prevent contamination of clothing, ~~((towel- ing;))~~ towels, washcloths and bedding materials; and

(c) Used ~~((under the))~~ according to manufacturer's recommendations(7);

(2) Provide adequate and safe handrailing for all stairways, porches(7) and balconies(7);

(3) Ensure ~~((every))~~ gas ~~((-fired))~~ and oil-fired space heaters and ~~((for))~~ water heaters ~~((is))~~ are vented to the ~~((exterior of the building;))~~ out-of-doors; and

(4) Eliminate known physical hazards.

NEW SECTION

WAC 246-360-500 Exemptions. (1) A licensee wishing to request an exemption from a requirement in this chapter shall submit a written request to the department, including:

(a) A description of the requested exemption;

(b) Reason for the exemption; and

(c) Impact of the exemption on public health and safety.

(2) If the department determines the exemption will not jeopardize public health or safety, and is not contrary to the intent of chapter 70.62 RCW and this chapter, the department may:

(a) Exempt the licensee from meeting a specific requirement in this chapter; or

(b) Allow the licensee to use another method of meeting the requirement.

(3) The licensee shall retain a copy of each approved exemption in the transient accommodation.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-360-190 Housekeeping equipment and procedures.

WSR 94-23-079

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed November 16, 1994, 3:45 p.m.]

Date of Adoption: October 28, 1994.

Purpose: To repeal sections of chapter 4-25 WAC that are being recodified—Part of a complete agency rules recodification to improve referencing.

Citation of Existing Rules Affected by this Order: Repealing WAC 4-25-020, 4-25-030, 4-25-080, and 4-25-270.

Statutory Authority for Adoption: RCW 18.04.055 (1) and (2).

Pursuant to notice filed as WSR 94-13-060 on June 8, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 4, 1994

Carey L. Rader

Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

4-25-020 Definitions.

4-25-030 Unlawful acts.

4-25-080 Commissions, referral fees, and contingent fees.

4-25-270 Enforcement actions against licensees.

WSR 94-23-093

PERMANENT RULES

GAMBLING COMMISSION

[Order 260—Filed November 17, 1994, 3:52 p.m., effective January 1, 1995]

Date of Adoption: October 14, 1994.

Purpose: WAC 230-04-202, new section will set forth fees for charitable/nonprofit organizations; and WAC 230-20-700, allows coin or token activated commercial amusement games to have an acceptor to include paper money in addition to a coin acceptor capable of taking money for one play.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-700.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 94-17-089 on August 16, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 230-04-202, changes in subsection (4); and WAC 230-20-700, changes in subsection (2).

Effective Date of Rule: January 1, 1995.

November 17, 1994

Shanna Lingel

Rules Coordinator

NEW SECTION

WAC 230-04-202 Fees—Bona fide charitable/nonprofit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES (Fee based on annual gross gambling receipts)		
* Class A	Premises only	\$ 50
Class B	Up to \$10,000	\$ 50
Class C	Up to \$25,000	\$265
Class D	Up to \$50,000	\$425
Class E	over \$50,000	\$745

* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.

GROUP	DEFINITION	FEE
2. BINGO (Fee based on annual gross gambling receipts)		
I	Class A	Up to \$ 15,000 \$ 50
	Class B	Up to \$ 50,000 \$ 155
	Class C	Up to \$ 100,000 \$ 315
	Class D	Up to \$ 300,000 \$ 850
	Class E	Up to \$ 500,000 \$ 1,430
II	Class F	Up to \$1,000,000 \$ 2,870
	Class G	Up to \$1,500,000 \$ 4,150
	Class H	Up to \$2,000,000 \$ 5,530
	Class I	Up to \$2,500,000 \$ 6,910
	Class J	Up to \$3,000,000 \$ 8,300
III	Class K	Up to \$3,500,000 \$ 9,310
	Class L	Up to \$4,000,000 \$10,640
	Class M	Over \$4,000,000 \$11,970

3. CARD GAMES		
Class A	General (Fee to play charged)	\$530
Class B	Limited card games - hearts, rummy, mah-jongg, pitch, pinochle, and cribbage (Fee to play charged)	\$155
Class C	Tournament only - no more than ten consecutive days per tournament	\$ 50

Class D	General (No fee to play charged)	\$ 50
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4. FUND-RAISING EVENT		
Class A	One event - not more than 24 consecutive hours	\$315
Class B	One event - not more than 72 consecutive hours	\$530
Class C	Additional participant in joint event (not lead organization)	\$155
Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity more than ten times per year*	\$210
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$530

* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCHBOARDS/PULL TABS (Fee based on annual gross gambling receipts)			VARIANCE*	
Class A	Up to \$ 50,000	\$ 5,000	\$ 505	
Class B	Up to \$ 100,000	\$ 5,000	\$ 900	
Class C	Up to \$ 200,000	\$10,000	\$1,700	
Class D	Up to \$ 300,000	\$10,000	\$2,470	
Class E	Up to \$ 400,000	\$10,000	\$3,190	
Class F	Up to \$ 500,000	\$10,000	\$3,850	
Class G	Up to \$ 600,000	\$10,000	\$4,470	
Class H	Up to \$ 700,000	\$10,000	\$5,030	
Class I	Up to \$ 800,000	\$10,000	\$5,530	
Class J	Up to \$1,000,000	\$20,000	\$6,280	
Class K	Up to \$1,250,000	\$25,000	\$6,970	
Class L	Up to \$1,500,000	\$25,000	\$7,610	
Class M	Up to \$1,750,000	\$25,000	\$8,140	
Class N	Up to \$2,000,000	\$25,000	\$8,620	
Class O	Over \$2,000,000	Nonapplicable	\$9,470	

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES (Fee based on annual gross gambling receipts)		
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$10,000	\$ 155
Class C	Up to \$25,000	\$ 315
Class D	Up to \$50,000	\$ 530
Class E	Up to \$75,000	\$ 850
Class F	Over \$75,000	\$1,270

7. SEPARATE PREMISES		
BINGO	Per occasion (see WAC 230-04-300)	\$25

8. PERMITS		
AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)	\$25
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$50

9. CHANGES

NAME	(See WAC 230-04-310)	\$25
LOCATION	(See WAC 230-04-320)	\$25
FRE	(Date or time) (See WAC 230-04-325)	\$25
LICENSE CLASS	(See WAC 230-04-260)	\$25
DUPLICATE LICENSE	(See WAC 230-04-290)	\$25

10. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	\$25
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-08-017)	As required

11. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$25
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AMENDATORY SECTION (Amending WSR 94-01-036, filed 12/6/93, effective 1/6/94)

WAC 230-20-700 Coin or token activated amusement games—Standards. (1) All coin or token activated amusement games operated at locations authorized under WAC 230-04-138 (1)(f), (g), (i), (j), (k), or (l) must have nonresettable coin-in meters, the removal or disconnection of which stops the play of the machine. The meter must be certified as accurate to within plus or minus 1 coin or token in 1,000 plays.

(2) All coin or token activated amusement games must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money. All games utilizing paper money acceptors shall either return change or clearly disclose to the customer that change is not returned by the device and where on the premises this change may be obtained prior to play. Operators using amusement games that do not return change must have a change-making bill acceptor or the ability to obtain change, in the immediate vicinity of such games.

**WSR 94-23-094
PERMANENT RULES
GAMBLING COMMISSION**

[Filed November 17, 1994, 3:55 p.m., effective January 1, 1995]

Date of Adoption: October 14, 1994.

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.

Citation of Existing Rules Affected by this Order: Amending WAC 230-30-070.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 94-19-072 on September 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: Changes were made in subsections (1), (2)(e), and (5).

Effective Date of Rule: January 1, 1995.

November 17, 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

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longer available. Operators may correct an inadvertently deleted prize by noting on the flare that such prize is still available. Such reference shall be permanently and conspicuously deleted when the prize is actually awarded. Failure to permanently and conspicuously delete a prize from the flare may result in the director initiating actions to revoke a license for violation of RCW 9.46.190 (defrauding a participant). The prize shall ~~((then))~~ be paid or delivered to the winner ~~((forthwith))~~ only after all reference to such prize has been deleted from the flare.

(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))~~ (a) 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))~~ (b) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab~~((iii))~~; and

(c) 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)~~ (a) and (b) of this subsection 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))~~ 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))~~ moneys collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

WSR 94-23-096
PERMANENT RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
[Filed November 18, 1994, 1:43 p.m.]

Date of Adoption: November 15, 1994.

Purpose: Establish emission control requirement for large fossil fuel-fired boilers.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 94-17-140 on August 22, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 16, 1994

Robert D. Elliott
Executive Director

Reviser's note: The material contained in this filing will appear in the 95-01 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 94-23-112
PERMANENT RULES
GROWTH MANAGEMENT
HEARINGS BOARDS
[Filed November 22, 1994, 9:10 a.m.]

Date of Adoption: November 21, 1994.

Purpose: The purpose of these revisions to Title 242 WAC is to amend the boards' rules to reflect changes required by 1994 legislation and to clarify that appeals of the Office of Financial Management's population projections can be made at any time (retroactive to January 1992).

Citation of Existing Rules Affected by this Order: Repealing WAC 242-02-040 (9)(c); and amending WAC 242-02-020, 242-02-040 (3) and (8), 242-02-052, 242-02-072, 242-02-210, 242-02-220, 242-02-530(5), 242-02-660, 242-02-890(2), 242-02-910, 242-04-020, 242-04-050 and 242-04-150; and new sections WAC 242-02-521 and 242-02-533.

Statutory Authority for Adoption: RCW 36.70A.270(6). Pursuant to notice filed as WSR 94-20-035 on September 28, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 22, 1994

M. Peter Philley
Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-010 Organization. Three growth ((~~planning~~) management) hearings boards were established pursuant to chapter 36.70A RCW. Each board is an independent agency of the state of Washington with three members appointed by the governor who are qualified by experience or training in matters pertaining to land use planning. These rules were developed and adopted jointly by all three boards pursuant to RCW 36.70A.270(6). They should be read in conjunction with the act.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-040 Definitions. As used in this title, the following terms shall have the following meaning:

- (1) "Act" means chapter 17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 sp. sess., and subsequent amendments.
- (2) "Board" means the Eastern Washington, Western Washington or Central Puget Sound growth ((~~planning~~) management) hearings board.
- (3) "Hearing examiner" means an authorized agent of a board who has a demonstrated knowledge of land use planning and law, appointed to assist the board in the performance of its hearing function as delegated by the board as provided by the act.
- (4) "Joint boards" means the three independent boards meeting or acting jointly.
- (5) "Party" means any person named in the caption of a case before a board.
- (6) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit, or public or private organization or entity of any character.
- (7) "Petitioner" means a person who appeals any matter or who brings a petition for rule making to the board. A petitioner is a party to a case before the board.
- (8) "Presiding officer" means any member of a board, or a hearing examiner, who is assigned to conduct a conference or hearing as directed by a board. The presiding officer shall be designated pursuant to WAC 242-02-521 and have authority as provided by WAC 242-02-522.
- (9) "Publication" means:
 - (a) For a city, the date the city publishes the ordinance or summary of the ordinance adopting a comprehensive plan, development regulations or subsequent amendment, as is required to be published;
 - (b) For a county, the date the county publishes the notice that it has adopted a comprehensive plan, development regulations or other enactments, or subsequent amendments pursuant to RCW 36.70A.290(2)(~~3~~);
 - (~~c) The filing of a certificate with the secretary of state pursuant to RCW 43.62.035 showing the office of financial management's determination of population.~~)
- (10) "Respondent" means a person who is named as a responding party in any petition for review before a board.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-052 Petition for rule making. (1) Right to petition for rule making. Any person may petition the joint boards for the adoption, amendment, or repeal of any rule. Said petition shall be filed with the Central Puget Sound board's office in Seattle, Washington.

(2) Form of petition. The form of the petition for adoption, amendment, or repeal of any rule shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE JOINT GROWTH ((~~PLANNING~~) MANAGEMENT)
HEARINGS BOARDS
STATE OF WASHINGTON

No.

In the matter of
the Petition of PETITION FOR RULE MAKING
(Name of Petitioner)
for Rule Making

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

(c) The petition shall be dated and signed by the party named in the first paragraph or by the petitioner's attorney or other authorized representative. The original and nine copies shall be filed with the Central Puget Sound board at its office in Seattle, Washington.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-072 Principal offices. The principal offices of each board are as follows:

- (1) Eastern Washington Growth
((~~Planning~~) Management) Hearings Board
Suite 818 Larson Building
6 South 2nd Street
Yakima, Washington 98901
(509) 454-7803
(509) 454-7292 FAX

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(2) Western Washington Growth
 ((Planning)) Management Hearings Board
 111 West 21st Avenue, Suite 1
 P.O. Box 40953
 Olympia, Washington 98504-0953
 (206) 664-8966
 (206) 664-8975 FAX

(3) Central Puget Sound Growth
 ((Planning)) Management Hearings Board
 2329 One Union Square
 600 University Street
 Seattle, Washington 98101-1129
 (206) 389-2625
 (206) 389-2588 FAX

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-210 Petition for review—Forms—Contents. A petition for review shall substantially contain:

(1) A caption in the following form:

BEFORE THE GROWTH ((PLANNING)) MANAGEMENT
HEARINGS BOARD
 STATE OF WASHINGTON

Petitioner,

Case No.

v.

PETITION FOR REVIEW

Respondent.

(2) Numbered paragraphs stating:

(a) Petitioner's name, mailing address and telephone number and those of the attorney or other authorized representative, if any;

(b) Date of the order, determination, publication, action or failure to act from which the appeal is taken;

(c) A detailed statement of issues presented for resolution by the board;

(d) A statement indicating the basis of the petitioner's standing before the board;

(e) The estimated length of the hearing;

(f) The relief sought, including the specific nature and extent;

(g) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature or signature of the attorney(s) or other authorized representative(s), if any.

(3) One copy of the document being appealed, if applicable, may be attached to the petition for review.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-220 Petition for review—Time for filing. (1) A petition relating to whether or not an adopted comprehensive plan, development regulation, or subsequent amendments, is in compliance with the goals and requirements of the act shall be filed with a board within sixty days from the date of publication by the legislative body of the county or city as specified by RCW 36.70A.290(2).

(2) A petition relating to an adopted county-wide planning policy shall be filed within sixty days of its adoption as specified in RCW 36.70A.210(6).

(3) A petition alleging that the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted can be filed at any time.

(4) For all other matters, a petition must be filed with a board within sixty days of the final written decision, order, determination, publication, or action being entered.

~~((4))~~ (5) A petition relating to the failure of a state agency, city or county to take an action by a deadline specified in the act may be brought at any time after the deadline for action has passed.

NEW SECTION

WAC 242-02-521 Designation of presiding officer. A board shall designate the presiding officer for each case at the time it issues its notice of hearing pursuant to WAC 242-02-510.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-530 Motions—Requirements. (1) A motion is an application for an order or ruling. Every motion shall be in writing, unless made during a hearing; shall state with particularity the grounds; and shall set forth the relief or order sought. An original and three copies of the motion shall be filed with a board and a copy served on each opposing party or that party's attorney or other authorized representative.

(2) All motions shall be properly captioned and signed by the moving party or that party's attorney or other authorized representative.

(3) The motion shall specify the amount of time required for argument, whether appearance by telecommunication is requested, and the names and telephone numbers of all parties served with the motion.

(4) Dispositive motions on a limited record, similar to a motion for summary judgment in superior court or a motion on the merits in the appellate courts, are permitted. Time frames for making and responding to such a motion shall be established by the presiding officer.

(5) Motions to disqualify a hearing examiner acting as the presiding officer, or a board member, for bias, prejudice, interest or other cause, with supporting affidavit(s), may be filed with a board.

NEW SECTION

WAC 242-02-533 Motion to disqualify for cause. (1) A motion to disqualify a hearing examiner acting as the presiding officer, or any board member, for bias, prejudice, interest or other cause, with supporting affidavit(s), must be filed at least seven days before the board holds a prehearing conference, or if facts establishing grounds for disqualification are subsequently discovered, promptly after discovery of such facts.

(2) The board shall promptly rule upon such a motion.

(3) If a motion for disqualification is granted and a presiding officer was disqualified as a result, the remaining

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board members shall promptly designate a new presiding officer.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-660 Official notice—Matters of law.

A board or presiding officer may officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals, and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders, and notices published in the Federal Register.

(2) State law. The Constitution of the state of Washington; decisions of the state courts; acts of the legislature, resolutions, records, journals, and committee reports; decisions of administrative agencies of the state of Washington; executive orders and proclamations by the governor; and all rules, orders, and notices filed with the code reviser.

(3) Counties and cities. Ordinances and resolutions enacted by cities, counties, or other municipal subdivisions of the state of Washington.

(4) Governmental organization. Organization, territorial limitations, officers, departments and general administration of the government of the state of Washington, the United States, the several states, federally recognized Indian tribes, and foreign nations.

(5) Growth ((~~planning~~)) management hearings boards. Orders and decisions of any board.

(6) Joint boards. Rules of practice and procedure.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-890 Postdecision hearing—Determination of compliance or noncompliance with final order.

(1) In those cases where a board finds that a state agency, county, or city is not in compliance with the requirements of the act, the board shall remand the matter to the affected state agency, county, or city, specifying a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply.

(2) After the compliance deadline specified in subsection (1) of this section, a board ((~~on its own motion~~)), by issuing a notice, or on the motion of a party, shall schedule a hearing for the purpose of determining compliance. The time and place of the compliance hearing shall be at the discretion of a board but shall be given the highest priority of business.

(3) Once a motion for a compliance hearing has been filed, a board shall schedule and conduct the hearing and issue a finding of compliance or noncompliance within forty-five days of the filing of the motion under subsection (2) of this section.

(4) If the board finds that the respondent is not in compliance, the board shall transmit its finding to the governor. A board may recommend to the governor that sanctions authorized by the act be imposed.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-910 Petitions for declaratory ruling.

(1) Any person may petition a board for a declaratory ruling about the applicability to specific circumstances of a rule, order, or statute within a board's jurisdiction. The petition shall set forth facts and reasons on which the petition relies to show:

(a) That uncertainty necessitating resolution exists;

(b) That there is actual controversy arising from the uncertainty such that a declaratory ruling will not be merely an advisory opinion;

(c) That the uncertainty adversely affects the petitioner;

(d) That the adverse effect of uncertainty outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and

(e) That the petition complies with any additional requirements established by the board.

(2) Form of the petition. The form of the petition for declaratory ruling shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE GROWTH ((~~PLANNING~~)) MANAGEMENT
HEARINGS BOARD
STATE OF WASHINGTON

No.

In the matter of
the Petition of
(name of Petitioner)
for a Declaratory
Ruling

PETITION FOR
DECLARATORY RULING

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

(c) The original and three copies shall be filed with the board.

(3) Consideration of petition. A board shall consider the petition and within thirty days of its filing shall:

(a) Issue a nonbinding declaratory ruling;

(b) Notify the petitioner that no declaratory ruling is to be issued; or

(c) Set a time and place for a hearing or for submission of written evidence on the matter, which shall occur within ninety days of the receipt of the petition, and give at least seven days notification to the petitioner of the time and place for such hearing or submission and of the issues involved.

(4) Disposition of petition. If the hearing is held or evidence is submitted as provided in subsection (3)(c) of this section, a board shall, within a reasonable time:

(a) Issue a binding declaratory ruling; or

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the petitioner that no declaratory ruling is to be issued.

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AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-04-020 Definitions. (1) "Board" means the Eastern Washington, Western Washington, or Central Puget Sound growth ((~~planning~~)) management hearings board. Each is a quasi-judicial body created pursuant to chapter 36.70A RCW. Where appropriate the term board also refers to the staff and employees of each board.

(2) "Joint boards" means the three independent boards meeting or acting jointly.

(3) "Public record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-04-050 Communications with each board or the joint boards. (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

- (a) Eastern Washington Growth
((~~Planning~~)) Management Hearings Board
Suite 818 Larson Building
6 South 2nd Street
Yakima, Washington 98901
(509) 454-7803
(509) 454-7292 FAX
- (b) Western Washington Growth
((~~Planning~~)) Management Hearings Board
111 West 21st Avenue, Suite 1
P.O. Box 40953
Olympia, Washington 98504-0953
(206) 664-8966
(206) 664-8975 FAX
- (c) Central Puget Sound Growth
((~~Planning~~)) Management Hearings Board
2329 One Union Square
600 University Street
Seattle, Washington 98101-1129
(206) 389-2625
(206) 389-2588 FAX

(2) All communications with the joint boards, except a petition for rule making pursuant to WAC 242-02-052, shall be addressed in care of the Western Washington board.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-04-150 Adoption of form. Each board and the joint boards adopt the use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for inspecting and/or copying public records."

We have received your request for inspection of and/or copies of our public records. Please complete this form and return it with the amount required, if applicable. We will forward the requested copies to you as soon as we receive this completed form with payment.

Return to:

(name and address of applicable board)

GROWTH ((~~PLANNING~~)) MANAGEMENT HEARINGS BOARD
REQUEST FOR INSPECTING AND/OR COPYING PUBLIC RECORDS

Date:

Name:

Address:

Day Phone Number:

Description of Record(s) Requested:

I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW.

Signature

Number of Copies
Number of Pages
Per Page Cost \$
Total Charge \$

WSR 94-23-119
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Filed November 22, 1994, 3:11 p.m.]

Date of Adoption: November 22, 1994.

Purpose: To establish regulations for the slaughter and handling of meat food birds by custom slaughters.

Citation of Existing Rules Affected by this Order:

Amending WAC 16-22-010, 16-22-030, and 16-22-050.

Statutory Authority for Adoption: RCW 16.49.680.

Other Authority: Chapters 16.49 and [16.]49A RCW.

Pursuant to notice filed as WSR 94-20-104 on October 5, 1994.

Changes Other than Editing from Proposed to Adopted Version: Comments from Dr. Robert Mead dated November 14, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 21, 1994

Jim Jesernig
Director

PERMANENT

AMENDATORY SECTION (Amending Order 1396, filed 3/24/75, effective 9/3/75)

WAC 16-22-010 Definitions. For the purposes of regulations contained in this order the following definitions ((as they appear in chapter 16.49A RCW)) shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food;

(2) "Custom farm slaughterer" means any person licensed pursuant to the provisions of chapter 16.49A RCW, the State Meat Inspection Act, and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof;

(3) "Department" means the department of agriculture of the state of Washington;

(4) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals or meat food birds;

(5) "Person" means a natural person, individual, firm partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be;

(6) "Equipment" means all machinery, fixtures, containers, utensils, vessels, tools, implements, vehicles, or apparatus used by a custom farm slaughterer in the process of slaughtering meat food animals, dressing the carcasses and transporting the inedible parts thereof from the place of slaughter to their destination;

(7) "Meat food animal" means live cattle, sheep, swine, and goats;

(8) "Meat food bird" for the purposes of processing the carcass shall mean a ratite defined as poultry in chapter 16.57 RCW weighing over one hundred pounds live weight. (Ratites defined as poultry weighing less than one hundred pounds live weight may be processed either as poultry or as a "meat food bird.")

(9) "Meat handling establishment" means any place of business where uninspected meat is stored, frozen, cut, wrapped, or otherwise prepared;

~~((9))~~ (10) "Identifying" means that each half, quarter, and edible part of slaughtered food animal carcasses shall be marked, stamped or tagged in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering;

~~((10))~~ (11) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food.

AMENDATORY SECTION (Amending Order 1396, filed 3/24/75, effective 9/3/75)

WAC 16-22-030 Custom farm slaughtering establishment—Sanitation. (1) Hooks, trolleys and spreaders, used in dressing carcasses, shall be of nonrusting metal or galvanized finish. They shall be clean, free from scale or rust and be given a thorough cleaning, sterilizing, drying and light coat of an edible mineral oil after each use. Hand hooks, knives, steels, and scabbards will be clean at all

times. They will be washed and sterilized as needed during operations, to minimize contamination.

(2) All tools and equipment shall be thoroughly sanitized before each operation. Further, they shall be washed and sterilized if contaminated by viscera contents, ~~((abscesses))~~ abscesses, or foreign material during slaughtering operations.

(3) All vans, vehicles, tools and equipment shall be cleaned and sanitized before each day's slaughter operation or at more frequent intervals if required to prevent adulteration of carcasses.

(4) Meat food animal or meat food bird carcasses shall not be transported in the mobile slaughtering unit unless each carcass is hung so that it does not touch the floor except beef carcasses that are dressed with the hide on and are to be delivered to a processing plant within two hours for completion of the dressing procedure. Only two such "hide on" carcasses may be transported at one time under this provision.

(5) Edible offal shall be transported in clean containers of approved materials and shall be properly identified.

(6) If a second animal is to be slaughtered while one carcass is hanging in the van, either the rear doors to the van are to be kept closed or an effective internal separator is to be provided to keep the hanging meat and the portion of the van that it is in from being contaminated from splash, dust, insects, and the like. This separator may be in the form of a double door system or an "air curtain."

(7) No animals, other than scalded and dehaired hogs, and defeathered meat food birds, and those exempted under Item 4, WAC 16-22-030, may be dressed and transported with the hide on.

(a) Viscera of all meat food animals and meat food birds shall be separated from the carcass at the time of slaughter on the premises where the animal is slaughtered. Feet shall be removed from all meat food animals, except hogs, when scalded, and the head shall be removed from beef on the premises where the animal is slaughtered. Feet and metatarsus shall be removed from meat food birds.

(b) All material produced through the slaughter activity, such as inedible offal and hide which may tend to cause the slaughtering area to become insanitary, must immediately upon completion of actual slaughter of the animal, be removed from the slaughtering area and disposed of in a completely sanitary manner. The licensee shall be responsible for proper disposal of inedible offal and all inedible products. The hide may be removed to a satisfactory place for storage.

(8) Meat food birds may be slaughtered by a custom farm slaughterer or custom slaughter establishment but not by a licensed custom poultry processor without prior approval by the director.

AMENDATORY SECTION (Amending Order 1396, filed 3/24/75, effective 9/3/75)

WAC 16-22-050 Custom farm slaughtering establishment—Inedible offal. (1) Inedible offal may only be transported by a mobile custom slaughtering establishment under the following conditions:

(a) In a covered, watertight trailer constructed from plans approved by the department and maintained in a sanitary condition at all times; or

(b) In approved sanitary containers, in a separate compartment, in the van body. The compartment will be metal lined. There will be no openings from this compartment to the portion of the van used to transport edible products. All inedible offal containers, such as barrels or tubs, will be made of hard rubber, plastic material or metal. They shall be smooth, easily cleaned and durable. Any metal containers capable of rusting shall be galvanized and oiled or primed and painted. Any operator desiring a variance from these inedible offal transport specifications shall apply to the department for such variance, give full details of construction and the reasons why each change will be equal to or an improvement on presently required construction.

(2) The only portion of an animal or bird slaughtered by a mobile custom slaughtering establishment operator which he/she may claim, own, or resell, is the inedible offal and the hide. Meat food bird hides must be negotiated with the bird owner before any claim of ownership.

(3) Inedible offal shall not be held by an operator more than eighteen hours unless under refrigeration sufficient to effectively retard spoilage and prevent noxious odors.

WSR 94-23-120

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed November 22, 1994, 3:13 p.m.]

Date of Adoption: November 11, 1994.

Purpose: To integrate ratites into the custom meat processing industry for the purpose of processing meat products from these birds.

Citation of Existing Rules Affected by this Order: Amending WAC 16-23-010, 16-23-020, and 16-23-170.

Statutory Authority for Adoption: RCW 16.49.680.

Other Authority: Chapters 16.49 and [16.]49A RCW.

Pursuant to notice filed as WSR 94-20-106 on October 5, 1994.

Changes Other than Editing from Proposed to Adopted Version: Definition of "meat food birds" clarified.

Effective Date of Rule: Thirty-one days after filing.

November 22, 1994

Jim Jesernig

Director

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

WAC 16-23-010 Definitions. For the purpose of these rules:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal.

(2) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only.

Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department or the director's designee.

(5) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat.

(6) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(7) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.

(8) "Meat food animal" means cattle, swine, sheep, or goats.

(9) "Meat food bird" for the purposes of processing the carcass shall mean a ratite defined as poultry in chapter 16-57 RCW weighing over one hundred pounds live weight. (Ratites defined as poultry weighing less than one hundred pounds live weight may be processed either as poultry or as a "meat food bird.")

(10) "Meat food product" means any product derived from meat food animal and intended for human consumption.

~~((10))~~ (11) "Operator" includes any owner, lessee, or manager of a custom meat facility.

~~((11))~~ (12) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, any member, officer, or employee thereof or assignee for the benefit of creditors.

~~((12))~~ (13) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

~~((13))~~ (14) "Uninspected meat" means carcasses or parts thereof of meat food animals slaughtered or processed for human consumption other than under requirements provided in chapter 16.49A RCW or a federal meat inspection act which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

~~((14))~~ (15) "Unwholesome" means a condition in which meat or meat food products may be found to be diseased, contaminated, unsound, unhealthful.

~~((15))~~ (16) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act and packaged and sealed in a container or wrapping bearing the seal of federal inspection.

~~((16))~~ (17) "Sanitize" means an effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to reduce the bacterial count, including pathogens, to a safe level.

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

WAC 16-23-020 Maintaining sanitary premises. Establishments or premises on or in which meat food products or meat from meat food birds are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-23-025 through 16-23-165 will be deemed necessary for minimum sanitary conditions.

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

WAC 16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator. The operator of any custom meat facility shall have in his/her possession certificates of permit as provided by chapter 16-620 WAC or other satisfactory proof of ownership of all uninspected carcasses or parts thereof received in his/her establishment, and such proof of ownership must be kept on file for a period of six months after receipt of such carcasses or parts of carcasses.

(1) All uninspected cattle carcasses or parts of carcasses shall be identified by a department approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identity shall conform to the requirements of chapter 16.57 RCW.

(2) All uninspected meat food animal or meat food bird carcasses or parts of carcasses other than cattle must be identified as to name and address of the owner, name and address of the slaughterer if different than the owner, and the slaughter date while in the possession of the operator.

(3) Each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparing will be furnished by the operator a written record stating the gross weight received for preparing. A duplicate copy of this record will be maintained by the operator at his principle place of business for a period of at least six months.

(4) Operators making sales of prepackaged inspected meat to other than household users shall maintain records of all such transactions as to buyer, type of product sold and total net weight of each exchange.

WSR 94-23-121**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed November 22, 1994, 3:16 p.m.]

Date of Adoption: November 11, 1994.

Purpose: To institute an alternative health certification for equine to give relief from the thirty day health certificate requirement; to institute USDA required rules to allow WSU School of Vet Med to establish an equine quarantine station; and provide specific health requirements for rats imported into the state.

Citation of Existing Rules Affected by this Order: Amending WAC 16-54-071; and new section WAC 16-54-145.

Statutory Authority for Adoption: Chapter 16.36 RCW. Pursuant to notice filed as WSR 94-20-107 on October 5, 1994.

Changes Other than Editing from Proposed to Adopted Version: In proposed WAC 16-54-145 inserted the words "or parent stock" after the word "eggs" in line seven. Added final sentence to cross reference with chapter 16-59 WAC.

Effective Date of Rule: Thirty-one days after filing.

November 21, 1994

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-071 Domestic equine. (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit" without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty-day health certification will be limited to not more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.

(4) Equine quarantine stations. Stallions or mares imported from foreign countries listed in 92.301(c)(1) of the Code of Federal Regulations (CFR) may only be received at an approved equine quarantine station. No person may receive in this state any stallion or mare which is imported from a foreign country in which contagious equine metritis has been reported unless the stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The sealed vehicle shall have been sealed at a federal or federally approved quarantine station or port of entry by a federal or federally approved agent. The imported stallion or mare shall be accompanied by an import

permit issued by the state veterinarian's office prior to the date on which the stallion or mare is brought into the state. The vehicle seal may not be removed except by an authorized employee or agent of the department of agriculture at an approved equine quarantine station. All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with an individual identification of a type approved by the state veterinarian.

(a) Quarantine release. An imported stallion or mare received at an approved equine quarantine station under subsection (4) of this section is quarantined until the quarantine is released by the director of agriculture in writing. A quarantined equine animal may not be removed from the quarantine premises or be allowed in contact with other equine animals on adjacent premises. Contact between a quarantined equine animal and a test mare is permitted, but only pursuant to a written agreement with the department under (d) of this subsection. A test mare which has been in contact with an imported stallion is quarantined until the quarantine is released by the department in writing.

(b) Approved equine quarantine station permit. No person may operate an approved equine quarantine station in Washington state without written permission from the director, Washington department of agriculture. Permits shall expire December 31 of each year. Applications for a permit shall be made in writing as required by the director. The director shall grant or deny a permit application within ninety days after the application is received provided that the application is accompanied by all requisite information and documentation. Every application shall include:

(i) The name and mailing address of the applicant and any trade name or business name to be used by the applicant;

(ii) A statement indicating whether the applicant is an individual, partnership, corporation, cooperative corporation, or other business association or entity;

(iii) The location of the equine quarantine station specified by county, town or city, road or street, and number;

(iv) The name and address of the accredited veterinarian who will perform all identification, handling, testing, and treatment of equine animals at the approved equine quarantine station under procedures or protocols established by the department; and

(v) Other information which the department may require if the information is reasonably relevant to the department's action on the permit request.

(c) Construction requirements. Approved equine quarantine stations shall be constructed and maintained to prevent contact between quarantined equine animals and any other equine animals on the premises, including test mares. An approved equine quarantine station shall be maintained in a clean and sanitary manner.

(d) Testing and treatment procedures. Before permission is granted for the operation of an approved equine quarantine station, the station operator and the accredited veterinarian designated under (b)(iv) of this subsection shall enter into a written agreement with the department establishing procedures and protocols to be followed in the identification, handling, testing, and treatment of equine animals quarantined in the station. The approved equine quarantine station shall be operated in compliance with the agreed

procedures and protocols. Procedures and protocols shall be performed by the designated veterinarian except as otherwise authorized by the director.

(e) Recordkeeping. The operator of an approved equine quarantine station shall keep complete and accurate records which shall be made available for inspection and copies of which shall be supplied to the department upon request. Records shall be kept for at least two years after they are made and shall include:

(i) The identification, date of arrival, and date of removal of each imported equine animal received at the quarantine station;

(ii) The name and address of the owner of each equine animal received at the quarantine station correlated with a specific identification of the equine animal; and

(iii) A complete record of the procedures and protocols followed in conjunction with the identification, handling, testing and treatment of each imported animal.

NEW SECTION

WAC 16-54-145 Ratites. All ratites imported into Washington shall be accompanied by a permit number and a health certificate or certificate of veterinary inspection unless otherwise exempted, stating that the birds are free from signs or exposure to infectious disease. Ratites as defined in chapter 16.57 RCW and/or their eggs or parent flock must be tested negative for the following diseases: Salmonella pullorum-typhoid-enteritidis. Health requirements for ratites also appears in chapter 16-59 WAC.

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.

WSR 94-23-122
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Filed November 22, 1994, 3:18 p.m.]

Date of Adoption: November 11, 1994.

Purpose: To add ratites into chapter 16-59 WAC, the poultry health regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 16-59-010, 16-59-030, and 16-59-070.

Statutory Authority for Adoption: Chapter 16.36 RCW.

Pursuant to notice filed as WSR 94-20-105 on October 5, 1994.

Changes Other than Editing from Proposed to Adopted Version: A clarifying sentence was added after "(ELISA)" of line 11 of WAC 16-59-030 which reads "The state veterinarian may allow cloacal swab or environmental testing for salmonella in lieu of blood testing as may be appropriate for the species."

Effective Date of Rule: Thirty-one days after filing.

November 21, 1994

Jim Jesernig
 Director

AMENDATORY SECTION (Amending Order 997, Regulation 1, filed 1/21/66)

WAC 16-59-010 Health certificates. (1) It shall be unlawful for any person, firm or corporation to import any poultry or hatching eggs into this state unless in compliance with the requirements set forth hereafter in this ~~((order))~~ rule and in accordance with Washington import ~~((order))~~ rules (chapter 16-54 WAC) and Title 9, Code of Federal Regulations. Shipment to be accompanied by an official health certificate or certificate of veterinary inspection (except shipments for immediate slaughter, hatching eggs and unfed poultry) on which vaccinations are shown when applicable giving dates, method and type of vaccine used in addition to requirements of Washington import ~~((order))~~ rules. A permit is required for import of ratites and the permit number entered on the certificate of veterinary inspection or health certificate. Each ratite imported must be permanently identified with a permanent leg band, microchip, or tattoo showing an individual number. The type of identification (including type of microchip if used) must be listed on the certificate of veterinary inspection or health certificate. Health requirements for ratites also appears in chapter 16-54 WAC.

(2) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants under federal, state, county or municipal supervision providing the accompanying certificate or waybill is so marked ~~((designating))~~ with the following information:

- (a) The plant of destination ~~((and,))~~;
- (b) That the birds are consigned for immediate slaughter and shall be slaughtered forthwith ~~((and,))~~;
- (c) The shipper's name and address ~~((and,))~~;
- (d) The number of birds in the shipment.

(3) For the purpose of this order the term "poultry" is considered to include all chickens, turkeys, ratites and other domestic fowl.

AMENDATORY SECTION (Amending Order 1994, filed 2/17/89)

WAC 16-59-030 Testing of breeding stock. (1) **Pullorum-typhoid:** All hatching eggs, baby chicks and/or poults, and growing stock (started pullets) in interstate movement shall have originated from parent or grandparent stock which are/were registered as participating flocks under the National Poultry Improvement Plan (NPIP) or equivalent state program and classified as Salmonella pullorum-typhoid free or are tested negative for Salmonella pullorum-typhoid within thirty days of movement. Acceptable tests are serum tube agglutination, serum or whole blood plate agglutination with pullorum antigen or Enzyme Linked Immuno-Sorbent Assay (ELISA). The state veterinarian may allow cloacal swab or environmental testing for salmonella in lieu of blood testing as appropriate for certain species of ratites. Any person who sells poultry or hatching eggs as Salmonella pullorum-typhoid free must qualify such under the provisions of this ~~((order))~~ rule: *Provided, however,* That eggs for table consumption and stock for immediate slaughter, or shipments consigned to a diagnostic laboratory or research institute approved by Washington state department of agriculture, shall be exempt from pullorum-typhoid requirements contained in this order.

(2) **Infectious laryngotracheitis; infectious coryza:** No poultry shall be transported, shipped or otherwise introduced into the state that have been naturally infected with or exposed to poultry naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, except upon a permit from the director of agriculture and subject to quarantine at destination. Such permits will be granted only when available authentic information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks: *Provided, however,* That eggs for table consumption from flocks naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, when washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists, stock for immediate slaughter or stock consigned to a diagnostic or research laboratory approved by Washington state department of agriculture shall be exempt from the infectious laryngotracheitis~~((+))~~ or infectious coryza requirements contained in this order: *Provided further,* That crates, equipment, and packaging material used for such transportation are cleaned and sterilized to the satisfaction of Washington state department of agriculture authorities or burned before leaving the slaughter, diagnostic, or egg processing premises.

(3) **Ornithosis:** Poultry and eggs from flocks in which ornithosis has been diagnosed shall not be imported into or moved intrastate in the state of Washington except on written permit from the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 997, Regulation 7, filed 1/21/66)

WAC 16-59-070 Penalty provisions. ~~((Any person, firm or corporation violating this regulation shall be deemed guilty of a misdemeanor.))~~ RCW 16.36.110 provides: A violation of or a failure to comply with any chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.030, 16.36.103, 16.36.105, 16.36.107, 16.36.108, or 16.36.109 may be enjoined from continuing such violation.

WSR 94-23-127

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 94-23—Filed November 23, 1994, 8:03 a.m.]

Date of Adoption: November 23, 1994.

Purpose: Establish emission control requirement for large fossil fuel-fired boilers. Adopt chapter 173-406 WAC, Acid rain regulation.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 94-17-127 on August 19, 1994.

Changes Other than Editing from Proposed to Adopted Version: Changes were made at the request of the United States Environmental Protection Agency to ensure consis-

cy with the federal requirements. Please see Concise Explanatory Statement included in Responsiveness Summary, available from Tony Warfield, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Effective Date of Rule: Thirty-one days after filing.

November 23, 1994

Mary Riveland
Director

**Chapter 173-406 WAC
ACID RAIN REGULATION**

**PART I
GENERAL PROVISIONS**

NEW SECTION

WAC 173-406-100 Acid rain program general provisions.

NEW SECTION

WAC 173-406-101 Definitions. The terms used in this regulation shall have the meanings set forth in Title IV of the Clean Air Act, 42 U.S.C. 7401, et seq. as amended by the Clean Air Act Amendments of 1990, 42 U.S.C. 7651, et seq. (November 15, 1990,) and in this section as follows:

(1) "Acid rain compliance option" means one of the methods of compliance used by an affected unit under the Acid Rain Program as described in a compliance plan submitted and approved in accordance with WAC 173-406-400 or regulations implementing section 407 of the act.

(2) "Acid Rain emissions limitation" means:

(a) For the purposes of sulfur dioxide emissions:

(i) The tonnage equivalent of the basic Phase II allowance allocations authorized to be allocated to an affected unit for use in a calendar year;

(ii) As adjusted:

(A) By allowances allocated by the administrator pursuant to section 403, section 405 (a)(2), (a)(3), (b)(2), (c)(4), (d)(3), and (h)(2), and section 406 of the act;

(B) By allowances allocated by the administrator pursuant to subpart D of 40 CFR part 72; and thereafter

(C) By allowance transfers to or from the compliance subaccount for that unit that were recorded or properly submitted for recordation by the allowance transfer deadline pursuant to 40 CFR 73.35, after deductions and other adjustments are made pursuant to 40 CFR 73.34(c); and

(b) For purposes of nitrogen oxides emissions, the applicable limitation established by regulations promulgated by the administrator pursuant to section 407 of the act, as modified by an acid rain permit application submitted to the permitting authority, and an acid rain permit issued by the permitting authority, in accordance with regulations implementing section 407 of the act.

(3) "Acid rain emissions reduction requirement" means a requirement under the Acid Rain Program to reduce the emissions of sulfur dioxide or nitrogen oxides from a unit to a specified level or by a specified percentage.

(4) "Acid rain permit or permit" means the legally binding written document, or portion of such document, issued by the permitting authority (following an opportunity

for appeal pursuant to 40 CFR part 78, chapter 43.21 RCW or other administrative appeals procedures established by the permitting authority), including any permit revisions, specifying the Acid Rain Program requirements applicable to an affected source, to each affected unit at an affected source, and to the owners and operators and the designated representative of the affected source or the affected unit.

(5) "Acid Rain Program" means the National Sulfur Dioxide and Nitrogen Oxides Air Pollution Control and Emissions Reduction Program established in accordance with Title IV of the act, WAC 173-406-100 through 173-406-1000, 40 CFR parts 72, 73, 75, 77, and 78, and regulations implementing sections 407 and 410 of the act.

(6) "Act" means the Clean Air Act, 42 U.S.C. § 7401, et seq. as amended by Public Law No. 101-549 (November 15, 1990).

(7) "Actual SO₂ emissions rate" means the annual average sulfur dioxide emissions rate for the unit (expressed in lb/mmBtu), for the specified calendar year; provided that, if the unit is listed in the National Allowance Data Base, the "1985 actual SO₂ emissions rate" for the unit shall be the rate specified by the administrator in the NADB under the data field "SO2RTE."

(8) "Administrator" means the Administrator of the United States Environmental Protection Agency or the administrator's duly authorized representative.

(9) "Affected source" means a source that includes one or more affected units.

(10) "Affected state" means a state whose boundary is within fifty statute miles of an affected source within the state of Washington.

(11) "Affected unit" means a unit that is subject to any acid rain emissions reduction requirement or acid rain emissions limitation.

(12) "Affiliate" shall have the meaning set forth in section 2 (a)(11) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79b (a)(11), as of November 15, 1990.

(13) "Allocate or allocation" means the initial crediting of an allowance by the administrator to an allowance tracking system unit account or general account.

(14) "Allowance" means an authorization by the administrator under the Acid Rain Program to emit up to one ton of sulfur dioxide during or after a specified calendar year.

(15) "Allowance deduction, or deduct when referring to allowances," means the permanent withdrawal of allowances by the administrator from an allowance tracking system compliance subaccount to account for the number of the tons of SO₂ emissions from an affected unit for the calendar year, for tonnage emissions estimates calculated for periods of missing data pursuant to 40 CFR part 75, or for any other allowance surrender obligations of the Acid Rain Program.

(16) "Allowances held or hold allowances" means the allowances recorded by the administrator, or submitted to the administrator for recordation in accordance with 40 CFR 73.50, in an allowance tracking system account.

(17) "Allowance tracking system or ATS" means the Acid Rain Program system by which the administrator allocates, records, deducts, and tracks allowances.

(18) "Allowance tracking system account" means an account in the allowance tracking system established by the

administrator for purposes of allocating, holding, transferring, and using allowances.

(19) "Allowance transfer deadline" means midnight of January 30th or, if January 30th is not a business day, midnight of the first business day thereafter and is the deadline by which allowances may be submitted for recordation in an affected unit's compliance subaccount for the purposes of meeting the unit's acid rain emissions limitation requirements for sulfur dioxide for the previous calendar year.

(20) "Authorized account representative" means a responsible natural person who is authorized, in accordance with 40 CFR part 73, to transfer and otherwise dispose of allowances held in an allowance tracking system general account; or, in the case of a unit account, the designated representative of the owners and operators of the affected unit.

(21) "Auxiliary firing" means the combustion of additional fuel downstream of a gas turbine for the purpose of adding thermal energy to the exhaust gases which can be recovered in a waste heat recovery unit.

(22) "Basic Phase II allowance allocations" means:

(a) For calendar years 2000 through 2009 inclusive, allocations of allowances made by the administrator pursuant to section 403 and section 405 (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1); (i); and (j).

(b) For each calendar year beginning in 2010, allocations of allowances made by the administrator pursuant to section 403 and section 405 (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1) and (3); (i); and (j).

(23) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or any other medium.

(24) "Certificate of representation" means the completed and signed submission required by 40 CFR 72.20, for certifying the appointment of a designated representative for an affected source or a group of identified affected sources authorized to represent the owners and operators of such source(s) and of the affected units at such source(s) with regard to matters under the Acid Rain Program.

(25) "Certifying official" means:

(a) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

(b) For partnership or sole proprietorship, a general partner or the proprietor, respectively; and

(c) For a local government entity or state, federal, or other public agency, either a principal executive officer or ranking elected official.

(26) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials Designation ASTM D388-92 "Standard Classification of Coals by Rank."

(27) "Coal-derived fuel" means any fuel, whether in a solid, liquid, or gaseous state, produced by the mechanical, thermal, or chemical processing of coal (e.g., pulverized coal, coal refuse, liquefied or gasified coal, washed coal, chemically cleaned coal, coal-oil mixtures, and coke).

(28) "Coal-fired" means the combustion of fuel consisting of coal or any coal-derived fuel (except a coal-derived gaseous fuel with a sulfur content no greater than natural gas), alone or in combination with any other fuel, where a unit is "coal-fired" if it uses coal or coal-derived fuel as its primary fuel (expressed in mmBtu); provided that, if the unit is listed in the NADB, the primary fuel is the fuel listed in the NADB under the data field "PRIMEFUEL."

(29) "Cogeneration unit" means a unit that has equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam) for industrial, commercial, heating or cooling purposes, through the sequential use of energy.

(30) "Commence commercial operation" means to have begun to generate electricity for sale, including the sale of test generation.

(31) "Commence construction" means that an owner or operator has either undertaken a continuous program of construction or has entered into a contractual obligation to undertake and complete, within eighteen months, a continuous program of construction. The permitting authority may, upon application by the owner or operator, extend the period for completion at its discretion.

(32) "Commence operation" means to have begun any mechanical, chemical, or electronic process, including start-up of an emissions control technology or emissions monitor or of a unit's combustion chamber.

(33) "Common stack" means the exhaust of emissions from two or more units through a single flue.

(34) "Compliance certification" means a submission to the administrator or the permitting authority that is required by WAC 173-406-100 through 173-406-1000, by 40 CFR part 72, 73, 75, 77, or 78, or by regulations implementing sections 407 or 410 of the act to report an affected source's or an affected unit's compliance or noncompliance with a provision of the Acid Rain Program and that is signed and verified by the designated representative in accordance with subpart B of 40 CFR part 72, WAC 173-406-800, and the Acid Rain Program regulations generally.

(35) "Compliance plan, for purposes of the Acid Rain Program," means the document submitted for an affected source in accordance with WAC 173-406-301 and 173-406-302 specifying the method(s) (including one or more acid rain compliance options under WAC 173-406-402 or regulations implementing section 407 of the act) by which each affected unit at the source will meet the applicable acid rain emissions limitation and acid rain emissions reduction requirements.

(36) "Compliance subaccount" means the subaccount in an affected unit's allowance tracking system account, established pursuant to 40 CFR 73.31 (a) or (b), in which are held, from the date that allowances for the current calendar year are recorded under 40 CFR 73.34(a) until December 31st, allowances available for use by the unit in the current calendar year and, after December 31st until the date that deductions are made under 40 CFR 73.35(b), allowances available for use by the unit in the preceding calendar year, for the purpose of meeting the unit's acid rain emissions limitation for sulfur dioxide.

(37) "Compliance use date" means the first calendar year for which an allowance may be used for purposes of

meeting a unit's acid rain emissions limitation for sulfur dioxide.

(38) "Construction" means fabrication, erection, or installation of a unit or any portion of a unit.

(39) "Control officer" means the air pollution control officer of a local air pollution control authority which is constituted under chapter 70.94 RCW.

(40) "Designated representative" means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with subpart B of 40 CFR part 72, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term "responsible official" is used in 40 CFR part 70 or in any other regulations implementing Title V of the act, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program. An alternate designated representative is also included in this definition.

(41) "Diesel fuel" means a low sulfur fuel oil of grades 1-D or 2-D, as defined by the American Society for Testing and Materials ASTM D975-91, "Standard Specification for Diesel Fuel Oils."

(42) "Direct public utility ownership" means direct ownership of equipment and facilities by one or more corporations, the principal business of which is sale of electricity to the public at retail. Percentage ownership of such equipment and facilities shall be measured on the basis of book value.

(43) "Director" means the director of the Washington department of ecology.

(44) "Draft acid rain permit or draft permit" means the version of the acid rain permit, or the acid rain portion of an operating permit, that the permitting authority offers for public comment.

(45) "Ecology" means the Washington department of ecology.

(46) "Emissions" means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the administrator by the designated representative and as determined by the administrator, in accordance with the emissions monitoring requirements of 40 CFR part 75.

(47) "EPA" means the United States Environmental Protection Agency.

(48) "Excess emissions" means:

(a) Any tonnage of sulfur dioxide emitted by an affected unit during a calendar year that exceeds the acid rain emissions limitation for sulfur dioxide for the unit; and

(b) Any tonnage of nitrogen oxides emitted by an affected unit during a calendar year that exceeds the annual tonnage equivalent of the acid rain emissions limitation for nitrogen oxides applicable to the affected unit taking into account the unit's heat input for the year.

(49) "Executive director" means the executive director of a local air pollution control authority which is constituted under chapter 70.94 RCW.

(50) "Existing unit" means a unit (including a unit subject to section 111 of the act) that commenced commercial operation before November 15, 1990, and that on or after November 15, 1990, served a generator with a name-

plate capacity of greater than twenty-five MWe. "Existing unit" does not include simple combustion turbines or any unit that on or after November 15, 1990, served only generators with a nameplate capacity of twenty-five MWe or less. Any "existing unit" that is modified, reconstructed, or repowered after November 15, 1990, shall continue to be an "existing unit."

(51) "Facility" means any institutional, commercial, or industrial structure, installation, plant, source, or building.

(52) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

(53) "Fossil fuel-fired" means the combustion of fossil fuel or any derivative of fossil fuel, alone or in combination with any other fuel, independent of the percentage of fossil fuel consumed in any calendar year.

(54) "Fuel oil" means any petroleum-based fuel (including diesel fuel or petroleum derivatives such as oil tar) as defined by the American Society for Testing and Materials in ASTM D396-90a, "Standard Specification for Fuel Oils," and any recycled or blended petroleum products or petroleum by-products used as a fuel whether in a liquid, solid or gaseous state.

(55) "Gas-fired" means the combustion of natural gas, or a coal-derived gaseous fuel with a sulfur content no greater than natural gas, for at least ninety percent of the average annual heat input during the previous three calendar years and for at least eighty-five percent of the annual heat input in each of those calendar years; and any fuel other than coal or any other coal-derived fuel for the remaining heat input, if any.

(56) "General account" means an allowance tracking system account that is not a unit account.

(57) "Generator" means a device that produces electricity and was or would have been required to be reported as a generating unit pursuant to the United States Department of Energy Form 860 (1990 edition).

(58) "Generator output capacity" means the full-load continuous rating of a generator under specific conditions as designed by the manufacturer.

(59) "Heat input" means the product (expressed in mmBtu/time) of the gross calorific value of the fuel (expressed in Btu/lb) and the fuel feed rate into the combustion device (expressed in mass of fuel/time) and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(60) "Independent power production facility (IPP)" means a source that:

(a) Is nonrecourse project financed, as defined by the Secretary of Energy at 10 CFR part 715;

(b) Is used for the generation of electricity, eighty percent or more of which is sold at wholesale; and

(c) Is a new unit required to hold allowances under Title IV of the act;

(d) Provided that direct public utility ownership of the equipment comprising the facility does not exceed fifty percent.

(61) "Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy generated by any

specified generating unit and pays its proportional amount of such unit's total costs, pursuant to a contract:

- (a) For the life of the unit;
- (b) For a cumulative term of no less than thirty years, including contracts that permit an election for early termination; or
- (c) For a period equal to or greater than twenty-five years or seventy percent of the economic useful life of the unit determined as of the time the unit was built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

(62) "Nameplate capacity" means the maximum electrical generating output (expressed in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the NADB under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards if the generator is not listed in the NADB.

(63) "National Allowance Data Base or NADB" means the data base established by the administrator under section 402 (4)(C) of the act.

(64) "Natural person" means an individual human being and not a firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency corporate entity or partnership.

(65) "Natural gas" means a naturally occurring fluid mixture of hydrocarbons containing little or no sulfur (e.g., methane, ethane, or propane), produced in geological formations beneath the Earth's surface, and maintaining a gaseous state at standard atmospheric temperature and pressure conditions under ordinary conditions of sixty-eight degrees Fahrenheit and one atmosphere (seven hundred sixty millimeters of mercury).

(66) "New unit" means a unit that commences commercial operation on or after November 15, 1990, including any such unit that serves a generator with a nameplate capacity of twenty-five MWe or less or that is a simple combustion turbine.

(67) "Offset plan" means a plan pursuant to 40 CFR part 77 for offsetting excess emissions of sulfur dioxide that have occurred at an affected unit in any calendar year.

(68) "Oil-fired" means the combustion of: Fuel oil for more than ten percent of the average annual heat input during the previous three calendar years or for more than fifteen percent of the annual heat input in any one of those calendar years; and any solid, liquid, or gaseous fuel, other than coal or any other coal-derived fuel (except a coal-derived gaseous fuel with a sulfur content no greater than natural gas), for the remaining heat input, if any.

(69) "Operating permit" means a permit issued under 40 CFR part 70 and any other regulations implementing Title V of the act.

(70) "Owner" means any of the following persons:

- (a) Any holder of any portion of the legal or equitable title in an affected unit;
- (b) Any holder of a leasehold interest in an affected unit; or
- (c) Any purchaser of power from an affected unit under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold

agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit; or

(d) With respect to any allowance tracking system general account, any person identified in the submission required by 40 CFR 73.31(c) that is subject to the binding agreement for the authorized account representative to represent that person's ownership interest with respect to allowances.

(71) "Owner or operator" means any person who is an owner or who operates, controls, or supervises an affected unit or affected source and shall include, but not be limited to, any holding company, utility system, or plant manager of an affected unit or affected source.

(72) "Permit revision" means a permit modification, fast track modification, administrative permit amendment, or automatic permit amendment, as provided in WAC 173-406-700.

(73) "Permitting authority" means the Washington department of ecology, the Washington energy facility site evaluation council, local air authority or other agency authorized under chapter 70.94 RCW and approved by EPA to carry out a permit program under this chapter.

(74) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency.

(75) "Phase II" means the Acid Rain Program period beginning January 1, 2000, and continuing into the future thereafter.

(76) "Potential electrical output capacity" means the MWe capacity rating for the units which shall be equal to thirty-three percent of the maximum design heat input capacity of the steam generating unit, as calculated according to Appendix D of 40 CFR part 72.

(77) "Power distribution system" means the portion of an electricity grid owned or operated by a utility that is dedicated to delivering electric energy to customers.

(78) "Power purchase commitment" means a commitment or obligation of a utility to purchase electric power from a facility pursuant to:

- (a) A power sales agreement;
- (b) A state regulatory authority order requiring a utility to:
 - (i) Enter into a power sales agreement with the facility;
 - (ii) Purchase from the facility; or
 - (iii) Enter into arbitration concerning the facility for the purpose of establishing terms and conditions of the utility's purchase of power;

(c) A letter of intent or similar instrument committing to purchase power (actual electrical output or generator output capacity) from the source at a previously offered or lower price and a power sales agreement applicable to the source is executed within the time frame established by the terms of the letter of intent but no later than November 15, 1992, or, where the letter of intent does not specify a time frame, a power sales agreement applicable to the source is executed on or before November 15, 1992; or

(d) A utility competitive bid solicitation that has resulted in the selection of the qualifying facility of independent power production facility as the winning bidder.

(79) "Power sales agreement" means a legally binding agreement between a qualifying facility, an independent power production facility, or firm associated with such facility and a regulated electric utility that establishes the terms and conditions for the sale of power from the facility to the utility.

(80) "Primary fuel or primary fuel supply" means the main fuel type (expressed in mmBtu) consumed by an affected unit for the applicable calendar year.

(81) "Proposed acid rain permit or proposed permit" means the version of an acid rain permit that the permitting authority submits to the administrator after the public comment period, but prior to completion of the EPA permit review period under 40 CFR 70.8(c).

(82) "Qualifying facility (QF)" means a "qualifying small power production facility" within the meaning of section 3 (17)(C) of the Federal Power Act or a "qualifying cogeneration facility" within the meaning of section 3 (18)(B) of the Federal Power Act.

(83) "Qualifying power purchase commitment" means a power purchase commitment in effect as of November 15, 1990, without regard to changes to that commitment so long as:

(a) The identity of the electric output purchaser, the identity of the steam purchaser and the location of the facility, remain unchanged as of the date the facility commences commercial operation; and

(b) The terms and conditions of the power purchase commitment are not changed in such a way as to allow the costs of compliance with the Acid Rain Program to be shifted to the purchaser.

(84) "Qualifying repowering technology" means:

(a) Replacement of an existing coal-fired boiler with one of the following clean coal technologies: Atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990; or

(b) Any oil-fired or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(85) "Receive or receipt of" means the date the administrator or the permitting authority comes into possession of information or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the information or correspondence, by the administrator or the permitting authority in the regular course of business.

(86) "Recordation, record, or recorded" means, with regard to allowances, the transfer of allowances by the administrator from one allowance tracking system account or subaccount to another.

(87) "Schedule of compliance" means an enforceable sequence of actions, measures, or operations designed to achieve or maintain compliance, or correct noncompliance,

with an applicable requirement of the Acid Rain Program, including any applicable acid rain permit requirement.

(88) "Secretary of Energy" means the Secretary of the United States Department of Energy or the secretary's duly authorized representative.

(89) "Simple combustion turbine" means a unit that is a rotary engine driven by a gas under pressure that is created by the combustion of any fuel. This term includes combined cycle units without auxiliary firing. This term excludes combined cycle units with auxiliary firing, unless the unit did not use the auxiliary firing from 1985 through 1987 and does not use auxiliary firing at any time after November 15, 1990.

(90) "Solid waste incinerator" means a source as defined in section 129 (g)(1) of the act.

(91) "Source" means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the act. For purposes of section 502(c) of the act, a "source," including a "source" with multiple units, shall be considered a single "facility."

(92) "Stack" means a structure that includes one or more flues and the housing for the flues.

(93) "State" means one of the forty-eight contiguous states and the District of Columbia and includes any nonfederal authorities, including local agencies, interstate associations, and state-wide agencies with approved state operating permit programs. The term "state" shall have its conventional meaning where such meaning is clear from the context.

(94) "State operating permit program" means an operating permit program that the administrator has approved as meeting the requirements of Titles IV and V of the act and 40 CFR parts 70 and 72.

(95) "Submit or serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

(a) In person;

(b) By United States Postal Service certified mail with the official postmark or, if service is by the administrator or the permitting authority, by any other mail service by the United States Postal Service; or

(c) By other means with an equivalent time and date mark used in the regular course of business to indicate the date of dispatch or transmission and a record of prompt delivery. Compliance with any "submission," "service," or "mailing" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(96) "Ton or tonnage" means any "short ton" (i.e., two thousand pounds). For the purpose of determining compliance with the acid rain emissions limitations and reduction requirements, total tons for a year shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with 40 CFR part 75, with any remaining fraction of a ton equal to or greater than one-half ton deemed to equal one ton and any fraction of a ton less than one-half ton deemed not to equal any ton.

(97) "Total planned net output capacity" means the planned generator output capacity, excluding that portion of the electrical power which is designed to be used at the power production facility, as specified under one or more

qualifying power purchase commitments or contemporaneous documents as of November 15, 1990.

(98) "Total installed net output capacity" means the generator output capacity, excluding that portion of the electrical power actually used at the power production facility, as installed.

(99) "Unit" means a fossil fuel-fired combustion device.

(100) "Unit account" means an allowance tracking system account, established by the administrator for an affected unit pursuant to 40 CFR 73.31 (a) or (b).

(101) "Utility" means any person that sells electricity.

(102) "Utility competitive bid solicitation" means a public request from a regulated utility for offers to the utility for meeting future generating needs. A qualifying facility, independent power production facility may be regarded as having been "selected" in such solicitation if the utility has named the facility as a project with which the utility intends to negotiate a power sales agreement.

(103) "Utility regulatory authority" means an authority, board, commission, or other entity (limited to the local-level, state-level, or federal-level, whenever so specified) responsible for overseeing the business operations of utilities located within its jurisdiction, including, but not limited to, utility rates and charges to customers.

(104) "Utility unit" means a unit owned or operated by a utility:

(a) That serves a generator that produces electricity for sale; or

(b) That during 1985, served a generator that produced electricity for sale.

(c) Notwithstanding (a) and (b) of this subsection, a unit that was in operation during 1985, but did not serve a generator that produced electricity for sale during 1985, and did not commence commercial operation on or after November 15, 1990, is not a utility unit for purposes of the Acid Rain Program.

(d) Notwithstanding (a) and (b) of this subsection, a unit that cogenerates steam and electricity is not a utility unit for purposes of the Acid Rain Program, unless the unit is constructed for the purpose of supplying, or commences construction after November 15, 1990, and supplies, more than one-third of its potential electrical output capacity and more than twenty-five MWe output to any power distribution system for sale.

NEW SECTION

WAC 173-406-102 Measurements, abbreviations, and acronyms. Measurements, abbreviations, and acronyms used in this regulation are defined as follows:

ASTM - American Society for Testing and Materials.

ATS - Allowance Tracking System.

Btu - British thermal unit.

CAAA - Clean Air Act Amendments.

CFR - Code of Federal Regulations.

DOE - Department of Energy.

IPP - Independent power production facility.

mmBtu - million Btu.

MWe - megawatt electrical.

NADB - National Allowance Data Base.

QF - Qualifying facility.

RCW - Revised Code of Washington.

SO₂ - sulfur dioxide.

WAC - Washington Administrative Code.

WDOE - Washington Department of Ecology, hereinafter referred to as ecology.

NEW SECTION

WAC 173-406-103 Applicability. (1) The provisions of this chapter apply in all areas of the state of Washington. An authority may enforce this chapter and may also adopt more stringent standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Each of the following units shall be an affected unit, and any source that includes such a unit shall be an affected source, subject to the requirements of the Acid Rain Program:

(a) A unit listed in Table 1 of 40 CFR 73.10(a).

(b) An existing unit that is identified in Table 2 or 3 of 40 CFR 73.10 and any other existing utility unit, except a unit under subsection (2) of this section.

(c) A utility unit, except a unit under subsection (2) of this section, that:

(i) Is a new unit;

(ii) Did not serve a generator with a nameplate capacity greater than twenty-five MWe on November 15, 1990, but serves such a generator after November 15, 1990;

(iii) Was a simple combustion turbine on November 15, 1990, but adds or uses auxiliary firing after November 15, 1990;

(iv) Was an exempt cogeneration facility under subsection (2)(d) of this section but during any three calendar year period after November 15, 1990, sold, to a utility power distribution system, an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs (i.e., twenty-five MWe times eight thousand seven hundred sixty hours) electrical output, on a gross basis;

(v) Was an exempt qualifying facility under subsection (2)(e) of this section but, at any time after the later of November 15, 1990, or the date the facility commences commercial operation, fails to meet the definition of qualifying facility;

(vi) Was an exempt independent power production facility under subsection (2)(f) of this section but, at any time after the later of November 15, 1990, or the date the facility commences commercial operation, fails to meet the definition of independent power production facility; or

(vii) Was an exempt solid waste incinerator under subsection (2)(g) of this section but during any three calendar year period after November 15, 1990, consumes twenty percent or more (on a Btu basis) fossil fuel.

(2) The following types of units are not affected units, and are not subject to the requirements of the Acid Rain Program:

(a) A simple combustion turbine that commenced operation before November 15, 1990.

(b) Any unit that commenced commercial operation before November 15, 1990, and that did not, as of November 15, 1990, and does not currently, serve a generator with a nameplate capacity of greater than twenty-five MWe.

(c) Any unit that, during 1985, did not serve a generator that produced electricity for sale and that did not, as of November 15, 1990, and does not currently, serve a generator that produces electricity for sale.

(d) A cogeneration facility which:

(i) For a unit that commenced construction on or prior to November 15, 1990, was constructed for the purpose of supplying equal to or less than one-third its potential electrical output capacity or equal to or less than two hundred nineteen thousand MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). If the purpose of construction is not known, it will be presumed to be consistent with the actual operation from 1985 through 1987. However, if in any three calendar year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the Acid Rain Program; or

(ii) For units that commenced construction after November 15, 1990, supplies equal to or less than one-third its potential electrical output capacity or equal to or less than two hundred nineteen thousand MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). However, if in any three calendar year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the Acid Rain Program.

(e) A qualifying facility that:

(i) Has, as of November 15, 1990, one or more qualifying power purchase commitments to sell at least fifteen percent of its total planned net output capacity; and

(ii) Consists of one or more units designated by the owner or operator with total installed net output capacity not exceeding one hundred thirty percent of the total planned net output capacity. If the emissions rates of the units are not the same, the administrator may exercise discretion to designate which units are exempt.

(f) An independent power production facility that:

(i) Has, as of November 15, 1990, one or more qualifying power purchase commitments to sell at least fifteen percent of its total planned net output capacity; and

(ii) Consists of one or more units designated by the owner or operator with total installed net output capacity not exceeding one hundred thirty percent of its total planned net output capacity. If the emissions rates of the units are not the same, the administrator may exercise discretion to designate which units are exempt.

(g) A solid waste incinerator, if more than eighty percent (on a Btu basis) of the annual fuel consumed at such incinerator is other than fossil fuels. For a solid waste incinerator which began operation before January 1, 1985, the average annual fuel consumption of nonfossil fuels for calendar years 1985 through 1987 must be greater than eighty percent for such an incinerator to be exempt. For a solid waste incinerator which began operation after January

1, 1985, the average annual fuel consumption of nonfossil fuels for the first three years of operation must be greater than eighty percent for such an incinerator to be exempt. If, during any three calendar year period after November 15, 1990, such incinerator consumes twenty percent or more (on a Btu basis) fossil fuel, such incinerator will be an affected source under the Acid Rain Program.

(h) A nonutility unit which is not a utility unit as defined at WAC 173-406-101.

(3) A certifying official of any unit may petition the administrator for a determination of applicability under 40 CFR 72.6(c). The administrator's determination of applicability shall be binding upon the permitting authority, unless the petition is found to have contained significant errors or omissions.

NEW SECTION

WAC 173-406-104 New units exemption. (1) Applicability. This section applies to any new utility unit that serves one or more generators with total nameplate capacity of twenty-five MWe or less and burns only fuels with a sulfur content of five hundredths of one percent or less by weight, as determined in accordance with subsection (4)(a) of this section.

(2) Petition for written exemption. The designated representative, authorized in accordance with subpart B of 40 CFR part 72, of a source that includes a unit under subsection (1) of this section may petition the permitting authority for a written exemption, or to renew a written exemption, for the unit from certain requirements of the Acid Rain Program. The petition shall be submitted on a form approved by the permitting authority which includes the following elements:

(a) Identification of the unit.

(b) The nameplate capacity of each generator served by the unit.

(c) A list of all fuels currently burned by the unit and their percentage sulfur content by weight, determined in accordance with subsection (1) of this section.

(d) A list of all fuels that are expected to be burned by the unit and their sulfur content by weight.

(e) The special provisions in subsection (4) of this section.

(f) The name of the designated representative, his or her signature, and the date of signature.

(3) The permitting authority's action.

(a)(i) The permitting authority will issue, for any unit meeting the requirements of subsections (1) and (2) of this section, a written exemption from the requirements of the Acid Rain Program except for the requirements specified in this section, 40 CFR 72.2 through 72.7, and 40 CFR 72.10 through 72.13; provided that no unit shall be exempted unless the designated representative of the unit surrenders, and the administrator deducts from the unit's allowances tracking system account, allowances pursuant to 40 CFR 72.7 (c)(1)(i) and (d)(1).

(ii) The exemption shall take effect on January 1st of the year immediately following the date on which the written exemption is issued as a final agency action subject to judicial review, in accordance with subsection (3)(b) of this section; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply

with the requirements of the Acid Rain Program concerning all years for which the unit was not exempted, even if such requirements arise, or must be complied with, after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the Acid Rain Program whether the violation occurs before or after the exemption takes effect.

(b) The permitting authority will consider and either issue or deny a written exemption under subsection (3)(a) of this section by applying the procedures for acid rain permit issuance in WAC 173-406-600 as if the petition for written exemption were a permit application, with regard to completeness determination, draft written exemption, administrative record, statement of basis, public notice and comment period, public hearing, proposed written exemption, written exemption issuance, exemption revision and appeal procedures as provided by WAC 173-406-600 and 173-406-700. No provision under WAC 173-406-600 concerning the content, effective date, or term of an acid rain permit shall apply to the written exemption or proposed written exemption under this section.

(c) A written exemption issued under this section shall have a term of five years from its effective date, except as provided in subsection (4)(c) of this section.

(4) Special provisions.

(a) The owners and operators of each unit exempted under this section shall determine the sulfur content by weight of its fuel as follows:

(i) For petroleum or petroleum products that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-92, or ASTM D4294-90.

(ii) For natural gas that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, the sulfur content shall be documented to be five hundredths of one percent or less by weight.

(iii) For gaseous fuel (other than natural gas) that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D1072-90 and ASTM D1265-92; provided that if the gaseous fuel is delivered by pipeline to the unit, a sample of the fuel shall be tested, at least once every quarter in which the unit operates during any year for which the exemption is in effect, using ASTM method ASTM D1072-90.

(b) The owners and operators of each unit exempted under this section shall retain at the source that includes the unit, the records of the results of the tests performed under (a)(i) and (iii) of this subsection, a copy of documentation produced under (a)(ii) of this subsection, and a copy of the purchase agreements for the fuel under (a) of this subsection, stating the sulfur content of such fuel. Such records and documents shall be retained for five years from the date they are created.

(c) On the earlier of the date the written exemption expires, the date a unit exempted under this section burns any fuel with a sulfur content in excess of five hundredths of one percent by weight (as determined in accordance with (a) of this subsection), or twenty-four months prior to the date the unit first serves one or more generators with total

nameplate capacity in excess of twenty-five MWe, the unit shall no longer be exempted under this section and shall be subject to all requirements of the Acid Rain Program, except that:

(i) Notwithstanding WAC 173-406-301 (2) and (3), the designated representative of the source that includes the unit shall submit a complete acid rain permit application on the later of January 1, 1998, or the date the unit is no longer exempted under this section.

(ii) For purposes of applying monitoring requirements under 40 CFR part 75, the unit shall be treated as a new unit that commenced commercial operation on the date the unit no longer meets the requirements of subsection (1) of this section.

NEW SECTION

WAC 173-406-105 Retired units exemption. (1) Applicability. This section applies to any affected unit that is retired prior to the issuance (including renewal) of an acid rain permit for the unit as a final agency action.

(2) Petition for written exemption.

(a) The designated representative, authorized in accordance with subpart B of 40 CFR part 72, of a source that includes a unit under subsection (1) of this section may petition the permitting authority for a written exemption, or to renew a written exemption, for the unit from certain requirements of the Acid Rain Program.

(b) A petition under this section shall be submitted on or before:

(i) The deadline for submitting an acid rain permit application for Phase II; or

(ii) If the unit has a Phase II acid rain permit, the deadline for reapplying for such permit.

(c) The petition under this section shall be submitted on a form approved by the permitting authority which includes the following elements:

(i) Identification of the unit;

(ii) The applicable deadline under (b) of this subsection;

(iii) The actual or expected date of retirement of the unit;

(iv) The following statement: "I certify that this unit ('is' or 'will be', as applicable) permanently retired on the date specified in this petition and will not emit any sulfur dioxide or nitrogen oxides after such date";

(v) A description of any actions that have been or will be taken and provide the basis for the certification in (c)(iv) of this subsection; and

(vi) The special provisions in subsection (4) of this section.

(vii) The name of the designated representative, his or her signature, and the date of signature.

(3) Permitting authority's action.

(a)(i) The permitting authority will issue, for any unit meeting the requirements of subsections (1) and (2) of this section, a written exemption from the requirements of WAC 173-406-100 through 173-406-800 and 40 CFR part 72 except for the requirements specified in this section and 40 CFR 72.1 through 72.6, 40 CFR 72.8, and 40 CFR 72.10 through 72.13.

(ii) The exemption shall take effect on January 1st of the year following the date on which the written exemption

is issued as a final agency action subject to judicial review, in accordance with (b) of this subsection; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply with the requirements of WAC 173-406-100 through 173-406-800 and 40 CFR part 72 concerning all years for which the unit was not exempted, even if such requirements arise or must be complied with after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the Acid Rain Program whether the violation occurs before or after the exemption takes effect.

(b) The permitting authority will consider and either issue or deny a written exemption under (a) of this subsection by applying the procedures for acid rain permit issuance in WAC 173-406-600 as if the petition for written exemption were a permit application, with regard to completeness determination, draft written exemption, administrative record, statement of basis, public notice and comment period, public hearing, proposed written exemption, written exemption issuance, exemption revision and appeal procedures as provided by WAC 173-406-600 and 173-406-700. No provision under WAC 173-406-600 concerning the content, effective date, or term of an acid rain permit shall apply to the written exemption or proposed written exemption under this section.

(c) A written exemption issued under this section shall have a term of five years, except as provided in subsection (4)(c) of this section.

(4) Special provisions.

(a) A unit exempted under this section shall not emit any sulfur dioxide and nitrogen dioxide starting on the date it is exempted.

(b) The owners and operators of a unit exempted under this section shall comply with monitoring requirements in accordance with 40 CFR part 75 and will be allocated allowances in accordance with 40 CFR part 73.

(c) A unit exempted under this section shall not resume operation unless the designated representative of the source that includes the unit submits an acid rain permit application for the unit not less than twenty-four months prior to the later of January 1, 2000, or the date the unit is to resume operation. On the earlier of the date the written exemption expires or the date an acid rain permit application is submitted or is required to be submitted under this paragraph, the unit shall no longer be exempted under this section and shall be subject to all requirements of WAC 173-406-100 through 173-406-800 and 40 CFR part 72.

NEW SECTION

WAC 173-406-106 Standard requirements. (1) Permit requirements.

(a) The designated representative of each affected source and each affected unit at the source shall:

(i) Submit a complete acid rain permit application under this part in accordance with the deadlines specified in WAC 173-406-301;

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an acid rain permit application and issue or deny an acid rain permit.

(b) The owners and operators of each affected source and each affected unit at the source shall:

(i) Operate the unit in compliance with a complete acid rain permit application or a superseding acid rain permit issued by the permitting authority; and

(ii) Have an acid rain permit.

(2) Monitoring requirements.

(a) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements pursuant to 40 CFR part 75 and section 407 of the act and regulations implementing section 407 of the act.

(b) The emissions measurements recorded and reported in accordance with 40 CFR part 75 and section 407 of the act and regulations implementing section 407 of the act shall be used to determine compliance by the unit with the acid rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(c) The requirements of 40 CFR part 75 and regulations implementing section 407 of the act shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the act, applicable requirements of Title 173 WAC, and other provisions of the operating permit for the source.

(3) Sulfur dioxide requirements.

(a) The owners and operators of each source and each affected unit at the source shall:

(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and

(ii) Comply with the applicable acid rain emissions limitation for sulfur dioxide.

(b) Each ton of sulfur dioxide emitted in excess of the acid rain emissions limitations for sulfur dioxide shall constitute a separate violation of the act.

(c) An affected unit shall be subject to the requirements under (a) of this subsection as follows:

(i) Starting January 1, 2000, an affected unit under WAC 173-406-103 (1)(b); or

(ii) Starting on the later of January 1, 2000, or the deadline for monitor certification under 40 CFR part 75, an affected unit under WAC 173-406-103 (1)(c).

(d) Allowances shall be held in, deducted from, or transferred among allowance tracking system accounts in accordance with the Acid Rain Program.

(e) An allowance shall not be deducted, in order to comply with the requirements under (a)(i) of this subsection, prior to the calendar year for which the allowance was allocated.

(f) An allowance allocated by the administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the acid rain permit application, the acid rain permit, or the written exemption under WAC 173-406-104 and 173-406-105 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(g) An allowance allocated by the administrator under the Acid Rain Program does not constitute a property right.

(4) Nitrogen oxides requirements. The owners and operators of the source and each affected unit at the source shall comply with the applicable acid rain emissions limitation for nitrogen oxides.

(5) Excess emissions requirements.

(a) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan to the administrator, as required under 40 CFR part 77, and submit a copy to the permitting authority.

(b) The owners and operators of an affected unit that has excess emissions in any calendar year shall:

(i) Pay to the administrator without demand the penalty required, and pay to the administrator upon demand the interest on that penalty, as required by 40 CFR part 77; and

(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

(6) Recordkeeping and reporting requirements.

(a) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created.

(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.

(ii) All emissions monitoring information, in accordance with 40 CFR part 75.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program.

(iv) Copies of all documents used to complete an acid rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(b) The five-year document retention period in (a) of this subsection may be extended for cause, at any time prior to the end of five years, in writing by the administrator or the permitting authority.

(c) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under WAC 173-406-800 and 40 CFR part 75.

(7) Liability.

(a) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete acid rain permit application, an acid rain permit, or a written exemption under WAC 173-406-104 or 173-406-105, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by the administrator pursuant to section 113(c) of the act and by the permitting authority pursuant to RCW 70.94.431 and 70.94.435.

(b) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement by the administrator pursuant to section 113(c) of the act and 18 U.S.C. 1001 and by the permitting authority pursuant to RCW 70.94.430.

(c) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

(d) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

(e) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(f) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under WAC 173-406-402 (Phase II repowering extension plans), section 407 of the act and regulations implementing section 407 of the act, and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(g) Each violation of a provision of WAC 173-406-100 through 173-406-1000 and 40 CFR parts 72, 73, 75, 77, and 78, and regulations implementing sections 407 and 410 of the act by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the act.

(8) Effect on other authorities. No provision of the Acid Rain Program, an acid rain permit application, an acid rain permit, or a written exemption under WAC 173-406-104 or 173-406-105 shall be construed as:

(a) Except as expressly provided in Title IV of the act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the act, including the provisions of Title I of the act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(b) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the act;

(c) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;

(d) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or

(e) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

PART II DESIGNATED REPRESENTATIVE

NEW SECTION

WAC 173-406-200 Designated representative.

NEW SECTION

WAC 173-406-201 Submissions. (1) The designated representative shall submit a certificate of representation, and any superseding certificate of representation, to the administrator in accordance with subpart B of 40 CFR part 72 and, concurrently, shall submit a copy to the permitting authority. Whenever the term "designated representative" is used in this regulation, the term shall be construed to include the alternate designated representative.

(2) Each submission under the Acid Rain Program shall be submitted, signed, certified and dated by the designated representative for all sources on behalf of which the submission is made.

(3) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature:

(a) The following statement, which shall be included verbatim in such submission: "I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made."

(b) The following statement, which shall be included verbatim in such submission: "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(4) The permitting authority will accept or act on a submission made on behalf of owners or operators of an affected source and an affected unit only if the submission has been made, signed, and certified in accordance with subsections (2) and (3) of this section.

(5)(a) The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source:

(i) By the date of submission, of any Acid Rain Program submissions by the designated representative;

(ii) Within ten business days of receipt of a determination, of any written determination by the administrator or the permitting authority; and

(iii) Provided that the submission or determination covers the source or the unit.

(b) The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under (a)

of this subsection, unless the owner or operator expressly waives the right to receive such a copy.

NEW SECTION

WAC 173-406-202 Objections. (1) Except as provided in 40 CFR 72.23, no objection or other communication submitted to the administrator or the permitting authority concerning the authorization, or any submission, action or inaction, of the designated representative shall affect any submission, action, or inaction of the designated representative, or the finality of any decision by the permitting authority, under the Acid Rain Program. In the event of such communication, the permitting authority is not required to stay any submission or the effect of any action or inaction under the Acid Rain Program.

(2) The permitting authority will not adjudicate any private legal dispute concerning the authorization or any submission, action, or inaction of any designated representative, including private legal disputes concerning the proceeds of allowance transfers.

PART III APPLICATIONS

NEW SECTION

WAC 173-406-300 Acid rain permit applications.

NEW SECTION

WAC 173-406-301 Requirement to apply. (1) Duty to apply. The designated representative of any source with an affected unit shall submit a complete acid rain permit application by the applicable deadline in subsections (2) and (3) of this section, and the owners and operators of such source and any affected unit at the source shall not operate the source or unit without a permit that states its Acid Rain Program requirements.

(2) Deadlines.

(a) For any source with an existing unit described under WAC 173-406-103 (1)(b), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority on or before January 1, 1996.

(b) For any source with a new unit described under WAC 173-406-103 (1)(c)(i), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority at least twenty-four months before the later of January 1, 2000, or the date on which the unit commences operation.

(c) For any source with a unit described under WAC 173-406-103 (1)(c)(ii), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority at least twenty-four months before the later of January 1, 2000, or the date on which the unit begins to serve a generator with a nameplate capacity greater than twenty-five MWe.

(d) For any source with a unit described under WAC 173-406-103 (1)(c)(iii), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority at least twenty-four

months before the later of January 1, 2000, or the date on which the auxiliary firing commences operation.

(e) For any source with a unit described under WAC 173-406-103 (1)(c)(iv), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority before the later of January 1, 1998, or March 1st of the year following the three calendar year period in which the unit sold to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs actual electric output (on a gross basis).

(f) For any source with a unit described under WAC 173-406-103 (1)(c)(v), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority before the later of January 1, 1998, or March 1st of the year following the calendar year in which the facility fails to meet the definition of qualifying facility.

(g) For any source with a unit described under WAC 173-406-103 (1)(c)(vi), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority before the later of January 1, 1998, or March 1st of the year following the calendar year in which the facility fails to meet the definition of an independent power production facility.

(h) For any source with a unit described under WAC 173-406-103 (1)(c)(vii), the designated representative shall submit a complete acid rain permit application governing such unit to the permitting authority before the later of January 1, 1998, or March 1st of the year following the three calendar year period in which the incinerator consumed twenty percent or more fossil fuel (on a Btu basis).

(3) Duty to reapply. The designated representative shall submit a complete acid rain permit application for each source with an affected unit at least six months or more but not to exceed eighteen months, as may be approved by the permitting authority, prior to the expiration of an existing acid rain permit governing the unit to ensure that the existing acid rain permit does not expire prior to renewal.

(4) The original and three copies of all permit applications shall be submitted to the permitting authority.

NEW SECTION

WAC 173-406-302 Information requirements for acid rain permit applications. Complete permit application. A complete acid rain permit application shall be submitted on a form approved by the permitting authority, which includes the following elements:

- (1) Identification of the affected source for which the permit application is submitted;
- (2) Identification of each affected unit at the source for which the permit application is submitted;
- (3) A complete compliance plan for each unit, in accordance with WAC 173-406-400;
- (4) The standard requirements under WAC 173-406-106;
- (5) If the unit is a new unit, the date that the unit has commenced or will commence operation and the deadline for monitor certification; and
- (6) The name of the designated representative, his or her signature, and the date of signature.

NEW SECTION

WAC 173-406-303 Permit application shield and binding effect of permit application. Permit application shield.

(1) Once a designated representative submits a timely and complete acid rain permit application, the owners and operators of the affected source and the affected units covered by the permit application shall be deemed in compliance with the requirement to have an acid rain permit under WAC 173-406-106 (1)(b) and 173-406-301(1); provided that any delay in issuing an acid rain permit is not caused by the failure of the designated representative to submit in a complete and timely fashion supplemental information, as required by the permitting authority, necessary to issue a permit.

(2) Prior to the date on which an acid rain permit is issued as a final agency action subject to judicial review, an affected unit governed by and operated in accordance with the terms and requirements of a timely and complete acid rain permit application shall be deemed to be operating in compliance with the Acid Rain Program.

(3) A complete acid rain permit application shall be binding on the owners and operators and the designated representative of the affected source and the affected units covered by the permit application and shall be enforceable as an acid rain permit from the date of submission of the permit application until the issuance or denial of such permit as a final agency action subject to judicial review.

PART IV COMPLIANCE PLAN

NEW SECTION

WAC 173-406-400 Acid rain compliance plan and compliance options.

NEW SECTION

WAC 173-406-401 General. (1) For each affected unit included in an acid rain permit application, a complete compliance plan shall include:

(a) For sulfur dioxide emissions, a certification that, as of the allowance transfer deadline, the designated representative will hold allowances in the unit's compliance sub-account (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide from the unit. The compliance plan may also specify, in accordance with WAC 173-406-400, one or more of the acid rain compliance options.

(b) For nitrogen oxides emissions, a certification that the unit will comply with the applicable limitation established by regulations implementing section 407 of the act or shall specify one or more acid rain compliance options, in accordance with section 407 of the act and regulations implementing section 407.

(2) The compliance plan may include a multi-unit compliance option under WAC 173-406-402 or section 407 of the act or regulations implementing section 407.

(a) A plan for a compliance option that includes units at more than one affected source shall be complete only if:

(i) Such plan is signed, certified and dated by the designated representative for each source with an affected unit governed by such plan; and

(ii) A complete permit application is submitted covering each unit governed by such plan.

(b) The permitting authority's approval of a plan under (a) of this subsection that includes units in more than one state shall be final only after every permitting authority with jurisdiction over any such unit has approved the plan with the same modifications or conditions, if any.

(3) Conditional approval. In the compliance plan, the designated representative of an affected unit may propose, in accordance with WAC 173-406-400, any acid rain compliance option for conditional approval; provided that an acid rain compliance option under section 407 of the act may be conditionally proposed only to the extent provided in regulations implementing section 407 of the act.

(a) To activate a conditionally approved acid rain compliance option, the designated representative shall notify the permitting authority in writing that the conditionally approved compliance option will actually be pursued beginning January 1st of a specified year. Such notification shall be subject to the limitations on activation under WAC 173-406-402 and regulations implementing section 407 of the act. If the conditionally approved compliance option includes a plan described in subsection (2)(a) of this section, the designated representative of each source governed by the plan shall sign and certify the notification.

(b) The notification under subsection (3)(a) of this section shall specify the first calendar year and the last calendar year for which the conditionally approved acid rain compliance option is to be activated. A conditionally approved compliance option shall not be activated after the date of any enforceable milestone applicable to the compliance option. The date of activation of the compliance option shall not be a defense against failure to meet the requirements applicable to that compliance option during each calendar year for which the compliance option is activated.

(c) Upon submission of a notification meeting the requirements of (a) and (b) of this subsection, the conditionally approved acid rain compliance option becomes binding on the owners and operators and the designated representative of any unit governed by the conditionally approved compliance option.

(d) A notification meeting the requirements of (a) and (b) of this subsection will revise the unit's permit in accordance with WAC 173-406-704 (administrative permit amendment).

(4) Termination of compliance option.

(a) The designated representative for a unit may terminate an acid rain compliance option by notifying the permitting authority in writing that an approved compliance option will be terminated beginning January 1st of a specified year. Such notification shall be subject to the limitations on termination under WAC 173-406-402 and regulations implementing section 407 of the act. If the compliance option includes a plan described in subsection (2)(a) of this section, the designated representative for each source governed by the plan shall sign and certify the notification.

(b) The notification under (a) of this subsection shall specify the calendar year for which the termination will take effect.

(c) Upon submission of a notification meeting the requirements of (a) and (b) of this subsection, the termination becomes binding on the owners and operators and the designated representative of any unit governed by the acid rain compliance option to be terminated.

(d) A notification meeting the requirements of (a) and (b) of this subsection will revise the unit's permit in accordance with WAC 173-406-704 (administrative permit amendment).

NEW SECTION

WAC 173-406-402 Repowering extensions. (1) Applicability.

(a) This section shall apply to the designated representative of:

(i) Any existing affected unit that is a coal-fired unit and has a 1985 actual SO₂ emissions rate equal to or greater than one and two tenths lbs/mmBtu; or

(ii) Any new unit that will be a replacement unit, as provided in subsection (2)(b) of this section, for a unit meeting the requirements of (a)(i) of this subsection; or

(iii) Any oil and/or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Secretary of Energy.

(b) A repowering extension does not exempt the owner or operator for any unit governed by the repowering plan from the requirement to comply with such unit's acid rain emissions limitations for sulfur dioxide.

(2) The designated representative of any unit meeting the requirements of subsection (1)(a)(i) of this section may include in the unit's acid rain permit application a repowering extension plan that includes a demonstration that:

(a) The unit will be repowered with a qualifying repowering technology in order to comply with the emissions limitations for sulfur dioxide; or

(b) The unit will be replaced by a new utility unit that has the same designated representative and that is located at a different site using a qualified repowering technology and the existing unit will be permanently retired from service on or before the date on which the new utility unit commences commercial operation.

(3) In order to apply for a repowering extension, the designated representative of a unit under subsection (1) of this section shall:

(a) Submit to the permitting authority, by January 1, 1996, a complete repowering extension plan;

(b) Submit to the administrator before June 1, 1997, a complete petition for approval of repowering technology in accordance with 40 CFR 72.44(d) and submit a copy to the permitting authority; and

(c) If the repowering extension plan is submitted for conditional approval, submit to the permitting authority by December 31, 1997, a notification to activate the plan in accordance with WAC 173-406-401(3).

(4) Contents of repowering extension plan. A complete repowering extension plan shall include the following elements:

(a) Identification of the existing unit governed by the plan.

(b) The unit's federally approved state implementation plan sulfur dioxide emissions limitation.

(c) The unit's 1995 actual SO₂ emissions rate, or best estimate of the actual emissions rate; provided that the actual emissions rate is submitted to the permitting authority by January 30, 1996.

(d) A schedule for construction, installation, and commencement of operation of the repowering technology approved or submitted for approval under 40 CFR 72.44(d) with dates for the following milestones:

(i) Completion of design engineering;

(ii) For a plan under subsection (2)(a) of this section, removal of the existing unit from operation to install the qualified repowering technology;

(iii) Commencement of construction;

(iv) Completion of construction;

(v) Start-up testing;

(vi) For a plan under subsection (2)(b) of this section, shutdown of the existing unit; and

(vii) Commencement of commercial operation of the repowering technology.

(e) For a plan under subsection (2)(b) of this section:

(i) Identification of the new unit. A new unit shall not be included in more than one repowering extension plan.

(ii) Certification that the new unit will replace the existing unit.

(iii) Certification that the new unit has the same designated representative as the existing unit.

(iv) Certification that the existing unit will be permanently retired from service on or before the date the new unit commences commercial operation.

(f) The special provisions of subsection (7) of this section.

(5) The permitting authority's action on repowering extension plan.

(a) The permitting authority will not approve a repowering extension plan until the administrator makes a conditional determination that the technology is a qualified repowering technology, unless the permitting authority approves such plan subject to the conditional determination of the administrator.

(b) Permit issuance.

(i) Upon a conditional determination by the administrator that the technology to be used in the repowering extension plan is a qualified repowering technology and a determination by the permitting authority that such plan meets the requirements of this section, the permitting authority will issue the acid rain portion of the operating permit including:

(A) The approved repowering extension plan; and

(B) A schedule of compliance with enforceable milestones for construction, installation, and commencement of operation of the repowering technology and other requirements necessary to ensure that emission reduction requirements under this section will be met.

(ii) Except as otherwise provided in subsection (6) of this section, the repowering extension shall be in effect starting January 1, 2000, and ending on the day before the date (specified in the acid rain permit) on which the existing unit will be removed from operation to install the qualifying repowering technology or will be permanently removed from service for replacement by a new unit with such technology; provided that the repowering extension shall end no later than December 31, 2003.

(iii) The portion of the operating permit specifying the repowering extension and other requirements under (b)(i) of this subsection shall be subject to the administrator's final determination, under 40 CFR 72.44 (d)(4), that the technology to be used in the repowering extension plan is a qualifying repowering technology.

(c) Allowance allocation. Allowances will be allocated in accordance with 40 CFR 72.44 (f)(3) and (g).

(6) Failed repowering projects.

(a)(i) If, at any time before the end of the repowering extension under subsection (5)(b)(ii) of this section, the designated representative of a unit governed by an approved repowering extension plan submits the notification under WAC 173-406-802(4) that the owners and operators have decided to terminate efforts to properly design, construct, and test the repowering technology specified in the plan before completion of construction or start-up testing, the designated representative may submit to the permitting authority a proposed permit modification demonstrating that such efforts were in good faith. If such demonstration is to the satisfaction of the administrator, the unit shall not be deemed in violation of the act because of such a termination and the permitting authority will revise the operating permit in accordance with (a)(ii) of this subsection.

(ii) Regardless of whether notification under (a)(i) of this subsection is given, the repowering extension will end beginning on the earlier of the date of such notification or the date by which the designated representative was required to give such notification under WAC 173-406-802(4).

(b) The designated representative of a unit governed by an approved repowering extension plan may submit to the permitting authority a proposed permit modification demonstrating that the repowering technology specified in the plan was properly constructed and tested on such unit but was unable to achieve the emissions reduction limitations specified in the plan and that it is economically or technologically infeasible to modify the technology to achieve such limits. In order to be properly constructed and tested, the repowering technology shall be constructed at least to the extent necessary for direct testing of the multiple combustion emissions (including sulfur dioxide and nitrogen oxides) from such unit while operating the technology at nameplate capacity. If such demonstration is to the satisfaction of the administrator.

(i) The unit shall not be deemed in violation of the act because of such failure to achieve the emissions reduction limitations;

(ii) The permitting authority will revise the acid rain portion of the operating permit in accordance with the following:

(A) The existing unit may be retrofitted or repowered with another clean coal or other available control technology; and

(B) The repowering extension will continue in effect until the earlier of the date the existing unit commences commercial operation with such control technology or December 31, 2003.

(7) Special provisions.

(a) Emissions limitations.

(i) Sulfur dioxide. Allowances allocated during the repowering extension under subsections (5)(c) and (6) of this section to a unit governed by an approved repowering

extension plan shall not be transferred to any allowance tracking system account other than the unit accounts of other units at the same source as that unit.

(ii) Nitrogen oxides. Any existing unit governed by an approved repowering extension plan shall be subject to the acid rain emissions limitations for nitrogen oxides in accordance with section 407 of the act and regulations implementing section 407 of the act beginning on the date that the unit is removed from operation to install the repowering technology or is permanently removed from service.

(iii) No existing unit governed by an approved repowering extension plan shall be eligible for a waiver under section 111(j) of the act.

(iv) No new unit governed by an approved repowering extension plan shall receive an exemption from the requirements imposed under section 111 of the act.

(b) Reporting requirements. Each unit governed by an approved repowering extension plan shall comply with the special reporting requirements of WAC 173-406-802.

(c) Liability.

(i) The owners and operators of a unit governed by an approved repowering plan shall be liable for any violation of the plan or this section at that or any other unit governed by the plan.

(ii) The units governed by the plan under subsection (2)(b) of this section shall continue to have a common designated representative until the existing unit is permanently retired under the plan.

(d) Terminations. Except as provided in subsection (6) of this section, a repowering extension plan shall not be terminated after December 31, 1999.

PART V PERMIT CONTENTS

NEW SECTION

WAC 173-406-500 Acid rain permit.

NEW SECTION

WAC 173-406-501 Contents. (1) Each acid rain permit (including any draft or proposed acid rain permit) will contain the following elements:

(a) All elements required for a complete acid rain permit application under WAC 173-406-302, as approved or adjusted by the permitting authority;

(b) The applicable acid rain emissions limitation for sulfur dioxide; and

(c) The applicable acid rain emissions limitation for nitrogen oxides.

(2) Each acid rain permit is deemed to incorporate the definitions of terms under WAC 173-406-101 unless expressly otherwise defined in the permit.

NEW SECTION

WAC 173-406-502 Permit shield. Each affected unit operated in accordance with the acid rain permit that governs the unit and that was issued in compliance with Title IV of the act, as provided in WAC 173-406-100 through 173-406-800, 40 CFR parts 72, 73, 75, 77, and 78, and the

regulations implementing section 407 of the act, shall be deemed to be operating in compliance with the Acid Rain Program, except as provided in WAC 173-406-106 (7)(f).

PART VI PERMIT ISSUANCE

NEW SECTION

WAC 173-406-600 Acid rain permit issuance procedures.

NEW SECTION

WAC 173-406-601 General. The permitting authority will issue or deny all acid rain permits in accordance with chapter 173-401 WAC, including the completeness determination, draft permit, administrative record, statement of basis, public notice and comment period, public hearing, proposed permit, permit issuance, permit revision, and appeal procedures as provided by WAC 173-406-600 and 173-406-700.

NEW SECTION

WAC 173-406-602 Completeness. The permitting authority will submit a written notice of application completeness to the administrator and the designated representative within ten working days following a determination by the permitting authority that the acid rain permit application is complete.

NEW SECTION

WAC 173-406-603 Statement of basis. (1) The statement of basis will briefly set forth significant factual, legal, and policy considerations on which the permitting authority relied in issuing or denying the draft permit.

(2) The statement of basis will include the reasons, and supporting authority, for approval or disapproval of any compliance options requested in the permit application, including references to applicable statutory or regulatory provisions and to the administrative record.

(3) The permitting authority will submit to the administrator a copy of the draft acid rain permit and the statement of basis and all other relevant portions of the operating permit that may affect the draft acid rain permit.

NEW SECTION

WAC 173-406-604 Issuance of acid rain permits. (1) Proposed permit. After the close of the public comment period and within eighteen months of receipt of a complete application, the permitting authority will incorporate all necessary changes and issue or deny a proposed acid rain permit.

(2) The permitting authority will submit the proposed acid rain permit or denial of a proposed acid rain permit to the administrator in accordance with WAC 173-401-810 and WAC 173-401-820, the provisions of which shall be treated as applying to the issuance or denial of a proposed acid rain permit.

(3) (a) Following the administrator's review of the proposed acid rain permit or denial of a proposed acid rain permit, the permitting authority will incorporate any required

changes and issue, or deny the acid rain permit in accordance with WAC 173-406-500.

(b) No acid rain permit (including a draft or proposed permit) shall be issued unless the administrator has received a certificate of representation for the designated representative of the source as provided in WAC 173-406-201 in accordance with subpart B of 40 CFR part 72.

(4) Permit issuance deadline and effective date.

(a) On or before December 31, 1997, the permitting authority will issue an acid rain permit to each affected source whose designated representative submitted a timely and complete acid rain permit application by January 1, 1996, in accordance with WAC 173-406-201 and meets the requirements of WAC 173-406-600 and chapter 173-401 WAC.

(b) Nitrogen oxides. Not later than January 1, 1999, the permitting authority will reopen the acid rain permit to add the Acid Rain Program nitrogen oxides requirements; provided that the designated representative of the affected source submitted a timely and complete acid rain permit application for nitrogen oxides in accordance with WAC 173-406-201. Such reopening shall not affect the term of the acid rain portion of an operating permit.

(c) Each acid rain permit issued in accordance with (a) of this subsection shall take effect by the later of January 1, 2000, or, where the permit governs a unit under WAC 173-406-103 (1)(c), the deadline for monitor certification under 40 CFR part 75.

(d) Each acid rain permit shall have a term of five years commencing on its effective date, except to the extent provided under 40 CFR part 72 that the initial issuance may have a shorter period in order to provide coordination with chapter 173-401 WAC permit requirements.

(e) An acid rain permit shall be binding on any new owner or operator or designated representative of any source or unit governed by the permit.

(5) (a) Each acid rain permit shall contain all applicable acid rain requirements, shall be a portion of the operating permit that is complete and segregable from all other air quality requirements, and shall not incorporate information contained in any other documents, other than documents that are readily available.

(b) Invalidation of the acid rain portion of an operating permit shall not affect the continuing validity of the rest of the operating permit, nor shall invalidation of any other portion of the operating permit affect the continuing validity of the acid rain portion of the permit.

NEW SECTION

WAC 173-406-605 Acid rain permit appeal procedures. (1) Appeals of the acid rain portion of an operating permit issued by the permitting authority that do not challenge or involve decisions or actions of the administrator under 40 CFR part 72, 73, 75, 77 and 78 and sections 407 and 410 of the act and regulations implementing sections 407 and 410 shall be conducted according to the procedures in chapter 43.21 RCW. Appeals of the acid rain portion of such a permit that challenge or involve such decisions or actions of the administrator shall follow the procedures under 40 CFR part 78 and section 307 of the act. Such decisions or actions include, but are not limited to, allowance alloca-

tions, determinations concerning alternative monitoring systems, and determinations of whether a technology is a qualifying repowering technology.

(2) No administrative appeal or judicial appeal of the acid rain portion of an operating permit shall be allowed more than thirty days following respectively issuance of the acid rain portion that is subject to administrative appeal or issuance of the final agency action subject to judicial appeal.

(3) The administrator may intervene as a matter of right in any state administrative appeal of an acid rain permit or denial of an acid rain permit.

(4) No administrative appeal concerning an acid rain requirement shall result in a stay of the following requirements:

(a) The allowance allocations for any year during which the appeal proceeding is pending or is being conducted;

(b) Any standard requirement under WAC 173-406-106;

(c) The emissions monitoring and reporting requirements applicable to the affected units at an affected source under 40 CFR part 75;

(d) Uncontested provisions of the decision on appeal; and

(e) The terms of a certificate of representation submitted by a designated representative under subpart B of 40 CFR part 72.

(5) The permitting authority will serve written notice on the administrator of any state administrative or judicial appeal concerning an acid rain provision of any operating permit or denial of an acid rain portion of any operating permit within thirty days of the filing of the appeal.

(6) The permitting authority will serve written notice on the administrator of any determination or order in a state administrative or judicial proceeding that interprets, modifies, voids, or otherwise relates to any portion of an acid rain permit. Following any such determination or order, the administrator will have an opportunity to review and veto the acid rain permit or revoke the permit for cause in accordance with WAC 173-401-810 and 173-401-820.

PART VII PERMIT REVISIONS

NEW SECTION

WAC 173-406-700 Permit revisions.

NEW SECTION

WAC 173-406-701 General. (1) WAC 173-406-700 shall govern revisions to any acid rain permit issued by the permitting authority.

(2) A permit revision may be submitted for approval at any time. No permit revision shall affect the term of the acid rain permit to be revised. No permit revision shall excuse any violation of an Acid Rain Program requirement that occurred prior to the effective date of the revision.

(3) The terms of the acid rain permit shall apply while the permit revision is pending.

(4) Any determination or interpretation by state (including the permitting authority or a state court) modifying or voiding any acid rain permit provision shall be subject to review by the administrator in accordance with WAC 173-401-810 and 173-401-820 as applied to permit modifica-

tions, unless the determination or interpretation is an administrative amendment approved in accordance with WAC 173-406-704.

(5) The standard requirements of WAC 173-406-106 shall not be modified or voided by a permit revision.

(6) Any permit revision involving incorporation of a compliance option that was not submitted for approval and comment during the permit issuance process, or involving a change in a compliance option that was previously submitted, shall meet the requirements for applying for such compliance option under WAC 173-406-402 and section 407 of the act and regulations implementing section 407 of the act.

(7) For permit revisions not described in WAC 173-406-702 and 173-406-703, the permitting authority may, in its discretion, determine which of these sections is applicable.

NEW SECTION

WAC 173-406-702 Permit modifications. (1)(a) Permit modifications shall follow the permit issuance requirements of WAC 173-406-600, 173-401-810 and 173-401-820.

(b) For purposes of applying (a) of this subsection, a permit modification shall be treated as an acid rain permit application, to the extent consistent with WAC 173-406-700.

(2) The following permit revisions are permit modifications:

(a) Relaxation of an excess emission offset requirement after approval of the offset plan by the administrator;

(b) Incorporation of a final nitrogen oxides alternative emission limitation following a demonstration period;

(c) Determinations concerning failed repowering projects under WAC 173-406-402 (6)(a)(i) and (b); and

(d) At the option of the designated representative submitting the permit revision, the permit revisions listed in WAC 173-406-703(2).

NEW SECTION

WAC 173-406-703 Fast-track modifications. (1) Fast-track modifications shall follow the following procedures:

(a) The designated representative shall serve a copy of the fast-track modification on the administrator, the permitting authority, and any person entitled to a written notice under WAC 173-401-800. Within five business days of serving such copies, the designated representative shall also give public notice by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice.

(b) The public shall have a period of thirty days, commencing on the date of publication of the notice, to comment on the fast-track modification. Comments shall be submitted in writing to the permitting authority and to the designated representative.

(c) The designated representative shall submit the fast-track modification to the permitting authority on or before commencement of the public comment period.

(d) Within thirty days of the close of the public comment period, the permitting authority will consider the fast-track modification and the comments received and

approve or disapprove, in whole or in part or with changes or conditions as appropriate, or disapprove the modification. A fast-track modification shall be effective immediately upon issuance, in accordance with WAC 173-401-810 as applied to significant modifications.

(2) The following permit revisions are, at the option of the designated representative submitting the permit revision, either fast-track modifications under this section or permit modifications under WAC 173-406-702:

(a) Incorporation of a compliance option that the designated representative did not submit for approval and comment during the permit issuance process;

(b) Addition of a nitrogen oxides averaging plan to a permit; and

(c) Changes in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension.

NEW SECTION

WAC 173-406-704 Administrative permit amendment. (1) Administrative amendments shall follow the procedures set forth at WAC 173-401-720. The permitting authority will submit the revised portion of the permit to the administrator within ten working days after the date of final action on the request for an administrative amendment.

(2) The following permit revisions are administrative amendments:

(a) Activation of a compliance option conditionally approved by the permitting authority; provided that all requirements for activation under WAC 173-406-401(3) and 173-406-402 are met;

(b) Changes in the designated representative or alternative designated representative; provided that a new certificate of representation is submitted to the administrator in accordance with subpart B of 40 CFR part 72;

(c) Correction of typographical errors;

(d) Changes in names, addresses, or telephone or facsimile numbers;

(e) Changes in the owners or operators; provided that a new certificate of representation is submitted within thirty days to the administrator in accordance with subpart B of 40 CFR part 72;

(f) Termination of a compliance option in the permit; provided that all requirements for termination under WAC 173-406-401(4) shall be met and this procedure shall not be used to terminate a repowering plan after December 31, 1999;

(g) Changes in the date, specified in a new unit's acid rain permit, of commencement of operation or the deadline for monitor certification, provided that they are in accordance with WAC 173-406-106;

(h) The addition of or change in a nitrogen oxides alternative emissions limitation demonstration period, provided that the requirements of regulations implementing section 407 of the act are met; and

(i) Incorporation of changes that the administrator has determined to be similar to those in (a) through (h) of this subsection.

NEW SECTION**WAC 173-406-705 Automatic permit amendment.**

The following permit revisions shall be deemed to amend automatically, and become a part of the affected unit's acid rain permit by operation of law without any further review:

(1) Upon recordation by the administrator under 40 CFR part 73, all allowance allocations to, transfers to, and deductions from an affected unit's allowance tracking system account; and

(2) Incorporation of an offset plan that has been approved by the administrator under 40 CFR part 77.

NEW SECTION

WAC 173-406-706 Permit reopenings. (1) As provided in WAC 173-401-730, the permitting authority will reopen an acid rain permit for cause, including whenever additional requirements become applicable to any affected unit governed by the permit.

(2) In reopening an acid rain permit for cause, the permitting authority will issue a draft permit changing the provisions, or adding the requirements, for which the reopening was necessary. The draft permit shall be subject to the requirements of WAC 173-406-500 and 173-406-600.

(3) Any reopening of an acid rain permit shall not affect the term of the permit.

PART VIII COMPLIANCE CERTIFICATION

NEW SECTION**WAC 173-406-800 Compliance certification.**NEW SECTION

WAC 173-406-801 Annual compliance certification report. (1) Applicability and deadline. For each calendar year in which a unit is subject to the acid rain emissions limitations, the designated representative of the source at which the unit is located shall submit to the administrator and to the permitting authority, within sixty days after the end of the calendar year, an annual compliance certification report for the unit in compliance with 40 CFR 72.90.

(2) The submission of complete compliance certifications in accordance with subsection (1) of this section and 40 CFR part 75 shall be deemed to satisfy the requirement to submit compliance certifications under WAC 173-401-600 with regard to the acid rain portion of the source's operating permit.

NEW SECTION

WAC 173-406-802 Units with repowering extension plans. (1) Design and engineering and contract requirements. No later than January 1, 2000, the designated representative of a unit governed by an approved repowering plan shall submit to the administrator and the permitting authority:

(a) Satisfactory documentation of a preliminary design and engineering effort.

(b) A binding letter agreement for the executed and binding contract (or for each in a series of executed and

binding contracts) for the majority of the equipment to repower the unit using the technology conditionally approved by the administrator under 40 CFR 72.44 (d)(3).

(c) The letter agreement under (b) of this subsection shall be signed and dated by each party and specify:

(i) The parties to the contract;

(ii) The date each party executed the contract;

(iii) The unit to which the contract applies;

(iv) A brief list identifying each provision of the contract;

(v) Any dates to which the parties agree, including construction completion date;

(vi) The total dollar amount of the contract; and

(vii) A statement that a copy of the contract is on site at the source and will be submitted upon written request of the administrator or the permitting authority.

(2) Removal from operation to repower. The designated representative of a unit governed by an approved repowering plan shall notify the administrator and the permitting authority in writing at least sixty days in advance of the date on which the existing unit is to be removed from operation so that the qualified repowering technology can be installed, or is to be replaced by another unit with the qualified repowering technology, in accordance with the plan.

(3) Commencement of operation. Not later than sixty days after the units repowered under an approved repowering plan commences operation at full load, the designated representative of the unit shall submit a report to the administrator and the permitting authority, comparing the actual hourly emissions and percent removal of each pollutant controlled at the unit to the actual hourly emissions and percent removal at the existing unit under the plan prior to repowering, determined in accordance with 40 CFR part 75.

(4) Decision to terminate. If at any time before the end of the repowering extension and before completion of construction and start-up testing, the owners and operators decide to terminate good faith efforts to design, construct, and test the qualified repowering technology on the unit to be repowered under an approved repowering plan, then the designated representative shall submit a notice to the administrator and the permitting authority by the earlier of the end of the repowering extension or a date within thirty days of such decision, stating the date on which the decision was made.

PART IX NITROGEN OXIDES

NEW SECTION

WAC 173-406-900 Nitrogen oxides emission reduction program. (Reserved.)

PART X SULFUR DIOXIDE OPT-IN

NEW SECTION

WAC 173-406-1000 Sulfur dioxide opt-ins. (Reserved.)

WSR 94-23-128
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3807—Filed November 23, 1994, 8:48 a.m., effective January 1, 1995]

Date of Adoption: November 23, 1994.

Purpose: Provides legal authority for public assistance offices who administer AFDC, Medicaid, or food stamps to provide voter registration services for applicants or recipients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-200-1050 Department and client responsibilities.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 1993 National Voter Registration Act SSA Section 402 (a)(9) and 403 (a)(3).

Pursuant to notice filed as WSR 94-21-067 on October 17, 1994.

Effective Date of Rule: January 1, 1995.

November 23, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-200-1050 Department and client responsibilities. (1) The department and the client shall have a dual responsibility to determine and maintain eligibility for public assistance in the initial or redetermination of eligibility for assistance.

(2) The department ~~((has))~~ shall have the responsibility to:

- (a) Treat a client with dignity and courtesy;
- (b) Give a client sufficient opportunity to make pertinent needs known to the department;
- (c) Inform a client what the department can, or cannot, do for the client;
- (d) Respect the rights of a client under the U.S. Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964, and all other relevant provisions of federal and state law when:
 - (i) Taking an application;
 - (ii) Determining eligibility; and
 - (iii) Administering financial and medical assistance programs~~((s))~~.
- (e) Avoid practices which violate the client's privacy or subject the client to harassment;
- (f) Inform a client of:
 - (i) The client's rights and responsibilities concerning eligibility for, and receipt of, assistance;
 - (ii) All factors which may affect the client's continuing eligibility for assistance; and
 - (iii) Changes of law or rule which affect the client's eligibility~~((s))~~.
- (g) Act promptly and correctly on all known changes which affect the client's eligibility for assistance;
- (h) Offer voter registration assistance to clients during face-to-face interviews at:
 - (i) Application;

- (ii) Eligibility review or recertification; and
- (iii) Change of address.

(3) The client has the responsibility to:

- (a) Report all changes in the client's circumstances which affect eligibility for assistance. The client must report changes in writing promptly and accurately; and
- (b) Take any reasonable action to develop resources which will reduce or eliminate the client's need for public assistance.

WSR 94-23-129
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3808—Filed November 23, 1994, 8:49 a.m.]

Date of Adoption: November 23, 1994.

Purpose: Meets the intent of the original version of the rule and ensures a couple applying for institutional care is allowed to exempt one vehicle regardless of use or value.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1350 Institutional—Available resources.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-21-033 on October 11, 1994.

Effective Date of Rule: Thirty-one days after filing.

November 23, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1350 Institutional—Available resources. (1) Resources are defined under chapter 388-511 WAC for an SSI-related client and under WAC 388-22-030 for an AFDC-related client.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-513-1310, 388-513-1330, 388-513-1340, and 388-513-1360. Transfers of resources are evaluated under WAC 388-513-1365.

(3) The department shall determine ownership of resources following Washington state community property principles for a person:

- (a) Whose most recent period of institutionalization began on or before September 30, 1989; and
- (b) Who remains continuously institutionalized.
- (4) For purposes of Medicaid eligibility, the department shall consider resources are:
 - (a) Community resources when jointly held in the:
 - (i) Names of both the institutionalized and community spouse; or
 - (ii) Name of the institutionalized spouse only~~((s))~~.
 - (b) The separate property of the community spouse when:
 - (i) Held in the separate name of the community spouse; or
 - (ii) Transferred between spouses as described under WAC 388-513-1370(6).

PERMANENT

(5) The department shall:

- (a) Divide by two, the total value of the community resources the spouses own; and
 (b) Assign one-half of the total value of the community resources to each spouse.

(6) The department shall not consider a person continuously institutionalized if, for thirty consecutive days, the person:

- (a) Is absent from an institution; or
 (b) Does not receive home-based or community-based waived services.

(7) For the purpose of determining Medicaid eligibility of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989, the department shall:

(a) Exclude resources as described under WAC 388-511-1160; except, the department shall exempt one vehicle without regard to use or value when the institutionalized person has a community spouse;

(b) Consider available to the community spouse, resources in the name of either the community spouse or the institutionalized spouse, except resources exceeding the greater of:

(i) Seventy-two thousand six hundred sixty dollars effective January 1, 1994;

(ii) An amount established by a fair hearing under chapter 388-08 WAC when the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(iii) An amount ordered transferred to the community spouse by the court.

(c) Ensure resources available to the community spouse are in the name of the community spouse or transferred to the community spouse or to another person for the sole benefit of the community spouse:

(i) Before the first regularly scheduled eligibility review; or

(ii) As soon as practicable thereafter, taking into account such time as may be necessary to obtain a court order for the support of the community spouse.

(d) Consider resources greater than such resources ~~((in))~~ described under subsection (b) of this ((sub))section available to the institutional spouse.

(8) The department shall consider resources of the community spouse:

(a) Unavailable to the institutionalized spouse:

(i) The month after the institutionalized spouse is determined eligible for institutional benefits; and

(ii) While the institutionalized spouse remains in a continuous period of institutionalization~~(+)~~.

(b) Available to the institutionalized spouse when the institutionalized spouse:

(i) ~~((Institutionalized spouse))~~ Acquires resources which, when added to resources held by the institutionalized spouse, exceed the one-person resource maximum, if the most recent period of institutionalization began on or after October 1, 1989; or

(ii) ~~((Institutionalized spouse))~~ Has a break of thirty days or more in a period of institutionalization.

WSR 94-23-130
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3809—Filed November 23, 1994, 8:51 a.m., effective January 1, 1995]

Date of Adoption: November 23, 1994.

Purpose: Implements provisions of the National Voter Registration Act (NVRA) which requires the department to provide voter registration assistance to clients effective January 1, 1995.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-49-015 General provisions.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Public Law 103-31 and Administrative Notice 94-38.

Pursuant to notice filed as WSR 94-21-068 on October 17, 1994.

Effective Date of Rule: January 1, 1995.

November 23, 1994

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3744, filed 6/22/94, effective 7/23/94)

WAC 388-49-015 General provisions. (1) The rules in this chapter are for the purpose of administering the food stamp program. Rules and definitions in other chapters of Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.

(2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.

(4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.

(5) The department shall retain:

(a) Food stamp case records for three years from the month of closure of each record; and

(b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:

(a) Age;

(b) Race;

(c) Color;

(d) Sex;

(e) Handicap;

(f) Religious creed;

(g) Political beliefs; or

(h) National origin.

(7) The department shall display nondiscrimination posters provided by FNS in all offices administering the food stamp program.

(8) The department shall fully translate into the primary language of the limited English proficient applicants and recipients:

(a) Written notices of denial, termination, or reduction of benefits; and

(b) Written requests for additional information.

(9) A person believing the person has been subject to discrimination may file a written complaint with the:

(a) Food and nutrition service; or

(b) State office for equal opportunity.

(10) The department shall restrict use or disclosure of information obtained from applying or participating households to:

(a) A person directly connected with the administration or enforcement of the provisions of:

(i) The Food Stamp Act or regulations;

(ii) Other federal assistance programs; or

(iii) Federally assisted state programs providing assistance on a means-tested basis to a low-income person; and

(iv) Child support program under Title IV-D of the Social Security Act.

(b) An employee of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

(c) A local, state, or federal law enforcement official, upon written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:

(i) Identity of the person requesting the information;

(ii) Authority of the person to make the request;

(iii) Violation being investigated; and

(iv) Identity of the person about whom the information is requested.

(11) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.

(12) The department shall make the following program information available to the public upon request during regular office hours:

(a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and

(b) Washington Administrative Code and the *Food Stamp Procedures Manual* at the local office.

(13) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.

(14) The department shall not permit a volunteer or other person not an employee of the department to conduct a certification interview or certify a food stamp applicant except:

(a) During a presidential or FNS-declared disaster; or

(b) A Social Security Administration (SSA) employee for a Supplemental Security Income (SSI) household as provided in WAC 388-49-040.

(15) The office of special investigation of the department, designated as the state law enforcement bureau, shall enter into an agreement with FNS to issue food stamps to state and local law enforcement agencies for the purpose of law enforcement and investigative activities.

(16) Redemption of food stamps shall be in accordance with 7 United States Code (USC) 2024 and 7 Code of Federal Regulations (CFR) 278.

(17) Misuse of food stamps issued under WAC 388-49-015(16) shall be a violation of RCW 9.91.140.

(18) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

(19) The department shall offer voter registration assistance to clients during face-to-face interviews at:

(a) Application;

(b) Eligibility review or recertification; and

(c) Change of address.

WSR 94-23-131
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3810—Filed November 23, 1994, 8:51 a.m., effective January 1, 1995]

Date of Adoption: November 23, 1994.

Purpose: Food and nutrition service granted the department a waiver allowing the department not to establish collection action for certain food stamp overissuances of less than \$100. Part of these amendments incorporates the waiver.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-49-640 Overissuances.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.18(1).

Pursuant to notice filed as WSR 94-21-066 on October 17, 1994.

Effective Date of Rule: January 1, 1995.

November 23, 1994

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3396, filed 5/29/92, effective 7/1/92)

WAC 388-49-640 Overissuances. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

(i) Signed the application form;

(ii) Completed a current work registration form; or

(iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall not establish an:

(a) Administrative error overissuance unless the department has:

(i) Discovered the overissuance within twelve months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

(i) Discovered the overissuance within twenty-four months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(c) Intentional program violation overissuance unless the department has:

(i) Discovered the overissuance within seventy-two months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection (8) of this section, the amount of the overissuance shall be the difference between:

(a) The monthly allotment actually authorized; and

(b) The monthly allotment the household should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall not apply the twenty percent earned income deduction:

(a) To that portion of earned income which the household intentionally failed to report;

(b) When the department has determined that the household committed an intentional program violation.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

(a) The amount of the overissuance; and

(b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

(a) The claim is collected through offset;

(b) The ~~((total amount of the))~~ administrative error claim is less than ~~((thirty-five))~~ one hundred dollars ~~((and the total amount of all claims for which collection action has not been initiated is less than thirty-five dollars))~~;

(c) The inadvertent household error claim is less than thirty-five dollars;

(d) The department cannot locate the liable household; or

~~((d))~~ (e) The department determines collection action will prejudice an inadvertent household error claim case referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

(a) The household has repaid the overissuance;

(b) The department cannot locate the household; or

(c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance except as provided in subsections (14) through (18) of this section by:

(a) A lump sum;

(b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or

(c) Allotment reductions.

(14) When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment; or

(ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement; or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) The department shall ensure the negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when:

(a) A current participating household is liable for an inadvertent household error or an intentional program violation; and

(b) An installment payment schedule is the method of collection.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails to:

(a) Make the overdue payments; or

(b) Request renegotiation of the payment schedule.

(18) The department shall reduce the household's allotment if:

(a) The household member fails to respond to the demand letter:

(i) Within ten days of the date the inadvertent household error overissuance notice is mailed; or

(ii) Upon receipt of the intentional program violation overissuance notice or the next business day if received on a nonbusiness day.

(b) The household is liable for an inadvertent household error or an intentional program violation claim.

(19) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section;

(b) A liable household member cannot be located; or

(c) The cost of further collection action is likely to exceed the amount that can be recovered.

(20) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(21) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

(a) No further possibility of collection;

(b) An account receivable balance after payment of an accepted offer of compromise; or

(c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

(22) The department may initiate collection action to satisfy a food stamp overissuance which occurred in another state when the department:

(a) Determines that the originating state does not intend to pursue collection in Washington state; and

(b) Receives the following from the originating state:

(i) Documentation of the overissuance computation;

(ii) Overissuance notice prepared for the client; and

(iii) Proof of service that the client received the overissuance notice.

WSR 94-23-132
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3811—Filed November 23, 1994, 8:53 a.m., effective January 1, 1995]

Date of Adoption: November 23, 1994.

Purpose: Allows the Department of Social and Health Services to pay AFDC to families while children are in temporary foster care. This will facilitate family reunification and prevent homelessness.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-215-1100 Living in the home of a relative of specified degree—Temporary absence of a child or caretaker relative.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: ESSB 6244 Section 206.

Pursuant to notice filed as WSR 94-21-045 on October 12, 1994.

Effective Date of Rule: January 1, 1995.

November 23, 1994

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-215-1100 Living in the home of a relative of specified degree—Temporary absence of child or caretaker relative. The department shall determine a child is living with a relative of specified degree even though circumstances may require the temporary absence of either the child or the caretaker relative from the customary family setting, as long as the requirements in WAC 388-215-1050 are met. Such temporary separations include:

(1) The child or caretaker relative receives temporary care in a hospital or public or private institution when the illness is such that the department expects a return to the family within ninety days. If the temporary care exceeds ninety days, the monthly grant standard is as specified under WAC 388-250-1550.

(2) The child or caretaker relative receives temporary care in an alcohol or drug treatment facility when the department expects a return to the family within ninety days. If the care exceeds ninety days, the monthly grant standard shall be as specified under WAC 388-250-1600.

(3) Visits in which the child or caretaker relative plans to be away for ninety days or less, including visits of a child to a parent residing away from the child's customary family setting. If the ((responsible)) caretaker relative or child leaves for more than ninety days, eligibility is redetermined in accordance ((the)) with the new circumstances.

(4) The child is placed in foster care while the parent is temporarily receiving care in a residential treatment facility, when such absences do not exceed ((thirty)) ninety days and the foster care payments are not made under the AFDC-FC program.

(5) The child is a ward of the juvenile court, or other agency to whom the court has delegated authority.

(6) The child has been placed in temporary foster care, provided the division of children and family services has verified:

(a) The foster care payments are not made under the AFDC-FC program; and

(b) The child is expected to return to the relative's home within ninety days of the date of the foster care placement.

(7) The child or caretaker relative attend school or vocational training as specified under WAC 388-215-1110.

((7)) (8) The caretaker relative is applying for AFDC on behalf of the child and the child is temporarily in foster care or with another relative as specified in WAC 388-215-1120.

WSR 94-23-133
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (General Provisions)

[Order 3812—Filed November 23, 1994, 8:54 a.m.]

Date of Adoption: November 23, 1994.

Purpose: The expanded definition of subacute detox allows for provider flexibility and decreases the cost of detox services, and will be consistent with proposed Department of Health requirements for alcohol treatment facilities. WAC 440-22-110 and 440-22-120 are a result of the 1994 Omnibus Drunk Drivers Act, where provider fines and revocation are prescribed by law, and implemented July 1, 1994.

Citation of Existing Rules Affected by this Order: Amending WAC 440-22-010 Certified treatment services, 440-22-110 Penalties, and 440-22-120 Suspension, revocation.

Statutory Authority for Adoption: Chapter 46.61 RCW and RCW 70.96A.090.

Pursuant to notice filed as WSR 94-21-081 on October 18, 1994.

Effective Date of Rule: Thirty-one days after filing.
 November 23, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-010 Certified treatment services. (1) The department may certify a provider to offer the following types of chemical dependency treatment services:

(a) Detoxification services, which assist patients in withdrawing from drugs including alcohol. Types of detox are:

(i) Acute detox, which provides medical care and physician supervision for withdrawal from alcohol or other drugs; and

(ii) Sub-acute detox, which is nonmedical detoxification or patient self-administration of withdrawal medications ordered by a physician, provided in a home-like environment.

(b) Residential treatment services, which provide chemical dependency treatment for patients and include room and board in a twenty-four-hour-a-day supervised facility. Types of residential services are:

(i) Intensive inpatient, a concentrated program of individual and group counseling, education, and activities for detoxified alcoholics and addicts, and their families;

(ii) Recovery house, a program of care and treatment with social, vocational, and recreational activities to aid in patient adjustment to abstinence and to aid in job training, employment, or other types of community activities; and

(iii) Long-term treatment, a program of treatment with personal care services for chronically impaired alcoholics and addicts with impaired self-maintenance capabilities. These patients need personal guidance to maintain abstinence and good health.

(c) Outpatient treatment services, which provide chemical dependency treatment to patients less than twenty-four hours a day. Types of outpatient services are:

(i) Intensive outpatient, a concentrated program of individual and group counseling, education, and activities for detoxified alcoholics and addicts and their families;

(ii) Outpatient, individual and group treatment services of varying duration and intensity according to a prescribed plan; and

(iii) Opiate dependency outpatient treatment, which meets both outpatient and opiate dependency treatment service requirements.

(d) Assessment services, which include:

(i) ADATSA assessments, alcohol and other drug assessments of clients seeking financial assistance from the department due to the incapacity of chemical dependency. Services include assessment, referral, case monitoring, and assistance with employment; and

(ii) DUI assessments, diagnostic services requested by the courts to determine a client's involvement with alcohol and other drugs and to recommend a course of action.

(e) Information and assistance services, which include:

(i) Alcohol and drug information school, an education program about the use and abuse of alcohol and other drugs, for persons referred by the courts and others, who do not present a significant chemical dependency problem, to help those persons make informed decisions about the use of alcohol and other drugs;

(ii) Information and crisis services, response to persons having chemical dependency related needs, by phone or in person; and

(iii) Emergency service patrol, assistance provided to intoxicated persons in the streets and other public places.

(2) The department may certify a provider for more than one of the treatment services listed under subsection (1) of this section when the provider complies with the specific requirements of the selected treatment services.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-110 Penalties. (1) When the department determines a service provider fails to comply with provider entry requirements or ongoing requirements of this chapter, the department may:

~~((1))~~ (a) Assess fees to cover costs of added certification activities;

~~((2))~~ (b) Cease referrals of new patients who are recipients of state or federal funds; and

~~((3))~~ (c) Notify the county alcohol and drug coordinator and local media of ceased referrals, involuntary cancellations, suspensions, revocations, or nonrenewal of certification.

(2) When the department determines a service provider knowingly failed to report to the court a patient's noncompliance with treatment ordered by the court under chapter 46.61 RCW, the department shall assess the provider a fine of two hundred fifty dollars for each incident of nonreporting.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-120 Suspension, revocation. (1) The department may suspend or revoke a provider's certification when(=

(+)) a disqualifying situation described under WAC 440-22-065 applies to a current service provider(=) or

((=)) when any of the following provider deficiencies or circumstances occur:

(a) Violation of a rule threatens or results in harm to a patient;

(b) A reasonably prudent provider should have been aware of a condition resulting in significant violation of a law or rule;

(c) A provider failed to investigate or take corrective or preventive action to deal with a suspected or identified patient care problem;

(d) Noncompliance occurs repeatedly in the same or similar areas;

(e) There is an inability to attain compliance with laws or rules within a reasonable period of time;

(f) Personnel are insufficient in number or unqualified to provide appropriate care to patients;

(g) The provider fails to submit an acceptable and timely plan of correction for cited deficiencies;

(h) The provider fails to correct cited deficiencies; or

(i) A residential provider loses department of health licensure.

(2) The department shall revoke a provider's certification when the provider knowingly failed to report to the court, within a continuous twelve-month period, three incidents of patient noncompliance with treatment ordered by the court under chapter 46.61 RCW.

WSR 94-23-136

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed November 23, 1994, 10:06 a.m., effective December 31, 1994]

Date of Adoption: November 10, 1994.

Purpose: This adoption delays the effective date of chapters 359-39, 359-09, 359-48 and 359-07 WAC which were filed as WSR 94-13-091, 94-06-063, 94-02-033 and 94-02-032, respectively, to be effective January 1, 1996.

Citation of Existing Rules Affected by this Order: Chapters 359-39, 359-09, 359-48, and 359-07 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW, RCW 41.06.150.

Pursuant to notice filed as WSR 94-20-115 on October 5, 1994.

Effective Date of Rule: December 31, 1994.

November 21, 1994

Dennis Karras
Secretary

PERMANENT



WSR 94-23-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-156—Filed November 2, 1994, 4:44 p.m., effective November 2, 1994, 5:00 p.m.]

Date of Adoption: November 2, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-522.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Areas 7 and 7A provides opportunity to harvest the United States share of Canadian-origin chum salmon. Of the tribal share of 57,500 chum, the tribes caught $\pm 26,000$ and relinquished the remaining harvest of 31,500 to the nontreaty fleet. Nontreaty share is 82,500, less 4,000 reef net catch to date, plus 31,500 from the tribes, or 110,000 chum. Estimated nontreaty catch for the 2-day opening ending 8:00 a.m. November 3 is 30,000, with 80,000 remaining in the share. Our predicted catch for a one-day extension is 20,000, which would leave 60,000 remaining. Opening in Area 7B provides opportunity to harvest the nontreaty allocation of chum salmon destined for the Nooksack-Samish region of origin per preseason schedule. Opening in Area 9A provides opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: November 2, 1994, 5:00 p.m.

November 2, 1994

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-523 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 5:00 p.m. Wednesday November 2nd, 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 7:00 a.m. to 7:00 p.m. daily through Saturday November 5. Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly Wednesday and Thursday, November 2 and 3. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Thursday November 3.

- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday November 12.
- * **AREA 9A** - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday October 31 to 4:00 p.m. Friday November 4.
- * **Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K**, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. November 2, 1994:

WAC 220-47-522 Puget Sound all-citizen commercial salmon fishery. (94-155)

WSR 94-23-012
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
(Water Resources Program)

[Order 94-15—Filed November 4, 1994, 10:36 a.m.]

Date of Adoption: November 4, 1994.

Purpose: This emergency rule amends chapter 173-548 WAC elevating group domestic water systems to receive the same consideration as single domestics provided specified conservation requirements are met.

Citation of Existing Rules Affected by this Order: Amending chapter 173-548 WAC, Water resources program in the Methow Valley River Basin, WRIA 48.

Statutory Authority for Adoption: Chapters 34.05, 43.21A, 43.27A, and 90.54 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 existing regulation encourages the development of single domestic water systems to the detriment of water and associated resources because these wells are not subject to established instream flows. A citizens advisory group established under the Chelan agreement and comprised of water users has recommended group domestic water systems receive the same consideration as single domestic systems in the water right permitting process. They recommended ecology act as soon as possible to prevent further proliferation of single domestic wells and the associated potential for deterioration in water quantity. The local planning committee's recommendation to ecology has been taken as the expression of the public interest.

Effective Date of Rule: Immediately.

November 4, 1994
 Mary Riveland
 Director

AMENDATORY SECTION (Amending Order DE 76-37, filed 12/28/76)

WAC 173-548-010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Methow River basin, WRIA 48 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-548 WAC.

These requirements for new small group domestic water systems were developed and approved by the Methow Valley Water Resources Pilot Planning Project and recommended to the department of ecology as the basis for a rule change. This group is comprised of caucuses which represent the various water interests and users in the Methow Valley. Their recommendation on the elevation in priority of new small group domestic water systems in Chapter 173-548 WAC is taken as an expression of the public interest.

NEW SECTION

WAC 173-548-015 Definitions. For the purposes of this chapter the following definitions shall apply:

"**Exempt well(s)**" includes those well(s) providing water to one or several houses, up to a maximum of 5,000 gallons per day

"**Open space**" means land within or related to a development, not individually owned (undivided interest), which remains undeveloped (except for approved trails and accessory structures) and that is dedicated to one or more of the following purposes: Historical/architectural preservation, wildlife habitat, agriculture or recreation.

"**Planned development(s)**" are served by a small group domestic water system as defined in this section and means any development consistent with local plan review, and uses no more than 5,000 gallons per day.

"**Small Group Domestic**" shall include those water systems which provide water to planned developments, are exempt from the permit requirement of RCW 90.44.050, and are owned or controlled by an incorporated homeowners association and managed in accordance with state-defined water management practices.

This definition includes "group domestics", "domestic public water supply systems", "planned development water systems", and other such similar systems described in similar terms.

AMENDATORY SECTION (Amending Order DE 76-37, filed 12/28/76)

WAC 173-548-030 Future allocations—Reservation of surface water for beneficial uses. (1) The department determines that there are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Maximum surface water available for future allocation from the indicated reach is as follows:

Month	Lower Methow	Middle Methow	Upper Methow	Methow Headwaters	Early Winters Creek	Chewack River	Twisp River
Oct.	95	50	44	15	29	09	14
Nov.	116	101	46	06	21	10	15
Dec.	112	99	44	17	26	10	15
Jan.	50	36	26	08	19	03	09
Feb.	51	37	29	09	19	04	10
Mar.	147	139	80	38	19	24	18
Apr.	565	590	273	336	35	118	148
May	2,922	2,927	784	412	403	809	703
Jun.	3,116	2,853	1,017	1,249	294	1,292	890
Jul.	965	877	583	608	189	308	298
Aug.	214	192	203	109	94	70	70
Sep.	62	55	76	33	47	23	26

All figures in cubic feet per second.

(b) The control station for each reach is defined in WAC 173-548-020.

(c) The appropriation limit is set forth to be an amount equal to the one in two year natural reach discharge on a monthly basis for all management reaches except Early Winters Creek. The appropriation limit for Early Winters Creek is set forth to be an amount equal to the estimated natural mean monthly streamflow for that stream.

(2) The amounts of water referred to in WAC 173-548-030(1) above are allocated for beneficial uses in the future as follows:

(a) Allocation of surface waters by use category (April through September):

Use Description	Apr.	May	Jun.	Jul.	Aug.	Sep.
Lower Methow						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	860	1,940	2,220	800	300	300
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Middle Methow						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	650	1,500	1,500	500	220	220
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Upper Methow						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	300	690	790	240	100	100
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
Methow Headwaters						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0

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Base Flow	90	430	1,160	180	32	32
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Early Winters Creek</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	23	108	290	45	8.0	11.0
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Chewack River</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	140	290	320	110	47	47
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Twisp River</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	100	300	440	130	27	27
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					

All figures in cubic feet per second

(b) Allocation of surface waters by use category (October through March):

Use Description	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
<u>Lower Methow</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	425	425	350	350	350	350
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Middle Methow</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	320	320	260	260	260	260
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Upper Methow</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	150	150	120	120	120	120
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					

<u>Methow Headwaters</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	60	60	42	42	42	42
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Early Winters Creek</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	15	15	10	10	10	10
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Chewack River</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	68	68	56	56	56	56
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					
<u>Twisp River</u>						
Single Domestic, Small Group Domestic, and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	45	45	34	34	34	34
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c)					

All figures in cubic feet per second.

(c) Allocations presented in this section do not limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or base flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(d) As the amount of water allocated for each category of use approaches the amount available for future allocation set forth in WAC 173-548-030(1), the department shall review the program to determine whether there is a need for program revision.

(e) The following applies only to planned developments. Water acquired through conservation or conversion of seasonal agricultural water rights shall be the preferred source of water for planned developments with year round use. A determination will be made at the time of application whether the appurtenant lands are "cropland" or "orchard land". The determination will be based on the use of the lands at the time of application. If no agricultural water rights are available for conversion, a small group domestic water system which meets the requirements of this section and is exempt from the permit requirement of RCW 90.44.050 shall have the same priority as single domestic and stock uses.

Small group domestic water supply systems shall be required to:

[1] Meter any new systems, or systems requesting change(s) in their water right.

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[2] Curtail irrigation of open space lands within the boundaries of the planned development on the first of August or the acreage irrigated on those lands must have been reduced by at least 25% for the entire year.

[3] By April 1 of each year, a homeowners association owning or controlling a small group domestic water supply system must decide whether to reduce acreage irrigated by 25% or curtail irrigation by August 1 and notify members and potentially affected parties. A letter to the Okanogan County Planning Department and the department's Central Regional Office Water Resources Section, shall suffice for notice.

[4] The maximum diversion rates for open space lands in planned developments (areas so designated by Okanogan County) subject to these provisions are as follows:

a.) The maximum diversion for irrigation of open space lands planted with field crops (areas so designated by Okanogan County) on which irrigation is not curtailed on August 1 shall be 0.02 cubic feet per second (cfs) per acre instantaneously not to exceed 2.7 acre feet per acre plus ditch transportation loss of 15% per mile up to a maximum total of 4.0 acre feet per acre annually.

b.) The maximum diversion for irrigation of open space lands planted with orchards on which irrigation is not curtailed on August 1 shall be 0.02 cfs instantaneous diversion, not to exceed 4.2 acre feet, plus ditch transportation loss of 15% per mile, up to a maximum total of 5.0 acre feet per acre annually.

c.) The maximum diversion for irrigation of open space lands planted with field crops on which irrigation is curtailed on August 1 shall be 0.02 cfs per acre not to exceed 2.0 acre feet per acre plus ditch transportation loss of 15% per mile for a maximum total of 3.0 acre feet per acre annually.

d.) The maximum diversion for irrigation of open space lands planted with orchards on which irrigation is curtailed on August 1 shall be 0.02 cfs instantaneous diversion, not to exceed 3.15 acre feet per acre plus ditch transportation loss of 15% per mile, for a maximum total of 3.75 acre feet per acre annually.

[5] Water available for allocation under this section shall meet the following standards and come from:

[a] First, water saved from the conversion of agricultural lands as described in subsection [2], above. Waters contained in the two cubic foot per second per reach reservation as denoted in WAC 173-548-030 (availability determined by the department) would be available for allocation only after water saved from agricultural diversions has been used.

[b] The maximum amount of water use per unit or connection shall be 700 gallons per day (gpd) for in-house and outside use. If a more restrictive use is jointly agreed to by Okanogan County and the department, the maximum use per unit or connection shall be 400 gallons per day for in-house and outside use.

[c] New exempt ground water uses with no irrigation are subject to a maximum use per unit or connection of 400 gallons per day for in-house use and outside use. For the purposes of these provisions, an existing exempt well is a well in use before January 1, 1994 and exempt from the permit requirement of RCW 90.44.050.

(6) If any conversion or curtailment of consumptive or transportation irrigation water to instream flows is applicable, an agreement to transfer the water savings to the department

as a trust water right must be made prior to the approval of the small group domestic system for the planned development. When total water use after conversion from seasonal to year around use is less than is currently used under a valid water right, establishment of a trust water right for instream flow will be pursued prior to the approval of water allocations for the planned development; such trust water shall have a priority date immediately junior to the original water right.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 94-23-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-157—Filed November 4, 1994, 4:06 p.m., effective November 6, 1994, 12:01 a.m.]

Date of Adoption: November 4, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-523.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Areas 7 and 7A provides opportunity to harvest the United States share of Canadian-origin chum salmon. Of the tribal share of 57,500 chum, the tribes caught +26,000 and relinquished the remaining harvest to the nontreaty fleet. Nontreaty share is 82,500, less 4,000 reef net catch to date, plus 26,675 remaining payback from the tribes after the 1993 fisheries, for 105,175 chum. Openings in Areas 7B, 8A, 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Nooksack-Samish, Stillaguamish-Snohomish and south Puget Sound regions of origin per preseason schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks. Opening in Area 8D provides opportunity to harvest surplus coho salmon originating from the Tulalip hatchery per the preseason schedule. Opening in Areas 8, 12 and 12B provides opportunity to harvest the nontreaty share of chum salmon destined for the Skagit and Hood Canal regions of origin per preseason schedule. Area and gear restrictions and requirement that purse seines release coho necessary per preseason agreements to provide additional protection to coho salmon. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: November 6, 1994, 12:01 a.m.

November 4, 1994

Robert Turner
Director

NEW SECTION

WAC 220-47-524 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday November 6th, 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** - Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily Monday, Tuesday, Wednesday and Thursday, November 7, 8, 9 and 10. Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly Monday, Tuesday, Wednesday and Thursday November 7, 8, 9 and 10.
- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday November 12.
- * **AREA 8A** - Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily, Monday and Tuesday, November 7 and 8. Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday November 7 and 8.
- * **AREA 8D** - Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily, Monday and Tuesday, November 7 and 8. Gill nets using 5-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday November 7 and 8.
- * **10 and 11** - Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Monday November 7. Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. Monday November 7 to 8:00 a.m. Tuesday November 8. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of a line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.
- * **AREAS 8, 12, AND 12B** - Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily, Monday and Tuesday, November 7 and 8. Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday November 7 and 8. Purse seines are required to release all coho. In addition to the exclusion zones described in WAC 220-47-307, Areas 12 and 12B are closed in those waters within 1,000 feet of the eastern shoreline.
- * **Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K**, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 6, 1994:

WAC 220-47-523

Puget Sound all-citizen commercial salmon fishery. (94-156)

**WSR 94-23-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-158—Filed November 7, 1994, 4:32 p.m.]

Date of Adoption: November 7, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of coho salmon are available in Willapa Bay; chum salmon have cleared the commercial fishing area.

Effective Date of Rule: Immediately.

November 7, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-40-02700J Willapa Bay salmon — Fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective immediately until further notice, 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: Noon November 8 to 6:00 p.m. November 30, 1994 in SMCRA 2G, 2H, 2J, 2K, and 2M;

(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

(3) Gill net gear shall be used as provided in WAC 220-40-015, except that after November 19, the minimum mesh size is 7-1/2 inches.

EMERGENCY

WSR 94-23-041
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
 [Order 147—Filed November 9, 1994, 3:28 p.m.]

Date of Adoption: November 7, 1994.

Purpose: WAC 468-95-100, establishes compliance dates to specific sections for application of certain traffic control devices.

Citation of Existing Rules Affected by this Order: Amending WAC 468-95-100.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 47.36.030.

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 new MUTCD part VI requires certain traffic control techniques not yet implemented by the Department of Transportation.

Effective Date of Rule: Immediately.

November 7, 1994
 S. A. Moon
 Deputy Secretary
 for Operations

AMENDATORY SECTION (Amending Order 127, filed 12/21/90, effective 1/21/91)

WAC 468-95-100 Compliance dates. Through rulings approved by the Federal Highway Administrator, the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) contains compliance dates to specific sections for application of certain traffic control devices. These compliance dates are hereby amended as follows:

Ruling #	MUTCD Section	Compliance Date
IV-59	4D-2, 4D-7, 7D-5, 7D-9.	12/31/95
((VIII-12	8B-3, 8B-4	12/31/94))
II-5	2D-48, 2H-1 Thru 2H-16	9/30/97
((H-33	2B-43, 2B-43a, 2A-11	9/30/93
H-86(e)	2B-43e	9/30/93
VI-3	3B-16, 6D-1, 6D-3	9/30/92))
II-110	2I-1 Thru 2I-7	9/30/95
III-38	3B-5	9/30/95
IV-58	2B-37, 4B-5(4)(c), 4B-6-2	9/30/2001
	4B-6(5)(b), 4B-6(8), 4B-12, 4B-18	
((VI-33	3F-2, 6C-3	9/30/93
VI-34	3F-2, 6C-3	9/30/93
IX-4	9B-20	9/30/93
H-89	6A-1 Thru 6A-6, 6H-1 Thru 6H-4	9/30/92))
II-122	2D-15, 2E-11, 2F-11	9/30/97
IV-73	4B-6-5(a), 4B-15	9/30/96
II-119	2B-44	11/30/97

The December 10, 1993, Federal Register published the Federal Highway Administration's Docket No. 89-1, Notice No. 7, adopting final amendments to the Manual on Uniform Traffic Control Devices (MUTCD) for work zone traffic control. The department shall adopt these amendments, and all necessary modifications thereto, by January 10, 1994.

WSR 94-23-050
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
 [Order 148—Filed November 10, 1994, 1:27 p.m.]

Date of Adoption: November 7, 1994.

Purpose: WAC 468-95-100, establishes compliance dates to specific sections for application of certain traffic control devices.

Citation of Existing Rules Affected by this Order: Amending WAC 468-95-100.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 47.36.030.

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 new MUTCD part VI requires certain traffic control techniques not yet implemented by the Department of Transportation.

Effective Date of Rule: Immediately.

November 7, 1994
 S. A. Moon
 Deputy Secretary
 for Operations

AMENDATORY SECTION (Amending Order 127, filed 12/21/90, effective 1/21/91)

WAC 468-95-100 Compliance dates. Through rulings approved by the Federal Highway Administrator, the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) contains compliance dates to specific sections for application of certain traffic control devices. These compliance dates are hereby amended as follows:

Ruling #	MUTCD Section	Compliance Date
IV-59	4D-2, 4D-7, 7D-5, 7D-9	12/31/95
((VIII-12	8B-3, 8B-4	12/31/94))
II-5	2D-48, 2H-1 Thru 2H-16	9/30/97
((H-33	2B-43, 2B-43a, 2A-11	9/30/93
H-86(e)	2B-43e	9/30/93
VI-3	3B-16, 6D-1, 6D-3	9/30/92))
II-110	2I-1 Thru 2I-7	9/30/95
III-38	3B-5	9/30/95
IV-58	2B-37, 4B-5(4)(c), 4B-6-2	9/30/2001
	4B-6(5)(b), 4B-6(8), 4B-12, 4B-18	
((VI-33	3F-2, 6C-3	9/30/93
VI-34	3F-2, 6C-3	9/30/93
IX-4	9B-20	9/30/93
H-89	6A-1 Thru 6A-6, 6H-1 Thru 6H-4	9/30/92))
II-122	2D-15, 2E-11, 2F-11	9/30/97
IV-73	4B-6-5(a), 4B-15	9/30/96
II-119	2B-44	11/30/97

The December 10, 1993, Federal Register published the Federal Highway Administration's Docket No. 89-1, Notice No. 7, adopting final amendments to the Manual on Uniform Traffic Control Devices (MUTCD) for work zone traffic control. The department shall adopt these amendments, and all necessary modifications thereto, by January 10, 1996.

EMERGENCY

**WSR 94-23-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-159—Filed November 10, 1994, 4:49 p.m., effective November 12, 1994, 11:59 p.m.]

Date of Adoption: November 10, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-524.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Areas 7 and 7A provides opportunity to harvest the United States share of Canadian-origin chum salmon, within the constraints of the preseason plan. Of the tribal share of 57,500 chum, the tribes caught +26,000 and relinquished their remaining harvest to the nontreaty fleet. Nontreaty share is 82,500, less 4,083 reef net catch, plus 14,175 additional payback offered from the tribes, or +92,600 chum. Estimated nontreaty catch to date is 30,000, with 62,600 remaining in the share. Opening in Area 7B provides opportunity to harvest the nontreaty allocation of chum salmon destined for the Nooksack-Samish region of origin per preseason plan. Opening in Area 8 provides opportunity to harvest the nontreaty share of chum salmon destined for the Skagit region of origin according to the preseason schedule. Gear restriction and requirement that seines release coho are necessary per preseason agreement to provide additional protection to coho salmon. Opening in Areas 8A and 8D provides opportunity to harvest the nontreaty share of chum salmon destined for the Stillaguamish-Snohomish region of origin according to the preseason schedule. Scheduled openings in Areas 10 and 11 cancelled due to attainment of nontreaty chum allocation. Scheduled openings in Areas 12 and 12B cancelled pending evaluation of terminal run sizes and nontreaty catch status. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: November 12, 1994, 11:59 p.m.

November 10, 1994

Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-47-525 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 11:59 p.m. Saturday November 12th, 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, 7A, 8A AND 8D** - Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday, Wednesday and Thursday nights, November 14, 15, 16, and 17. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Tuesday, Wednesday, Thursday and Friday November 15, 16, 17 and 18.
- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday November 19.
- * **AREA 8** - Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday nights November 14 and 15. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Tuesday and Wednesday November 15 and 16. Purse seines are required to release all coho in Area 8.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. November 12, 1994:

WAC 220-47-524 Puget Sound all-citizen commercial salmon fishery. (94-157)

**WSR 94-23-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-163—Filed November 14, 1994, 4:31 p.m.]

Date of Adoption: November 14, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-525.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Areas 7 and 7A provides opportunity to harvest the United States share of Canadian-origin chum salmon, within the constraints of the preseason plan. Of the tribal share of 57,500 chum, the tribes caught +26,000 and relinquished their remaining harvest to the nontreaty fleet. Nontreaty share is 82,500, less 4,083 reefnet catch, plus 14,175 additional payback offered from the tribes, or +92,600 chum. Estimated nontreaty catch to date is 30,000, with 62,600 remaining in the share. Opening in Area 7B provides opportunity to harvest the nontreaty allocation of chum salmon destined for

the Nooksack-Samish region of origin per preseason plan. Opening in Area 8 provides opportunity to harvest the nontreaty share of chum salmon destined for the Skagit region of origin according to the preseason schedule. Gear restriction and requirement that seines release coho are necessary per preseason agreement to provide additional protection to coho salmon. Opening in Areas 8A and 8D provides opportunity to harvest the nontreaty share of chum salmon destined for the Stillaguamish-Snohomish region of origin according to the preseason schedule. Scheduled openings in Areas 10 and 11 cancelled due to attainment of nontreaty chum allocation. Opening in Areas 12 and 12B provides opportunity to harvest the nontreaty share of chum salmon destined for the Hood Canal region of origin according to the inseason update of 923,767 chum. Gear restriction, area closures and requirement that seines release coho are necessary per preseason agreement to provide additional protection to coho salmon. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

November 14, 1994
Robert Turner
Director

NEW SECTION

WAC 220-47-526 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 5:00 p.m. Monday November 14th, 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, 7A, 8A AND 8D** - Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday, Wednesday and Thursday nights, November 14, 15, 16, and 17. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Tuesday, Wednesday, Thursday and Friday November 15, 16, 17 and 18.
- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday November 19.
- * **AREA 8** - Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday nights November 14 and 15. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Tuesday and Wednesday November 15 and 16. Purse seines are required to release all coho in Area 8.
- * **AREAS 12 AND 12B** - Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Tuesday November 15 to 8:00 a.m. Wednesday November 16. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Wednesday November 16. Purse seines are required to release all coho in Areas 12 and 12B. In addition to the exclusion zones described in WAC 220-47-307, Areas 12 and 12B are closed in those waters within 1,000 feet of the eastern shoreline.

- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. November 14, 1994:

WAC 220-47-525 Puget Sound all-citizen commercial salmon fishery. (94-159)

**WSR 94-23-080
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-164—Filed November 16, 1994, 4:34 p.m.]

Date of Adoption: November 16, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-12400A.

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 are sufficient chum salmon to provide for an increased bag limit.

Effective Date of Rule: Immediately.

November 16, 1994

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-12400A Hoodsport Hatchery. Notwithstanding the provisions of WAC 220-56-124 and WAC 220-56-191, effective immediately through December 31, 1994, the daily bag limit in those waters within a 1,000 foot arc seaward of the yellow buoys at the mouth of Finch Creek is three salmon, not more than two of which may be chinook or coho salmon or a combination of chinook and coho salmon.

**WSR 94-23-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-165—Filed November 17, 1994, 3:02 p.m., effective November 17, 1994, 5:00 p.m.]

Date of Adoption: November 17, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-526.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Areas 7 and 7A provides opportunity to harvest the United States share of Canadian-origin chum salmon, within the constraints of the preseason plan. Of the tribal share of 57,500 chum, the tribes caught +26,000 and relinquished their remaining harvest to the nontreaty fleet. Nontreaty share is 82,500, less 4,083 reef net catch, plus 14,175 additional payback offered from the tribes, or +92,600 chum. Estimated nontreaty catch to date is 35,000, with 57,600 remaining in the share. Opening in Area 7B provides opportunity to harvest the nontreaty allocation of chum salmon destined for the Nooksack-Samish region of origin per preseason plan. Opening in Areas 8A and 8D provides opportunity to harvest the nontreaty share of chum salmon destined for the Stillaguamish-Snohomish region of origin according to the preseason schedule. Opening in Areas 12, 12B and 12C provides opportunity to harvest the nontreaty share of chum salmon destined for the Hood Canal region of origin and to reduce wastage according to the inseason update of 923,767 chum and in agreement with the Point No Point Treaty Council. Gear restriction, area closures and requirement that seines release coho are necessary per preseason agreement to provide additional protection to coho salmon. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: November 17, 1994, 5:00 p.m.
November 17, 1994

Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-527 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 5:00 p.m. Thursday November 17th, 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 Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7, 7A, 8A, AND 8D** - Gill nets using 6-inch minimum mesh may fish through 8:00 a.m. Friday

November 18. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. November 18.

- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday November 19.
- * **AREAS 12, 12B AND 12C** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Friday November 18. Purse seines are required to release all coho in Areas 12, 12B and 12C. Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Friday November 18 to 8:00 a.m. Saturday November 19. In addition to the exclusion zones described in WAC 220-47-307, Areas 12, 12B and 12C are closed in those waters within 1,000 feet of the eastern shoreline, closed in those waters within 1/4 mile of the outermost headlands at Lilliwaup Bay, and closed in those waters of Area 12C are closed south of a line projected from the northernmost headlands at Dewatto Bay to the northernmost headlands at Lilliwaup Bay.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. November 17, 1994:

WAC 220-47-526 Puget Sound all-citizen commercial salmon fishery. (94-163)

**WSR 94-23-085
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-161—Filed November 17, 1994, 3:04 p.m., effective November 28, 1994]

Date of Adoption: November 16, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red and green sea urchins exist in the areas mentioned. New description of Sea Urchin Districts 1 and 2 does not change

existing district or closure boundaries, but clarifies existing wording.

Effective Date of Rule: November 28, 1994.

November 16, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-07300U Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) **Red sea urchins:** Sea Urchin Districts 1 and 4 are open only on November 28, November 29, December 5, 6, 12, 13, 14, 19, 20, and 21, 1994. It is unlawful to harvest red sea urchins greater or smaller in size than the following (size is diameter exclusive of the spine):

- (a) District 1 - 4.0 to 5.5 inches
- (b) District 4 - 3.75 to 5.25 inches

(2) **Green sea urchins:** Sea Urchin Districts 1, 2, 3, 4, and Marine Fish/Shellfish Management and Catch Reporting Areas 26D, and 28A are open only on November 28, November 29, December 5, 6, 12, 13, 14, 19, 20, and 21, 1994. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) **Sea Urchins Districts:**

(a) **Sea Urchin District 1** (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island, and extending to the southern boundary of Marine Fish-Shellfish Catch Reporting Area 20B at Spieden Island. The following areas within Sea Urchin District 1 are closed to the harvest of sea urchins at all times:

(i) Those waters within one-quarter mile of Green Point on Spieden Island.

(ii) Those waters within one-quarter mile of Gull Reef, located between Spieden Island and Johns Island.

(b) **Sea Urchin District 2** (Southern San Juan Islands and Port Townsend) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 21A, 21B, 22B, 23B, 25A, and 22A, excluding that portion of Area 22A in Haro Strait and Spieden Channel north of a line projected east-west one-half mile south of Eagle Point on San Juan Island. The following areas within Sea Urchin district 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of San Juan Channel and Upright Channel within the following lines: North of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island; south of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

**WSR 94-23-104
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-166—Filed November 18, 1994, 4:52 p.m., effective November 19, 1994, 11:59 p.m.]

Date of Adoption: November 18, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-527.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Areas 7 and 7A provides opportunity to harvest the United States share of Canadian-origin chum salmon, within the constraints of the preseason plan. Of the tribal share of 57,500 chum, the tribes caught +26,000 and relinquished their remaining harvest to the nontreaty fleet. Nontreaty share is 82,500, less 4,083 reef net catch, plus 14,175 additional payback offered from the tribes, or +92,600 chum. Estimated nontreaty catch to date is 39,000, with 53,600 remaining in the share. Opening in Area 7B provides opportunity to harvest harvestable chum salmon destined for the Nooksack-Samish region of origin. Opening in Area 8 provides opportunity to harvest the nontreaty share of chum salmon destined for the Skagit region of origin according to the inseason update of 332,000 chum, and a remaining harvestable nontreaty share of 60,000 chum. Gear restriction and requirement that seines release coho are necessary per preseason agreement to provide additional protection to coho salmon. Opening in Areas 8A and 8D provides opportunity to harvest the nontreaty share of chum salmon destined for the Stillaguamish-Snohomish region of origin according to the preseason agreement and an agreed run size update of 206,682 chum. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: November 19, 1994, 11:59 p.m.

November 18, 1994

Robert Turner
Director

NEW SECTION

WAC 220-47-528 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 11:59 p.m. Saturday November 19th, 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, 7A, 8A AND 8D** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Monday, Tuesday, and Wednesday November 21, 22, and 23. Gill nets using 6-inch minimum mesh may fish

from 4:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday, and Wednesday nights November 21, 22, and 23.

- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 4:00 p.m. Wednesday November 23.
- * **AREA 8** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Monday and Tuesday November 21 and 22. Purse seines are required to release all coho in Area 8. Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. Monday and Tuesday nights, November 21 and 22.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. November 19, 1994:

WAC 220-47-527 Puget Sound all-citizen commercial salmon fishery. (94-165)

WSR 94-23-125
EMERGENCY RULES
WASHINGTON STATE PATROL
[Filed November 22, 1994, 4:15 p.m.]

Date of Adoption: November 22, 1994.

Purpose: Revise chaining requirements for commercial vehicles.

Citation of Existing Rules Affected by this Order: Amending WAC 204-24-050.

Statutory Authority for Adoption: RCW 46.37.005.

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: Clarify chaining requirements for commercial vehicles over mountain passes during inclement weather. Simplify requirements, lessening number of chains required on specific commercial vehicles. This rule supersedes and replaces any earlier rules.

Effective Date of Rule: Immediately.

November 22, 1994
R. W. Bruett
Chief

[AMENDATORY SECTION (Amending WSR 94-08-069, filed 4/4/94)]

WAC 204-24-050 Use of tire chains or other traction devices. (1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "approved traction tires required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires, tire chains meeting the standards in chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

When traffic control signs marked "approved traction tires required" or "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: *Provided*, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) ~~((Single vehicles.))~~ Vehicles or vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, ~~((all tires on))~~ one tire on each side of one of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers; one tire on the last axle of the last trailer or semi-trailer, shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(b) ~~((Two vehicle combinations))~~ Automobile transporters. Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axles shall be chained. For vehicles with dual drive axles, one tire on each side of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) Vehicle combinations with five axles consisting of a truck tractor with dual drive axles and a tandem axled semi-trailer; all tires on one drive axle may be chained or one tire on each side of each of the drive axles may be chained. Chains must be applied to a minimum of four tires on the drive axles. On the tandem axle semi-trailer, the chained tire may be on either of the last two axles.

~~((e)) Three))~~ (d) Vehicle combinations with five axles, ~~((including but not limited to))~~ consisting of a truck and trailer, or truck tractor and semi-trailer with a single drive axle, or truck tractor, semi-trailer and full trailer: For

vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. ~~((In addition, one tire on each side of the additional drive axle shall be chained.))~~ For vehicle~~(s with))~~ combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. ~~((On single axle semi-trailers, one tire on the axle shall be chained.))~~ If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(e) Vehicle combinations with six or more axles, including but not limited to truck and trailer or truck tractor~~(s)~~ and semi-trailer or truck tractor semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles shall be chained. For vehicles with dual drive axles, where traffic control signs marked "chains required, are posted, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For vehicle~~(s with))~~ combinations including trailers or semi-trailers, one tire on the last axle ~~((of the last trailer))~~ shall be chained. ~~((On single axle semi-trailers, one tire on the axle shall be chained. If the trailer has tandem rear axles.))~~ For vehicles with tandem axle trailers or semi-trailers, the chained wheel may be on either of the last two axles.

~~((d))~~ (f) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains or in the event that chains in use are broken or otherwise made useless.

~~((e))~~ (g) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.

~~((f))~~ (h) On the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - between North Bend (MP 32) and Ellensburg (MP 101).

(ii) SR-97 - between (MP 145) and Junction SR-2.

(iii) SR-2 - between Dryden (MP 108) and Index (MP 36).

(iv) SR-12 - between Packwood (MP 135) and Naches (MP 187).

(v) SR-97 - between the junction of SR-14 (MP 4) Columbia River and Toppenish (MP 59).

(vi) SR-410 - from Enumclaw to Naches.

(vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342).

(viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - between (MP 0) and (MP 10).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

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

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

Reviser's note: 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 94-23-002
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—November 3, 1994]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, November 17, 1994, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus.

WSR 94-23-003
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES BENEFITS BOARD
[Memorandum—November 3, 1994]

Note: Location of meeting has been changed to Seattle.

Public Employees Benefits Board
Sea-Tac Large Auditorium
Seattle, Washington
1:00 p.m., November 8, 1994

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (206) 923-2828.

WSR 94-23-004
NOTICE OF PUBLIC MEETINGS
CASCADIA COMMUNITY COLLEGE
[Memorandum—November 1, 1994]

The Cascadia Community College (District 30) board of trustees at its October 10, 1994, meeting unanimously adopted in Board Resolution 94-10-01 the following dates, time and place for its regular meetings:

All regular meetings of the board of trustees commence at 6:00 p.m. in Suite 101, Shoreline Community College Northshore Center, 22002 26th Avenue, Bothell, WA 98021

- Monday, November 14, 1994
- Monday, December 12, 1994
- Monday, January 9, 1995
- Monday, February 13, 1995
- Monday, March 13, 1995
- Monday, April 10, 1995
- Monday, May 8, 1995
- Monday, June 12, 1995
- Monday, July 10, 1995
- Monday, August 14, 1995
- Monday, September 11, 1995
- Monday, October 9, 1995
- Monday, November 13, 1995
- Monday, December 11, 1995

WSR 94-23-005
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE
[Memorandum—November 1, 1994]

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in 1995 at 1:30 p.m. in Room 3112 of the Daniel J. Evans Library Building on The Evergreen State College campus:

- Wednesday, February 8
- Wednesday, April 12
- Wednesday, May 10
- Wednesday, June 14
- Wednesday, August 9
- Wednesday, October 11
- Wednesday, December 13

There will be a work session the Tuesday afternoon preceding these regular meeting dates, beginning at 1:30 p.m.

WSR 94-23-017
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Memorandum—November 2, 1994]

The Commission on Judicial Conduct rules committee scheduled for 6:00 p.m. on Thursday, December 1, 1994, at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, Seattle, WA 98188, has been canceled.

WSR 94-23-018
RULES COORDINATOR
LOWER COLUMBIA COLLEGE
[Memorandum—November 1, 1994]

Below is the name, office location, and mailing address of the rules coordinator for Lower Columbia College (Community College District 13):

Virginia M. Koken
President's Office
Lower Columbia College
1600 Maple Street
P.O. Box 3010
Longview, WA 98632

Vernon R. Pickett
President

WSR 94-23-028
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Health Professions Quality Assurance Division)
[Memorandum—October 18, 1994]

The Washington State Dental Quality Assurance Commission will meet in 1995 on the following dates:

- January 20-21, 1995
- February 17-18, 1995

March 17-18, 1995
 April 21-22, 1995
 May 19-20, 1995
 June 16-17, 1995
 July 21-22, 1995
 August 18-19, 1995
 September 15-16, 1995
 October 20-21, 1995
 November - NO MEETING
 December 1-2, 1995

The meetings will be held at the Marriott Sea-Tac Airport Hotel, 3201 South 176th Street, Seattle, WA.

WSR 94-23-030
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—November 8, 1994]

Regular Meeting
 November 17-18, 1994
 Natural Resources Building - Room 172
 1111 Washington Street S.E.
 Olympia, WA

Note: Opening sessions will commence as shown; all other times are approximate. If you need special accommodations to participate in this meeting, please notify us by November 1 at (206) 902-3000 or TDD (206) 902-1996.

Thursday, November 17, 8:20 a.m. - 4:30 p.m.
 Friday, November 18, 8:30 a.m. - 12:15 p.m.

Next Meeting: March 7-8, 1995, Olympic National Forest Headquarters, Olympia, Washington.

WSR 94-23-034
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Memorandum—November 8, 1994]

The Public Disclosure Commission has cancelled its regular meeting scheduled for Tuesday, November 15, 1994. The next meeting is scheduled for 9 a.m., December 13, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA.

WSR 94-23-035
RULES COORDINATOR
SKAGIT VALLEY COLLEGE
 [Filed November 9, 1994, 9:22 a.m.]

This is notice that the rules coordinator for Skagit Valley College is Judi Knutzen. The address for the office is:

Judi Knutzen, Director
 Student Auxiliary Services
 Skagit Valley College
 2405 College Way
 Mt. Vernon, WA 98273

The telephone number is (206) 428-1183.

Dr. James M. Ford
 President

WSR 94-23-044
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—November 9, 1994]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, November 16, 1994, at 12 noon in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 94-23-045
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY
SITE EVALUATION COUNCIL

[Memorandum—November 7, 1994]

WASHINGTON STATE
 ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)
 1995 MEETING SCHEDULE

- January 9, 1995
- February 13, 1995
- March 13, 1995
- April 10, 1995
- May 8, 1995
- June 12, 1995
- July 10, 1995
- August 14, 1995
- September 11, 1995
- October 9, 1995
- November 13, 1995
- December 11, 1995

The council meets on the 2nd Monday of each month. The meetings begin at 1:30 p.m. in Conference Room 308 of the Washington State Energy Office at 925 Plum Street S.E., Town Square, Building 4, Olympia, WA.

The council's executive committee meets on the 1st and 3rd Mondays of each month. The meetings begin at 1:45 p.m. in Conference Room 308.

For more information on council activities, or people who plan to attend the meetings and require special assistance or auxiliary aids, please contact EFSEC Manager, Jason Zeller at the Washington State Energy Office at (206) 956-2047 as early as possible prior to the meetings.

MISCELLANEOUS

WSR 94-23-046
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
 [Memorandum—November 8, 1994]

Commission on Judicial Conduct
Business Meeting Schedule for 1995

January 6, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
February 3, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
March 3, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
April 7, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
May 5, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
June 2, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
July 1995	No meeting	
August 4, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
September 1, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
October 6, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
November 3, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
December 1, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.

WSR 94-23-048
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD
 [Memorandum—November 10, 1994]

1995 MEETING SCHEDULE

Wednesday, January 18	Work Session	Olympia
Thursday, January 19	Regular Meeting	Olympia
Tuesday, March 14	Work Session	Olympia
Wednesday, March 15	Regular Meeting	Olympia
Thursday, April 27	Regular Meeting	SeaTac
Friday, June 16	Regular Meeting	SeaTac
Thursday, July 13	Regular Meeting	SeaTac
Wednesday, September 20	Regular Meeting	Spokane

Thursday, October 26 Regular Meeting SeaTac
 Thursday, November 16 Regular Meeting Vancouver

WSR 94-23-060
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—November 10, 1994]

The joint public hearing to accept comments on the inclusion of a revised Puget Sound Air Pollution Control Agency (PSAPCA) regulation into the Washington State Implementation Plan (SIP) will still proceed on December 8, 1994, at 110 Union Street, Suite 500, Seattle, WA, at 9:00 a.m. This regulation is being proposed as a contingency measure for the SIPs for Seattle Duwamish and Tacoma Tideflats Particulate Matter (PM-10) nonattainment areas.

For more information on the content of the draft regulation prior to the hearing, please contact Lynn Hughes, Puget Sound Air Pollution Control Agency, (206) 689-4067. For other information on the SIP submittal, please contact Lydia Blalock at (206) 407-6860.

The Department of Ecology will not, however, be conducting a hearing with Puget Sound Air Pollution Control Agency to solicit comment on other proposed revisions to these SIPs, as published in this newspaper on November 7, 1994. That portion of the hearing has been postponed to a later time. Future notices will be published at least thirty days prior to the rescheduled hearing.

Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Blalock (206) 407-6860 (voice) or (206) 407-6006 (TDD only).

If you have any questions regarding this notice, please contact Lydia L. Blalock at (206) 407-6860.

WSR 94-23-061
NOTICE OF PUBLIC MEETINGS
FAMILY POLICY COUNCIL
 [Memorandum—November 14, 1994]

1995 FAMILY POLICY COUNCIL
Meeting Schedule

Location: The Attorney General's Conference Center
 4224 6th Avenue S.E.
 Rowe 6 - Building 1
 Lacey, WA

Time: 1:00 - 5:00 p.m.

Dates: Wednesday, January 25
 Tuesday, February 21
 Wednesday, March 22
 Tuesday, April 18
 Tuesday, May 16
 Tuesday, June 20
 Tuesday, July 18
 Tuesday, August 15
 Tuesday, September 19

MISCELLANEOUS

Tuesday, October 17
Tuesday, November 21
Tuesday, December 19

Office of Client Relations
Mailstop 47500
Olympia, WA 98504-7500
(206) 586-1770

WSR 94-23-064
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Dispensing Optician Committee)
[Memorandum—November 7, 1994]

The following is a list of the Dispensing Optician Committee meeting dates for 1995:

- January 27, 1995 WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188
- March 10, 1995 Place to be scheduled at a later date
- August 25, 1995 WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188

October 20, 1995 Place to be scheduled at a later date
All meetings will begin at 8:00 a.m. to 5:00 p.m.

WSR 94-23-065
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Optometry)
[Memorandum—November 7, 1994]

The following is a list of the Board of Optometry's meeting dates for 1995:

- January 20, 1995 WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188
- March 17, 1995 WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188
- May 5, 1995 WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188
- September 15, 1995 WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188

All meetings will be from 8:00 a.m. to 5:00 p.m.

WSR 94-23-068
RULES COORDINATOR
DEPARTMENT OF PERSONNEL
[Filed November 15, 1994, 2:24 p.m.]

The person listed below is designated as rules coordinator for the Department of Personnel and for the director of the Department of Personnel.

Judy Montoure
Department of Personnel

WSR 94-23-082
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
[Memorandum—November 14, 1994]

- Meeting notice:
- January 12, 1994
County Road Administration Board
Olympia, Washington
1:00 p.m. - 5:00 p.m.
 - January 13, 1994
County Road Administration Board
Olympia, Washington
9:00 a.m. - 12:00 noon

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (206) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (206) 753-5989.

WSR 94-23-086
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
[Memorandum—November 16, 1994]

The Public Works Board must schedule a meeting for 8:30 a.m., November 22, 1994.

The meeting will be handled by conference call. Persons wishing to participate and/or monitor the meeting may do so by appearing at the Office of the Director of Communications, Department of Community, Trade and Economic Development, Fifth Floor, 906 Columbia Street Southwest, Olympia, Washington.

The agenda items for this meeting shall be the consideration of the Capital Facilities Plan Loan applications for the city of Elma, the city of Kittitas, and the city of Raymond.

WSR 94-23-088
NOTICE OF PUBLIC MEETINGS
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Memorandum—November 17, 1994]

PUGET SOUND AIR POLLUTION CONTROL AGENCY
BOARD OF DIRECTORS
REGULAR MONTHLY MEETINGS
MEETING DATES FOR 1995

MISCELLANEOUS

REGULAR MONTHLY MEETINGS

- January 12, 1995
- February 9, 1995
- March 9, 1995
- April 13, 1995
- May 11, 1995
- June 8, 1995
- July 13, 1995
- August 10, 1995
- September 14, 1995
- October 12, 1995
- November 9, 1995
- December 14, 1995

STUDY SESSIONS

- February 23, 1995
- April 27, 1995
- June 22, 1995
- August 24, 1995
- October 26, 1995
- December 28, 1995

Moses Lake, Washington

November 15, 1995
 8:30 a.m. - 5:00 p.m.
 Fireside Room
 Big Bend Community College
 Moses Lake, Washington

The public is welcome to attend all meetings. Contact Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, (206) 872-2972 if you have any questions.

Notice is hereby given that the board of directors of the Puget Sound Air Pollution Control Agency will hold regular monthly meetings. The regular monthly meetings will be held at 9:00 a.m. at the Puget Sound Air Pollution Control Agency, 110 Union Street, Suite 500, Seattle, WA. Study sessions will be held at 9:30 a.m.

Board of director meetings and study sessions are open and public. Interested persons are invited to attend. More information can be obtained by calling (206) 689-4080 or 689-4079.

WSR 94-23-089
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Noxious Weed Control Board)
 [Memorandum—November 17, 1994]

The Washington State Noxious Weed Control Board 1995 meetings will be held as follows:

- January 18, 1995
8:30 a.m. - 5:00 p.m.
Washington State Department of Agriculture
1111 Washington Street, Room 259
Olympia, WA
- March 15, 1995
8:30 a.m. - 5:00 p.m.
Fireside Room
Big Bend Community College
Moses Lake, Washington
- May 17, 1995
8:30 a.m. - 5:00 p.m.
Fireside Room
Big Bend Community College
Moses Lake, Washington
- July 19, 1995
8:30 a.m. - 5:00 p.m.
Fireside Room
Big Bend Community College
Moses Lake, Washington
- September 20, 1995
8:30 a.m. - 5:00 p.m.
Fireside Room
Big Bend Community College

WSR 94-23-095
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN AMERICAN AFFAIRS
 [Memorandum—November 16, 1994]

Please be advised that the Commission on Asian American Affairs has tentatively chosen the following dates and cities to hold its public meetings. Exact locations have not been identified. Interested individuals should call our office prior to the meeting date to get more detailed information.

Meeting Dates	City
January 20	Olympia
March 24	Bellingham
June 2	Olympia
August 11 and 12	Pasco
November 17	Seattle

WSR 94-23-097
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—November 18, 1994]
BOARD OF TRUSTEES MEETING

November 21, 1994
 Sno-King Building
 Room 103
 (4:30 - 6:30)

Note: The Edmonds Community College board of trustees, the American Federation of Teachers Executive Board, and President's Executive Cabinet will meet at Hotel International, 5621 196th Street S.W., Lynnwood, immediately following the meeting.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

MISCELLANEOUS

WSR 94-23-098
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL-TECHNICAL EDUCATION
[Memorandum—November 18, 1994]

Tuesday - November 29, 1994
Salon D - Wyndham Garden Hotel
18118 Pacific Highway South - Seattle

3:00 p.m. Work session/Team meetings
5:30 p.m. Dinner

Wednesday - November 30, 1994
Showroom - Automotive Training Center
Shoreline Community College
16101 Greenwood Avenue North - Seattle
(8:30 a.m. - 3:00 p.m.)

The meeting site is barrier free. People needing special accommodations should contact the council office at (206) 753-3715.

WSR 94-23-105
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 19
[November 8, 1994]

WILDLIFE—CLAIMS AGAINST STATE—RISK MANAGEMENT—Limitations of state's liability for elk and deer damage

In allowing claims against the state for damage caused to property by deer or elk, the Legislature has set a maximum limit of \$2,000 per claim; this limitation applies both to claims settled and paid by the Department of Wildlife and to claims paid by the Legislature upon recommendation of the Risk Management Office.

Requested by:
Robert Turner, Director
Department of Fish and Wildlife
600 Capitol Way North, MS 41091
Olympia, WA 98501-1091

WSR 94-23-106
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE
[Memorandum—November 17, 1994]

On November 16, 1994, the Community College District 13 board of trustees approved the following meeting dates. All regular meetings are scheduled to begin at 5:00 p.m., on the third Wednesday of each month, with the exception of July. No meeting has been scheduled during July 1995.

- January 18, 1995
- February 15, 1995
- March 15, 1995
- April 19, 1995
- May 17, 1995
- June 14, 1995
- August 16, 1995

- September 20, 1995
- October 18, 1995
- November 15, 1995
- December 20, 1995

WSR 94-23-107
NOTICE OF PUBLIC MEETINGS
YAKIMA VALLEY
COMMUNITY COLLEGE
[Memorandum—November 18, 1994]

The board of trustees for Yakima Valley Community College District 16 shall continue to hold regular meetings the first Thursday of each month at 4:30 p.m. Meetings will be held in the College Boardroom, Prior Hall, Room 101, unless otherwise posted.

WSR 94-23-110
NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION
[Memorandum—November 18, 1994]

The following is a schedule of the 1995 regular meetings of the Marine Employees' Commission, as adopted by the commission on November 18, 1994:

Month	Day	Location
January	27	Olympia
February	24	Olympia
March	31	Olympia
April	28	Olympia
May	25 (Thurs.)	Seattle
June	23	Seattle
July	28	Seattle
August	25	Seattle
September	29	Seattle
October	27	Seattle
November	NO MEETING	Seattle
December	15	Seattle

All meetings begin at 10:00 a.m., January through April 1995, meetings will be held at the offices of the Marine Employees' Commission, Evergreen Plaza Building, 711 Capitol Way South, Main Floor, Olympia.

Meetings scheduled in Seattle are held at the Washington State Ferries Terminal, "Spike" Eikum Conference Room, Colman Dock, Pier 52.

Following due notice, some meetings scheduled for Seattle may be rescheduled for other Washington state ferry system terminal cities. Locations for meetings can be obtained by writing to the commission at the address listed below or by calling (206) 586-6354.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to:

MISCELLANEOUS

Janis Lien, Administrative Assistant
Marine Employees' Commission
Evergreen Plaza Building
P.O. Box 40902
Olympia, WA 98504-0902

WSR 94-23-111
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
[Memorandum—November 18, 1994]

Please be advised of the following meeting date change for the Tacoma Community College board of trustees:

From: Thursday, December 8, 1994
To: Thursday, December 15, 1994

The board of trustees meeting will be held in the Baker Room, Cascade Conference Center, Building 7, at 4:00 p.m. at Tacoma Community College.

WSR 94-23-118
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
[Memorandum—November 21, 1994]

The December 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, December 14, and 9:00 a.m. on Thursday, December 15, 1994, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, December 14, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

The January 1994 [1995] Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, January 18, and 9:00 a.m. on Thursday, January 19, 1995, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, January 18, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

WSR 94-23-126
DEPARTMENT OF ECOLOGY
[Filed November 23, 1994, 8:02 a.m.]

ANNOUNCEMENT OF AVAILABILITY OF DRAFT GENERAL PERMIT FOR UPLAND FIN-FISH HATCHING AND REARING FACILITIES (FISH HATCHERIES)

Introduction: Ecology is proposing to reissue a wastewater discharge general permit for upland fish hatcheries located in Washington state. The original permit was issued on January 26, 1990, and will expire on January 26, 1995. The purpose of the permit is to control the discharge of pollutants from upland fish hatcheries into waters of the state. The permit contains effluent limitations and conditions necessary to protect state water quality. Interested persons are encour-

aged to submit comments on the proposed permit and/or attend the workshop and hearing described below. Written comments must be postmarked by Friday, January 13, 1995.

The proposed permit implements the Federal Clean Water Act and State Water Pollution Control Act. Dischargers who require coverage under this permit include all state, private, and tribal hatcheries located on state or private lands which produce more than 20,000 pounds of fish a year or feed more than 5,000 pounds of fish food during a month of maximum feeding.

Public Workshop/Hearing: The public workshop and hearing on the proposed permit will be held on Tuesday, January 10, 1995. The purpose of the workshop is to explain the general permit, answer questions, and facilitate meaningful testimony during the hearing. The purpose of the hearing is to provide interested parties an opportunity to give formal oral testimony and comments on the proposed general permit. The workshop and hearing will be held at this location:

Tacoma Central Wastewater Treatment Plant
Sewer Transmission Building Conference Room (upstairs)
2201 Portland Avenue
Tacoma, WA

The public workshop will begin at 10:00 a.m. and last until 12:00 p.m. The formal public hearing will begin at 1:00 p.m.

Small Business Economic Impact Statement: Ecology has made a determination that the small business economic impact statement (SBEIS) prepared to meet the upland fin-fish facility rule (WAC 173-221A-100), adopted in July 1990, satisfies the SBEIS requirements for this general permit. The proposed permit does not differ substantively from the expiring permit or the standards established for this industry in state regulation (WAC 173-221A-100 Upland fin-fish facilities).

How to Request Copies of the Proposed Permit: Requests for copies of the proposed permit, fact sheet, and SBEIS may be made by contacting Bill Ward through the address noted below or by telephoning him at (206) 407-6098.

Where to Submit Written Comments: If you wish to comment on the proposed permit you may send your written comments to this address:

Bill Ward
Water Quality Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Written comments must be postmarked by Friday, January 13, 1995.

Final Determination: A final determination to issue this permit will not be made until ecology evaluates all public testimony and written comments received pursuant to this notice. If ecology issues the general permit, a copy of the final determination and the responsiveness summary will be sent to all persons who submitted written comment or gave public testimony.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an

alternative format, please contact Bill Ward at (206) 407-6098 or (206) 407-6006 (TDD).

WSR 94-23-144
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Wheat Commission)

[Memorandum—November 21, 1994]

The Washington Wheat Commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the state register for the period January 1995 through December 1995 as follows:

Regular - January 18 (10:00 a.m.) and 19 (8:30 a.m.)
West 907 Riverside Avenue
Spokane, WA

Regular - March 22 (10:00 a.m.) and 23 (8:30 a.m.)
West 907 Riverside Avenue
Spokane, WA

Annual - May 17 (10:00 a.m.) and 18 (8:30 a.m.)
West 907 Riverside Avenue
Spokane, WA

Regular - September 20 (10:00 a.m.) and 21 (8:30 a.m.)
West 907 Riverside Avenue
Spokane, WA

Regular - November 15 (10:00 a.m.) and 16 (8:30 a.m.)
West 907 Riverside Avenue
Spokane, WA

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least twenty days prior to the rescheduled meeting date for publication in the state register.

WSR 94-23-145
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES OF SPOKANE
[Memorandum—November 21, 1994]

BOARD OF TRUSTEES
WASHINGTON COMMUNITY COLLEGE DISTRICT 17

Notice is hereby given, pursuant to RCW 42.30.075, that the regular meetings of the board of trustees of Washington Community College District 17 (the Community Colleges of Spokane) during calendar year 1995 shall be held at 1:30 p.m. on the following dates and in the following locations:

Date	Location and Address
January 24, 1995*	Spokane Community College Littlefoot Room, Lair 1810 North Greene Street Spokane, WA 99207-5399
February 21, 1995	Spokane Falls Community College President's Conference Room Administration Building

	3410 West Fort George Wright Drive Spokane, WA 99204-5288
March 21, 1995	Community Colleges of Spokane District Board Room District Administration Office 2000 North Greene Street Spokane, WA 99207-5499
April 18, 1995	Institute for Extended Learning Colville Center 985 South Elm Colville, WA 99114-2698
May 16, 1995	Spokane Community College Sasquatch Room, Lair 1810 North Greene Street Spokane, WA 99207-5399
June 20, 1995	Community Colleges of Spokane District Board Room District Administration Office 2000 North Greene Street Spokane, WA 99207-5499
July 18, 1995	Community Colleges of Spokane District Board Room District Administration Office 2000 North Greene Street Spokane, WA 99207-5499
August 15, 1995	Community Colleges of Spokane District Board Room District Administration Office 2000 North Greene Street Spokane, WA 99207-5499
September 19, 1995	Community Colleges of Spokane District Board Room District Administration Office 2000 North Greene Street Spokane, WA 99207-5499
October 17, 1995	Institute for Extended Learning Adult Education Center 2310 North Monroe Street Spokane, WA 99205-4547
November 21, 1995	Spokane Falls Community College President's Conference Room Administration Building 3410 West Fort George Wright Drive Spokane, WA 99204-5288
December 19, 1995	Community Colleges of Spokane District Board Room District Administration Office 2000 North Greene Street Spokane, WA 99207-5499

* With the exception of January (which is the fourth Tuesday of the month), all meetings are on the third Tuesday of each month.

MISCELLANEOUS

WSR 94-23-147
ATTORNEY GENERAL'S OFFICE

[Filed November 23, 1994, 11:21 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
 WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by December 14, 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 December 14, 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:

94-11-1 Representative Greg Fisher

Does article 7 of the Washington Constitution require that property subject to property tax be assessed at 100% of true and fair value?

WSR 94-23-148
JOINT ADMINISTRATIVE
RULES REVIEW COMMITTEE

[Filed November 23, 1994, 11:22 a.m.]

November 15, 1994

The Honorable Mike Lowry
 Governor of the State of Washington
 P.O. Box 40002
 Olympia, Washington 98504-0002

Dear Governor Lowry:

On May 17, 1994, the Administrative Rules Review Committee heard testimony and entered a finding that policy statements and guidelines issued by the Board of Optometry appear to be outside the scope of the Board's authority. Examples of actions that were found questionable are the Board's approval of pre and post operative care, permitting removal of imbedded objects from the eye, allowing the

designation of "optometric physicians," and approving the insertion of lachrymal plugs.

Pursuant to RCW 34.05.630(3), the Committee directed the Board to hold a hearing to review the Committee's findings. The Board considered the Committee's findings during hearings held on September 9, 1994, and October 21, 1994. In response to our Committee's finding, the Board "found no facts or arguments that demonstrated the Board had acted outside its authority to clarify scope of practice and that the Board's actions were consistent with legislative intent."

This letter is submitted in accordance with RCW 34.05.640 (2)(3). The Joint Administrative Rules Review Committee has found by a majority vote of its members that the Board is continuing to use a policy statement, guideline, or issuance in place of a rule, therefore exceeding its statutory authority and enlarging the scope of practice of optometrists.

We wish to stress the gravity of this situation. Scope of practice is a major public policy concern. The Board's policy statements and guidelines which enlarge the optometrists scope of practice are in need of specific legislative authority. This Committee's review found no authority for the Board's action, and no attempt on the part of the Board to proceed through the rulemaking process. We recommend that you direct the Board of Optometry to proceed through the appropriate public process or in the alternative, that you require specific justification from the Board for its failure to do so.

Respectfully submitted,

Senator Curt Ludwig

Chairman

cc: Senator Talmadge, Chair, Senate Health and Human
 Services Committee
 Representative Dellwo, Chair, House Health Care
 Committee
 Dennis Cooper, Code Revisor



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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1-21-010	AMD-P	94-09-045	16-23-020	AMD	94-23-120
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1-21-170	AMD-P	94-09-045	16-23-170	AMD-P	94-20-106
1-21-170	AMD	94-12-075	16-23-170	AMD	94-23-120
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4-25-020	REP	94-23-079	16-32-009	NEW	94-12-053
4-25-030	REP-P	94-13-060	16-32-010	REP-P	94-09-072
4-25-030	REP	94-23-079	16-32-010	REP	94-12-053
4-25-080	REP-P	94-13-060	16-32-011	NEW-P	94-09-072
4-25-080	REP	94-23-079	16-32-011	NEW	94-12-053
4-25-185	REP	94-02-070	16-38-001	REP	94-05-009
4-25-186	REP	94-02-070	16-38-010	REP	94-05-009
4-25-187	REP	94-02-070	16-38-020	REP	94-05-009
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16-22-030	AMD	94-23-119	16-103-020	NEW-P	94-15-056
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16-228-600	PREP	94-18-125	16-470-92010	NEW-W	94-06-051	44-06-030	AMD-P	94-06-050
16-228-600	AMD-P	94-21-088	16-470-92015	NEW-C	94-06-003	44-06-030	AMD	94-13-039
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16-304-110	AMD	94-12-046	16-482-016	AMD-P	94-01-111	44-06-085	NEW	94-13-039
16-304-130	AMD-P	94-09-046	16-482-016	AMD	94-11-069	44-06-090	AMD-P	94-06-050
16-304-130	AMD	94-12-046	16-514-020	AMD-P	94-05-073	44-06-090	AMD	94-13-039
16-313-015	AMD-P	94-09-046	16-514-020	AMD	94-08-091	44-06-110	AMD-P	94-06-050
16-313-015	AMD	94-12-046	16-580-040	AMD-P	94-05-066	44-06-110	AMD	94-13-039
16-313-035	AMD-P	94-09-046	16-580-040	AMD	94-08-090	44-06-120	AMD-P	94-06-050
16-313-035	AMD	94-12-046	16-602-025	NEW	94-05-049	44-06-120	AMD	94-13-039
16-316-0901	AMD-P	94-09-046	16-602-027	NEW-P	94-09-052	44-06-130	AMD-P	94-06-050
16-316-0901	AMD	94-12-046	16-602-027	NEW	94-12-045	44-06-130	AMD-W	94-19-087
16-316-105	AMD-P	94-09-046	16-604-008	NEW-P	94-10-074	44-06-140	AMD-P	94-06-050
16-316-105	AMD	94-12-046	16-604-008	NEW	94-13-069	44-06-140	AMD	94-13-039
16-316-230	AMD-P	94-09-046	16-604-010	AMD-P	94-10-074	44-06-150	NEW-P	94-06-050
16-316-230	AMD	94-12-046	16-604-010	AMD	94-13-069	44-06-150	NEW	94-13-039
16-316-350	AMD-P	94-09-046	16-604-012	NEW-P	94-10-074	44-06-160	NEW-P	94-06-050
16-316-350	AMD	94-12-046	16-604-012	NEW	94-13-069	44-06-160	NEW	94-13-039
16-316-440	AMD-P	94-09-046	16-605A-001	NEW-P	94-10-076	50-60	PREP	94-17-125
16-316-440	AMD	94-12-046	16-605A-001	NEW	94-13-068	50-60-010	NEW	94-03-009
16-316-474	AMD-P	94-09-046	16-605A-010	NEW-P	94-10-076	50-60-020	NEW	94-03-009
16-316-474	AMD	94-12-046	16-605A-010	NEW	94-13-068	50-60-030	NEW	94-03-009
16-316-717	AMD-P	94-09-046	16-620-010	AMD-P	94-10-075	50-60-040	NEW	94-03-009
16-316-717	AMD	94-12-046	16-620-010	AMD	94-13-070	50-60-040	AMD-E	94-17-054
16-316-727	AMD-P	94-09-046	16-620-015	NEW-P	94-10-075	50-60-040	AMD-P	94-20-128

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50-60-040	AMD	94-23-033	51-13-106	AMD-P	94-16-117	51-30-1104	NEW-S	94-18-094
50-60-045	NEW-E	94-17-054	51-13-201	AMD-P	94-16-117	51-30-1105	NEW-P	94-16-143
50-60-045	NEW-P	94-20-128	51-13-302	AMD-P	94-16-117	51-30-1105	NEW-S	94-18-094
50-60-045	NEW	94-23-033	51-13-304	AMD-P	94-16-117	51-30-1106	NEW-P	94-16-143
50-60-050	NEW	94-03-009	51-13-402	AMD-P	94-16-117	51-30-1106	NEW-S	94-18-094
50-60-060	NEW	94-03-009	51-13-501	AMD-P	94-16-117	51-30-1107	NEW-P	94-16-143
50-60-060	AMD-E	94-17-054	51-13-502	AMD-P	94-16-117	51-30-1107	NEW-S	94-18-094
50-60-060	AMD-P	94-20-128	51-26-0909	NEW-P	94-16-115	51-30-1108	NEW-P	94-16-143
50-60-060	AMD	94-23-033	51-26-1007	NEW-P	94-16-115	51-30-1108	NEW-S	94-18-094
50-60-070	NEW	94-03-009	51-26-1009	NEW-P	94-16-115	51-30-1109	NEW-P	94-16-143
50-60-080	NEW	94-03-009	51-26-1020	NEW-P	94-16-115	51-30-1109	NEW-S	94-18-094
50-60-080	AMD-E	94-17-054	51-26-1301	NEW-P	94-16-115	51-30-1110	NEW-P	94-16-143
50-60-080	AMD-P	94-20-128	51-26-1803	AMD-P	94-16-115	51-30-1110	NEW-S	94-18-094
50-60-080	AMD	94-23-033	51-26-1810	AMD-P	94-16-115	51-30-1111	NEW-P	94-16-143
50-60-085	NEW-E	94-17-054	51-26-1820	AMD-P	94-16-115	51-30-1111	NEW-S	94-18-094
50-60-085	NEW-P	94-20-128	51-26-1830	AMD-P	94-16-115	51-30-1112	NEW-P	94-16-143
50-60-085	NEW	94-23-033	51-26-2200	AMD-P	94-16-115	51-30-1112	NEW-S	94-18-094
50-60-090	NEW	94-03-009	51-30-001	NEW-P	94-16-143	51-30-1113	NEW-P	94-16-143
50-60-100	NEW	94-03-009	51-30-002	NEW-P	94-16-143	51-30-1113	NEW-S	94-18-094
50-60-110	NEW	94-03-009	51-30-003	NEW-P	94-16-143	51-30-1114	NEW-P	94-16-143
50-60-120	NEW	94-03-009	51-30-004	NEW-P	94-16-143	51-30-1114	NEW-S	94-18-094
50-60-130	NEW	94-03-009	51-30-005	NEW-P	94-16-143	51-30-1115	NEW-P	94-16-143
50-60-140	NEW	94-03-009	51-30-007	NEW-P	94-16-143	51-30-1120	NEW-P	94-16-143
50-60-150	NEW	94-03-009	51-30-008	NEW-P	94-16-143	51-30-1120	NEW-S	94-18-094
50-60-160	NEW	94-03-009	51-30-009	NEW-P	94-16-143	51-30-1121	NEW-P	94-16-143
50-60-165	NEW-E	94-17-054	51-30-0100	NEW-P	94-16-143	51-30-1121	NEW-S	94-18-094
50-60-165	NEW-P	94-20-128	51-30-0104	NEW-P	94-16-143	51-30-1122	NEW-P	94-16-143
50-60-165	NEW	94-23-033	51-30-0200	NEW-P	94-16-143	51-30-1122	NEW-S	94-18-094
50-60-170	NEW	94-03-009	51-30-0204	NEW-P	94-16-143	51-30-1123	NEW-P	94-16-143
50-60-170	AMD-E	94-17-054	51-30-0207	NEW-P	94-16-143	51-30-1123	NEW-S	94-18-094
50-60-170	AMD-P	94-20-128	51-30-0217	NEW-P	94-16-143	51-30-1124	NEW-P	94-16-143
50-60-170	AMD	94-23-033	51-30-0220	NEW-P	94-16-143	51-30-1124	NEW-S	94-18-094
50-60-180	NEW	94-03-009	51-30-0300	NEW-P	94-16-143	51-30-1125	NEW-P	94-16-143
51-04-015	AMD	94-05-058	51-30-0302	NEW-P	94-16-143	51-30-1125	NEW-S	94-18-094
51-04-018	AMD	94-05-058	51-30-0304	NEW-P	94-16-143	51-30-1200	NEW-P	94-16-143
51-04-020	AMD	94-05-058	51-30-0305	NEW-P	94-16-143	51-30-1203	NEW-P	94-16-143
51-04-025	AMD	94-05-058	51-30-0307	NEW-P	94-16-143	51-30-1600	NEW-P	94-16-143
51-04-030	AMD-W	94-05-102	51-30-0310	NEW-P	94-16-143	51-30-1614	NEW-P	94-16-143
51-04-030	PREP	94-12-015	51-30-0311	NEW-P	94-16-143	51-30-1700	NEW-P	94-16-143
51-04-030	AMD-P	94-16-114	51-30-0313	NEW-P	94-16-143	51-30-1702	NEW-P	94-16-143
51-04-060	AMD	94-05-058	51-30-0400	NEW-P	94-16-143	51-30-1900	NEW-P	94-16-143
51-11	PREP	94-12-017	51-30-0403	NEW-P	94-16-143	51-30-1909	NEW-P	94-16-143
51-11-0105	AMD-P	94-16-116	51-30-0405	NEW-P	94-16-143	51-30-2200	NEW-P	94-16-143
51-11-0108	AMD-P	94-16-116	51-30-0417	NEW-P	94-16-143	51-30-2211	NEW-P	94-16-143
51-11-0201	AMD	94-05-059	51-30-0500	NEW-P	94-16-143	51-30-2400	NEW-P	94-16-143
51-11-0402	AMD	94-05-059	51-30-0502	NEW-P	94-16-143	51-30-2406	NEW-P	94-16-143
51-11-0502	AMD-E	94-05-007	51-30-0510	NEW-P	94-16-143	51-30-2900	NEW-P	94-16-143
51-11-0502	AMD	94-05-059	51-30-0600	NEW-P	94-16-143	51-30-2902	NEW-P	94-16-143
51-11-0502	AMD-P	94-16-116	51-30-0601	NEW-P	94-16-143	51-30-2903	NEW-P	94-16-143
51-11-0525	AMD	94-05-059	51-30-0800	NEW-P	94-16-143	51-30-2904	NEW-P	94-16-143
51-11-0527	AMD	94-05-059	51-30-0804	NEW-P	94-16-143	51-30-2910	NEW-P	94-16-143
51-11-0530	AMD-P	94-16-116	51-30-0900	NEW-P	94-16-143	51-30-3400	NEW-P	94-16-143
51-11-0601	AMD	94-05-059	51-30-0902	NEW-P	94-16-143	51-30-3404	NEW-P	94-16-143
51-11-0602	AMD	94-05-059	51-30-0904	NEW-P	94-16-143	51-30-93115	NEW-P	94-16-143
51-11-0603	AMD	94-05-059	51-30-1000	NEW-P	94-16-143	51-30-93115	NEW-S	94-18-094
51-11-0625	AMD	94-05-059	51-30-1001	NEW-P	94-16-143	51-30-93116	NEW-P	94-16-143
51-11-0625	AMD-P	94-16-116	51-30-1004	NEW-P	94-16-143	51-30-93116	NEW-S	94-18-094
51-11-0626	AMD	94-05-059	51-30-1005	NEW-P	94-16-143	51-30-93117	NEW-P	94-16-143
51-11-0626	AMD-P	94-16-116	51-30-1006	NEW-P	94-16-143	51-30-93117	NEW-S	94-18-094
51-11-0627	AMD	94-05-059	51-30-1007	NEW-P	94-16-143	51-30-93118	NEW-P	94-16-143
51-11-0627	AMD-P	94-16-116	51-30-1009	NEW-P	94-16-143	51-30-93118	NEW-S	94-18-094
51-11-0628	AMD	94-05-059	51-30-1014	NEW-P	94-16-143	51-30-93119	NEW-P	94-16-143
51-11-0628	AMD-P	94-16-116	51-30-1019	NEW-P	94-16-143	51-30-93119	NEW-S	94-18-094
51-11-0629	AMD	94-05-059	51-30-1030	NEW-P	94-16-143	51-30-93120	NEW-P	94-16-143
51-11-0629	AMD-P	94-16-116	51-30-1100	NEW-P	94-16-143	51-30-93120	NEW-S	94-18-094
51-11-0630	AMD	94-05-059	51-30-1100	NEW-S	94-18-094	51-32-001	NEW-P	94-16-118
51-11-0630	AMD-P	94-16-116	51-30-1101	NEW-P	94-16-143	51-32-002	NEW-P	94-16-118
51-11-0900	AMD-P	94-16-116	51-30-1101	NEW-S	94-18-094	51-32-003	NEW-P	94-16-118
51-11-1006	AMD-E	94-05-007	51-30-1102	NEW-P	94-16-143	51-32-004	NEW-P	94-16-118
51-11-1006	AMD	94-05-059	51-30-1102	NEW-S	94-18-094	51-32-005	NEW-P	94-16-118
51-11-1011	NEW-E	94-05-007	51-30-1103	NEW-P	94-16-143	51-32-007	NEW-P	94-16-118
51-11-1143	AMD-P	94-16-116	51-30-1103	NEW-S	94-18-094	51-32-008	NEW-P	94-16-118
51-13	PREP	94-12-016	51-30-1104	NEW-P	94-16-143	51-32-0200	NEW-P	94-16-118

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51-32-0223	NEW-P	94-16-118	51-35-52504	NEW-P	94-16-113	106-08-290	AMD-E	94-17-075
51-32-0300	NEW-P	94-16-118	51-35-52505	NEW-P	94-16-113	106-08-290	AMD	94-20-062
51-32-0327	NEW-P	94-16-118	51-35-52506	NEW-P	94-16-113	106-08-300	AMD-P	94-17-074
51-32-0500	NEW-P	94-16-118	51-35-52507	NEW-P	94-16-113	106-08-300	AMD-E	94-17-075
51-32-0504	NEW-P	94-16-118	51-35-52508	NEW-P	94-16-113	106-08-300	AMD	94-20-062
51-32-0600	NEW-P	94-16-118	51-35-52509	NEW-P	94-16-113	106-08-310	AMD-P	94-17-074
51-32-0601	NEW-P	94-16-118	51-35-52600	NEW-P	94-16-113	106-08-310	AMD-E	94-17-075
51-32-0605	NEW-P	94-16-118	55-01-010	AMD-E	94-06-032	106-08-310	AMD	94-20-062
51-32-1300	NEW-P	94-16-118	55-01-010	AMD-W	94-07-075	106-08-340	AMD-P	94-17-074
51-32-1312	NEW-P	94-16-118	55-01-010	AMD-E	94-14-017	106-08-340	AMD-E	94-17-075
51-32-1313	NEW-P	94-16-118	55-01-010	AMD-E	94-22-015	106-08-340	AMD	94-20-062
51-34	NEW-C	94-18-093	55-01-020	AMD-E	94-06-032	106-08-350	AMD-P	94-17-074
51-34-001	NEW-P	94-16-113	55-01-020	AMD-W	94-07-075	106-08-350	AMD-E	94-17-075
51-34-002	NEW-P	94-16-113	55-01-020	AMD-E	94-14-017	106-08-350	AMD	94-20-062
51-34-003	NEW-P	94-16-113	55-01-020	AMD-E	94-22-015	106-08-400	AMD-P	94-17-074
51-34-007	NEW-P	94-16-113	55-01-030	AMD-E	94-06-032	106-08-400	AMD-E	94-17-075
51-34-008	NEW-P	94-16-113	55-01-030	AMD-W	94-07-075	106-08-400	AMD	94-20-062
51-34-0200	NEW-P	94-16-113	55-01-030	AMD-E	94-14-017	106-08-410	AMD-P	94-17-074
51-34-0206	NEW-P	94-16-113	55-01-030	AMD-E	94-22-015	106-08-410	AMD-E	94-17-075
51-34-0216	NEW-P	94-16-113	55-01-040	AMD-E	94-06-032	106-08-410	AMD	94-20-062
51-34-0219	NEW-P	94-16-113	55-01-040	AMD-W	94-07-075	106-08-420	AMD-P	94-17-074
51-34-0223	NEW-P	94-16-113	55-01-040	AMD-E	94-14-017	106-08-420	AMD-E	94-17-075
51-34-0900	NEW-P	94-16-113	55-01-040	AMD-E	94-22-015	106-08-420	AMD	94-20-062
51-34-0901	NEW-P	94-16-113	55-01-050	AMD-E	94-06-032	106-08-430	AMD-P	94-17-074
51-34-0902	NEW-P	94-16-113	55-01-050	AMD-W	94-07-075	106-08-430	AMD-E	94-17-075
51-34-1000	NEW-P	94-16-113	55-01-050	AMD-E	94-14-017	106-08-430	AMD	94-20-062
51-34-1003	NEW-P	94-16-113	55-01-050	AMD-E	94-22-015	106-08-450	AMD-P	94-17-074
51-34-1007	NEW-P	94-16-113	55-01-060	AMD-E	94-06-032	106-08-450	AMD-E	94-17-075
51-34-2500	NEW-P	94-16-113	55-01-060	AMD-W	94-07-075	106-08-450	AMD	94-20-062
51-34-2501	NEW-P	94-16-113	55-01-060	AMD-E	94-14-017	106-08-460	AMD-P	94-17-074
51-34-5200	NEW-P	94-16-113	55-01-060	AMD-E	94-22-015	106-08-460	AMD-E	94-17-075
51-34-5201	NEW-P	94-16-113	55-01-070	AMD-E	94-06-032	106-08-460	AMD	94-20-062
51-34-5204	NEW-P	94-16-113	55-01-070	AMD-W	94-07-075	106-20	PREP	94-15-080
51-34-6100	NEW-P	94-16-113	55-01-070	AMD-E	94-14-017	106-20-100	AMD-P	94-17-074
51-34-6103	NEW-P	94-16-113	55-01-070	AMD-E	94-22-015	106-20-100	AMD-E	94-17-075
51-34-6104	NEW-P	94-16-113	55-01-080	AMD-W	94-07-075	106-20-100	AMD	94-20-062
51-34-6105	NEW-P	94-16-113	67-25	PREP	94-16-146	106-50	PREP	94-15-080
51-34-6106	NEW-P	94-16-113	67-35-030	AMD-P	94-07-067	106-50-100	AMD-P	94-17-074
51-34-6107	NEW-P	94-16-113	67-35-030	AMD	94-11-054	106-50-100	AMD-E	94-17-075
51-34-7800	NEW-P	94-16-113	67-35-051	PREP	94-17-001	106-50-100	AMD	94-20-062
51-34-7802	NEW-P	94-16-113	67-35-051	NEW-P	94-20-032	106-72	PREP	94-15-080
51-34-7900	NEW-P	94-16-113	67-35-070	PREP	94-17-001	106-72-005	AMD-P	94-17-074
51-34-7901	NEW-P	94-16-113	67-35-070	AMD-P	94-20-032	106-72-005	AMD-E	94-17-075
51-34-7902	NEW-P	94-16-113	67-35-072	PREP	94-17-001	106-72-005	AMD	94-20-062
51-34-7904	NEW-P	94-16-113	67-35-072	AMD-P	94-20-032	106-72-015	AMD-P	94-17-074
51-34-8000	NEW-P	94-16-113	67-35-230	AMD-P	94-07-067	106-72-015	AMD-E	94-17-075
51-34-8001	NEW-P	94-16-113	67-35-230	AMD-W	94-11-053	106-72-015	AMD	94-20-062
51-34-8003	NEW-P	94-16-113	67-35-230	AMD-P	94-12-072	106-72-025	AMD-P	94-17-074
51-34-9100	NEW-P	94-16-113	67-35-230	AMD	94-15-052	106-72-025	AMD-E	94-17-075
51-34-9101	NEW-P	94-16-113	67-35-910	PREP	94-17-001	106-72-025	AMD	94-20-062
51-34-9102	NEW-P	94-16-113	67-35-910	AMD-P	94-20-032	106-72-200	AMD-P	94-17-074
51-34-9103	NEW-P	94-16-113	82-50-021	AMD-P	94-10-055	106-72-200	AMD-E	94-17-075
51-34-9104	NEW-P	94-16-113	82-50-021	AMD	94-13-097	106-72-200	AMD	94-20-062
51-34-9105	NEW-P	94-16-113	106-08	PREP	94-15-080	106-72-400	AMD-P	94-17-074
51-34-9106	NEW-P	94-16-113	106-08-001	AMD-P	94-17-074	106-72-400	AMD-E	94-17-075
51-34-9107	NEW-P	94-16-113	106-08-001	AMD-E	94-17-075	106-72-400	AMD	94-20-062
51-34-9108	NEW-P	94-16-113	106-08-001	AMD	94-20-062	106-72-410	AMD-P	94-17-074
51-35	NEW-C	94-18-093	106-08-002	AMD-P	94-17-074	106-72-410	AMD-E	94-17-075
51-35-001	NEW-P	94-16-113	106-08-002	AMD-E	94-17-075	106-72-410	AMD	94-20-062
51-35-002	NEW-P	94-16-113	106-08-002	AMD	94-20-062	106-72-440	AMD-P	94-17-074
51-35-003	NEW-P	94-16-113	106-08-040	AMD-P	94-17-074	106-72-440	AMD-E	94-17-075
51-35-007	NEW-P	94-16-113	106-08-040	AMD-E	94-17-075	106-72-440	AMD	94-20-062
51-35-008	NEW-P	94-16-113	106-08-040	AMD	94-20-062	106-72-510	AMD-P	94-17-074
51-35-09000	NEW-P	94-16-113	106-08-110	AMD-P	94-17-074	106-72-510	AMD-E	94-17-075
51-35-52000	NEW-P	94-16-113	106-08-110	AMD-E	94-17-075	106-72-510	AMD	94-20-062
51-35-52400	NEW-P	94-16-113	106-08-110	AMD	94-20-062	106-72-540	AMD-P	94-17-074
51-35-52404	NEW-P	94-16-113	106-08-230	AMD-P	94-17-074	106-72-540	AMD-E	94-17-075
51-35-52411	NEW-P	94-16-113	106-08-230	AMD-E	94-17-075	106-72-540	AMD	94-20-062
51-35-52417	NEW-P	94-16-113	106-08-230	AMD	94-20-062	106-72-580	AMD-P	94-17-074
51-35-52500	NEW-P	94-16-113	106-08-260	AMD-P	94-17-074	106-72-580	AMD-E	94-17-075
51-35-52501	NEW-P	94-16-113	106-08-260	AMD-E	94-17-075	106-72-580	AMD	94-20-062
51-35-52502	NEW-P	94-16-113	106-08-260	AMD	94-20-062	106-72-600	AMD-P	94-17-074
51-35-52503	NEW-P	94-16-113	106-08-290	AMD-P	94-17-074	106-72-600	AMD-E	94-17-075

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106-140-600	AMD-E	94-17-077	106-160-029	REP-P	94-17-153	106-160-200	NEW-E	94-17-154
106-140-600	AMD	94-20-075	106-160-029	REP-E	94-17-154	106-160-200	NEW	94-21-008
106-140-605	AMD-P	94-17-076	106-160-029	REP	94-21-008	106-160-210	NEW-P	94-17-153
106-140-605	AMD-E	94-17-077	106-160-030	REP-P	94-17-153	106-160-210	NEW-E	94-17-154
106-140-605	AMD	94-20-075	106-160-030	REP-E	94-17-154	106-160-210	NEW	94-21-008
106-140-632	AMD-P	94-17-076	106-160-030	REP	94-21-008	106-160-220	NEW-P	94-17-153
106-140-632	AMD-E	94-17-077	106-160-031	REP-P	94-17-153	106-160-220	NEW-E	94-17-154
106-140-632	AMD	94-20-075	106-160-031	REP-E	94-17-154	106-160-220	NEW	94-21-008
106-140-660	AMD-P	94-17-076	106-160-031	REP	94-21-008	106-160-230	NEW-P	94-17-153
106-140-660	AMD-E	94-17-077	106-160-032	REP-P	94-17-153	106-160-230	NEW-E	94-17-154
106-140-660	AMD	94-20-075	106-160-032	REP-E	94-17-154	106-160-230	NEW	94-21-008
106-140-670	AMD-P	94-17-076	106-160-032	REP	94-21-008	106-160-240	NEW-P	94-17-153
106-140-670	AMD-E	94-17-077	106-160-033	REP-P	94-17-153	106-160-240	NEW-E	94-17-154
106-140-670	AMD	94-20-075	106-160-033	REP-E	94-17-154	106-160-240	NEW	94-21-008
106-156	PREP	94-15-083	106-160-033	REP	94-21-008	106-160-250	NEW-P	94-17-153
106-156-010	AMD-P	94-17-153	106-160-034	REP-P	94-17-153	106-160-250	NEW-E	94-17-154
106-156-010	AMD-E	94-17-154	106-160-034	REP-E	94-17-154	106-160-250	NEW	94-21-008
106-156-010	AMD	94-21-008	106-160-034	REP	94-21-008	106-160-260	NEW-P	94-17-153
106-156-011	AMD-P	94-17-153	106-160-035	REP-P	94-17-153	106-160-260	NEW-E	94-17-154
106-156-011	AMD-E	94-17-154	106-160-035	REP-E	94-17-154	106-160-260	NEW	94-21-008
106-156-011	AMD	94-21-008	106-160-035	REP	94-21-008	106-160-270	NEW-P	94-17-153
106-156-012	AMD-P	94-17-153	106-160-040	REP-P	94-17-153	106-160-270	NEW-E	94-17-154
106-156-012	AMD-E	94-17-154	106-160-040	REP-E	94-17-154	106-160-270	NEW	94-21-008
106-156-012	AMD	94-21-008	106-160-040	REP	94-21-008	106-160-280	NEW-P	94-17-153
106-156-013	AMD-P	94-17-153	106-160-041	REP-P	94-17-153	106-160-280	NEW-E	94-17-154
106-156-013	AMD-E	94-17-154	106-160-041	REP-E	94-17-154	106-160-280	NEW	94-21-008
106-156-013	AMD	94-21-008	106-160-041	REP	94-21-008	106-160-290	NEW-P	94-17-153
106-156-015	AMD-P	94-17-153	106-160-050	NEW-P	94-17-153	106-160-290	NEW-E	94-17-154
106-156-015	AMD-E	94-17-154	106-160-050	NEW-E	94-17-154	106-160-290	NEW	94-21-008
106-156-015	AMD	94-21-008	106-160-050	NEW	94-21-008	106-160-300	NEW-P	94-17-153
106-160	PREP	94-15-083	106-160-060	NEW-P	94-17-153	106-160-300	NEW-E	94-17-154
106-160-001	REP-P	94-17-153	106-160-060	NEW-E	94-17-154	106-160-300	NEW	94-21-008
106-160-001	REP-E	94-17-154	106-160-060	NEW	94-21-008	106-160-310	NEW-P	94-17-153
106-160-001	REP	94-21-008	106-160-070	NEW-P	94-17-153	106-160-310	NEW-E	94-17-154
106-160-002	REP-P	94-17-153	106-160-070	NEW-E	94-17-154	106-160-310	NEW	94-21-008
106-160-002	REP-E	94-17-154	106-160-070	NEW	94-21-008	106-160-320	NEW-P	94-17-153
106-160-002	REP	94-21-008	106-160-080	NEW-P	94-17-153	106-160-320	NEW-E	94-17-154
106-160-005	REP-P	94-17-153	106-160-080	NEW-E	94-17-154	106-160-320	NEW	94-21-008
106-160-005	REP-E	94-17-154	106-160-080	NEW	94-21-008	106-168	PREP	94-15-083
106-160-005	REP	94-21-008	106-160-090	NEW-P	94-17-153	106-168-009	AMD-P	94-17-153
106-160-010	REP-P	94-17-153	106-160-090	NEW-E	94-17-154	106-168-009	AMD-E	94-17-154
106-160-010	REP-E	94-17-154	106-160-090	NEW	94-21-008	106-168-009	AMD	94-21-008
106-160-010	REP	94-21-008	106-160-100	NEW-P	94-17-153	106-168-065	AMD-P	94-17-153
106-160-015	REP-P	94-17-153	106-160-100	NEW-E	94-17-154	106-168-065	AMD-E	94-17-154
106-160-015	REP-E	94-17-154	106-160-100	NEW	94-21-008	106-168-065	AMD	94-21-008
106-160-015	REP	94-21-008	106-160-110	NEW-P	94-17-153	106-168-097	AMD-P	94-17-153
106-160-016	REP-P	94-17-153	106-160-110	NEW-E	94-17-154	106-168-097	AMD-E	94-17-154
106-160-016	REP-E	94-17-154	106-160-110	NEW	94-21-008	106-168-097	AMD	94-21-008
106-160-016	REP	94-21-008	106-160-120	NEW-P	94-17-153	106-172	PREP	94-15-081
106-160-017	REP-P	94-17-153	106-160-120	NEW-E	94-17-154	106-172-711	AMD-P	94-17-151
106-160-017	REP-E	94-17-154	106-160-120	NEW	94-21-008	106-172-711	AMD-E	94-17-152
106-160-017	REP	94-21-008	106-160-130	NEW-P	94-17-153	106-172-711	AMD	94-21-048
106-160-020	REP-P	94-17-153	106-160-130	NEW-E	94-17-154	106-172-721	AMD-P	94-17-151
106-160-020	REP-E	94-17-154	106-160-130	NEW	94-21-008	106-172-721	AMD-E	94-17-152
106-160-020	REP	94-21-008	106-160-140	NEW-P	94-17-153	106-172-721	AMD	94-21-048
106-160-021	REP-P	94-17-153	106-160-140	NEW-E	94-17-154	106-172-731	AMD-P	94-17-151
106-160-021	REP-E	94-17-154	106-160-140	NEW	94-21-008	106-172-731	AMD-E	94-17-152
106-160-021	REP	94-21-008	106-160-150	NEW-P	94-17-153	106-172-731	AMD	94-21-048
106-160-022	REP-P	94-17-153	106-160-150	NEW-E	94-17-154	106-172-735	AMD-P	94-17-151
106-160-022	REP-E	94-17-154	106-160-150	NEW	94-21-008	106-172-735	AMD-E	94-17-152
106-160-022	REP	94-21-008	106-160-160	NEW-P	94-17-153	106-172-735	AMD	94-21-048
106-160-023	REP-P	94-17-153	106-160-160	NEW-E	94-17-154	106-172-750	AMD-P	94-17-151
106-160-023	REP-E	94-17-154	106-160-160	NEW	94-21-008	106-172-750	AMD-E	94-17-152
106-160-023	REP	94-21-008	106-160-170	NEW-P	94-17-153	106-172-750	AMD	94-21-048
106-160-024	REP-P	94-17-153	106-160-170	NEW-E	94-17-154	106-172-761	AMD-P	94-17-151
106-160-024	REP-E	94-17-154	106-160-170	NEW	94-21-008	106-172-761	AMD-E	94-17-152
106-160-024	REP	94-21-008	106-160-180	NEW-P	94-17-153	106-172-761	AMD	94-21-048
106-160-026	REP-P	94-17-153	106-160-180	NEW-E	94-17-154	106-172-763	AMD-P	94-17-151
106-160-026	REP-E	94-17-154	106-160-180	NEW	94-21-008	106-172-763	AMD-E	94-17-152
106-160-026	REP	94-21-008	106-160-190	NEW-P	94-17-153	106-172-763	AMD	94-21-048
106-160-027	REP-P	94-17-153	106-160-190	NEW-E	94-17-154	106-172-765	AMD-P	94-17-151
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106-172-772	AMD-E	94-17-152	132B-310-040	NEW	94-20-073	132F-104-813	AMD-P	94-05-097A
106-172-772	AMD	94-21-048	132B-310-050	NEW-P	94-16-091	132F-104-813	AMD	94-18-070
106-276	PREP	94-15-082	132B-310-050	NEW	94-20-073	132F-104-815	AMD-P	94-05-097A
106-276-005	AMD-P	94-17-076	132F-08-001	REP-P	94-05-097A	132F-104-815	AMD	94-18-070
106-276-005	AMD-E	94-17-077	132F-08-001	REP	94-18-070	132F-104-819	AMD-P	94-05-097A
106-276-005	AMD	94-20-075	132F-08-005	REP-P	94-05-097A	132F-104-819	AMD	94-18-070
106-276-010	AMD-P	94-17-076	132F-08-005	REP	94-18-070	132F-108-010	NEW-P	94-05-097A
106-276-010	AMD-E	94-17-077	132F-08-010	REP-P	94-05-097A	132F-108-010	NEW	94-18-070
106-276-010	AMD	94-20-075	132F-08-010	REP	94-18-070	132F-108-020	NEW-P	94-05-097A
106-276-030	AMD-P	94-17-076	132F-08-080	REP-P	94-05-097A	132F-108-020	NEW	94-18-070
106-276-030	AMD-E	94-17-077	132F-08-080	REP	94-18-070	132F-108-030	NEW-P	94-05-097A
106-276-030	AMD	94-20-075	132F-08-090	REP-P	94-05-097A	132F-108-030	NEW	94-18-070
106-276-040	AMD-P	94-17-076	132F-08-090	REP	94-18-070	132F-108-040	NEW-P	94-05-097A
106-276-040	AMD-E	94-17-077	132F-08-100	REP-P	94-05-097A	132F-108-040	NEW	94-18-070
106-276-040	AMD	94-20-075	132F-08-100	REP	94-18-070	132F-108-050	NEW-P	94-05-097A
106-276-060	AMD-P	94-17-076	132F-08-110	REP-P	94-05-097A	132F-108-050	NEW	94-18-070
106-276-060	AMD-E	94-17-077	132F-08-110	REP	94-18-070	132F-108-060	NEW-P	94-05-097A
106-276-060	AMD	94-20-075	132F-08-120	REP-P	94-05-097A	132F-108-060	NEW	94-18-070
106-276-070	AMD-P	94-17-076	132F-08-120	REP	94-18-070	132F-108-070	NEW-P	94-05-097A
106-276-070	AMD-E	94-17-077	132F-08-130	REP-P	94-05-097A	132F-108-070	NEW	94-18-070
106-276-070	AMD	94-20-075	132F-08-130	REP	94-18-070	132F-108-080	NEW-P	94-05-097A
106-276-080	AMD-P	94-17-076	132F-08-140	REP-P	94-05-097A	132F-108-080	NEW	94-18-070
106-276-080	AMD-E	94-17-077	132F-08-140	REP	94-18-070	132F-108-090	NEW-P	94-05-097A
106-276-080	AMD	94-20-075	132F-08-230	REP-P	94-05-097A	132F-108-090	NEW	94-18-070
106-276-090	AMD-P	94-17-076	132F-08-230	REP	94-18-070	132F-108-100	NEW-P	94-05-097A
106-276-090	AMD-E	94-17-077	132F-08-240	REP-P	94-05-097A	132F-108-100	NEW	94-18-070
106-276-090	AMD	94-20-075	132F-08-240	REP	94-18-070	132F-108-110	NEW-P	94-05-097A
106-276-100	AMD-P	94-17-076	132F-08-250	REP-P	94-05-097A	132F-108-110	NEW	94-18-070
106-276-100	AMD-E	94-17-077	132F-08-250	REP	94-18-070	132F-108-120	NEW-P	94-05-097A
106-276-100	AMD	94-20-075	132F-08-260	REP-P	94-05-097A	132F-108-120	NEW	94-18-070
106-276-110	AMD-P	94-17-076	132F-08-260	REP	94-18-070	132F-108-130	NEW-P	94-05-097A
106-276-110	AMD-E	94-17-077	132F-08-270	REP-P	94-05-097A	132F-108-130	NEW	94-18-070
106-276-110	AMD	94-20-075	132F-08-270	REP	94-18-070	132F-108-140	NEW-P	94-05-097A
131-46-010	AMD	94-04-120	132F-08-280	REP-P	94-05-097A	132F-108-140	NEW	94-18-070
131-46-020	AMD	94-04-120	132F-08-280	REP	94-18-070	132G-126-010	PREP	94-23-081
131-46-025	AMD	94-04-120	132F-08-290	REP-P	94-05-097A	132G-126-020	PREP	94-23-081
131-46-027	NEW	94-04-120	132F-08-290	REP	94-18-070	132G-126-030	PREP	94-23-081
131-46-029	NEW	94-04-120	132F-08-300	REP-P	94-05-097A	132G-126-040	PREP	94-23-081
131-46-030	AMD	94-04-120	132F-08-300	REP	94-18-070	132G-126-050	PREP	94-23-081
131-46-035	AMD	94-04-120	132F-08-310	REP-P	94-05-097A	132G-126-060	PREP	94-23-081
131-46-040	AMD	94-04-120	132F-08-310	REP	94-18-070	132G-126-070	PREP	94-23-081
131-46-045	AMD	94-04-120	132F-08-320	REP-P	94-05-097A	132G-126-080	PREP	94-23-081
131-46-050	AMD	94-04-120	132F-08-320	REP	94-18-070	132G-126-200	PREP	94-23-081
131-46-055	AMD	94-04-120	132F-08-330	REP-P	94-05-097A	132G-126-210	PREP	94-23-081
131-46-060	AMD	94-04-120	132F-08-330	REP	94-18-070	132G-126-220	PREP	94-23-081
131-46-065	AMD	94-04-120	132F-08-340	REP-P	94-05-097A	132G-126-230	PREP	94-23-081
131-46-070	AMD	94-04-120	132F-08-340	REP	94-18-070	132G-126-240	PREP	94-23-081
131-46-075	AMD	94-04-120	132F-08-350	REP-P	94-05-097A	132G-126-250	PREP	94-23-081
131-46-077	NEW	94-04-120	132F-08-350	REP	94-18-070	132G-126-260	PREP	94-23-081
131-46-080	AMD	94-04-120	132F-08-360	REP-P	94-05-097A	132G-126-270	PREP	94-23-081
131-46-085	AMD	94-04-120	132F-08-360	REP	94-18-070	132G-126-280	PREP	94-23-081
131-46-090	AMD	94-04-120	132F-08-400	REP-P	94-05-097A	132G-126-290	PREP	94-23-081
131-46-095	AMD	94-04-120	132F-08-400	REP	94-18-070	132G-126-300	PREP	94-23-081
131-46-100	AMD	94-04-120	132F-08-410	REP-P	94-05-097A	132G-126-310	PREP	94-23-081
131-46-105	AMD	94-04-120	132F-08-410	REP	94-18-070	132G-126-320	PREP	94-23-081
131-46-110	AMD	94-04-120	132F-08-420	REP-P	94-05-097A	132G-126-330	PREP	94-23-081
131-46-115	AMD	94-04-120	132F-08-420	REP	94-18-070	132G-126-340	PREP	94-23-081
131-46-120	AMD	94-04-120	132F-08-430	REP-P	94-05-097A	132G-126-350	PREP	94-23-081
131-46-125	NEW	94-04-120	132F-08-430	REP	94-18-070	132G-126-360	PREP	94-23-081
131-46-130	NEW	94-04-120	132F-08-440	REP-P	94-05-097A	132G-126-370	PREP	94-23-081
132B-300	AMD-P	94-16-090	132F-08-440	REP	94-18-070	132G-126-380	PREP	94-23-081
132B-300	AMD	94-20-072	132F-08-450	REP-P	94-05-097A	132G-126-390	PREP	94-23-081
132B-300-010	AMD-P	94-16-090	132F-08-450	REP	94-18-070	132G-126-400	PREP	94-23-081
132B-300-010	AMD	94-20-072	132F-08-460	REP-P	94-05-097A	132H-160-040	REP	94-04-098
132B-300-020	AMD-P	94-16-090	132F-08-460	REP	94-18-070	132H-160-050	REP	94-04-098
132B-300-020	AMD	94-20-072	132F-08-470	REP-P	94-05-097A	132H-160-056	REP	94-04-098
132B-310-010	NEW-P	94-16-091	132F-08-470	REP	94-18-070	132H-160-059	REP	94-04-098
132B-310-010	NEW	94-20-073	132F-08-480	REP-P	94-05-097A	132H-160-070	REP	94-04-098
132B-310-020	NEW-P	94-16-091	132F-08-480	REP	94-18-070	132H-160-080	REP	94-04-098
132B-310-020	NEW	94-20-073	132F-104-030	AMD-P	94-05-097A	132H-160-120	REP	94-04-098
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132H-160-320	REP	94-04-098	132R-190-020	AMD	94-07-019	136-167-040	NEW-P	94-13-183
132H-160-330	REP	94-04-098	132R-190-030	AMD	94-07-019	136-167-040	NEW	94-16-110
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132H-160-390	REP	94-04-098	132R-190-040	AMD	94-07-019	136-170-010	AMD	94-16-112
132H-160-400	REP	94-04-098	132R-190-050	AMD	94-07-019	136-170-030	AMD-P	94-13-185
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132H-160-440	REP	94-04-098	132R-190-070	AMD	94-07-019	136-170-040	NEW-P	94-13-185
132H-160-492	REP	94-04-098	132R-190-080	AMD	94-07-019	136-170-040	NEW	94-16-112
132H-160-520	REP	94-04-098	132R-190-090	AMD	94-07-019	136-180-040	AMD-P	94-06-031
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132H-160-630	REP	94-04-098	132Y-125-004	AMD	94-03-010	137-56-030	AMD	94-07-065
132H-160-640	REP	94-04-098	136-130-040	AMD-P	94-06-028	137-56-040	AMD	94-07-065
132H-160-650	REP	94-04-098	136-130-040	AMD	94-10-022	137-56-050	AMD	94-07-065
132H-160-660	REP	94-04-098	136-130-060	AMD-P	94-06-029	137-56-060	AMD	94-07-065
132H-160-670	REP	94-04-098	136-130-060	AMD	94-10-020	137-56-070	AMD	94-07-065
132H-160-680	REP	94-04-098	136-160-010	REP-P	94-13-182	137-56-080	AMD	94-07-065
132H-160-690	REP	94-04-098	136-160-010	REP	94-16-111	137-56-090	AMD	94-07-065
132J-108-050	AMD	94-04-051	136-160-020	REP-P	94-13-182	137-56-095	AMD	94-07-065
132J-116-010	AMD	94-04-052	136-160-020	REP	94-16-111	137-56-100	AMD	94-07-065
132J-116-020	REP	94-04-052	136-160-024	REP-P	94-13-182	137-56-110	AMD	94-07-065
132J-116-021	NEW	94-04-052	136-160-024	REP	94-16-111	137-56-120	AMD	94-07-065
132J-116-040	AMD	94-04-052	136-160-030	REP-P	94-13-182	137-56-140	AMD	94-07-065
132J-116-050	AMD	94-04-052	136-160-030	REP	94-16-111	137-56-150	AMD	94-07-065
132J-116-060	AMD	94-04-052	136-160-040	REP-P	94-13-182	137-56-160	AMD	94-07-065
132J-116-070	REP	94-04-052	136-160-040	REP	94-16-111	137-56-170	AMD	94-07-065
132J-116-080	AMD	94-04-052	136-160-050	AMD-P	94-06-028	137-56-175	NEW	94-07-065
132J-116-090	AMD	94-04-052	136-160-050	AMD	94-10-022	137-56-180	AMD	94-07-065
132J-116-100	AMD	94-04-052	136-160-050	REP-P	94-13-182	137-56-190	REP	94-07-065
132J-116-110	AMD	94-04-052	136-160-050	REP	94-16-111	137-56-200	AMD	94-07-065
132J-116-120	AMD	94-04-052	136-160-060	AMD-P	94-06-030	137-56-210	AMD	94-07-065
132J-116-130	AMD	94-04-052	136-160-060	AMD	94-10-023	137-56-220	AMD	94-07-065
132J-116-140	AMD	94-04-052	136-160-060	REP-P	94-13-182	137-56-230	AMD	94-07-065
132J-116-150	AMD	94-04-052	136-160-060	REP	94-16-111	137-56-240	AMD	94-07-065
132J-116-160	AMD	94-04-052	136-160-065	REP-P	94-13-182	137-56-250	AMD	94-07-065
132J-116-170	AMD	94-04-052	136-160-065	REP	94-16-111	148-120-010	NEW-P	94-08-066
132J-116-180	AMD	94-04-052	136-161-010	NEW-P	94-13-182	148-120-010	NEW	94-13-058
132J-116-190	AMD	94-04-052	136-161-010	NEW	94-16-111	148-120-015	NEW-P	94-08-066
132J-116-200	REP	94-04-052	136-161-020	NEW-P	94-13-182	148-120-015	NEW	94-13-058
132J-116-210	AMD	94-04-052	136-161-020	NEW	94-16-111	148-120-100	NEW-P	94-08-066
132J-116-220	AMD	94-04-052	136-161-030	NEW-P	94-13-182	148-120-100	NEW	94-13-058
132J-116-240	AMD	94-04-052	136-161-030	NEW	94-16-111	148-120-120	NEW-P	94-08-066
132J-128-010	REP	94-04-053	136-161-040	NEW-P	94-13-182	148-120-120	NEW	94-13-058
132J-128-020	REP	94-04-053	136-161-040	NEW	94-16-111	148-120-200	NEW-P	94-08-066
132J-128-030	REP	94-04-053	136-161-050	NEW-P	94-13-182	148-120-200	NEW	94-13-058
132J-128-040	REP	94-04-053	136-161-050	NEW	94-16-111	148-120-205	NEW-P	94-08-066
132J-128-050	REP	94-04-053	136-161-060	NEW-P	94-13-182	148-120-205	NEW	94-13-058
132J-128-060	REP	94-04-053	136-161-060	NEW	94-16-111	148-120-210	NEW-P	94-08-066
132J-128-070	REP	94-04-053	136-161-070	NEW-P	94-13-182	148-120-210	NEW	94-13-058
132J-128-080	REP	94-04-053	136-161-070	NEW	94-16-111	148-120-220	NEW-P	94-08-066
132J-128-090	REP	94-04-053	136-161-080	NEW-P	94-13-182	148-120-220	NEW	94-13-058
132J-128-100	REP	94-04-053	136-161-080	NEW	94-16-111	148-120-225	NEW-P	94-08-066
132J-128-110	REP	94-04-053	136-161-090	NEW-P	94-13-182	148-120-225	NEW	94-13-058
132J-128-120	REP	94-04-053	136-161-090	NEW	94-16-111	148-120-230	NEW-P	94-08-066
132J-128-130	REP	94-04-053	136-161-100	NEW-P	94-13-182	148-120-230	NEW	94-13-058
132J-128-140	REP	94-04-053	136-161-100	NEW	94-16-111	148-120-234	NEW-P	94-08-066
132J-128-200	NEW	94-04-053	136-165-010	NEW-P	94-13-184	148-120-234	NEW	94-13-058
132J-128-210	NEW	94-04-053	136-165-010	NEW	94-16-109	148-120-236	NEW-P	94-08-066
132J-136-020	REP	94-04-054	136-165-020	NEW-P	94-13-184	148-120-236	NEW	94-13-058
132J-136-025	REP	94-04-054	136-165-020	NEW	94-16-109	162-12	PREP	94-23-087
132J-136-030	REP	94-04-054	136-165-030	NEW-P	94-13-184	162-12-100	AMD-W	94-04-087
132J-136-040	REP	94-04-054	136-165-030	NEW	94-16-109	162-12-110	REP-W	94-04-087
132J-136-050	REP	94-04-054	136-165-040	NEW-P	94-13-184	162-12-120	AMD-W	94-04-087
132P-33	PREP	94-17-135B	136-165-040	NEW	94-16-109	162-12-130	AMD-W	94-04-087
132P-116	PREP	94-17-135A	136-165-050	NEW-P	94-13-184	162-12-135	AMD-W	94-04-087
132Q-04-061	NEW-P	94-18-087	136-165-050	NEW	94-16-109	162-12-140	AMD-W	94-04-087
132Q-04-081	NEW-P	94-18-092	136-167-010	NEW-P	94-13-183	162-12-150	AMD-W	94-04-087
132Q-04-082	NEW-P	94-18-091	136-167-010	NEW	94-16-110	162-12-160	AMD-W	94-04-087
132Q-04-083	NEW-P	94-18-090	136-167-020	NEW-P	94-13-183	162-12-170	AMD-W	94-04-087
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162-18-010	REP-W	94-04-087	173-19-410	PREP	94-18-096	173-180A-020	NEW	94-10-084
162-18-020	REP-W	94-04-087	173-19-420	PREP	94-20-087	173-180A-030	NEW	94-10-084
162-18-030	REP-W	94-04-087	173-19-4203	AMD-P	94-07-119	173-180A-040	NEW	94-10-084
162-18-040	REP-W	94-04-087	173-19-4203	AMD	94-13-047	173-180A-050	NEW	94-10-084
162-18-050	REP-W	94-04-087	173-19-4205	AMD-P	94-03-094	173-180A-060	NEW	94-10-084
162-18-060	REP-W	94-04-087	173-19-4205	AMD	94-10-080	173-180A-070	NEW	94-10-084
162-18-070	REP-W	94-04-087	173-19-4205	PREP	94-20-087	173-180A-080	NEW	94-10-084
162-18-080	REP-W	94-04-087	173-19-470	PREP	94-23-100	173-180A-090	NEW	94-10-084
162-18-090	REP-W	94-04-087	173-34-010	REP-P	94-03-071	173-180A-100	NEW	94-10-084
162-18-100	REP-W	94-04-087	173-34-010	REP	94-07-078	173-180A-110	NEW	94-10-084
162-22	PREP	94-23-087	173-34-020	REP-P	94-03-071	173-180A-120	NEW	94-10-084
162-22-010	AMD-W	94-04-087	173-34-020	REP	94-07-078	173-180A-130	NEW	94-10-084
162-22-020	AMD-W	94-04-087	173-34-030	REP-P	94-03-071	173-180A-140	NEW	94-10-084
162-22-030	REP-W	94-04-087	173-34-030	REP	94-07-078	173-180A-150	NEW	94-10-084
162-22-040	REP-W	94-04-087	173-34-040	REP-P	94-03-071	173-180B-010	NEW	94-10-083
162-22-050	AMD-W	94-04-087	173-34-040	REP	94-07-078	173-180B-020	NEW	94-10-083
162-22-060	AMD-W	94-04-087	173-34-050	REP-P	94-03-071	173-180B-030	NEW	94-10-083
162-22-070	AMD-W	94-04-087	173-34-050	REP	94-07-078	173-180B-040	NEW	94-10-083
162-22-080	AMD-W	94-04-087	173-58-010	AMD-P	94-05-037	173-180B-050	NEW	94-10-083
162-22-090	AMD-W	94-04-087	173-58-010	AMD	94-12-001	173-180B-060	NEW	94-10-083
162-22-100	AMD-W	94-04-087	173-58-020	AMD-P	94-05-037	173-180B-070	NEW	94-10-083
162-26-010	AMD-W	94-04-087	173-58-020	AMD	94-12-001	173-180B-080	NEW	94-10-083
162-26-020	AMD-W	94-04-087	173-58-090	AMD-P	94-05-037	173-180B-090	NEW	94-10-083
162-26-030	AMD-W	94-04-087	173-58-090	AMD	94-12-001	173-180B-100	NEW	94-10-083
162-26-040	AMD-W	94-04-087	173-60-010	AMD-P	94-05-037	173-180B-110	NEW	94-10-083
162-26-050	AMD-W	94-04-087	173-60-010	AMD	94-12-001	173-180B-120	NEW	94-10-083
162-26-060	AMD-W	94-04-087	173-60-020	AMD-P	94-05-037	173-180B-130	NEW	94-10-083
162-26-070	AMD-W	94-04-087	173-60-020	AMD	94-12-001	173-180B-140	NEW	94-10-083
162-26-080	AMD-W	94-04-087	173-60-050	AMD-P	94-05-037	173-202-020	AMD-E	94-04-108
162-26-090	AMD-W	94-04-087	173-60-050	AMD	94-12-001	173-202-020	AMD-P	94-08-071
162-26-100	AMD-W	94-04-087	173-60-070	AMD-P	94-05-037	173-202-020	AMD-E	94-12-054
162-26-110	AMD-W	94-04-087	173-60-070	AMD	94-12-001	173-202-020	AMD	94-17-011
162-26-120	AMD-W	94-04-087	173-70-010	REP-P	94-05-037	173-204	PREP	94-13-161
162-26-130	AMD-W	94-04-087	173-70-010	REP	94-12-001	173-224	AMD-C	94-05-082
162-26-140	AMD-W	94-04-087	173-70-020	REP-P	94-05-037	173-224	PREP	94-17-010
162-30	PREP	94-23-087	173-70-020	REP	94-12-001	173-224-020	AMD-P	94-02-080
162-30-010	AMD-W	94-04-087	173-70-030	REP-P	94-05-037	173-224-020	AMD	94-10-027
162-30-020	AMD-W	94-04-087	173-70-030	REP	94-12-001	173-224-030	AMD-P	94-02-080
162-30-030	NEW-W	94-04-087	173-70-040	REP-P	94-05-037	173-224-030	AMD	94-10-027
162-30-035	NEW-W	94-04-087	173-70-040	REP	94-12-001	173-224-040	AMD-P	94-02-080
162-30-040	NEW-W	94-04-087	173-70-050	REP-P	94-05-037	173-224-040	AMD	94-10-027
162-30-050	NEW-W	94-04-087	173-70-050	REP	94-12-001	173-224-050	AMD-P	94-02-080
162-30-060	NEW-W	94-04-087	173-70-060	REP-P	94-05-037	173-224-050	AMD	94-10-027
162-30-070	NEW-W	94-04-087	173-70-060	REP	94-12-001	173-224-070	REP-P	94-02-080
162-30-080	NEW-W	94-04-087	173-70-070	REP-P	94-05-037	173-224-070	REP-W	94-15-070
162-30-090	NEW-W	94-04-087	173-70-070	REP	94-12-001	173-224-090	AMD-P	94-02-080
162-30-100	NEW-W	94-04-087	173-70-080	REP-P	94-05-037	173-224-090	AMD	94-10-027
173-19-100	AMD-P	94-03-093	173-70-080	REP	94-12-001	173-224-100	AMD-P	94-02-080
173-19-100	AMD	94-16-085	173-70-090	REP-P	94-05-037	173-224-100	AMD	94-10-027
173-19-120	AMD-P	94-03-092	173-70-090	REP	94-12-001	173-224-120	REP-P	94-02-080
173-19-120	AMD	94-10-081	173-70-100	REP-P	94-05-037	173-224-120	REP-W	94-15-070
173-19-1301	AMD-P	94-23-102	173-70-100	REP	94-12-001	173-303	AMD-C	94-08-092
173-19-2401	AMD-C	94-05-038	173-70-110	REP-P	94-05-037	173-303-071	AMD	94-12-018
173-19-2401	AMD	94-07-013	173-70-110	REP	94-12-001	173-303-104	AMD	94-12-018
173-19-2520	AMD-P	94-14-086	173-70-120	REP-P	94-05-037	173-320-010	REP-P	94-03-071
173-19-2520	AMD	94-23-013	173-70-120	REP	94-12-001	173-320-010	REP	94-07-078
173-19-2521	AMD-P	94-17-168	173-95-010	REP	94-04-030	173-320-020	REP-P	94-03-071
173-19-2521	AMD	94-22-017	173-95-020	REP	94-04-030	173-320-020	REP	94-07-078
173-19-2602	AMD-P	94-04-107	173-95-030	REP	94-04-030	173-320-030	REP-P	94-03-071
173-19-2602	AMD	94-10-082	173-95-040	REP	94-04-030	173-320-030	REP	94-07-078
173-19-2208	AMD-E	94-18-097	173-95-050	REP	94-04-030	173-320-040	REP-P	94-03-071
173-19-3101	AMD-P	94-23-103	173-95-060	REP	94-04-030	173-320-040	REP	94-07-078
173-19-3303	AMD-P	94-07-120	173-95-070	REP	94-04-030	173-320-050	REP-P	94-03-071
173-19-3303	AMD	94-13-046	173-95-080	REP	94-04-030	173-320-050	REP	94-07-078
173-19-3506	AMD-W	94-07-074	173-95-090	REP	94-04-030	173-320-060	REP-P	94-03-071
173-19-3506	AMD-P	94-10-040	173-95-100	REP	94-04-030	173-320-060	REP	94-07-078
173-19-3506	AMD	94-14-029	173-95-110	REP	94-04-030	173-320-070	REP-P	94-03-071
173-19-3507	AMD-P	94-17-126	173-95-120	REP	94-04-030	173-320-070	REP	94-07-078
173-19-360	AMD-P	94-10-041	173-95-130	REP	94-04-030	173-320-080	REP-P	94-03-071
173-19-360	AMD	94-14-030	173-95-140	REP	94-04-030	173-320-080	REP	94-07-078
173-19-370	PREP	94-22-079	173-95-150	REP	94-04-030	173-335-010	REP-P	94-03-071
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173-335-020	REP	94-07-078	173-406-105	NEW-P	94-17-127	173-422-050	AMD-P	94-23-101
173-335-030	REP-P	94-03-071	173-406-105	NEW	94-23-127	173-422-060	AMD-P	94-23-101
173-335-030	REP	94-07-078	173-406-106	NEW-P	94-17-127	173-422-065	AMD-P	94-23-101
173-335-040	REP-P	94-03-071	173-406-106	NEW	94-23-127	173-422-070	AMD	94-05-039
173-335-040	REP	94-07-078	173-406-200	NEW-P	94-17-127	173-422-070	AMD-P	94-23-101
173-335-050	REP-P	94-03-071	173-406-200	NEW	94-23-127	173-422-075	AMD	94-05-039
173-335-050	REP	94-07-078	173-406-201	NEW-P	94-17-127	173-422-090	AMD-P	94-23-101
173-354	PREP	94-21-040	173-406-201	NEW	94-23-127	173-422-095	AMD	94-05-039
173-360-100	AMD-P	94-19-084	173-406-202	NEW-P	94-17-127	173-422-100	AMD-P	94-23-101
173-360-110	AMD-P	94-19-084	173-406-202	NEW	94-23-127	173-422-120	AMD-P	94-23-101
173-360-120	AMD-P	94-19-084	173-406-300	NEW-P	94-17-127	173-422-130	AMD	94-05-039
173-360-130	AMD-P	94-19-084	173-406-300	NEW	94-23-127	173-422-140	REP	94-05-039
173-360-190	AMD-P	94-19-084	173-406-301	NEW-P	94-17-127	173-422-160	AMD	94-05-039
173-360-200	AMD-P	94-19-084	173-406-301	NEW	94-23-127	173-422-160	AMD-P	94-23-101
173-360-210	AMD-P	94-19-084	173-406-302	NEW-P	94-17-127	173-422-170	AMD	94-05-039
173-360-305	AMD-P	94-19-084	173-406-302	NEW	94-23-127	173-422-170	AMD-P	94-23-101
173-360-310	AMD-P	94-19-084	173-406-303	NEW-P	94-17-127	173-422-190	AMD-P	94-23-101
173-360-320	AMD-P	94-19-084	173-406-303	NEW	94-23-127	173-422-195	AMD-P	94-23-101
173-360-325	AMD-P	94-19-084	173-406-400	NEW-P	94-17-127	173-430-010	AMD-P	94-16-096
173-360-330	AMD-P	94-19-084	173-406-400	NEW	94-23-127	173-430-020	AMD-P	94-16-096
173-360-335	AMD-P	94-19-084	173-406-401	NEW-P	94-17-127	173-430-030	AMD-P	94-16-096
173-360-340	AMD-P	94-19-084	173-406-401	NEW	94-23-127	173-430-040	AMD-P	94-16-096
173-360-345	AMD-P	94-19-084	173-406-402	NEW-P	94-17-127	173-430-050	AMD-P	94-16-096
173-360-350	AMD-P	94-19-084	173-406-402	NEW	94-23-127	173-430-060	AMD-P	94-16-096
173-360-370	AMD-P	94-19-084	173-406-500	NEW-P	94-17-127	173-430-070	AMD-P	94-16-096
173-360-380	AMD-P	94-19-084	173-406-500	NEW	94-23-127	173-430-080	AMD-P	94-16-096
173-360-385	AMD-P	94-19-084	173-406-501	NEW-P	94-17-127	173-430-090	NEW-P	94-16-096
173-360-600	AMD-P	94-19-084	173-406-501	NEW	94-23-127	173-430-100	NEW-P	94-16-096
173-360-610	AMD-P	94-19-084	173-406-502	NEW-P	94-17-127	173-440-010	REP-P	94-10-078
173-360-620	NEW-P	94-19-084	173-406-502	NEW	94-23-127	173-440-010	REP	94-14-067
173-360-630	AMD-P	94-19-084	173-406-600	NEW-P	94-17-127	173-440-020	REP-P	94-10-078
173-360-640	REP-P	94-19-084	173-406-600	NEW	94-23-127	173-440-020	REP	94-14-067
173-360-650	REP-P	94-19-084	173-406-601	NEW-P	94-17-127	173-440-030	REP-P	94-10-078
173-360-655	REP-P	94-19-084	173-406-601	NEW	94-23-127	173-440-030	REP	94-14-067
173-360-660	REP-P	94-19-084	173-406-602	NEW-P	94-17-127	173-440-040	REP-P	94-10-078
173-360-680	REP-P	94-19-084	173-406-602	NEW	94-23-127	173-440-040	REP	94-14-067
173-360-690	REP-P	94-19-084	173-406-603	NEW-P	94-17-127	173-440-100	REP-P	94-10-078
173-360-695	REP-P	94-19-084	173-406-603	NEW	94-23-127	173-440-100	REP	94-14-067
173-400	NEW-C	94-08-072	173-406-604	NEW-P	94-17-127	173-440-900	REP-P	94-10-078
173-400	NEW-C	94-10-079	173-406-604	NEW	94-23-127	173-440-900	REP	94-14-067
173-400-045	NEW-P	94-04-106	173-406-605	NEW-P	94-17-127	173-460-020	AMD	94-03-072
173-400-045	NEW	94-17-070	173-406-605	NEW	94-23-127	173-460-030	AMD	94-03-072
173-400-101	NEW-P	94-04-105	173-406-700	NEW-P	94-17-127	173-460-040	AMD	94-03-072
173-400-101	NEW	94-10-042	173-406-700	NEW	94-23-127	173-460-050	AMD	94-03-072
173-400-116	NEW-P	94-04-106	173-406-701	NEW-P	94-17-127	173-460-060	AMD	94-03-072
173-400-116	NEW	94-17-070	173-406-701	NEW	94-23-127	173-460-080	AMD	94-03-072
173-401	AMD-C	94-08-073	173-406-702	NEW-P	94-17-127	173-460-090	AMD	94-03-072
173-401-200	AMD-P	94-04-104	173-406-702	NEW	94-23-127	173-460-100	AMD	94-03-072
173-401-200	AMD	94-11-105	173-406-703	NEW-P	94-17-127	173-460-110	AMD	94-03-072
173-401-510	AMD-P	94-04-104	173-406-703	NEW	94-23-127	173-460-150	AMD	94-03-072
173-401-510	AMD	94-11-105	173-406-704	NEW-P	94-17-127	173-460-160	AMD	94-03-072
173-401-530	NEW-P	94-04-104	173-406-704	NEW	94-23-127	173-492-070	AMD	94-07-040
173-401-530	NEW	94-11-105	173-406-705	NEW-P	94-17-127	173-548	PREP	94-20-086
173-401-531	NEW-P	94-04-104	173-406-705	NEW	94-23-127	173-548-010	AMD-E	94-15-013
173-401-531	NEW	94-11-105	173-406-706	NEW-P	94-17-127	173-548-010	AMD-P	94-23-011
173-401-532	NEW-P	94-04-104	173-406-706	NEW	94-23-127	173-548-010	NEW-E	94-23-012
173-401-532	NEW	94-11-105	173-406-800	NEW-P	94-17-127	173-548-015	NEW-E	94-15-013
173-401-533	NEW-P	94-04-104	173-406-800	NEW	94-23-127	173-548-015	NEW-P	94-23-011
173-401-533	NEW	94-11-105	173-406-801	NEW-P	94-17-127	173-548-015	NEW-E	94-23-012
173-402-010	REP-P	94-10-078	173-406-801	NEW	94-23-127	173-548-030	AMD-E	94-15-013
173-402-010	REP	94-14-067	173-406-802	NEW-P	94-17-127	173-548-030	AMD-P	94-23-011
173-402-020	REP-P	94-10-078	173-406-802	NEW	94-23-127	137-548-030	AMD-E	94-23-012
173-402-020	REP	94-14-067	173-406-900	NEW-P	94-17-127	173-563-090	PREP	94-13-162
173-406-100	NEW-P	94-17-127	173-406-900	NEW	94-23-127	173-563-015	AMD-P	94-14-085
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173-406-102	NEW	94-23-127	173-422-020	AMD-P	94-23-101	180-16-222	AMD-P	94-16-128
173-406-103	NEW-P	94-17-127	173-422-030	AMD	94-05-039	180-16-223	AMD-P	94-16-061
173-406-103	NEW	94-23-127	173-422-030	AMD-P	94-23-101	180-16-223	AMD	94-20-054
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180-24-312	AMD	94-13-018	180-78-285	AMD-P	94-16-130
180-24-315	AMD-P	94-08-103	180-78-290	REP-P	94-16-130
180-24-315	AMD	94-13-018	180-78-300	REP-P	94-16-130
180-24-320	AMD-P	94-08-103	180-78-305	REP-P	94-16-130
180-24-320	AMD	94-13-018	180-78-315	REP-P	94-16-130
180-24-325	AMD-P	94-08-103	180-78-320	REP-P	94-16-130
180-24-325	AMD	94-13-018	180-79-005	AMD-P	94-16-132
180-24-355	AMD-P	94-08-103	180-79-005	AMD-W	94-18-068
180-24-355	AMD	94-13-018	180-79-031	NEW-P	94-20-118
180-26-025	PREP	94-15-035	180-79-032	NEW-P	94-20-118
180-26-025	AMD-P	94-16-062	180-79-035	NEW-P	94-20-118
180-26-025	AMD	94-20-055	180-79-041	NEW-P	94-20-118
180-27-115	PREP	94-15-035	180-79-049	AMD-P	94-16-130
180-27-115	AMD-P	94-20-116	180-79-115	AMD-P	94-16-129
180-27-115	PREP	94-23-019	180-79-120	AMD-P	94-16-131
180-29-130	AMD-P	94-08-104	180-79-121	NEW-P	94-16-130
180-29-130	AMD	94-13-019	180-79-122	AMD-P	94-16-131
180-29-135	AMD-P	94-05-088	180-79-123	AMD-P	94-16-131
180-29-135	AMD-C	94-08-068	180-79-125	AMD-P	94-16-130
180-29-135	AMD	94-14-028	180-79-128	AMD-P	94-16-130
180-29-147	NEW-P	94-05-088	180-79-131	AMD-P	94-16-130
180-29-147	NEW-C	94-08-068	180-79-140	AMD-P	94-16-131
180-29-147	NEW	94-14-028	180-79-230	AMD-P	94-16-130
180-29-170	AMD-P	94-05-088	180-79-241	AMD-P	94-08-106
180-29-170	AMD-C	94-08-068	180-79-241	AMD	94-13-021
180-29-170	AMD	94-14-028	180-82-001	NEW-P	94-16-132
180-33-025	AMD-P	94-08-105	180-82-001	NEW-W	94-18-068
180-33-025	AMD	94-13-020	180-82-005	NEW-P	94-16-132
180-40-235	AMD	94-03-102	180-82-005	NEW-W	94-18-068
180-43	PREP	94-23-124	180-82-006	NEW-P	94-16-132
180-50-115	AMD	94-03-104	180-82-006	NEW-W	94-18-068
180-50-120	AMD	94-03-104	180-82-007	NEW-P	94-16-132
180-51-050	AMD	94-03-100	180-82-007	NEW-W	94-18-068
180-51-050	AMD-P	94-08-067	180-82-008	NEW-P	94-16-132
180-51-050	AMD	94-13-017	180-82-008	NEW-W	94-18-068
180-51-050	PREP	94-23-123	180-82-009	NEW-P	94-16-132
180-51-075	AMD	94-03-104	180-82-009	NEW-W	94-18-068
180-51-105	AMD	94-03-103	180-82-010	NEW-P	94-16-132
180-58	PREP	94-19-012	180-82-010	NEW-W	94-18-068
180-75-016	AMD-P	94-16-129	180-82-011	NEW-P	94-16-132
180-75-045	AMD-P	94-16-132	180-82-011	NEW-W	94-18-068
180-75-045	AMD-W	94-18-068	180-82-020	NEW-P	94-16-132
180-75-061	AMD-P	94-16-129	180-82-020	NEW-W	94-18-068
180-75-065	AMD-P	94-16-132	180-82-030	NEW-P	94-16-132
180-75-065	AMD-W	94-18-068	180-82-030	NEW-W	94-18-068
180-75-085	AMD-P	94-16-132	180-82-040	NEW-P	94-16-132
180-75-085	AMD-W	94-18-068	180-82-040	NEW-W	94-18-068
180-75-087	AMD-P	94-16-132	180-82-050	NEW-P	94-16-132
180-75-087	AMD-W	94-18-068	180-82-050	NEW-W	94-18-068
180-75-110	PREP	94-15-021	180-82-065	NEW-P	94-16-132
180-78-015	AMD-P	94-20-117	180-82-065	NEW-W	94-18-068
180-78-025	AMD-P	94-16-130	180-82-070	NEW-P	94-16-132
180-78-065	AMD-P	94-16-130	180-82-070	NEW-W	94-18-068
180-78-085	REP-P	94-16-130	180-82-100	NEW-P	94-16-132
180-78-095	REP-P	94-16-130	180-82-100	NEW-W	94-18-068
180-78-110	REP-P	94-16-130	180-82-110	NEW-P	94-16-132
180-78-115	REP-P	94-16-130	180-82-110	NEW-W	94-18-068
180-78-120	REP-P	94-16-130	180-82-115	NEW-P	94-16-132
180-78-140	AMD-P	94-16-130	180-82-115	NEW-W	94-18-068
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180-78-180	AMD-P	94-16-130	180-82-120	NEW-W	94-18-068
180-78-205	AMD-P	94-16-131	180-82-130	NEW-P	94-16-132
180-78-210	AMD-P	94-16-131	180-82-130	NEW-W	94-18-068
180-78-235	AMD-P	94-16-131	180-82-140	NEW-P	94-16-132
180-78-245	AMD-P	94-16-131	180-82-140	NEW-W	94-18-068
180-78-255	AMD-P	94-16-131	180-95	PREP	94-21-039
180-78-257	NEW-P	94-16-131	180-95-010	AMD	94-03-103
180-78-265	AMD-P	94-16-131	180-95-020	AMD	94-03-103
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180-78-266	NEW	94-08-055	180-95-040	AMD	94-03-103
180-78-270	AMD-P	94-16-130	180-95-050	AMD	94-03-103
180-95-060	AMD	94-03-103	180-95-060	AMD	94-03-103
180-96-005	AMD	94-03-101	180-96-005	AMD	94-03-101
180-96-010	AMD	94-03-101	180-96-015	REP	94-03-101
180-96-015	REP	94-03-101	180-96-025	REP	94-03-101
180-96-025	REP	94-03-101	180-96-030	REP	94-03-101
180-96-030	REP	94-03-101	180-96-035	AMD	94-03-101
180-96-035	AMD	94-03-101	180-96-045	AMD	94-03-101
180-96-045	AMD	94-03-101	180-96-048	NEW	94-03-101
180-96-048	NEW	94-03-101	180-96-050	AMD	94-03-101
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180-96-053	NEW	94-03-101	180-96-055	REP	94-03-101
180-96-055	REP	94-03-101	180-96-058	NEW	94-03-101
180-96-058	NEW	94-03-101	180-96-060	REP	94-03-101
180-96-060	REP	94-03-101	180-96-065	REP	94-03-101
180-96-065	REP	94-03-101	180-96-070	REP	94-03-101
180-96-070	REP	94-03-101	180-96-075	REP	94-03-101
180-96-075	REP	94-03-101	182-12-110	AMD-E	94-08-027
182-12-110	AMD-E	94-08-027	182-12-110	AMD-E	94-16-054
182-12-110	AMD-E	94-16-054	182-12-111	AMD-E	94-08-027
182-12-111	AMD-E	94-08-027	182-12-111	AMD-E	94-16-054
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182-14-020	NEW-E	94-08-028	182-14-020	NEW-E	94-16-058
182-14-020	NEW-E	94-16-058	182-14-030	NEW-E	94-08-028
182-14-030	NEW-E	94-08-028	182-14-030	NEW-E	94-16-058
182-14-030	NEW-E	94-16-058	182-14-040	NEW-E	94-08-028
182-14-040	NEW-E	94-08-028	182-14-040	NEW-E	94-16-058
182-14-040	NEW-E	94-16-058	182-14-050	NEW-E	94-08-028
182-14-050	NEW-E	94-08-028	182-14-050	NEW-E	94-16-058
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182-14-060	NEW-E	94-08-028	182-14-060	NEW-E	94-16-058
182-14-060	NEW-E	94-16-058	182-14-070	NEW-E	94-08-028
182-14-070	NEW-E	94-08-028	182-14-070	NEW-E	94-16-058
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182-14-100	NEW-E	94-08-028	182-14-100	NEW-E	94-16-058
182-14-100	NEW-E	94-16-058	192-04-060	PREP	94-18-111
192-04-060	PREP	94-18-111	192-04-063	PREP	94-18-111
192-04-063	PREP	94-18-111	192-04-090	PREP	94-18-111
192-04-090	PREP	94-18-111	192-04-170	PREP	94-18-111
192-04-170	PREP	94-18-111	192-04-175	PREP	94-18-111
192-04-175	PREP	94-18-111	192-10-320	PREP	94-14-061
192-10-320	PREP	94-14-061	192-10-320	REP-P	94-18-124
192-10-320	REP-P	94-18-124	192-10-320	REP	94-22-043
192-10-320	REP	94-22-043	192-12-030	PREP	94-14-061
192-12-030	PREP	94-14-061	192-12-030	AMD-P	94-18-124
192-12-030	AMD-P	94-18-124	192-12-030	AMD	94-22-043
192-12-030	AMD	94-22-043	192-12-141	PREP	94-23-117
192-12-141	PREP	94-23-117	192-12-150	PREP	94-14-061
192-12-150	PREP	94-14-061	192-12-150	AMD-P	94-18-124
192-12-150	AMD-P	94-18-124	192-12-150	AMD	94-22-043
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192-16-005	PREP	94-18-110	192-16-010	PREP	94-18-110
192-16-010	PREP	94-18-110	192-16-021	PREP	94-18-110
192-16-021	PREP	94-18-110	192-16-030	PREP	94-18-110
192-16-030	PREP	94-18-110	192-16-036	PREP	94-14-061
192-16-036	PREP	94-14-061	192-16-036	AMD-P	94-18-124
192-16-036	AMD-P	94-18-124	192-16-036	AMD	94-22-043
192-16-036	AMD	94-22-043	192-16-040	PREP	94-14-061
192-16-040	PREP	94-14-061	192-16-040	AMD-P	94-18-124
192-16-040	AMD-P	94-18-124	192-16-040	AMD	94-22-043
192-16-040	AMD	94-22-043	192-16-042	PREP	94-14-061
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192-16-047	AMD-P	94-18-124	194-22-130	PREP	94-08-070
192-16-047	AMD	94-22-043	194-22-130	NEW-P	94-11-128
192-16-056	PREP	94-18-110	194-22-130	NEW	94-20-103
192-16-057	PREP	94-18-110	194-22-140	PREP	94-08-070
192-16-058	PREP	94-18-110	194-22-140	NEW-P	94-11-128
192-16-060	PREP	94-18-110	194-22-140	NEW	94-20-103
192-16-081	PREP	94-18-110	194-22-150	PREP	94-08-070
192-23-018	PREP	94-23-117	194-22-150	NEW-P	94-11-128
192-23-320	PREP	94-14-061	194-22-150	NEW	94-20-103
192-23-320	AMD-P	94-18-124	194-22-160	PREP	94-08-070
192-23-320	AMD	94-22-043	194-22-160	NEW-P	94-11-128
192-28-145	AMD-P	94-04-124	194-22-160	NEW	94-20-103
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192-34-015	NEW	94-07-115	194-22-170	NEW	94-20-103
192-34-020	NEW	94-07-115	194-22-180	PREP	94-08-070
192-34-025	NEW	94-07-115	194-22-180	NEW-P	94-11-128
192-42-005	PREP	94-18-110	194-22-180	NEW	94-20-103
194-20-010	PREP	94-08-070	194-22-190	PREP	94-08-070
194-20-020	PREP	94-08-070	194-22-190	NEW-P	94-11-128
194-20-030	PREP	94-08-070	194-22-190	NEW	94-20-103
194-20-040	PREP	94-08-070	197-11	PREP	94-15-038
194-20-050	PREP	94-08-070	197-11-200	NEW-P	94-19-083
194-20-060	PREP	94-08-070	197-11-210	NEW-P	94-19-083
194-20-070	PREP	94-08-070	197-11-220	NEW-P	94-19-083
194-20-080	PREP	94-08-070	197-11-225	NEW-E	94-12-032
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194-20-100	PREP	94-08-070	197-11-228	NEW-E	94-12-032
194-20-110	PREP	94-08-070	197-11-228	NEW-P	94-19-083
194-20-120	PREP	94-08-070	197-11-228	NEW-E	94-20-001
194-20-130	PREP	94-08-070	197-11-230	NEW-E	94-12-032
194-20-140	PREP	94-08-070	197-11-230	NEW-P	94-19-083
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194-20-170	PREP	94-08-070	197-11-232	NEW-P	94-19-083
194-20-180	PREP	94-08-070	197-11-232	NEW-E	94-20-001
194-20-190	PREP	94-08-070	197-11-235	NEW-E	94-12-032
194-22-010	PREP	94-08-070	197-11-235	NEW-P	94-19-083
194-22-010	NEW-P	94-11-128	197-11-235	NEW-E	94-20-001
194-22-010	NEW	94-20-103	197-11-250	NEW-P	94-19-083
194-22-020	PREP	94-08-070	197-11-253	NEW-P	94-19-083
194-22-020	NEW-P	94-11-128	197-11-256	NEW-P	94-19-083
194-22-020	NEW	94-20-103	197-11-259	NEW-P	94-19-083
194-22-030	PREP	94-08-070	197-11-262	NEW-P	94-19-083
194-22-030	NEW-P	94-11-128	197-11-265	NEW-P	94-19-083
194-22-030	NEW	94-20-103	197-11-268	NEW-P	94-19-083
194-22-040	PREP	94-08-070	197-11-305	AMD-P	94-19-083
194-22-040	NEW-P	94-11-128	197-11-340	AMD-P	94-19-083
194-22-040	NEW	94-20-103	197-11-680	AMD-P	94-19-083
194-22-050	PREP	94-08-070	197-11-748	REP-P	94-19-083
194-22-050	NEW-P	94-11-128	197-11-890	AMD-P	94-19-083
194-22-050	NEW	94-20-103	197-11-904	AMD-P	94-19-083
194-22-060	PREP	94-08-070	197-11-908	AMD-P	94-19-083
194-22-060	NEW-P	94-11-128	197-11-938	AMD-P	94-19-083
194-22-060	NEW	94-20-103	204-10-040	AMD-E	94-15-010
194-22-070	PREP	94-08-070	204-10-040	AMD-P	94-16-069
194-22-070	NEW-P	94-11-128	204-10-040	AMD	94-20-047
194-22-070	NEW	94-20-103	204-24-050	AMD-E	94-02-081
194-22-080	PREP	94-08-070	204-24-050	AMD-P	94-02-082
194-22-080	NEW-P	94-11-128	204-24-050	AMD	94-08-069
194-22-080	NEW	94-20-103	204-24-050	AMD-E	94-19-064
194-22-090	PREP	94-08-070	204-24-050	PREP	94-19-065
194-22-090	NEW-P	94-11-128	204-24-050	AMD-P	94-20-098
194-22-090	NEW	94-20-103	204-24-050	AMD-E	94-23-125
194-22-100	PREP	94-08-070	204-30-010	REP	94-05-024
194-22-100	NEW-P	94-11-128	204-30-020	REP	94-05-024
194-22-100	NEW	94-20-103	204-30-030	REP	94-05-024
194-22-110	PREP	94-08-070	204-30-040	REP	94-05-024
194-22-110	NEW-P	94-11-128	204-30-050	REP	94-05-024
204-30-060	REP	94-05-024	204-30-060	REP	94-05-024
204-30-070	REP	94-05-024	204-30-070	REP	94-05-024
204-30-080	REP	94-05-024	204-30-080	REP	94-05-024
204-38-030	AMD-P	94-15-007	204-38-030	AMD-P	94-15-007
204-38-030	AMD	94-17-167	204-38-030	AMD	94-17-167
204-91A-010	AMD-P	94-15-008	204-91A-010	AMD-P	94-15-008
204-91A-010	AMD	94-18-083	204-91A-010	AMD	94-18-083
204-91A-030	AMD-P	94-15-008	204-91A-030	AMD-P	94-15-008
204-91A-030	AMD	94-18-083	204-91A-030	AMD	94-18-083
204-91A-040	AMD-P	94-15-008	204-91A-040	AMD-P	94-15-008
204-91A-040	AMD	94-18-083	204-91A-040	AMD	94-18-083
204-91A-060	AMD-P	94-15-008	204-91A-060	AMD-P	94-15-008
204-91A-060	AMD	94-18-083	204-91A-060	AMD	94-18-083
204-91A-070	AMD-P	94-15-008	204-91A-070	AMD-P	94-15-008
204-91A-070	AMD	94-18-083	204-91A-070	AMD	94-18-083
204-91A-080	AMD-P	94-15-008	204-91A-080	AMD-P	94-15-008
204-91A-080	AMD	94-18-083	204-91A-080	AMD	94-18-083
204-91A-110	AMD-P	94-15-008	204-91A-110	AMD-P	94-15-008
204-91A-110	AMD	94-18-083	204-91A-110	AMD	94-18-083
204-91A-160	AMD-P	94-15-008	204-91A-160	AMD-P	94-15-008
204-91A-160	AMD	94-18-083	204-91A-160	AMD	94-18-083
204-91A-170	PREP	94-13-078	204-91A-170	PREP	94-13-078
204-91A-170	AMD-P	94-15-008	204-91A-170	AMD-P	94-15-008
204-91A-170	AMD	94-18-083	204-91A-170	AMD	94-18-083
204-91A-180	AMD-P	94-15-008	204-91A-180	AMD-P	94-15-008
204-91A-180	AMD	94-18-083	204-91A-180	AMD	94-18-083
208-04-010	NEW	94-09-010	208-04-010	NEW	94-09-010
208-04-020	NEW	94-09-010	208-04-020	NEW	94-09-010
208-04-030	NEW	94-09-010	208-04-030	NEW	94-09-010
212-80-015	AMD-P	94-21-096	212-80-015	AMD-P	94-21-096
212-80-030	AMD-P	94-21-096	212-80-030	AMD-P	94-21-096
212-80-035	AMD-P	94-21-096	212-80-035	AMD-P	94-21-096
212-80-040	AMD-P	94-21-096	212-80-040	AMD-P	94-21-096
212-80-045	AMD-P	94-21-096	212-80-045	AMD-P	94-21-096
212-80-060	AMD-P	94-21-096	212-80-060	AMD-P	94-21-096
212-80-065	AMD-P	94-21-096	212-80-065	AMD-P	94-21-096
212-80-110	AMD-P	94-21-096	212-80-110	AMD-P	94-21-096
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220-12-02000C	NEW-E	94-18-074	220-12-02000C	NEW-E	94-18-074
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220-16-015	AMD-C	94-12-007	220-16-015	AMD-C	94-12-007
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220-20-021	AMD-C	94-12-007	220-20-021	AMD-C	94-12-007
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220-20-025	AMD-C	94-12-007	220-20-025	AMD-C	94-12-007
220-20-025	AMD	94-12-009	220-20-025	AMD	94-12-009
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220-20-065	NEW-P	94-11-005	220-20-065	NEW-P	94-11-005
220-20-065	NEW	94-23-059	220-20-065	NEW	94-23-059
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220-22-030	AMD	94-15-001	220-22-030	AMD	94-15-001
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220-32-05100F	NEW-E	94-18-023	220-32-05100F	NEW-E	94-18-023
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220-32-05100H	REP-E	94-20-064	220-32-05100H	REP-E	94-20-064
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220-33-01000U	REP-E	94-06-042	220-47-507	REP-E	94-17-146	220-48-041	AMD	94-12-009
220-33-01000V	NEW-E	94-06-042	220-47-508	NEW-E	94-17-146	220-48-051	AMD-P	94-03-106
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220-33-01000X	NEW-E	94-21-024	220-47-509	REP-E	94-18-016	220-48-061	AMD-P	94-03-106
220-33-01000X	REP-E	94-21-051	220-47-510	NEW-E	94-18-016	220-48-061	AMD-C	94-12-007
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220-33-03000H	NEW-E	94-13-121	220-47-513	NEW-E	94-18-071	220-49-005	NEW-C	94-12-007
220-33-03000H	REP-E	94-14-020	220-47-513	REP-E	94-18-098	220-49-005	NEW	94-12-009
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220-36-021	AMD	94-13-014	220-47-516	REP-E	94-20-016	220-49-012	AMD	94-12-009
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220-44-090	NEW-C	94-12-007	220-48-001	AMD-C	94-12-007	220-49-022	REP-C	94-12-007
220-44-090	NEW	94-12-009	220-48-001	AMD	94-12-009	220-49-022	REP	94-12-009
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220-57-50500V	REP-E	94-10-036	220-88A-070	NEW-P	94-03-098	220-110-210	AMD-C	94-23-057
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220-57-51000J	REP-E	94-21-060	220-88A-080	AMD-P	94-13-064	220-110-220	AMD	94-23-058
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220-57-51000K	REP-E	94-22-019	220-110-010	AMD-P	94-11-126	220-110-223	NEW-C	94-23-057
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232-28-02230	NEW	94-11-039	232-28-61942	NEW	94-06-013	240-20-030	NEW	94-10-030
232-28-02240	NEW-P	94-04-064	232-28-61944	NEW-E	94-03-038	240-20-030	NEW	94-11-081
232-28-02240	NEW	94-11-040	232-28-61945	NEW-E	94-04-012	240-20-035	NEW-P	94-05-100
232-28-02240	AMD-P	94-14-089	232-28-61945	NEW-P	94-06-038	240-20-035	NEW-E	94-05-101
232-28-02240	AMD	94-18-058	232-28-61945	NEW	94-09-068	240-20-035	NEW	94-10-030
232-28-02241	NEW-E	94-12-068	232-28-61946	NEW-P	94-06-039	240-20-035	NEW	94-11-081
232-28-02250	NEW-P	94-04-065	232-28-61946	NEW	94-09-067	240-20-040	NEW-P	94-05-100
232-28-02250	NEW	94-11-041	232-28-61947	NEW-P	94-06-040	240-20-040	NEW-E	94-05-101
232-28-02260	NEW-P	94-04-066	232-28-61947	NEW	94-09-066	240-20-040	NEW	94-10-030
232-28-02260	NEW	94-11-042	232-28-61948	NEW-E	94-09-005	240-20-040	NEW	94-11-081
232-28-02270	NEW-P	94-04-067	232-28-61949	NEW-E	94-08-048	240-20-042	NEW-P	94-05-100
232-28-02270	NEW	94-11-043	232-28-61950	NEW-P	94-09-069	240-20-042	NEW-E	94-05-101

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240-20-044	NEW-P	94-05-100	240-20-210	NEW	94-10-030	242-02-522	AMD	94-07-033
240-20-044	NEW-E	94-05-101	240-20-210	NEW	94-11-081	242-02-530	AMD	94-07-033
240-20-044	NEW	94-10-030	240-20-220	NEW-P	94-05-100	242-02-530	AMD-P	94-20-035
240-20-044	NEW	94-11-081	240-20-220	NEW-E	94-05-101	242-02-530	AMD	94-23-112
240-20-046	NEW-P	94-05-100	240-20-220	NEW	94-10-030	242-02-533	NEW-P	94-20-035
240-20-046	NEW-E	94-05-101	240-20-220	NEW	94-11-081	242-02-533	NEW	94-23-112
240-20-046	NEW	94-10-030	240-20-230	NEW-P	94-05-100	242-02-540	AMD	94-07-033
240-20-046	NEW	94-11-081	240-20-230	NEW-E	94-05-101	242-02-550	AMD	94-07-033
240-20-048	NEW-P	94-05-100	240-20-230	NEW	94-10-030	242-02-554	AMD	94-07-033
240-20-048	NEW-E	94-05-101	240-20-230	NEW	94-11-081	242-02-558	AMD	94-07-033
240-20-048	NEW	94-10-030	240-20-310	NEW-P	94-05-100	242-02-570	AMD	94-07-033
240-20-048	NEW	94-11-081	240-20-310	NEW-E	94-05-101	242-02-580	AMD	94-07-033
240-20-050	NEW-P	94-05-100	240-20-310	NEW	94-10-030	242-02-620	AMD	94-07-033
240-20-050	NEW-E	94-05-101	240-20-310	NEW	94-11-081	242-02-660	AMD-P	94-20-035
240-20-050	NEW	94-10-030	240-20-320	NEW-P	94-05-100	242-02-660	AMD	94-23-112
240-20-050	NEW	94-11-081	240-20-320	NEW-E	94-05-101	242-02-680	AMD	94-07-033
240-20-052	NEW-P	94-05-100	240-20-320	NEW	94-10-030	242-02-830	AMD	94-07-033
240-20-052	NEW-E	94-05-101	240-20-320	NEW	94-11-081	242-02-850	AMD	94-07-033
240-20-052	NEW	94-10-030	240-20-330	NEW-P	94-05-100	242-02-880	AMD	94-07-033
240-20-052	NEW	94-11-081	240-20-330	NEW-E	94-05-101	242-02-890	AMD-P	94-20-035
240-20-054	NEW-P	94-05-100	240-20-330	NEW	94-10-030	242-02-890	AMD	94-23-112
240-20-054	NEW-E	94-05-101	240-20-330	NEW	94-11-081	242-02-892	NEW-W	94-07-007
240-20-054	NEW	94-10-030	240-20-410	NEW-P	94-05-100	242-02-910	AMD	94-07-033
240-20-054	NEW	94-11-081	240-20-410	NEW-E	94-05-101	242-02-910	AMD-P	94-20-035
240-20-056	NEW-P	94-05-100	240-20-410	NEW	94-10-030	242-02-910	AMD	94-23-112
240-20-056	NEW-E	94-05-101	240-20-410	NEW	94-11-081	242-02-920	AMD	94-07-033
240-20-056	NEW	94-10-030	240-20-420	NEW-P	94-05-100	242-04-020	AMD-P	94-20-035
240-20-056	NEW	94-11-081	240-20-420	NEW-E	94-05-101	242-04-020	AMD	94-23-112
240-20-058	NEW-P	94-05-100	240-20-420	NEW	94-10-030	242-04-050	AMD	94-07-033
240-20-058	NEW-E	94-05-101	240-20-420	NEW	94-11-081	242-04-050	PREP	94-17-012
240-20-058	NEW	94-10-030	240-20-430	NEW-P	94-05-100	242-04-050	AMD-P	94-20-035
240-20-058	NEW	94-11-081	240-20-430	NEW-E	94-05-101	242-04-050	AMD	94-23-112
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240-20-060	NEW-E	94-05-101	240-20-430	NEW	94-11-081	242-04-150	AMD	94-23-112
240-20-060	NEW	94-10-030	240-20-425	NEW-E	94-04-015	245-01-010	NEW	94-04-046
240-20-060	NEW	94-11-081	240-20-427	NEW-E	94-04-015	245-01-020	NEW	94-04-046
240-20-065	NEW-P	94-05-100	242-02-010	PREP	94-17-012	245-01-020	AMD-P	94-06-060
240-20-065	NEW-E	94-05-101	242-02-010	AMD-P	94-20-035	245-01-020	AMD-W	94-13-208
240-20-065	NEW	94-10-030	242-02-010	AMD	94-23-112	245-01-030	NEW	94-04-046
240-20-065	NEW	94-11-081	242-02-040	AMD	94-07-033	245-01-040	NEW	94-04-046
240-20-070	NEW-P	94-05-100	242-02-040	PREP	94-17-012	245-01-050	NEW	94-04-046
240-20-070	NEW-E	94-05-101	242-02-040	AMD-P	94-20-035	245-01-060	NEW	94-04-046
240-20-070	NEW	94-10-030	242-02-040	AMD	94-23-112	245-01-070	NEW	94-04-046
240-20-070	NEW	94-11-081	242-02-052	AMD	94-07-033	245-01-080	NEW	94-04-046
240-20-075	NEW-P	94-05-100	242-02-052	AMD-P	94-20-035	245-01-090	NEW	94-04-046
240-20-075	NEW-E	94-05-101	242-02-052	AMD	94-23-112	245-01-100	NEW	94-04-046
240-20-075	NEW-P	94-10-029	242-02-072	AMD	94-07-033	245-01-110	NEW	94-04-046
240-20-075	NEW-E	94-10-031	242-02-072	PREP	94-17-012	245-01-120	NEW	94-04-046
240-20-075	NEW	94-17-039	242-02-072	AMD-P	94-20-035	245-01-130	NEW	94-04-046
240-20-075	NEW-W	94-18-104	242-02-072	AMD	94-23-112	245-01-140	NEW	94-04-046
240-20-076	NEW-P	94-18-042	242-02-110	AMD	94-07-033	245-01-150	NEW	94-04-046
240-20-080	NEW-P	94-05-100	242-02-140	AMD	94-07-033	245-02-010	NEW-P	94-06-060
240-20-080	NEW-E	94-05-101	242-02-210	AMD	94-07-033	245-02-010	NEW-P	94-12-081
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240-20-090	NEW-P	94-05-100	242-02-210	AMD	94-23-112	245-02-020	NEW-P	94-06-060
240-20-090	NEW-E	94-05-101	242-02-220	AMD	94-07-033	245-02-020	NEW-P	94-12-081
240-20-090	NEW	94-10-030	242-02-220	AMD-P	94-20-035	245-02-020	NEW-W	94-13-208
240-20-090	NEW	94-11-081	242-02-220	AMD	94-23-112	245-02-020	NEW-W	94-17-179
240-20-110	NEW-P	94-05-100	242-02-240	AMD	94-07-033	245-02-025	NEW-P	94-12-081
240-20-110	NEW-E	94-05-101	242-02-250	AMD	94-07-033	245-02-025	NEW-W	94-17-179
240-20-110	NEW	94-10-030	242-02-270	AMD	94-07-033	245-02-030	NEW-P	94-06-060
240-20-110	NEW	94-11-081	242-02-280	AMD	94-07-033	245-02-030	NEW-P	94-12-081
240-20-120	NEW-P	94-05-100	242-02-310	AMD	94-07-033	245-02-030	NEW-W	94-13-208
240-20-120	NEW-E	94-05-101	242-02-320	AMD	94-07-033	245-02-030	NEW-W	94-17-179
240-20-120	NEW	94-10-030	242-02-330	AMD	94-07-033	245-02-040	NEW-P	94-06-060
240-20-120	NEW	94-11-081	242-02-340	AMD	94-07-033	245-02-040	NEW-P	94-12-081
240-20-130	NEW-P	94-05-100	242-02-410	AMD	94-07-033	245-02-040	NEW-W	94-13-208
240-20-130	NEW-E	94-05-101	242-02-440	AMD	94-07-033	245-02-040	NEW-W	94-17-179
240-20-130	NEW	94-10-030	242-02-510	AMD	94-07-033	245-02-050	NEW-P	94-06-060
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245-02-060	NEW-P	94-12-081	245-04-020	NEW-P	94-17-186	246-11-010	AMD	94-04-078
245-02-060	NEW-W	94-17-179	245-04-025	NEW-P	94-17-186	246-11-020	AMD	94-04-078
245-02-070	NEW-P	94-12-081	245-04-030	NEW-P	94-17-186	246-11-030	AMD	94-04-078
245-02-070	NEW-W	94-17-179	245-04-040	NEW-P	94-17-186	246-11-050	AMD	94-04-078
245-02-080	NEW-P	94-12-081	245-04-050	NEW-P	94-17-186	246-11-060	AMD	94-04-078
245-02-080	NEW-W	94-17-179	245-04-060	NEW-P	94-17-186	246-11-080	AMD	94-04-078
245-02-090	NEW-P	94-12-081	245-04-070	NEW-P	94-17-186	246-11-090	AMD	94-04-078
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245-02-100	NEW-P	94-12-078	245-04-090	NEW	94-21-063	246-11-110	AMD	94-04-078
245-02-100	NEW-W	94-17-179	245-04-100	NEW-P	94-10-085	246-11-130	AMD	94-04-078
245-02-110	NEW-P	94-12-078	245-04-100	NEW-S	94-12-079	246-11-140	AMD	94-04-078
245-02-110	NEW-W	94-17-179	245-04-100	NEW	94-21-063	246-11-160	AMD	94-04-078
245-02-115	NEW-P	94-12-078	245-04-110	NEW-P	94-10-085	246-11-180	AMD	94-04-078
245-02-115	NEW-W	94-17-179	245-04-110	NEW-S	94-12-079	246-11-220	AMD	94-04-078
245-02-120	NEW-P	94-12-078	245-04-110	NEW	94-21-063	246-11-230	AMD	94-04-078
245-02-120	NEW-W	94-17-179	245-04-115	NEW-P	94-10-085	246-11-250	AMD	94-04-078
245-02-125	NEW-P	94-12-078	245-04-115	NEW-S	94-12-079	246-11-260	AMD	94-04-078
245-02-125	NEW-W	94-17-179	245-04-115	NEW	94-21-063	246-11-270	AMD	94-04-078
245-02-130	NEW-P	94-12-078	245-04-200	NEW-P	94-17-185	246-11-280	AMD	94-04-078
245-02-130	NEW-W	94-17-179	245-04-210	NEW-P	94-17-185	246-11-290	AMD	94-04-078
245-02-135	NEW-P	94-12-078	245-04-220	NEW-P	94-17-185	246-11-300	AMD	94-04-078
245-02-135	NEW-W	94-17-179	245-04-230	NEW-P	94-17-185	246-11-320	AMD-W	94-13-087
245-02-140	NEW-P	94-12-078	245-04-240	NEW-P	94-17-185	246-11-330	AMD	94-04-078
245-02-140	NEW-W	94-17-179	245-04-300	NEW-P	94-17-184	246-11-340	AMD	94-04-078
245-02-145	NEW-P	94-12-078	245-04-310	NEW-P	94-17-184	246-11-360	AMD	94-04-078
245-02-145	NEW-W	94-17-179	245-04-320	NEW-P	94-17-184	246-11-370	AMD	94-04-078
245-02-150	NEW-P	94-12-078	245-04-330	NEW-P	94-17-184	246-11-380	AMD	94-04-078
245-02-150	NEW-W	94-17-179	245-04-340	NEW-P	94-17-184	246-11-390	AMD	94-04-078
245-02-155	NEW-P	94-12-078	245-04-350	NEW-P	94-17-184	246-11-400	AMD	94-04-078
245-02-155	NEW-W	94-17-179	245-08-010	NEW-P	94-17-183	246-11-420	AMD	94-04-078
245-02-160	NEW-P	94-12-078	245-08-020	NEW-P	94-17-183	246-11-425	NEW	94-04-078
245-02-160	NEW-W	94-17-179	245-08-030	NEW-P	94-17-183	246-11-430	AMD	94-04-078
245-02-165	NEW-P	94-12-078	245-08-040	NEW-P	94-17-183	246-11-440	AMD	94-04-078
245-02-165	NEW-W	94-17-179	245-08-050	NEW-P	94-17-183	246-11-450	AMD	94-04-078
245-02-170	NEW-P	94-12-078	246-01-040	PREP	94-15-066	246-11-480	AMD	94-04-078
245-02-170	NEW-W	94-17-179	246-01-080	PREP	94-15-066	246-11-500	AMD	94-04-078
245-02-175	NEW-P	94-12-078	246-08-450	AMD	94-04-079	246-11-510	AMD	94-04-078
245-02-175	NEW-W	94-17-179	246-10	PREP	94-18-006	246-11-530	AMD	94-04-078
245-02-180	NEW-P	94-12-078	246-10-102	AMD	94-04-079	246-11-540	AMD	94-04-078
245-02-180	NEW-W	94-17-179	246-10-103	AMD	94-04-079	246-11-560	AMD	94-04-078
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245-03-020	NEW-P	94-17-190	246-10-109	AMD	94-04-079	246-11-590	AMD	94-04-078
245-03-040	NEW-P	94-17-190	246-10-110	AMD	94-04-079	246-11-600	AMD	94-04-078
245-03-050	NEW-P	94-17-190	246-10-114	AMD	94-04-079	246-11-610	AMD	94-04-078
245-03-080	NEW-P	94-17-190	246-10-115	AMD	94-04-079	246-50-001	PREP	94-09-042
245-03-120	NEW-P	94-17-190	246-10-123	AMD	94-04-079	246-50-001	NEW-P	94-20-079
245-03-140	NEW-P	94-17-190	246-10-124	AMD	94-04-079	246-50-010	PREP	94-09-042
245-03-160	NEW-P	94-17-190	246-10-201	AMD	94-04-079	246-50-010	NEW-P	94-20-079
245-03-180	NEW-P	94-17-190	246-10-202	AMD	94-04-079	246-50-020	PREP	94-09-042
245-03-200	NEW-P	94-17-190	246-10-203	AMD	94-04-079	246-50-020	NEW-P	94-20-079
245-03-220	NEW-P	94-17-190	246-10-204	AMD	94-04-079	246-50-030	PREP	94-09-042
245-03-240	NEW-P	94-17-190	246-10-205	AMD	94-04-079	246-50-030	NEW-P	94-20-079
245-03-260	NEW-P	94-17-190	246-10-303	AMD-W	94-13-088	246-50-040	PREP	94-09-042
245-03-280	NEW-P	94-17-190	246-10-304	AMD	94-04-079	246-50-040	NEW-P	94-20-079
245-03-300	NEW-P	94-17-190	246-10-305	AMD	94-04-079	246-50-990	PREP	94-09-042
245-03-320	NEW-P	94-17-190	246-10-401	AMD	94-04-079	246-50-990	NEW-P	94-20-079
245-03-390	NEW-P	94-17-190	246-10-402	AMD	94-04-079	246-100	PREP	94-12-048
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245-03-560	NEW-P	94-17-188	246-10-501	AMD	94-04-079	246-100-076	AMD-P	94-14-081
245-03-580	NEW-P	94-17-188	246-10-502	AMD	94-04-079	246-100-076	AMD-W	94-21-015
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245-03-650	NEW-P	94-17-189	246-10-604	AMD	94-04-079	246-100-236	AMD-W	94-21-015
245-03-660	NEW-P	94-17-189	246-10-607	AMD	94-04-079	246-100-236	AMD-P	94-22-006
245-03-680	NEW-P	94-17-189	246-10-701	AMD	94-04-079	246-132-020	REP	94-06-048
245-03-810	NEW-P	94-17-187	246-10-702	AMD	94-04-079	246-132-030	REP	94-06-048
245-03-820	NEW-P	94-17-187	246-10-704	AMD	94-04-079	246-170	PREP	94-12-048
245-03-830	NEW-P	94-17-187	246-10-705	AMD	94-04-079	246-170-001	REP-P	94-22-007
245-03-840	NEW-P	94-17-187	246-10-706	AMD	94-04-079	246-170-002	NEW-P	94-22-007
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246-170-011	NEW-P	94-22-007	246-254-070	AMD-P	94-07-107	246-282	PREP	94-12-088
246-170-020	REP-P	94-22-007	246-254-070	AMD	94-11-011	246-282-005	NEW-P	94-17-121
246-170-021	NEW-P	94-22-007	246-254-080	AMD-P	94-07-107	246-282-005	NEW	94-23-026
246-170-030	AMD-P	94-14-081	246-254-080	AMD	94-11-011	246-290-010	AMD-P	94-08-075
246-170-030	AMD-W	94-21-015	246-254-090	AMD-P	94-07-107	246-290-010	AMD	94-14-001
246-170-030	REP-P	94-22-007	246-254-090	AMD	94-11-011	246-290-020	AMD-P	94-08-075
246-170-031	NEW-P	94-22-007	246-254-100	AMD-P	94-07-107	246-290-020	AMD	94-14-001
246-170-035	NEW-P	94-14-081	246-254-100	AMD	94-11-011	246-290-025	NEW-P	94-08-075
246-170-035	NEW	94-20-080	246-254-120	AMD-P	94-07-107	246-290-025	NEW	94-14-001
246-170-040	REP-P	94-22-007	246-254-120	AMD	94-11-011	246-290-030	AMD-P	94-08-075
246-170-041	NEW-P	94-22-007	246-254-160	AMD	94-07-010	246-290-030	AMD	94-14-001
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246-170-050	AMD-W	94-21-015	246-260-990	REP	94-11-056	246-290-040	AMD	94-14-001
246-170-050	REP-P	94-22-007	246-260-9901	NEW-P	94-07-121	246-290-060	AMD-P	94-08-075
246-170-051	NEW-P	94-22-007	246-260-9901	NEW	94-11-056	246-290-060	AMD	94-14-001
246-170-055	NEW-P	94-22-007	246-272-001	REP	94-09-025	246-290-100	AMD-P	94-08-075
246-170-060	REP-P	94-22-007	246-272-00101	NEW	94-09-025	246-290-100	AMD	94-14-001
246-170-061	NEW-P	94-22-007	246-272-002	REP	94-09-025	246-290-110	AMD-P	94-08-075
246-170-065	NEW-P	94-22-007	246-272-005	REP	94-09-025	246-290-110	AMD	94-14-001
246-170-070	REP-P	94-22-007	246-272-00501	NEW	94-09-025	246-290-115	NEW-P	94-08-075
246-170-080	REP-P	94-22-007	246-272-010	REP	94-09-025	246-290-115	NEW	94-14-001
246-170-090	REP-P	94-22-007	246-272-01001	NEW	94-09-025	246-290-130	AMD-P	94-08-075
246-220	PREP	94-17-015	246-272-020	REP	94-09-025	246-290-130	AMD	94-14-001
246-220-010	AMD-P	94-22-005	246-272-02001	NEW	94-09-025	246-290-135	AMD-P	94-08-075
246-220-110	AMD-P	94-22-005	246-272-030	REP	94-09-025	246-290-135	AMD	94-14-001
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246-221-250	AMD-P	94-22-005	246-272-04001	NEW	94-09-025	246-290-230	AMD-P	94-08-075
246-221-260	AMD-E	94-19-029	246-272-050	REP	94-09-025	246-290-230	AMD	94-14-001
246-221-260	AMD-P	94-22-005	246-272-05001	NEW	94-09-025	246-290-300	AMD-P	94-08-075
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246-227-100	NEW-W	94-06-016	246-272-07001	NEW	94-09-025	246-290-310	AMD	94-14-001
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246-235-077	NEW-P	94-22-005	246-272-090	REP	94-09-025	246-290-330	AMD-P	94-08-075
246-235-150	PREP	94-15-028	246-272-09001	NEW	94-09-025	246-290-330	AMD	94-14-001
246-235-150	NEW-P	94-22-005	246-272-09501	NEW	94-09-025	246-290-410	AMD-P	94-08-075
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246-239-030	AMD	94-06-017	246-272-11001	NEW	94-09-025	246-290-440	AMD	94-14-001
246-239-035	NEW	94-06-017	246-272-11501	NEW	94-09-025	246-290-480	AMD-P	94-08-075
246-239-050	AMD	94-06-017	246-272-120	REP	94-09-025	246-290-480	AMD	94-14-001
246-239-070	AMD	94-06-017	246-272-12501	NEW	94-09-025	246-290-632	AMD-P	94-08-075
246-239-080	AMD	94-06-017	246-272-130	REP	94-09-025	246-290-632	AMD	94-14-001
246-239-090	AMD	94-06-017	246-272-13501	NEW	94-09-025	246-290-654	AMD-P	94-08-075
246-239-100	AMD	94-06-017	246-272-140	REP	94-09-025	246-290-654	AMD	94-14-001
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246-240-020	AMD	94-06-017	246-272-15501	NEW	94-09-025	246-290-662	AMD-P	94-08-075
246-242	PREP	94-17-015	246-272-160	REP	94-09-025	246-290-662	AMD	94-14-001
246-247-001	AMD	94-07-010	246-272-16501	NEW	94-09-025	246-290-664	AMD-P	94-08-075
246-247-002	NEW	94-07-010	246-272-170	REP	94-09-025	246-290-664	AMD	94-14-001
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246-247-020	AMD	94-07-010	246-272-180	REP	94-09-025	246-290-666	AMD	94-14-001
246-247-030	AMD	94-07-010	246-272-18501	NEW	94-09-025	246-290-670	AMD-P	94-08-075
246-247-040	AMD	94-07-010	246-272-190	REP	94-09-025	246-290-670	AMD	94-14-001
246-247-050	REP	94-07-010	246-272-19501	NEW	94-09-025	246-290-686	AMD-P	94-08-075
246-247-060	AMD	94-07-010	246-272-200	REP	94-09-025	246-290-686	AMD	94-14-001
246-247-065	NEW	94-07-010	246-272-20501	NEW	94-09-025	246-290-692	AMD-P	94-08-075
246-247-070	REP	94-07-010	246-272-210	REP	94-09-025	246-290-692	AMD	94-14-001
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246-247-080	AMD	94-07-010	246-272-220	REP	94-09-025	246-290-694	AMD	94-14-001
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246-247-090	REP	94-07-010	246-272-230	REP	94-09-025	246-290-696	AMD	94-14-001
246-247-100	AMD	94-07-010	246-272-23501	NEW	94-09-025	246-291-001	NEW-P	94-06-008
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246-291-240	NEW	94-14-002	246-316-001	AMD	94-13-180	246-316-330	AMD-P	94-08-040
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246-331-045	REP	94-17-138	246-338-030	AMD	94-17-099	246-450-100	REP-P	94-09-026
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246-331-055	REP	94-17-138	246-338-050	AMD	94-17-099	246-451-001	AMD-P	94-09-026
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246-878-080	NEW-P	94-02-079	246-922-405	NEW	94-14-082	246-930-075	AMD-P	94-09-027
246-878-080	NEW	94-08-101	246-922-410	NEW-P	94-08-079	246-930-075	AMD	94-13-179
246-878-090	NEW-P	94-02-079	246-922-410	NEW	94-14-082	246-930-200	AMD-P	94-09-027
246-878-090	NEW	94-08-101	246-922-415	NEW-P	94-08-079	246-930-200	AMD	94-13-179
246-878-100	NEW-P	94-02-079	246-922-415	NEW	94-14-082	246-930-210	AMD-P	94-09-027
246-878-100	NEW	94-08-101	246-922-500	NEW-P	94-05-081	246-930-210	AMD	94-13-179

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246-930-220	AMD	94-13-179	248-14-001	REP-P	94-18-012	248-14-180	REP-E	94-21-034
246-930-300	AMD-P	94-09-027	248-14-001	REP-E	94-21-034	248-14-180	REP	94-21-037
246-930-300	AMD	94-13-179	248-14-001	REP	94-21-037	248-14-200	REP-P	94-18-012
246-930-301	AMD-P	94-09-027	248-14-010	REP-P	94-18-012	248-14-200	REP-E	94-21-034
246-930-301	AMD	94-13-179	248-14-010	REP-E	94-21-034	248-14-200	REP	94-21-037
246-930-310	AMD-P	94-09-027	248-14-010	REP	94-21-037	248-14-211	REP-P	94-18-012
246-930-310	AMD	94-13-179	248-14-020	REP-P	94-18-012	248-14-211	REP-E	94-21-034
246-930-320	AMD-P	94-09-027	248-14-020	REP-E	94-21-034	248-14-211	REP	94-21-037
246-930-320	AMD	94-13-179	248-14-020	REP	94-21-037	248-14-230	REP-P	94-18-012
246-930-330	AMD-P	94-09-027	248-14-030	REP-P	94-18-012	248-14-230	REP-E	94-21-034
246-930-330	AMD	94-13-179	248-14-030	REP-E	94-21-034	248-14-230	REP	94-21-037
246-930-340	AMD-P	94-09-027	248-14-030	REP	94-21-037	248-14-235	REP-P	94-18-012
246-930-340	AMD	94-13-179	248-14-040	REP-P	94-18-012	248-14-235	REP-E	94-21-034
246-930-410	AMD-P	94-09-027	248-14-040	REP-E	94-21-034	248-14-235	REP	94-21-037
246-930-410	AMD	94-13-179	248-14-040	REP	94-21-037	248-14-240	REP-P	94-18-012
246-930-420	NEW-P	94-09-027	248-14-060	REP-P	94-18-012	248-14-240	REP-E	94-21-034
246-930-420	NEW	94-13-179	248-14-060	REP-E	94-21-034	248-14-240	REP	94-21-037
246-930-430	NEW-P	94-09-027	248-14-060	REP	94-21-037	248-14-245	REP-P	94-18-012
246-930-430	NEW	94-13-179	248-14-065	REP-P	94-18-012	248-14-245	REP-E	94-21-034
246-930-490	NEW-P	94-09-027	248-14-065	REP-E	94-21-034	248-14-245	REP	94-21-037
246-930-490	NEW	94-13-179	248-14-065	REP	94-21-037	248-14-247	REP-P	94-18-012
246-930-990	AMD-P	94-09-027	248-14-070	REP-P	94-18-012	248-14-247	REP-E	94-21-034
246-930-990	AMD	94-13-179	248-14-070	REP-E	94-21-034	248-14-247	REP	94-21-037
246-937-010	NEW-S	94-19-095	248-14-070	REP	94-21-037	248-14-249	REP-P	94-18-012
246-937-010	NEW-E	94-19-096	248-14-071	REP-P	94-18-012	248-14-249	REP-E	94-21-034
246-937-020	NEW-E	94-08-051	248-14-071	REP-E	94-21-034	248-14-249	REP	94-21-037
246-937-020	NEW-P	94-08-052	248-14-071	REP	94-21-037	248-14-250	REP-P	94-18-012
246-937-020	NEW-S	94-19-095	248-14-080	REP-P	94-18-012	248-14-250	REP-E	94-21-034
246-937-020	NEW-E	94-19-096	248-14-080	REP-E	94-21-034	248-14-250	REP	94-21-037
246-937-030	NEW-E	94-08-051	248-14-080	REP	94-21-037	248-14-260	REP-P	94-18-012
246-937-030	NEW-P	94-08-052	248-14-080	REP-P	94-18-012	248-14-260	REP-E	94-21-034
246-937-030	NEW-S	94-19-095	248-14-090	REP-E	94-21-034	248-14-260	REP	94-21-037
246-937-030	NEW-E	94-19-096	248-14-090	REP	94-21-037	248-14-264	REP-P	94-18-012
246-937-040	NEW-E	94-08-051	248-14-100	REP-P	94-18-012	248-14-264	REP-E	94-21-034
246-937-040	NEW-P	94-08-052	248-14-100	REP-E	94-21-034	248-14-264	REP	94-21-037
246-937-040	NEW-S	94-19-095	248-14-100	REP	94-21-037	248-14-266	REP-P	94-18-012
246-937-040	NEW-E	94-19-096	248-14-110	REP-P	94-18-012	248-14-266	REP-E	94-21-034
246-937-050	NEW-S	94-19-095	248-14-110	REP-E	94-21-034	248-14-266	REP	94-21-037
246-937-050	NEW-E	94-19-096	248-14-110	REP	94-21-037	248-14-268	REP-P	94-18-012
246-937-060	NEW-S	94-19-095	248-14-114	REP-P	94-18-012	248-14-268	REP-E	94-21-034
246-937-060	NEW-E	94-19-096	248-14-114	REP-E	94-21-034	248-14-268	REP	94-21-037
246-937-070	NEW-E	94-08-051	248-14-114	REP	94-21-037	248-14-270	REP-P	94-18-012
246-937-070	NEW-P	94-08-052	248-14-120	REP-P	94-18-012	248-14-270	REP-E	94-21-034
246-937-070	NEW-S	94-19-095	248-14-120	REP-E	94-21-034	248-14-270	REP	94-21-037
246-937-070	NEW-E	94-19-096	248-14-120	REP	94-21-037	248-14-285	REP-P	94-18-012
246-937-080	NEW-E	94-08-051	248-14-125	REP-P	94-18-012	248-14-285	REP-E	94-21-034
246-937-080	NEW-P	94-08-052	248-14-125	REP-E	94-21-034	248-14-285	REP	94-21-037
246-937-080	NEW-S	94-19-095	248-14-125	REP	94-21-037	248-14-290	REP-P	94-18-012
246-937-080	NEW-E	94-19-096	248-14-128	REP-P	94-18-012	248-14-290	REP-E	94-21-034
246-937-090	NEW-E	94-08-051	248-14-128	REP-E	94-21-034	248-14-290	REP	94-21-037
246-937-090	NEW-P	94-08-052	248-14-128	REP	94-21-037	248-14-295	REP-P	94-18-012
246-937-090	NEW-S	94-19-095	248-14-130	REP-P	94-18-012	248-14-295	REP-E	94-21-034
246-937-090	NEW-E	94-19-096	248-14-130	REP-E	94-21-034	248-14-295	REP	94-21-037
246-937-100	NEW-S	94-19-095	248-14-130	REP	94-21-037	248-14-296	REP-P	94-18-012
246-937-100	NEW-E	94-19-096	248-14-140	REP-P	94-18-012	248-14-296	REP-E	94-21-034
246-937-990	NEW-P	94-08-076	248-14-140	REP-E	94-21-034	248-14-296	REP	94-21-037
246-937-990	NEW-E	94-08-077	248-14-140	REP	94-21-037	248-14-298	REP-P	94-18-012
246-937-990	NEW-C	94-19-097	248-14-150	REP-P	94-18-012	248-14-298	REP-E	94-21-034
246-937-990	NEW	94-19-098	248-14-150	REP-E	94-21-034	248-14-298	REP	94-21-037
247-04-010	NEW-P	94-12-021	248-14-150	REP	94-21-037	248-14-300	REP-P	94-18-012
247-04-010	NEW	94-15-053	248-14-152	REP-P	94-18-012	248-14-300	REP-E	94-21-034
247-04-020	NEW-P	94-12-021	248-14-152	REP-E	94-21-034	248-14-300	REP	94-21-037
247-04-020	NEW	94-15-053	248-14-152	REP	94-21-037	248-14-510	REP-P	94-18-012
247-04-030	NEW-P	94-12-021	248-14-155	REP-P	94-18-012	248-14-510	REP-E	94-21-034
247-04-030	NEW	94-15-053	248-14-155	REP-E	94-21-034	248-14-510	REP	94-21-037
247-04-040	NEW-P	94-12-021	248-14-155	REP	94-21-037	248-14-520	REP-P	94-18-012
247-04-040	NEW	94-15-053	248-14-160	REP-P	94-18-012	248-14-520	REP-E	94-21-034
247-06-010	NEW-P	94-12-022	248-14-160	REP-E	94-21-034	248-14-520	REP	94-21-037
247-06-010	NEW	94-15-054	248-14-160	REP	94-21-037	248-14-530	REP-P	94-18-012
247-06-020	NEW-P	94-12-022	248-14-170	REP-P	94-18-012	248-14-530	REP-E	94-21-034
247-06-020	NEW	94-15-054	248-14-170	REP-E	94-21-034	248-14-530	REP	94-21-037
247-06-030	NEW-P	94-12-022	248-14-170	REP	94-21-037	248-14-540	REP-P	94-18-012

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248-14-540	REP	94-21-037	250-62-140	NEW-W	94-06-018	260-24-500	AMD-W	94-09-003
248-14-550	REP-P	94-18-012	250-62-150	NEW-W	94-06-018	260-24-510	AMD-W	94-09-003
248-14-550	REP-E	94-21-034	250-62-160	NEW-W	94-06-018	260-24-520	AMD-W	94-09-003
248-14-550	REP	94-21-037	250-62-170	NEW-W	94-06-018	260-34-030	AMD-W	94-09-003
248-14-560	REP-P	94-18-012	250-62-180	NEW-W	94-06-018	260-36-080	AMD	94-04-002
248-14-560	REP-E	94-21-034	250-62-190	NEW-W	94-06-018	260-40	PREP	94-23-014
248-14-560	REP	94-21-037	250-62-200	NEW-W	94-06-018	260-48	PREP	94-23-014
248-14-570	REP-P	94-18-012	250-62-210	NEW-W	94-06-018	260-48-322	AMD-P	94-05-077
248-14-570	REP-E	94-21-034	250-66-030	AMD-P	94-09-060	260-48-322	AMD-W	94-17-072
248-14-570	REP	94-21-037	250-66-030	AMD	94-14-007	260-48-324	AMD-P	94-05-076
250-14-020	NEW-P	94-16-125	250-78-010	AMD-P	94-09-061	260-48-324	AMD-W	94-17-072
250-14-030	NEW-P	94-16-125	250-78-010	AMD	94-14-008	260-48-328	AMD-P	94-05-075
250-14-040	NEW-P	94-16-125	250-78-020	AMD-P	94-09-061	260-48-328	AMD-W	94-17-072
250-14-050	NEW-P	94-16-125	250-78-020	AMD	94-14-008	260-52	PREP	94-23-014
250-14-060	NEW-P	94-16-125	250-78-030	AMD-P	94-09-061	260-70-010	AMD-W	94-09-003
250-14-070	NEW-P	94-16-125	250-78-030	AMD	94-14-008	260-70-026	PREP	94-15-097
250-14-080	NEW-P	94-16-125	250-78-040	AMD-P	94-09-061	260-70-026	AMD-P	94-17-143
250-40	AMD-P	94-09-058	250-78-040	AMD	94-14-008	260-70-026	AMD	94-20-070
250-40	AMD	94-14-006	250-78-050	AMD-P	94-09-061	260-70-040	AMD	94-04-002
250-40-020	AMD-P	94-09-058	250-78-050	AMD	94-14-008	260-72-020	AMD	94-04-003
250-40-020	AMD	94-14-006	250-78-060	AMD-P	94-09-061	263-12-015	PREP	94-21-093
250-40-040	AMD-P	94-09-058	250-78-060	AMD	94-14-008	263-12-015	PREP	94-21-095
250-40-040	AMD	94-14-006	250-79-010	NEW-C	94-04-093	263-12-015	AMD-P	94-23-039
250-40-050	AMD-P	94-09-058	250-79-010	NEW	94-14-064	263-12-080	PREP	94-21-095
250-40-050	AMD	94-14-006	251-04-040	AMD	94-16-049	263-12-080	AMD-P	94-23-039
250-40-070	AMD-P	94-09-058	251-04-105	AMD-P	94-12-057	263-12-140	PREP	94-21-095
250-40-070	AMD	94-14-006	251-04-105	AMD-C	94-16-052	263-12-140	AMD-P	94-23-039
250-44	AMD-C	94-15-033	251-04-105	AMD	94-20-025	263-12-155	PREP	94-21-095
250-44	AMD-C	94-22-064	251-06-020	AMD-P	94-12-058	263-12-155	AMD-P	94-23-039
250-44-050	AMD-P	94-10-001	251-06-020	AMD-C	94-16-053	263-12-165	PREP	94-21-094
250-44-050	AMD-W	94-23-063	251-06-020	AMD-C	94-20-023	263-12-165	PREP	94-21-095
250-44-050	AMD-P	94-23-073	251-06-020	AMD-C	94-21-091	263-12-165	AMD-P	94-23-039
250-44-110	AMD-P	94-10-001	251-06-020	AMD-C	94-23-139	263-12-190	PREP	94-21-095
250-44-110	AMD-W	94-23-063	251-08-112	AMD-P	94-12-058	263-12-190	AMD-P	94-23-039
250-44-110	AMD-P	94-23-073	251-08-112	AMD-C	94-16-053	275-16-030	AMD-P	94-13-051
250-44-130	AMD-P	94-10-001	251-08-112	AMD-C	94-20-023	275-16-030	AMD-E	94-14-005
250-44-130	AMD-W	94-23-063	251-08-112	AMD-C	94-21-091	275-16-030	AMD	94-16-048
250-44-130	AMD-P	94-23-073	251-08-112	AMD-C	94-23-139	275-27-220	AMD	94-04-092
250-61-010	AMD-P	94-17-166	251-23-010	REP-W	94-04-010	275-27-221	NEW	94-04-092
250-61-020	AMD-P	94-17-166	251-23-015	REP-W	94-04-010	275-27-223	AMD	94-04-092
250-61-030	AMD-P	94-17-166	251-23-020	REP-W	94-04-010	275-30-020	AMD-P	94-12-026
250-61-040	AMD-P	94-17-166	251-23-030	REP-W	94-04-010	275-30-020	AMD	94-15-002
250-61-050	AMD-P	94-17-166	251-23-040	REP-W	94-04-010	275-35-030	AMD-P	94-08-007
250-61-060	AMD-P	94-17-166	251-23-050	REP-W	94-04-010	275-35-030	AMD	94-11-065
250-61-070	AMD-P	94-17-166	251-23-060	REP-W	94-04-010	275-35-060	AMD-P	94-08-007
250-61-080	AMD-P	94-17-166	253-02-040	AMD-P	94-12-092	275-35-060	AMD	94-11-065
250-61-090	AMD-P	94-17-166	253-02-040	AMD-C	94-17-013	275-35-070	AMD-P	94-08-007
250-61-100	AMD-P	94-17-166	253-16-090	AMD-P	94-12-092	275-35-070	AMD	94-11-065
250-61-110	AMD-P	94-17-166	253-16-090	AMD-C	94-17-013	275-35-080	AMD-P	94-08-007
250-61-120	AMD-P	94-17-166	259-04-060	AMD-E	94-07-059	275-35-080	AMD	94-11-065
250-61-130	AMD-P	94-17-166	259-04-060	AMD-P	94-07-096	275-47-010	NEW-P	94-12-066
250-61-140	AMD-P	94-17-166	259-04-060	AMD	94-12-029	275-47-010	NEW	94-15-009
250-61-150	AMD-P	94-17-166	260-12	PREP	94-23-014	275-47-020	NEW-P	94-12-066
250-61-160	AMD-P	94-17-166	260-12-010	AMD-W	94-09-003	275-47-020	NEW	94-15-009
250-61-170	AMD-P	94-17-166	260-12-090	REP-W	94-09-003	275-47-030	NEW-P	94-12-066
250-61-180	AMD-P	94-17-166	260-12-250	PREP	94-20-069	275-47-030	NEW	94-15-009
250-61-190	AMD-P	94-17-166	260-12-250	NEW-P	94-23-015	275-47-040	NEW-P	94-12-066
250-61-200	NEW-P	94-17-166	260-24-010	AMD-W	94-09-003	275-47-040	NEW	94-15-009
250-61-210	NEW-P	94-17-166	260-24-080	AMD-W	94-09-003	275-55-221	NEW-E	94-03-004
250-61-220	NEW-P	94-17-166	260-24-110	AMD-W	94-09-003	275-55-221	NEW-P	94-03-005
250-62-010	NEW-W	94-06-018	260-24-120	AMD-W	94-09-003	275-55-221	NEW	94-06-025
250-62-020	NEW-W	94-06-018	260-24-140	AMD-W	94-09-003	275-56	REP-C	94-16-072
250-62-030	NEW-W	94-06-018	260-24-150	AMD-W	94-09-003	275-56-005	REP-P	94-12-005
250-62-040	NEW-W	94-06-018	260-24-170	AMD-W	94-09-003	275-56-005	REP-S	94-17-118
250-62-050	NEW-W	94-06-018	260-24-180	AMD-W	94-09-003	275-56-005	REP	94-20-033
250-62-060	NEW-W	94-06-018	260-24-200	AMD-W	94-09-003	275-56-010	REP-P	94-12-005
250-62-070	NEW-W	94-06-018	260-24-210	AMD-W	94-09-003	275-56-010	REP-S	94-17-118
250-62-080	NEW-W	94-06-018	260-24-285	AMD-W	94-09-003	275-56-010	REP	94-20-033
250-62-090	NEW-W	94-06-018	260-24-290	AMD-W	94-09-003	275-56-015	AMD	94-07-020
250-62-100	NEW-W	94-06-018	260-24-315	AMD-W	94-09-003	275-56-015	REP-P	94-12-005
250-62-110	NEW-W	94-06-018	260-24-440	AMD-W	94-09-003	275-56-015	REP-S	94-17-118
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275-56-016	REP	94-20-033	275-56-135	REP-P	94-12-005	275-56-335	REP-S	94-17-118
275-56-017	REP-P	94-12-005	275-56-135	REP-S	94-17-118	275-56-335	REP	94-20-033
275-56-017	REP-S	94-17-118	275-56-135	REP	94-20-033	275-56-340	REP-P	94-12-005
275-56-017	REP	94-20-033	275-56-150	REP-P	94-12-005	275-56-340	REP-S	94-17-118
275-56-020	REP-P	94-12-005	275-56-150	REP-S	94-17-118	275-56-340	REP	94-20-033
275-56-020	REP-S	94-17-118	275-56-150	REP	94-20-033	275-56-355	REP-P	94-12-005
275-56-020	REP	94-20-033	275-56-170	REP-P	94-12-005	275-56-355	REP-S	94-17-118
275-56-025	REP-P	94-12-005	275-56-170	REP-S	94-17-118	275-56-355	REP	94-20-033
275-56-025	REP-S	94-17-118	275-56-170	REP	94-20-033	275-56-365	REP-P	94-12-005
275-56-025	REP	94-20-033	275-56-175	REP-P	94-12-005	275-56-365	REP-S	94-17-118
275-56-035	REP-P	94-12-005	275-56-175	REP-S	94-17-118	275-56-365	REP	94-20-033
275-56-035	REP-S	94-17-118	275-56-175	REP	94-20-033	275-56-385	REP-P	94-12-005
275-56-035	REP	94-20-033	275-56-180	REP-P	94-12-005	275-56-385	REP-S	94-17-118
275-56-040	REP-P	94-12-005	275-56-180	REP-S	94-17-118	275-56-385	REP	94-20-033
275-56-040	REP-S	94-17-118	275-56-180	REP	94-20-033	275-56-400	REP-P	94-12-005
275-56-040	REP	94-20-033	275-56-185	REP-P	94-12-005	275-56-400	REP-S	94-17-118
275-56-042	REP-P	94-12-005	275-56-185	REP-S	94-17-118	275-56-400	REP	94-20-033
275-56-042	REP-S	94-17-118	275-56-185	REP	94-20-033	275-56-425	REP-P	94-12-005
275-56-042	REP	94-20-033	275-56-195	REP-P	94-12-005	275-56-425	REP-S	94-17-118
275-56-043	REP-P	94-12-005	275-56-195	REP-S	94-17-118	275-56-425	REP	94-20-033
275-56-043	REP-S	94-17-118	275-56-195	REP	94-20-033	275-56-445	REP-P	94-12-005
275-56-043	REP	94-20-033	275-56-200	REP-P	94-12-005	275-56-445	REP-S	94-17-118
275-56-050	REP-P	94-12-005	275-56-200	REP-S	94-17-118	275-56-445	REP	94-20-033
275-56-050	REP-S	94-17-118	275-56-200	REP	94-20-033	275-56-447	REP-P	94-12-005
275-56-050	REP	94-20-033	275-56-205	REP-P	94-12-005	275-56-447	REP-S	94-17-118
275-56-055	REP-P	94-12-005	275-56-205	REP-S	94-17-118	275-56-447	REP	94-20-033
275-56-055	REP-S	94-17-118	275-56-205	REP	94-20-033	275-56-465	REP-P	94-12-005
275-56-055	REP	94-20-033	275-56-210	REP-P	94-12-005	275-56-465	REP-S	94-17-118
275-56-060	REP-P	94-12-005	275-56-210	REP-S	94-17-118	275-56-465	REP	94-20-033
275-56-060	REP-S	94-17-118	275-56-210	REP	94-20-033	275-56-475	REP-P	94-12-005
275-56-060	REP	94-20-033	275-56-215	REP-P	94-12-005	275-56-475	REP-S	94-17-118
275-56-065	REP-P	94-12-005	275-56-215	REP-S	94-17-118	275-56-475	REP	94-20-033
275-56-065	REP-S	94-17-118	275-56-215	REP	94-20-033	275-56-485	REP-P	94-12-005
275-56-065	REP	94-20-033	275-56-220	REP-P	94-12-005	275-56-485	REP-S	94-17-118
275-56-070	REP-P	94-12-005	275-56-220	REP-S	94-17-118	275-56-485	REP	94-20-033
275-56-070	REP-S	94-17-118	275-56-220	REP	94-20-033	275-56-495	REP-P	94-12-005
275-56-070	REP	94-20-033	275-56-225	REP-P	94-12-005	275-56-495	REP-S	94-17-118
275-56-075	REP-P	94-12-005	275-56-225	REP-S	94-17-118	275-56-495	REP	94-20-033
275-56-075	REP-S	94-17-118	275-56-225	REP	94-20-033	275-56-505	REP-P	94-12-005
275-56-075	REP	94-20-033	275-56-230	REP-P	94-12-005	275-56-505	REP-S	94-17-118
275-56-080	REP-P	94-12-005	275-56-230	REP-S	94-17-118	275-56-505	REP	94-20-033
275-56-080	REP-S	94-17-118	275-56-230	REP	94-20-033	275-56-515	REP-P	94-12-005
275-56-080	REP	94-20-033	275-56-235	REP-P	94-12-005	275-56-515	REP-S	94-17-118
275-56-085	REP-P	94-12-005	275-56-235	REP-S	94-17-118	275-56-515	REP	94-20-033
275-56-085	REP-S	94-17-118	275-56-235	REP	94-20-033	275-56-600	NEW	94-07-020
275-56-085	REP	94-20-033	275-56-240	REP-P	94-12-005	275-56-600	REP-P	94-12-005
275-56-087	REP-P	94-12-005	275-56-240	REP-S	94-17-118	275-56-600	REP-S	94-17-118
275-56-087	REP-S	94-17-118	275-56-240	REP	94-20-033	275-56-600	REP	94-20-033
275-56-087	REP	94-20-033	275-56-245	REP-P	94-12-005	275-56-610	NEW	94-07-020
275-56-088	REP-P	94-12-005	275-56-245	REP-S	94-17-118	275-56-610	REP-P	94-12-005
275-56-088	REP-S	94-17-118	275-56-245	REP	94-20-033	275-56-610	REP-S	94-17-118
275-56-088	REP	94-20-033	275-56-260	REP-P	94-12-005	275-56-610	REP	94-20-033
275-56-089	REP-P	94-12-005	275-56-260	REP-S	94-17-118	275-56-630	NEW	94-07-020
275-56-089	REP-S	94-17-118	275-56-260	REP	94-20-033	275-56-630	REP-P	94-12-005
275-56-089	REP	94-20-033	275-56-275	REP-P	94-12-005	275-56-630	REP-S	94-17-118
275-56-090	REP-P	94-12-005	275-56-275	REP-S	94-17-118	275-56-630	REP	94-20-033
275-56-090	REP-S	94-17-118	275-56-275	REP	94-20-033	275-56-640	NEW	94-07-020
275-56-090	REP	94-20-033	275-56-285	REP-P	94-12-005	275-56-640	REP-P	94-12-005
275-56-095	REP-P	94-12-005	275-56-285	REP-S	94-17-118	275-56-640	REP-S	94-17-118
275-56-095	REP-S	94-17-118	275-56-285	REP	94-20-033	275-56-640	REP	94-20-033
275-56-095	REP	94-20-033	275-56-290	REP-P	94-12-005	275-56-650	NEW	94-07-020
275-56-100	REP-P	94-12-005	275-56-290	REP-S	94-17-118	275-56-650	REP-P	94-12-005
275-56-100	REP-S	94-17-118	275-56-290	REP	94-20-033	275-56-650	REP-S	94-17-118
275-56-100	REP	94-20-033	275-56-295	REP-P	94-12-005	275-56-650	REP	94-20-033
275-56-105	REP-P	94-12-005	275-56-295	REP-S	94-17-118	275-56-660	NEW	94-07-020
275-56-105	REP-S	94-17-118	275-56-295	REP	94-20-033	275-56-660	REP-P	94-12-005
275-56-105	REP	94-20-033	275-56-300	REP-P	94-12-005	275-56-660	REP-S	94-17-118
275-56-110	REP-P	94-12-005	275-56-300	REP-S	94-17-118	275-56-660	REP	94-20-033
275-56-110	REP-S	94-17-118	275-56-300	REP	94-20-033	275-56-670	NEW	94-07-020
275-56-110	REP	94-20-033	275-56-305	REP-P	94-12-005	275-56-670	REP-P	94-12-005
275-56-115	REP-P	94-12-005	275-56-305	REP-S	94-17-118	275-56-670	REP-S	94-17-118

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-56-670	REP	94-20-033	275-57-180	NEW-P	94-12-005	275-57-420	NEW-S	94-17-118
275-56-680	NEW	94-07-020	275-57-180	NEW-S	94-17-118	275-57-420	NEW	94-20-033
275-56-680	REP-P	94-12-005	275-57-180	NEW	94-20-033	275-57-430	NEW-P	94-12-005
275-56-680	REP-S	94-17-118	275-57-190	NEW-P	94-12-005	275-57-430	NEW-S	94-17-118
275-56-680	REP	94-20-033	275-57-190	NEW-S	94-17-118	275-57-430	NEW	94-20-033
275-56-690	NEW	94-07-020	275-57-190	NEW	94-20-033	275-57-440	NEW-P	94-12-005
275-56-690	REP-P	94-12-005	275-57-200	NEW-P	94-12-005	275-57-440	NEW-S	94-17-118
275-56-690	REP-S	94-17-118	275-57-200	NEW-S	94-17-118	275-57-440	NEW	94-20-033
275-56-690	REP	94-20-033	275-57-200	NEW	94-20-033	275-57-450	NEW-P	94-12-005
275-56-700	NEW	94-07-020	275-57-210	NEW-P	94-12-005	275-57-450	NEW-S	94-17-118
275-56-700	REP-P	94-12-005	275-57-210	NEW-S	94-17-118	275-57-450	NEW	94-20-033
275-56-700	REP-S	94-17-118	275-57-210	NEW	94-20-033	275-57-460	NEW-P	94-12-005
275-56-700	REP	94-20-033	275-57-220	NEW-P	94-12-005	275-57-460	NEW-S	94-17-118
275-56-710	NEW	94-07-020	275-57-220	NEW-S	94-17-118	275-57-460	NEW	94-20-033
275-56-710	REP-P	94-12-005	275-57-220	NEW	94-20-033	275-57-470	NEW-P	94-12-005
275-56-710	REP-S	94-17-118	275-57-230	NEW-P	94-12-005	275-57-470	NEW-S	94-17-118
275-56-710	REP	94-20-033	275-57-230	NEW-S	94-17-118	275-57-470	NEW	94-20-033
275-56-720	NEW	94-07-020	275-57-230	NEW	94-20-033	275-59-072	NEW-E	94-03-004
275-56-720	REP-P	94-12-005	275-57-240	NEW-P	94-12-005	275-59-072	NEW-P	94-03-005
275-56-720	REP-S	94-17-118	275-57-240	NEW-S	94-17-118	275-59-072	NEW	94-06-025
275-56-720	REP	94-20-033	275-57-240	NEW	94-20-033	275-156-010	AMD-P	94-07-087
275-57	NEW-C	94-16-072	275-57-250	NEW-P	94-12-005	275-156-010	AMD	94-12-006
275-57-010	NEW-P	94-12-005	275-57-250	NEW-S	94-17-118	275-156-015	AMD-P	94-07-087
275-57-010	NEW-S	94-17-118	275-57-250	NEW	94-20-033	275-156-015	AMD	94-12-006
275-57-010	NEW	94-20-033	275-57-260	NEW-P	94-12-005	275-156-020	AMD-P	94-07-087
275-57-020	NEW-P	94-12-005	275-57-260	NEW-S	94-17-118	275-156-020	AMD	94-12-006
275-57-020	NEW-S	94-17-118	275-57-260	NEW	94-20-033	275-156-025	AMD-P	94-07-087
275-57-020	NEW	94-20-033	275-57-270	NEW-P	94-12-005	275-156-025	AMD	94-12-006
275-57-030	NEW-P	94-12-005	275-57-270	NEW-S	94-17-118	275-156-030	AMD-P	94-07-087
275-57-030	NEW-S	94-17-118	275-57-270	NEW	94-20-033	275-156-030	AMD	94-12-006
275-57-030	NEW	94-20-033	275-57-280	NEW-P	94-12-005	284-07-010	AMD-P	94-17-116
275-57-040	NEW-P	94-12-005	275-57-280	NEW-S	94-17-118	284-07-010	AMD	94-20-049
275-57-040	NEW-S	94-17-118	275-57-280	NEW	94-20-033	284-07-014	REP-P	94-17-116
275-57-040	NEW	94-20-033	275-57-290	NEW-P	94-12-005	284-07-014	REP	94-20-049
275-57-050	NEW-P	94-12-005	275-57-290	NEW-S	94-17-118	284-07-024	REP-P	94-17-116
275-57-050	NEW-S	94-17-118	275-57-290	NEW	94-20-033	284-07-024	REP	94-20-049
275-57-050	NEW	94-20-033	275-57-300	NEW-P	94-12-005	284-07-026	REP-P	94-17-116
275-57-060	NEW-P	94-12-005	275-57-300	NEW-S	94-17-118	284-07-026	REP	94-20-049
275-57-060	NEW-S	94-17-118	275-57-300	NEW	94-20-033	284-07-060	AMD	94-04-045
275-57-060	NEW	94-20-033	275-57-310	NEW-P	94-12-005	284-07-100	AMD	94-04-045
275-57-070	NEW-P	94-12-005	275-57-310	NEW-S	94-17-118	284-07-110	AMD	94-04-045
275-57-070	NEW-S	94-17-118	275-57-310	NEW	94-20-033	284-07-130	AMD	94-04-045
275-57-070	NEW	94-20-033	275-57-320	NEW-P	94-12-005	284-07-140	AMD	94-04-045
275-57-080	NEW-P	94-12-005	275-57-320	NEW-S	94-17-118	284-07-180	AMD	94-04-045
275-57-080	NEW-S	94-17-118	275-57-320	NEW	94-20-033	284-07-220	AMD	94-04-045
275-57-080	NEW	94-20-033	275-57-330	NEW-P	94-12-005	284-07-310	NEW-P	94-23-135
275-57-090	NEW-P	94-12-005	275-57-330	NEW-S	94-17-118	284-07-320	NEW-P	94-23-135
275-57-090	NEW-S	94-17-118	275-57-330	NEW	94-20-033	284-07-330	NEW-P	94-23-135
275-57-090	NEW	94-20-033	275-57-340	NEW-P	94-12-005	284-07-340	NEW-P	94-23-135
275-57-100	NEW-P	94-12-005	275-57-340	NEW-S	94-17-118	284-07-350	NEW-P	94-23-135
275-57-100	NEW-S	94-17-118	275-57-340	NEW	94-20-033	284-07-360	NEW-P	94-23-135
275-57-100	NEW	94-20-033	275-57-350	NEW-P	94-12-005	284-07-370	NEW-P	94-23-135
275-57-110	NEW-P	94-12-005	275-57-350	NEW-S	94-17-118	284-07-380	NEW-P	94-23-135
275-57-110	NEW-S	94-17-118	275-57-350	NEW	94-20-033	284-07-390	NEW-P	94-23-135
275-57-110	NEW	94-20-033	275-57-360	NEW-P	94-12-005	284-07-400	NEW-P	94-23-135
275-57-120	NEW-P	94-12-005	275-57-360	NEW-S	94-17-118	284-10	NEW-C	94-02-065
275-57-120	NEW-S	94-17-118	275-57-360	NEW	94-20-033	284-10	NEW-C	94-03-048
275-57-120	NEW	94-20-033	275-57-370	NEW-P	94-12-005	284-10	NEW-C	94-08-006
275-57-130	NEW-P	94-12-005	275-57-370	NEW-S	94-17-118	284-10-010	NEW-E	94-03-084
275-57-130	NEW-S	94-17-118	275-57-370	NEW	94-20-033	284-10-010	NEW-W	94-03-085
275-57-130	NEW	94-20-033	275-57-380	NEW-P	94-12-005	284-10-010	NEW-P	94-04-126
275-57-140	NEW-P	94-12-005	275-57-380	NEW-S	94-17-118	284-10-010	NEW	94-08-060
275-57-140	NEW-S	94-17-118	275-57-380	NEW	94-20-033	284-10-015	NEW-E	94-03-084
275-57-140	NEW	94-20-033	275-57-390	NEW-P	94-12-005	284-10-015	NEW-W	94-03-085
275-57-150	NEW-P	94-12-005	275-57-390	NEW-S	94-17-118	284-10-015	NEW-P	94-04-126
275-57-150	NEW-S	94-17-118	275-57-390	NEW	94-20-033	284-10-015	NEW	94-08-060
275-57-150	NEW	94-20-033	275-57-400	NEW-P	94-12-005	284-10-020	NEW-E	94-03-084
275-57-160	NEW-P	94-12-005	275-57-400	NEW-S	94-17-118	284-10-020	NEW-W	94-03-085
275-57-160	NEW-S	94-17-118	275-57-400	NEW	94-20-033	284-10-020	NEW-P	94-04-126
275-57-160	NEW	94-20-033	275-57-410	NEW-P	94-12-005	284-10-020	NEW	94-08-060
275-57-170	NEW-P	94-12-005	275-57-410	NEW-S	94-17-118	284-10-030	NEW-E	94-03-084
275-57-170	NEW-S	94-17-118	275-57-410	NEW	94-20-033	284-10-030	NEW-W	94-03-085
275-57-170	NEW	94-20-033	275-57-420	NEW-P	94-12-005	284-10-030	NEW-P	94-04-126

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-10-030	NEW	94-08-060	284-17-220	AMD-P	94-11-100	284-44-500	NEW-P	94-15-103
284-10-050	NEW-P	94-04-125	284-17-220	AMD	94-14-033	284-44-500	NEW-C	94-18-018
284-10-050	NEW	94-08-081	284-17-250	AMD-P	94-11-100	284-44-500	NEW-C	94-18-028
284-10-050	AMD-P	94-11-082	284-17-250	AMD	94-14-033	284-44-500	NEW	94-19-015
284-10-050	AMD	94-13-216	284-17-260	AMD-P	94-11-100	284-46	PREP	94-05-056
284-10-060	NEW-E	94-03-084	284-17-260	AMD	94-14-033	284-46-500	NEW-P	94-15-103
284-10-060	NEW-W	94-03-085	284-17-290	AMD-P	94-11-100	284-46-500	NEW-C	94-18-018
284-10-060	NEW-P	94-04-126	284-17-290	AMD	94-14-033	284-46-500	NEW-C	94-18-028
284-10-060	NEW	94-08-060	284-17-320	AMD-P	94-11-100	284-46-500	NEW	94-19-015
284-10-070	NEW-E	94-03-084	284-17-320	AMD	94-14-033	284-50-330	AMD-P	94-15-103
284-10-070	NEW-W	94-03-085	284-17-400	AMD-P	94-11-100	284-50-330	AMD-C	94-18-018
284-10-070	NEW-P	94-04-126	284-17-400	AMD	94-14-033	284-50-330	AMD-C	94-18-028
284-10-070	NEW	94-08-060	284-17-410	AMD-P	94-11-100	284-50-330	AMD	94-19-015
284-10-080	NEW-W	94-03-085	284-17-410	AMD	94-14-033	284-51-010	AMD-P	94-11-122
284-10-090	NEW-E	94-03-084	284-17-420	AMD-P	94-11-100	284-51-010	AMD	94-20-068
284-10-090	NEW-W	94-03-085	284-17-420	AMD	94-14-033	284-51-015	NEW-P	94-11-122
284-10-090	NEW-P	94-04-126	284-23	NEW-C	94-18-019	284-51-015	NEW	94-20-068
284-10-090	NEW	94-08-060	284-23-600	NEW-P	94-15-105	284-51-020	AMD-P	94-11-122
284-10-100	NEW-W	94-03-085	284-23-600	NEW	94-18-029	284-51-020	AMD	94-20-068
284-10-110	NEW-W	94-03-085	284-23-600	PREP	94-18-082	284-51-030	AMD-P	94-11-122
284-10-120	NEW-W	94-03-085	284-23-610	NEW-P	94-15-105	284-51-030	AMD	94-20-068
284-10-130	NEW-W	94-03-085	284-23-610	NEW	94-18-029	284-51-040	AMD-P	94-11-122
284-10-140	NEW-W	94-03-085	284-23-610	PREP	94-18-082	284-51-040	AMD	94-20-068
284-10-150	NEW-W	94-03-085	284-23-620	NEW-P	94-15-105	284-51-045	NEW-P	94-11-122
284-10-160	NEW-W	94-03-085	284-23-620	NEW	94-18-029	284-51-045	NEW	94-20-068
284-10-170	NEW-W	94-03-085	284-23-620	PREP	94-18-082	284-51-050	AMD-P	94-11-122
284-10-180	NEW-W	94-03-085	284-23-630	NEW-P	94-15-105	284-51-050	AMD	94-20-068
284-10-190	NEW-W	94-03-085	284-23-630	NEW	94-18-029	284-51-060	AMD-P	94-11-122
284-10-200	NEW-W	94-03-085	284-23-630	PREP	94-18-082	284-51-060	AMD	94-20-068
284-12-090	AMD-P	94-11-100	284-23-640	NEW-P	94-15-105	284-51-070	REP-P	94-11-122
284-12-090	AMD	94-14-110	284-23-640	NEW	94-18-029	284-51-070	REP	94-20-068
284-12-270	AMD-P	94-11-100	284-23-640	PREP	94-18-082	284-51-075	AMD-P	94-11-122
284-12-270	AMD	94-14-110	284-23-650	NEW-P	94-15-105	284-51-075	AMD	94-20-068
284-13-110	REP-P	94-05-089	284-23-650	NEW	94-18-029	284-51-120	AMD-P	94-11-122
284-13-110	REP-C	94-08-013	284-23-650	PREP	94-18-082	284-51-120	AMD	94-20-068
284-13-110	REP-C	94-10-024	284-23-650	AMD-P	94-22-082	284-51-130	AMD-P	94-11-122
284-13-110	REP-W	94-12-077	284-23-660	NEW-P	94-15-105	284-51-130	AMD	94-20-068
284-13-120	REP-P	94-05-089	284-23-660	NEW	94-18-029	284-51-140	AMD-P	94-11-122
284-13-120	REP-C	94-08-013	284-23-660	PREP	94-18-082	284-51-140	AMD	94-20-068
284-13-120	REP-C	94-10-024	284-23-670	NEW-P	94-15-105	284-51-150	AMD-P	94-11-122
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284-13-130	REP-C	94-08-013	284-23-680	NEW-P	94-15-105	284-51-160	REP	94-20-068
284-13-130	REP-C	94-10-024	284-23-680	NEW	94-18-029	284-51-170	AMD-P	94-11-122
284-13-130	REP-W	94-12-077	284-23-680	PREP	94-18-082	284-51-170	AMD	94-20-068
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284-13-800	NEW-P	94-05-089	284-23-710	NEW	94-18-029	284-54-150	AMD-S	94-11-096
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284-13-800	NEW-W	94-12-077	284-23-720	NEW	94-18-029	284-54-180	NEW-P	94-23-134
284-13-810	NEW-P	94-05-089	284-23-720	PREP	94-18-082	284-54-190	NEW-P	94-23-134
284-13-810	NEW-C	94-08-013	284-23-730	NEW-P	94-15-105	284-54-200	NEW-P	94-09-050
284-13-810	NEW-C	94-10-024	284-23-730	NEW	94-18-029	284-54-200	NEW-S	94-11-096
284-13-810	NEW-W	94-12-077	284-23-730	PREP	94-18-082	284-54-200	NEW	94-14-100
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284-13-820	NEW-C	94-08-013	284-24-055	REP	94-20-059	284-54-210	NEW-P	94-09-050
284-13-820	NEW-C	94-10-024	284-24-060	AMD-P	94-17-176	284-54-210	NEW-S	94-11-096
284-13-820	NEW-W	94-12-077	284-24-060	AMD	94-20-059	284-54-210	NEW	94-14-100
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292-12-160	PREP	94-15-039	296-17-895	AMD-P	94-18-126	296-23A-400	AMD-P	94-23-142
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292-12-180	PREP	94-15-039	296-17-920	AMD-P	94-18-126	296-24	PREP	94-17-195
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296-17-519	AMD	94-12-063	296-21-260	REP-P	94-07-126	296-24-088	AMD-P	94-15-095
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296-24-90001	AMD-P	94-10-010	296-32-360	AMD	94-15-096
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296-24-90005	AMD-P	94-10-010	296-37-510	AMD	94-15-096
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296-24-95601	AMD	94-15-096	296-45-65005	AMD	94-20-057
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296-24-95605	AMD	94-15-096	296-45-65009	AMD-P	94-15-095
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296-24-95609	AMD	94-15-096	296-45-65009	AMD	94-20-057
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296-24-95613	AMD	94-15-096	296-45-65011	AMD	94-20-057
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296-27-060	AMD-P	94-10-010	296-45-65019	AMD-P	94-15-095
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296-27-15501	AMD	94-15-096	296-45-65038	AMD	94-20-057
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296-27-15505	AMD	94-15-096	296-45-65041	AMD	94-20-057
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296-32-230	AMD	94-15-096	296-45-66005	AMD	94-20-057
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296-32-250	AMD	94-20-057	296-45-66007	AMD	94-20-057
296-32-260	AMD-P	94-15-095	296-45-66009	AMD-P	94-15-095
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317-20-090	REP-P	94-17-169	317-40-090	NEW-P	94-12-093	332-18-05004	NEW	94-14-051
317-20-100	REP-P	94-17-169	317-40-090	NEW	94-16-076	332-18-05005	NEW-P	94-09-062
317-20-110	REP-P	94-17-169	317-40-100	NEW-P	94-12-093	332-18-05005	NEW	94-14-051
317-20-120	REP-P	94-17-169	317-40-100	NEW	94-16-076	332-18-05006	NEW-P	94-09-062
317-20-130	REP-P	94-17-169	317-40-110	NEW-P	94-12-093	332-18-05006	NEW	94-14-051
317-20-140	REP-P	94-17-169	317-40-110	NEW	94-16-076	332-18-05007	NEW-P	94-09-062
317-20-150	REP-P	94-17-169	317-40-120	NEW-P	94-12-093	332-18-05007	NEW	94-14-051
317-20-155	REP-P	94-17-169	317-40-120	NEW	94-16-076	332-18-05008	NEW-P	94-09-062
317-20-160	REP-P	94-17-169	317-40-130	NEW-P	94-12-093	332-18-05008	NEW	94-14-051
317-20-165	REP-P	94-17-169	317-40-130	NEW	94-16-076	332-18-05009	NEW-P	94-09-062
317-20-170	REP-P	94-17-169	317-40-140	NEW-P	94-12-093	332-18-05009	NEW	94-14-051
317-20-180	REP-P	94-17-169	317-40-140	NEW	94-16-076	332-18-060	REP-P	94-09-062
317-20-190	REP-P	94-17-169	317-40-150	NEW-P	94-12-093	332-18-060	REP	94-14-051
317-20-200	REP-P	94-17-169	317-40-150	NEW	94-16-076	332-18-070	REP-P	94-09-062
317-20-210	REP-P	94-17-169	317-40-900	NEW-P	94-12-093	332-18-070	REP	94-14-051
317-20-220	REP-P	94-17-169	317-40-900	NEW	94-16-076	332-18-080	REP-P	94-09-062
317-20-230	REP-P	94-17-169	317-40-910	NEW-P	94-12-093	332-18-080	REP	94-14-051
317-20-240	REP-P	94-17-169	317-40-910	NEW	94-16-076	332-18-090	REP-P	94-09-062
317-20-900	REP-P	94-17-169	326-02-030	AMD-P	94-08-107	332-18-090	REP	94-14-051
317-20-999	REP-P	94-17-169	326-02-030	AMD	94-11-116	332-18-100	REP-P	94-09-062
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317-21-050	NEW-P	94-17-169	326-02-030	AMD-C	94-22-080	332-18-130	AMD-P	94-09-062
317-21-060	NEW-P	94-17-169	326-02-034	NEW	94-11-113	332-18-130	AMD	94-14-051
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317-21-210	NEW-P	94-17-169	326-30-041	AMD-E	94-16-064	332-26-050	NEW-E	94-13-095
317-21-220	NEW-P	94-17-169	326-30-051	AMD	94-07-064	332-26-060	NEW-E	94-13-095
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317-40-030	NEW	94-16-076	332-18-020	REP-P	94-09-062	352-28	AMD	94-10-012
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317-40-040	NEW	94-16-076	332-18-030	REP-P	94-09-062	352-28-005	AMD	94-10-012
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359-48	AMD-P	94-20-115	388-15-820	AMD	94-21-042	388-24-225	REP	94-10-065
359-48	AMD	94-23-136	388-15-830	PREP	94-16-071	388-24-2250	NEW-P	94-13-008
365-140-030	AMD-P	94-13-022	388-15-830	AMD-P	94-18-049	388-24-2250	NEW-E	94-12-009
365-140-030	AMD-E	94-13-072	388-15-830	AMD	94-21-042	388-24-2250	NEW	94-16-044
365-140-030	AMD	94-18-073	388-15-840	PREP	94-16-071	388-24-235	REP-P	94-07-114
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365-140-045	NEW-E	94-13-072	388-15-840	AMD	94-21-042	388-24-2350	NEW-P	94-13-008
365-140-045	NEW	94-18-073	388-15-850	PREP	94-16-071	388-24-2350	NEW-E	94-12-009
365-140-050	AMD-P	94-13-022	388-15-850	AMD-P	94-18-049	388-24-2350	NEW	94-16-044
365-140-050	AMD-E	94-13-072	388-15-850	AMD	94-21-042	388-24-243	REP-P	94-07-114
365-140-050	AMD	94-18-073	388-20-010	REP-P	94-07-114	388-24-243	REP	94-10-065
371-08-010	AMD-E	94-07-061	388-20-010	REP	94-10-065	388-24-2430	NEW-P	94-13-008
371-08-010	AMD-P	94-07-098	388-22-030	AMD-P	94-04-042	388-24-2430	NEW-E	94-12-009
371-08-010	AMD	94-12-027	388-22-030	AMD	94-08-022	388-24-2430	NEW	94-16-044
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371-08-061	NEW-P	94-07-098	388-24	AMD-E	94-12-009	388-24-250	REP	94-06-026
371-08-061	NEW	94-12-027	388-24	AMD	94-16-044	388-24-252	REP-P	94-03-051
371-08-147	AMD-E	94-07-061	388-24-040	REP-P	94-07-114	388-24-252	REP	94-06-026
371-08-147	AMD-P	94-07-098	388-24-040	REP	94-10-065	388-24-253	REP-P	94-03-051
371-08-147	AMD	94-12-027	388-24-042	REP-P	94-07-114	388-24-253	REP	94-06-026
371-08-162	AMD-E	94-07-061	388-24-042	REP	94-10-065	388-24-254	REP-P	94-03-051
371-08-162	AMD-P	94-07-098	388-24-044	AMD-P	94-05-017	388-24-254	REP	94-06-026
371-08-162	AMD	94-12-027	388-24-044	REP-P	94-07-114	388-24-255	REP-P	94-03-051
371-08-165	AMD-E	94-07-061	388-24-044	AMD	94-08-017	388-24-255	REP	94-06-026
371-08-165	AMD-P	94-07-098	388-24-044	REP	94-10-065	388-24-260	REP-P	94-03-051
371-08-165	AMD	94-12-027	388-24-050	REP-P	94-07-114	388-24-260	REP	94-06-026
371-08-167	NEW-E	94-07-061	388-24-050	REP	94-10-065	388-24-265	REP-P	94-03-051
371-08-167	NEW-P	94-07-098	388-24-052	REP-P	94-07-114	388-24-265	REP	94-06-026
371-08-167	NEW	94-12-027	388-24-052	REP	94-10-065	388-24-550	REP-P	94-07-114
371-08-197	NEW-E	94-07-061	388-24-055	REP-P	94-07-114	388-24-550	REP	94-10-065
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371-08-197	NEW	94-12-027	388-24-060	REP-P	94-07-114	388-26-025	REP	94-10-065
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374-50-010	AMD-W	94-19-037	388-24-065	REP-P	94-07-114	388-26-040	REP	94-10-065
374-50-020	AMD-P	94-18-001	388-24-065	REP	94-10-065	388-26-050	REP-P	94-07-114
374-50-020	AMD-W	94-19-037	388-24-070	REP-P	94-07-114	388-26-050	REP	94-10-065
374-50-030	AMD-P	94-18-001	388-24-070	REP	94-10-065	388-26-055	REP-P	94-07-114
374-50-030	AMD-W	94-19-037	388-24-074	REP-P	94-07-114	388-26-055	REP	94-10-065
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374-50-035	AMD-W	94-19-037	388-24-090	REP-P	94-07-114	388-26-060	REP	94-10-065
374-50-040	AMD-P	94-18-001	388-24-090	REP	94-10-065	388-26-065	REP-P	94-07-114
374-50-040	AMD-W	94-19-037	388-24-108	REP-P	94-07-114	388-26-065	REP	94-10-065
374-50-050	AMD-P	94-18-001	388-24-108	REP	94-10-065	388-26-070	REP-P	94-07-114
374-50-050	AMD-W	94-19-037	388-24-109	REP-P	94-07-114	388-26-070	REP	94-10-065
374-50-070	AMD-P	94-18-001	388-24-109	REP	94-10-065	388-26-080	REP-P	94-07-114
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388-26-145	REP-P	94-07-114	388-28-481	REP	94-10-065	388-29-180	REP-P	94-06-035
388-26-145	REP	94-10-065	388-28-482	REP-P	94-07-114	388-29-180	REP	94-09-001
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388-26-149	REP	94-10-065	388-28-483	REP-P	94-07-114	388-29-200	REP	94-09-001
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388-28-005	REP	94-10-065	388-28-484	AMD-P	94-05-029	388-29-210	REP	94-09-001
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388-28-300	REP	94-10-065	388-28-484	AMD	94-08-020	388-29-220	REP	94-09-001
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388-28-350	REP	94-10-065	388-28-485	REP-P	94-07-114	388-29-230	REP	94-09-001
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388-28-360	REP	94-10-065	388-28-515	REP-P	94-07-114	388-29-280	REP	94-09-001
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388-28-380	REP	94-10-065	388-28-530	REP	94-10-065	388-33-020	REP	94-10-065
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388-28-385	REP	94-10-065	388-28-532	REP	94-10-065	388-33-025	REP	94-10-065
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388-28-390	REP-P	94-07-114	388-28-535	REP	94-10-065	388-33-045	REP	94-10-065
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388-28-390	REP	94-10-065	388-28-555	REP	94-10-065	388-33-050	REP	94-10-065
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388-28-392	REP	94-10-065	388-28-560	REP-P	94-07-114	388-33-051	REP	94-10-065
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388-28-400	REP	94-10-065	388-28-560	REP	94-10-065	388-33-055	REP	94-10-065
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388-28-410	REP	94-10-065	388-28-570	REP	94-10-065	388-33-080	REP	94-10-065
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388-28-415	REP	94-10-065	388-28-575	REP-P	94-07-114	388-33-085	REP	94-10-065
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388-28-420	REP	94-10-065	388-28-575	REP	94-10-065	388-33-090	REP	94-10-065
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388-28-425	REP	94-10-065	388-28-578	REP	94-10-065	388-33-095	REP	94-10-065
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388-28-435	REP	94-10-065	388-28-580	REP	94-10-065	388-33-115	REP	94-10-065
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388-28-438	REP	94-10-065	388-28-590	REP	94-10-065	388-33-120	REP	94-10-065
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388-28-439	REP-P	94-07-114	388-28-600	AMD	94-08-022	388-33-135	REP-P	94-07-114
388-28-439	REP	94-10-065	388-28-600	REP	94-10-065	388-33-135	REP	94-10-065
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388-28-440	REP	94-10-065	388-28-650	REP	94-10-065	388-33-140	REP	94-10-065
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388-28-450	REP	94-10-065	388-29-001	REP	94-09-001	388-33-165	REP	94-10-065
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388-28-458	REP	94-04-043	388-29-005	REP	94-09-001	388-33-170	REP	94-10-065
388-28-459	REP	94-04-043	388-29-010	REP-P	94-06-035	388-33-190	REP-P	94-07-114
388-28-460	REP	94-04-043	388-29-010	REP	94-09-001	388-33-190	REP	94-10-065
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388-28-462	REP	94-04-043	388-29-020	REP	94-09-001	388-33-195	REP	94-10-065
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388-28-472	REP	94-04-043	388-29-110	REP	94-09-001	388-33-240	REP	94-10-065
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388-88-180	REP-E	94-21-034	388-95-337	REP-P	94-07-114	388-96-754	AMD-P	94-07-109
388-88-180	REP	94-21-037	388-95-337	AMD	94-07-130	388-96-754	AMD	94-12-043
388-88-190	REP-P	94-18-012	388-95-337	REP	94-10-065	388-96-763	AMD-P	94-07-109
388-88-190	REP-E	94-21-034	388-95-340	REP-P	94-07-114	388-96-763	AMD	94-12-043
388-88-190	REP	94-21-037	388-95-340	AMD-E	94-08-041	388-96-774	AMD-P	94-07-109
388-92-005	REP-P	94-07-114	388-95-340	AMD-P	94-08-042	388-96-774	AMD	94-12-043
388-92-005	REP	94-10-065	388-95-340	REP	94-10-065	388-96-774	AMD	94-14-016
388-92-015	REP-P	94-07-114	388-95-340	AMD-W	94-11-060	388-96-776	NEW-P	94-07-109
388-92-015	REP	94-10-065	388-95-340	RESCIND	94-11-062	388-96-776	NEW	94-12-043
388-92-025	REP-P	94-07-114	388-95-360	REP-P	94-07-114	388-96-777	NEW-P	94-07-109

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388-96-777	NEW	94-12-043	388-97-175	NEW	94-19-041	388-97-365	NEW-P	94-13-052
388-96-904	AMD-P	94-07-109	388-97-180	NEW-P	94-13-052	388-97-365	NEW	94-19-041
388-96-904	AMD	94-12-043	388-97-180	NEW	94-19-041	388-97-370	NEW-P	94-13-052
388-97	NEW-C	94-18-010	388-97-185	NEW-P	94-13-052	388-97-370	NEW	94-19-041
388-97-005	NEW-P	94-13-052	388-97-185	NEW	94-19-041	388-97-375	NEW-P	94-13-052
388-97-005	NEW	94-19-041	388-97-190	NEW-P	94-13-052	388-97-375	NEW	94-19-041
388-97-010	NEW-P	94-13-052	388-97-190	NEW	94-19-041	388-97-380	NEW-P	94-13-052
388-97-010	NEW	94-19-041	388-97-195	NEW-P	94-13-052	388-97-380	NEW	94-19-041
388-97-015	NEW-P	94-13-052	388-97-195	NEW	94-19-041	388-97-385	NEW-P	94-13-052
388-97-015	NEW	94-19-041	388-97-200	NEW	94-19-041	388-97-385	NEW	94-19-041
388-97-020	NEW-P	94-13-052	388-97-205	NEW-P	94-13-052	388-97-390	NEW-P	94-13-052
388-97-020	NEW	94-19-041	388-97-205	NEW	94-19-041	388-97-390	NEW	94-19-041
388-97-025	NEW-P	94-13-052	388-97-210	NEW-P	94-13-052	388-97-395	NEW-P	94-13-052
388-97-025	NEW	94-19-041	388-97-210	NEW	94-19-041	388-97-395	NEW	94-19-041
388-97-030	NEW-P	94-13-052	388-97-215	NEW	94-19-041	388-97-400	NEW-P	94-13-052
388-97-030	NEW	94-19-041	388-97-220	NEW-P	94-13-052	388-97-400	NEW	94-19-041
388-97-035	NEW-P	94-13-052	388-97-220	NEW	94-19-041	388-97-405	NEW-P	94-13-052
388-97-035	NEW	94-19-041	388-97-225	NEW-P	94-13-052	388-97-405	NEW	94-19-041
388-97-040	NEW-P	94-13-052	388-97-225	NEW	94-19-041	388-97-410	NEW-P	94-13-052
388-97-040	NEW	94-19-041	388-97-230	NEW-P	94-13-052	388-97-410	NEW	94-19-041
388-97-045	NEW-P	94-13-052	388-97-230	NEW	94-19-041	388-97-415	NEW-P	94-13-052
388-97-045	NEW	94-19-041	388-97-235	NEW-P	94-13-052	388-97-415	NEW	94-19-041
388-97-050	NEW-P	94-13-052	388-97-235	NEW	94-19-041	388-97-420	NEW-P	94-13-052
388-97-050	NEW	94-19-041	388-97-240	NEW-P	94-13-052	388-97-420	NEW	94-19-041
388-97-055	NEW-P	94-13-052	388-97-240	NEW	94-19-041	388-97-425	NEW-P	94-13-052
388-97-055	NEW	94-19-041	388-97-245	NEW-P	94-13-052	388-97-425	NEW	94-19-041
388-97-060	NEW-P	94-13-052	388-97-245	NEW	94-19-041	388-97-430	NEW-P	94-13-052
388-97-060	NEW	94-19-041	388-97-250	NEW-P	94-13-052	388-97-430	NEW	94-19-041
388-97-065	NEW-P	94-13-052	388-97-250	NEW	94-19-041	388-97-435	NEW-P	94-13-052
388-97-065	NEW	94-19-041	388-97-255	NEW-P	94-13-052	388-97-435	NEW	94-19-041
388-97-070	NEW-P	94-13-052	388-97-255	NEW	94-19-041	388-97-440	NEW-P	94-13-052
388-97-070	NEW	94-19-041	388-97-260	NEW-P	94-13-052	388-97-440	NEW	94-19-041
388-97-075	NEW-P	94-13-052	388-97-260	NEW	94-19-041	388-97-445	NEW-P	94-13-052
388-97-075	NEW	94-19-041	388-97-265	NEW-P	94-13-052	388-97-445	NEW	94-19-041
388-97-080	NEW-P	94-13-052	388-97-265	NEW	94-19-041	388-97-450	NEW-P	94-13-052
388-97-080	NEW	94-19-041	388-97-270	NEW-P	94-13-052	388-97-450	NEW	94-19-041
388-97-085	NEW-P	94-13-052	388-97-270	NEW	94-19-041	388-97-455	NEW-P	94-13-052
388-97-085	NEW	94-19-041	388-97-275	NEW-P	94-13-052	388-97-455	NEW	94-19-041
388-97-090	NEW-P	94-13-052	388-97-275	NEW	94-19-041	388-97-460	NEW-P	94-13-052
388-97-090	NEW	94-19-041	388-97-280	NEW-P	94-13-052	388-97-460	NEW	94-19-041
388-97-095	NEW-P	94-13-052	388-97-280	NEW	94-19-041	388-97-465	NEW-P	94-13-052
388-97-095	NEW	94-19-041	388-97-285	NEW-P	94-13-052	388-97-465	NEW	94-19-041
388-97-100	NEW-P	94-13-052	388-97-285	NEW-W	94-22-049	388-97-470	NEW-P	94-13-052
388-97-100	NEW	94-19-041	388-97-290	NEW-P	94-13-052	388-97-470	NEW	94-19-041
388-97-105	NEW-P	94-13-052	388-97-290	NEW-W	94-22-049	388-97-475	NEW-P	94-13-052
388-97-105	NEW	94-19-041	388-97-295	NEW-P	94-13-052	388-97-475	NEW	94-19-041
388-97-110	NEW-P	94-13-052	388-97-295	NEW	94-19-041	388-97-480	NEW-P	94-13-052
388-97-110	NEW	94-19-041	388-97-300	NEW-P	94-13-052	388-97-480	NEW	94-19-041
388-97-115	NEW-P	94-13-052	388-97-300	NEW	94-19-041	388-99-005	REP-P	94-07-114
388-97-115	NEW	94-19-041	388-97-305	NEW-P	94-13-052	388-99-005	REP	94-10-065
388-97-120	NEW-P	94-13-052	388-97-305	NEW	94-19-041	388-99-010	REP-P	94-07-114
388-97-120	NEW	94-19-041	388-97-310	NEW-P	94-13-052	388-99-010	REP	94-10-065
388-97-125	NEW-P	94-13-052	388-97-310	NEW	94-19-041	388-99-011	REP-P	94-07-114
388-97-125	NEW	94-19-041	388-97-315	NEW-P	94-13-052	388-99-011	REP	94-10-065
388-97-130	NEW-P	94-13-052	388-97-315	NEW	94-19-041	388-99-015	REP-P	94-07-114
388-97-130	NEW	94-19-041	388-97-320	NEW-P	94-13-052	388-99-015	REP	94-10-065
388-97-135	NEW-P	94-13-052	388-97-320	NEW	94-19-041	388-99-020	REP-P	94-07-114
388-97-135	NEW	94-19-041	388-97-325	NEW-P	94-13-052	388-99-020	REP	94-10-065
388-97-140	NEW-P	94-13-052	388-97-325	NEW	94-19-041	388-99-030	REP-P	94-07-114
388-97-140	NEW	94-19-041	388-97-330	NEW-P	94-13-052	388-99-030	REP	94-10-065
388-97-145	NEW-P	94-13-052	388-97-330	NEW	94-19-041	388-99-035	REP-P	94-07-114
388-97-145	NEW	94-19-041	388-97-335	NEW-P	94-13-052	388-99-035	REP	94-10-065
388-97-150	NEW-P	94-13-052	388-97-335	NEW	94-19-041	388-99-036	REP-P	94-07-114
388-97-150	NEW	94-19-041	388-97-340	NEW-P	94-13-052	388-99-036	REP	94-10-065
388-97-155	NEW-P	94-13-052	388-97-340	NEW	94-19-041	388-99-040	REP-P	94-07-114
388-97-155	NEW	94-19-041	388-97-345	NEW-P	94-13-052	388-99-040	REP	94-10-065
388-97-160	NEW-P	94-13-052	388-97-345	NEW	94-19-041	388-99-050	REP-P	94-07-114
388-97-160	NEW	94-19-041	388-97-350	NEW-P	94-13-052	388-99-050	REP	94-10-065
388-97-165	NEW-P	94-13-052	388-97-350	NEW	94-19-041	388-99-055	REP-P	94-07-114
388-97-165	NEW	94-19-041	388-97-355	NEW-P	94-13-052	388-99-055	REP	94-10-065
388-97-170	NEW-P	94-13-052	388-97-355	NEW	94-19-041	388-99-060	REP-P	94-07-114
388-97-170	NEW	94-19-041	388-97-360	NEW-P	94-13-052	388-99-060	REP	94-10-065
388-97-175	NEW-P	94-13-052	388-97-360	NEW	94-19-041	388-100-001	REP-P	94-07-114

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-100-001	REP	94-10-065	388-210-1330	NEW	94-10-065	388-215-1360	NEW	94-10-065
388-100-005	REP-P	94-07-114	388-210-1340	NEW-P	94-07-114	388-215-1365	NEW-P	94-07-114
388-100-005	REP	94-10-065	388-210-1340	NEW	94-10-065	388-215-1370	NEW-P	94-07-114
388-100-010	REP-P	94-07-114	388-210-1350	NEW-P	94-07-114	388-215-1370	NEW	94-10-065
388-100-010	REP	94-10-065	388-210-1350	NEW	94-10-065	388-215-1375	NEW-P	94-07-114
388-100-015	REP-P	94-07-114	388-210-1400	NEW-P	94-07-114	388-215-1375	NEW	94-10-065
388-100-015	REP	94-10-065	388-210-1400	NEW	94-10-065	388-215-1380	NEW-P	94-07-114
388-100-020	REP-P	94-07-114	388-210-1410	NEW-P	94-07-114	388-215-1380	NEW	94-10-065
388-100-020	REP	94-10-065	388-210-1410	NEW	94-10-065	388-215-1385	NEW-P	94-07-114
388-100-025	REP-P	94-07-114	388-210-1420	NEW-P	94-07-114	388-215-1385	NEW	94-10-065
388-100-025	REP	94-10-065	388-210-1420	NEW	94-10-065	388-215-1390	NEW-P	94-07-114
388-100-030	REP-P	94-07-114	388-212-1000	NEW-P	94-07-114	388-215-1390	NEW	94-10-065
388-100-030	REP	94-10-065	388-212-1000	NEW	94-10-065	388-215-1400	NEW-P	94-07-114
388-100-035	REP-P	94-07-114	388-212-1050	NEW-P	94-07-114	388-215-1400	NEW	94-10-065
388-100-035	REP	94-10-065	388-212-1050	NEW	94-10-065	388-215-1410	NEW-P	94-07-114
388-150-005	AMD-P	94-11-111	388-212-1100	NEW-P	94-07-114	388-215-1410	NEW	94-10-065
388-150-005	AMD	94-13-201	388-212-1100	NEW	94-10-065	388-215-1420	NEW-P	94-07-114
388-150-020	AMD-P	94-11-111	388-212-1140	NEW-P	94-07-114	388-215-1420	NEW	94-10-065
388-150-020	AMD	94-13-201	388-212-1140	NEW	94-10-065	388-215-1430	NEW-P	94-07-114
388-150-090	AMD-P	94-11-111	388-212-1150	NEW-P	94-07-114	388-215-1430	NEW	94-10-065
388-150-090	AMD	94-13-201	388-212-1150	NEW	94-10-065	388-215-1440	NEW-P	94-07-114
388-150-460	AMD-P	94-11-111	388-212-1200	NEW-P	94-07-114	388-215-1440	NEW	94-10-065
388-150-460	AMD	94-13-201	388-212-1200	NEW	94-10-065	388-215-1450	NEW-P	94-07-114
388-155	PREP	94-21-065	388-212-1250	NEW-P	94-07-114	388-215-1450	NEW	94-10-065
388-155-005	AMD-P	94-11-111	388-212-1250	NEW	94-10-065	388-215-1460	NEW-P	94-07-114
388-155-005	AMD	94-13-201	388-215-1000	NEW-P	94-07-114	388-215-1460	NEW	94-10-065
388-155-020	AMD-P	94-11-111	388-215-1000	NEW	94-10-065	388-215-1470	NEW-P	94-07-114
388-155-020	AMD	94-13-201	388-215-1025	NEW-P	94-07-114	388-215-1470	NEW	94-10-065
388-155-090	AMD-P	94-11-111	388-215-1025	NEW	94-10-065	388-215-1480	NEW-P	94-07-114
388-155-090	AMD	94-13-201	388-215-1050	NEW-P	94-07-114	388-215-1480	NEW	94-10-065
388-155-460	AMD-P	94-11-111	388-215-1050	NEW	94-10-065	388-215-1490	NEW-P	94-07-114
388-155-460	AMD	94-13-201	388-215-1060	NEW-P	94-07-114	388-215-1490	NEW	94-10-065
388-200-1050	NEW-P	94-07-114	388-215-1060	NEW	94-10-065	388-215-1500	NEW-P	94-07-114
388-200-1050	NEW	94-10-065	388-215-1070	NEW-P	94-07-114	388-215-1500	NEW	94-10-065
388-200-1050	PREP	94-21-018	388-215-1070	NEW	94-10-065	388-215-1520	NEW-P	94-07-114
388-200-1050	AMD-P	94-21-067	388-215-1080	NEW-P	94-07-114	388-215-1520	NEW	94-10-065
388-200-1050	AMD	94-23-128	388-215-1080	NEW	94-10-065	388-215-1540	NEW-P	94-07-114
388-200-1100	NEW-P	94-07-114	388-215-1100	NEW-P	94-07-114	388-215-1540	NEW	94-10-065
388-200-1100	NEW	94-10-065	388-215-1100	NEW	94-10-065	388-215-1560	NEW-P	94-07-114
388-200-1125	PREP	94-18-035	388-215-1100	PREP	94-15-031	388-215-1560	NEW	94-10-065
388-200-1150	NEW-P	94-07-114	388-215-1100	AMD-P	94-21-045	388-215-1600	NEW-P	94-07-114
388-200-1150	NEW	94-10-065	388-215-1100	AMD	94-23-132	388-215-1600	NEW	94-10-065
388-200-1160	NEW-P	94-07-114	388-215-1110	NEW-P	94-07-114	388-215-1610	NEW-P	94-07-114
388-200-1160	NEW	94-10-065	388-215-1110	NEW	94-10-065	388-215-1610	NEW	94-10-065
388-200-1200	NEW-P	94-07-114	388-215-1120	NEW-P	94-07-114	388-215-1610	PREP	94-17-159
388-200-1200	NEW	94-10-065	388-215-1120	NEW	94-10-065	388-215-1610	AMD-E	94-20-088
388-200-1250	NEW-P	94-07-114	388-215-1200	NEW-P	94-07-114	388-215-1610	AMD-P	94-20-091
388-200-1250	NEW	94-10-065	388-215-1200	NEW	94-10-065	388-215-1610	AMD	94-23-040
388-210-1000	NEW-P	94-07-114	388-215-1225	NEW-P	94-07-114	388-215-1620	NEW-P	94-07-114
388-210-1000	NEW	94-10-065	388-215-1225	NEW	94-10-065	388-215-1620	NEW	94-10-065
388-210-1010	NEW-P	94-07-114	388-215-1230	NEW-P	94-07-114	388-215-1620	PREP	94-17-158
388-210-1010	NEW	94-10-065	388-215-1230	NEW	94-10-065	388-215-1620	AMD-P	94-19-099
388-210-1020	NEW-P	94-07-114	388-215-1245	NEW-P	94-07-114	388-215-1620	AMD	94-22-031
388-210-1020	NEW	94-10-065	388-215-1245	NEW	94-10-065	388-215-1650	NEW-P	94-07-114
388-210-1050	NEW-P	94-07-114	388-215-1300	NEW-P	94-07-114	388-215-1650	NEW	94-10-065
388-210-1050	NEW	94-10-065	388-215-1300	NEW	94-10-065	388-216-2000	NEW-P	94-07-114
388-210-1100	NEW-P	94-07-114	388-215-1320	NEW-P	94-07-114	388-216-2000	NEW	94-10-065
388-210-1100	NEW	94-10-065	388-215-1320	NEW	94-10-065	388-216-2050	NEW-P	94-07-114
388-210-1200	NEW-P	94-07-114	388-215-1325	NEW-P	94-07-114	388-216-2050	NEW	94-10-065
388-210-1200	NEW	94-10-065	388-215-1325	NEW	94-10-065	388-216-2075	NEW-P	94-07-114
388-210-1220	NEW-P	94-07-114	388-215-1330	NEW-P	94-07-114	388-216-2075	NEW	94-10-065
388-210-1220	NEW	94-10-065	388-215-1330	NEW	94-10-065	388-216-2100	NEW-P	94-07-114
388-210-1230	NEW-P	94-07-114	388-215-1335	NEW-P	94-07-114	388-216-2100	NEW	94-10-065
388-210-1230	NEW	94-10-065	388-215-1335	NEW	94-10-065	388-216-2150	NEW-P	94-07-114
388-210-1250	NEW-P	94-07-114	388-215-1340	NEW-P	94-07-114	388-216-2150	NEW	94-10-065
388-210-1250	NEW	94-10-065	388-215-1340	NEW	94-10-065	388-216-2200	NEW-P	94-07-114
388-210-1300	NEW-P	94-07-114	388-215-1345	NEW-P	94-07-114	388-216-2200	NEW	94-10-065
388-210-1300	NEW	94-10-065	388-215-1345	NEW	94-10-065	388-216-2250	NEW-P	94-07-114
388-210-1310	NEW-P	94-07-114	388-215-1350	NEW-P	94-07-114	388-216-2250	NEW	94-10-065
388-210-1310	NEW	94-10-065	388-215-1350	NEW	94-10-065	388-216-2300	NEW-P	94-07-114
388-210-1320	NEW-P	94-07-114	388-215-1355	NEW-P	94-07-114	388-216-2300	NEW	94-10-065
388-210-1320	NEW	94-10-065	388-215-1355	NEW	94-10-065	388-216-2350	NEW-P	94-07-114
388-210-1330	NEW-P	94-07-114	388-215-1360	NEW-P	94-07-114			

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388-216-2350	NEW	94-10-065	388-218-1220	AMD-E	94-13-009	388-218-1680	NEW	94-10-065
388-216-2450	NEW-P	94-07-114	388-218-1220	AMD	94-16-044	388-218-1690	NEW-P	94-07-114
388-216-2450	NEW	94-10-065	388-218-1230	NEW-P	94-07-114	388-218-1690	NEW	94-10-065
388-216-2500	NEW-P	94-07-114	388-218-1230	NEW	94-10-065	388-218-1695	NEW-P	94-07-114
388-216-2500	NEW	94-10-065	388-218-1230	AMD-P	94-13-008	388-218-1695	NEW	94-10-065
388-216-2550	NEW-P	94-07-114	388-218-1230	AMD-E	94-13-009	388-218-1700	NEW-P	94-07-114
388-216-2550	NEW	94-10-065	388-218-1230	AMD	94-16-044	388-218-1700	NEW	94-10-065
388-216-2560	NEW-P	94-07-114	388-218-1300	NEW-P	94-07-114	388-218-1710	NEW-P	94-07-114
388-216-2560	NEW	94-10-065	388-218-1300	NEW	94-10-065	388-218-1710	NEW	94-10-065
388-216-2570	NEW-P	94-07-114	388-218-1310	NEW-P	94-07-114	388-218-1720	NEW-P	94-07-114
388-216-2570	NEW	94-10-065	388-218-1310	NEW	94-10-065	388-218-1720	NEW	94-10-065
388-216-2580	NEW-P	94-07-114	388-218-1320	NEW-P	94-07-114	388-218-1730	NEW-P	94-07-114
388-216-2580	NEW	94-10-065	388-218-1320	NEW	94-10-065	388-218-1730	NEW	94-10-065
388-216-2590	NEW-P	94-07-114	388-218-1330	NEW-P	94-07-114	388-218-1740	NEW-P	94-07-114
388-216-2590	NEW	94-10-065	388-218-1330	NEW	94-10-065	388-218-1740	NEW	94-10-065
388-216-2600	NEW-P	94-07-114	388-218-1340	NEW-P	94-07-114	388-218-1800	NEW-P	94-07-114
388-216-2600	NEW	94-10-065	388-218-1340	NEW	94-10-065	388-218-1800	NEW	94-10-065
388-216-2650	NEW-P	94-07-114	388-218-1350	NEW-P	94-07-114	388-218-1810	NEW-P	94-07-114
388-216-2650	NEW	94-10-065	388-218-1350	NEW	94-10-065	388-218-1810	NEW	94-10-065
388-216-2800	NEW-P	94-07-114	388-218-1360	NEW-P	94-07-114	388-218-1820	NEW-P	94-07-114
388-216-2800	NEW	94-10-065	388-218-1360	NEW	94-10-065	388-218-1820	NEW	94-10-065
388-216-2850	NEW-P	94-07-114	388-218-1400	NEW-P	94-07-114	388-218-1830	NEW-P	94-07-114
388-216-2850	NEW	94-10-065	388-218-1400	NEW	94-10-065	388-218-1830	NEW	94-10-065
388-216-2900	NEW-P	94-07-114	388-218-1400	PREP	94-23-022	388-218-1900	NEW-P	94-07-114
388-216-2900	NEW	94-10-065	388-218-1410	NEW-P	94-07-114	388-218-1900	NEW	94-10-065
388-217-3000	NEW	94-04-043	388-218-1410	NEW	94-10-065	388-218-1910	NEW-P	94-07-114
388-217-3050	NEW	94-04-043	388-218-1420	NEW-P	94-07-114	388-218-1910	NEW	94-10-065
388-217-3100	NEW	94-04-043	388-218-1420	NEW	94-10-065	388-218-1920	NEW-P	94-07-114
388-217-3150	NEW	94-04-043	388-218-1430	NEW-P	94-07-114	388-218-1920	NEW	94-10-065
388-217-3150	AMD-P	94-13-054	388-218-1430	NEW	94-10-065	388-218-1930	NEW-P	94-07-114
388-217-3150	AMD-E	94-13-055	388-218-1440	NEW-P	94-07-114	388-218-1930	NEW	94-10-065
388-217-3150	AMD	94-16-046	388-218-1440	NEW	94-10-065	388-218-1940	NEW-P	94-07-114
388-217-3200	NEW	94-04-043	388-218-1450	NEW-P	94-07-114	388-218-1940	NEW	94-10-065
388-217-3250	NEW	94-04-043	388-218-1450	NEW	94-10-065	388-219-0100	NEW-P	94-07-114
388-217-3300	NEW	94-04-043	388-218-1460	NEW-P	94-07-114	388-219-0100	NEW	94-10-065
388-217-3350	NEW	94-04-043	388-218-1460	NEW	94-10-065	388-219-0200	NEW-P	94-07-114
388-218-1010	NEW-P	94-07-114	388-218-1470	NEW-P	94-07-114	388-219-0200	NEW	94-10-065
388-218-1010	NEW	94-10-065	388-218-1470	NEW	94-10-065	388-219-1000	NEW-P	94-07-114
388-218-1010	AMD-P	94-13-008	388-218-1480	NEW-P	94-07-114	388-219-1000	NEW	94-10-065
388-218-1010	AMD-E	94-13-009	388-218-1480	NEW	94-10-065	388-219-1100	NEW-P	94-07-114
388-218-1010	AMD	94-16-044	388-218-1500	NEW-P	94-07-114	388-219-1100	NEW	94-10-065
388-218-1050	NEW-P	94-07-114	388-218-1500	NEW	94-10-065	388-219-1500	NEW-P	94-07-114
388-218-1050	NEW	94-10-065	388-218-1500	PREP	94-23-022	388-219-1500	NEW	94-10-065
388-218-1050	AMD-P	94-13-008	388-218-1510	NEW-P	94-07-114	388-219-1600	NEW-P	94-07-114
388-218-1050	AMD-E	94-13-009	388-218-1510	NEW	94-10-065	388-219-1600	NEW	94-10-065
388-218-1050	AMD	94-16-044	388-218-1515	NEW-P	94-07-114	388-219-1700	NEW-P	94-07-114
388-218-1050	PREP	94-23-022	388-218-1515	NEW	94-10-065	388-219-1700	NEW	94-10-065
388-218-1100	NEW-P	94-07-114	388-218-1520	NEW-P	94-07-114	388-219-2000	NEW-P	94-07-114
388-218-1100	NEW	94-10-065	388-218-1520	NEW	94-10-065	388-219-2000	NEW	94-10-065
388-218-1110	NEW-P	94-07-114	388-218-1520	PREP	94-23-022	388-219-2000	AMD-P	94-10-086
388-218-1110	NEW	94-10-065	388-218-1530	NEW-P	94-07-114	388-219-2000	AMD	94-13-050
388-218-1120	NEW-P	94-07-114	388-218-1530	NEW	94-10-065	388-219-2500	NEW-P	94-07-114
388-218-1120	NEW	94-10-065	388-218-1540	NEW-P	94-07-114	388-219-2500	NEW	94-10-065
388-218-1130	NEW-P	94-07-114	388-218-1540	NEW	94-10-065	388-219-2600	NEW-P	94-07-114
388-218-1130	NEW	94-10-065	388-218-1600	NEW-P	94-07-114	388-219-2600	NEW	94-10-065
388-218-1130	AMD-P	94-13-008	388-218-1600	NEW	94-10-065	388-219-3000	NEW-P	94-07-114
388-218-1130	AMD-E	94-13-009	388-218-1605	NEW-P	94-07-114	388-219-3000	NEW	94-10-065
388-218-1130	AMD	94-16-044	388-218-1605	NEW	94-10-065	388-219-3500	NEW-P	94-07-114
388-218-1140	NEW-P	94-07-114	388-218-1610	NEW-P	94-07-114	388-219-3500	NEW	94-10-065
388-218-1140	NEW	94-10-065	388-218-1610	NEW	94-10-065	388-225-0010	NEW-P	94-03-051
388-218-1200	NEW-P	94-07-114	388-218-1620	NEW-P	94-07-114	388-225-0010	NEW	94-06-026
388-218-1200	NEW	94-10-065	388-218-1620	NEW	94-10-065	388-225-0020	NEW-P	94-03-051
388-218-1200	AMD-P	94-13-008	388-218-1630	NEW-P	94-07-114	388-225-0020	NEW	94-06-026
388-218-1200	AMD-E	94-13-009	388-218-1630	NEW	94-10-065	388-225-0050	NEW-P	94-03-051
388-218-1200	AMD	94-16-044	388-218-1640	NEW-P	94-07-114	388-225-0050	NEW	94-06-026
388-218-1210	NEW-P	94-07-114	388-218-1640	NEW	94-10-065	388-225-0060	NEW-P	94-03-051
388-218-1210	NEW	94-10-065	388-218-1650	NEW-P	94-07-114	388-225-0060	NEW	94-06-026
388-218-1210	AMD-P	94-13-008	388-218-1650	NEW	94-10-065	388-225-0070	NEW-P	94-03-051
388-218-1210	AMD-E	94-13-009	388-218-1660	NEW-P	94-07-114	388-225-0070	NEW	94-06-026
388-218-1210	AMD	94-16-044	388-218-1660	NEW	94-10-065	388-225-0080	NEW-P	94-03-051
388-218-1220	NEW-P	94-07-114	388-218-1670	NEW-P	94-07-114	388-225-0080	NEW	94-06-026
388-218-1220	NEW	94-10-065	388-218-1670	NEW	94-10-065	388-225-0090	NEW-P	94-03-051
388-218-1220	AMD-P	94-13-008	388-218-1680	NEW-P	94-07-114	388-225-0090	NEW	94-06-026

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-275-0020	NEW	94-04-033	388-503-0350	NEW-P	94-07-114	388-508-0820	NEW	94-10-065
388-275-0030	NEW	94-04-033	388-503-0350	NEW	94-10-065	388-508-0820	PREP	94-20-004
388-275-0040	NEW	94-04-033	388-503-0370	NEW-P	94-07-114	388-508-0830	NEW-P	94-07-114
388-275-0050	NEW	94-04-033	388-503-0370	NEW	94-10-065	388-508-0830	NEW	94-10-065
388-275-0060	NEW	94-04-033	388-504-0405	NEW-P	94-07-114	388-508-0835	NEW-P	94-07-114
388-275-0060	AMD-P	94-13-008	388-504-0405	NEW	94-10-065	388-508-0835	NEW	94-10-065
388-275-0060	AMD-E	94-13-009	388-504-0410	NEW-P	94-07-114	388-508-0840	NEW-P	94-07-114
388-275-0060	AMD	94-16-044	388-504-0410	NEW	94-10-065	388-508-0840	NEW	94-10-065
388-275-0070	NEW	94-04-033	388-504-0420	NEW-P	94-07-114	388-509-0905	NEW-P	94-07-114
388-275-0080	NEW	94-04-033	388-504-0420	NEW	94-10-065	388-509-0905	NEW	94-10-065
388-275-0090	NEW	94-04-033	388-504-0430	NEW-P	94-07-114	388-509-0910	NEW-P	94-07-114
388-300	PREP	94-22-011	388-504-0430	NEW	94-10-065	388-509-0910	NEW	94-10-065
388-320-115	AMD-P	94-13-025	388-504-0440	NEW-P	94-07-114	388-509-0910	PREP	94-13-102
388-320-115	AMD	94-16-047	388-504-0440	NEW	94-10-065	388-509-0910	AMD-E	94-14-053
388-320-130	AMD-P	94-13-025	388-504-0450	NEW-P	94-07-114	388-509-0910	AMD-P	94-14-055
388-320-130	AMD	94-16-047	388-504-0450	NEW	94-10-065	388-509-0910	AMD	94-17-036
388-320-135	AMD-P	94-13-025	388-504-0460	NEW-P	94-07-114	388-509-0920	NEW-P	94-07-114
388-320-135	AMD	94-16-047	388-504-0460	NEW	94-10-065	388-509-0920	NEW	94-10-065
388-320-220	AMD-P	94-13-025	388-504-0470	NEW-P	94-07-114	388-509-0920	PREP	94-13-102
388-320-220	AMD	94-16-047	388-504-0470	NEW	94-10-065	388-509-0920	AMD-E	94-14-053
388-320-240	AMD-P	94-13-025	388-504-0480	NEW-P	94-07-114	388-509-0920	AMD-P	94-14-055
388-320-240	AMD	94-16-047	388-504-0480	NEW	94-10-065	388-509-0920	AMD	94-17-036
388-500-0005	NEW-P	94-07-114	388-504-0485	NEW-P	94-07-114	388-509-0940	NEW-P	94-07-114
388-500-0005	NEW	94-10-065	388-504-0485	NEW	94-10-065	388-509-0940	NEW	94-10-065
388-500-0005	PREP	94-16-081	388-505-0501	NEW-P	94-07-114	388-509-0960	NEW-P	94-07-114
388-501-0105	NEW-P	94-07-114	388-505-0501	NEW	94-10-065	388-509-0960	NEW	94-10-065
388-501-0105	NEW	94-10-065	388-505-0505	NEW-P	94-07-114	388-509-0960	PREP	94-13-102
388-501-0110	NEW-P	94-07-114	388-505-0505	NEW	94-10-065	388-509-0960	AMD-E	94-14-053
388-501-0110	NEW	94-10-065	388-505-0510	NEW-P	94-07-114	388-509-0960	AMD-P	94-14-055
388-501-0125	NEW-P	94-07-114	388-505-0510	NEW	94-10-065	388-509-0960	AMD	94-17-036
388-501-0125	NEW	94-10-065	388-505-0520	NEW-P	94-07-114	388-509-0970	NEW-P	94-07-114
388-501-0130	NEW-P	94-07-114	388-505-0520	NEW	94-10-065	388-509-0970	NEW	94-10-065
388-501-0130	NEW	94-10-065	388-505-0530	NEW-P	94-07-114	388-510-1020	NEW-P	94-07-114
388-501-0135	NEW-P	94-07-114	388-505-0530	NEW	94-10-065	388-510-1020	NEW	94-10-065
388-501-0135	NEW	94-10-065	388-505-0540	NEW-P	94-07-114	388-510-1030	NEW-P	94-07-114
388-501-0140	NEW-P	94-07-114	388-505-0540	NEW	94-10-065	388-510-1030	NEW	94-10-065
388-501-0140	NEW	94-10-065	388-505-0560	NEW-P	94-07-114	388-511-1105	NEW-P	94-07-114
388-501-0150	NEW-P	94-07-114	388-505-0560	NEW	94-10-065	388-511-1105	NEW	94-10-065
388-501-0150	NEW	94-10-065	388-505-0570	NEW-P	94-07-114	388-511-1105	PREP	94-18-009
388-501-0160	NEW-P	94-07-114	388-505-0570	NEW	94-10-065	388-511-1110	NEW-P	94-07-114
388-501-0160	NEW	94-10-065	388-505-0580	NEW-P	94-07-114	388-511-1110	NEW	94-10-065
388-501-0165	NEW-P	94-07-114	388-505-0580	NEW	94-10-065	388-511-1115	NEW-P	94-07-114
388-501-0165	NEW	94-10-065	388-505-0580	PREP	94-16-079	388-511-1115	NEW	94-10-065
388-501-0170	NEW-P	94-07-114	388-505-0580	AMD-P	94-23-021	388-511-1130	NEW-P	94-07-114
388-501-0170	NEW	94-10-065	388-505-0590	NEW-P	94-07-114	388-511-1130	NEW	94-10-065
388-501-0175	NEW-P	94-07-114	388-505-0590	NEW	94-10-065	388-511-1140	NEW-P	94-07-114
388-501-0175	NEW	94-10-065	388-505-0590	PREP	94-20-005	388-511-1140	NEW	94-10-065
388-501-0180	NEW-P	94-07-114	388-505-0595	NEW-P	94-07-114	388-511-1140	PREP	94-18-009
388-501-0180	NEW	94-10-065	388-505-0595	NEW	94-10-065	388-511-1150	NEW-P	94-07-114
388-501-0190	NEW-P	94-07-114	388-506-0610	NEW-P	94-07-114	388-511-1150	NEW	94-10-065
388-501-0190	NEW	94-10-065	388-506-0610	NEW	94-10-065	388-511-1160	NEW-P	94-07-114
388-501-0195	NEW-P	94-07-114	388-506-0610	PREP	94-13-103	388-511-1160	NEW	94-10-065
388-501-0195	NEW-W	94-20-094	388-506-0610	AMD-E	94-14-054	388-511-1160	PREP	94-18-009
388-502-0205	NEW-P	94-07-114	388-506-0610	AMD-P	94-14-057	388-511-1170	NEW-P	94-07-114
388-502-0205	NEW	94-10-065	388-506-0610	AMD	94-17-034	388-511-1170	NEW	94-10-065
388-502-0210	NEW-P	94-07-114	388-506-0610	PREP	94-20-006	388-512-1210	NEW-P	94-07-114
388-502-0210	NEW	94-10-065	388-506-0620	NEW-P	94-07-114	388-512-1210	NEW	94-10-065
388-502-0220	NEW-P	94-07-114	388-506-0620	NEW	94-10-065	388-512-1215	NEW-P	94-07-114
388-502-0220	NEW	94-10-065	388-506-0630	NEW-P	94-07-114	388-512-1215	NEW	94-10-065
388-502-0230	NEW-P	94-07-114	388-506-0630	NEW	94-10-065	388-512-1220	NEW-P	94-07-114
388-502-0230	NEW	94-10-065	388-507-0710	NEW-P	94-07-114	388-512-1220	NEW	94-10-065
388-502-0250	NEW-P	94-07-114	388-507-0710	NEW	94-10-065	388-512-1225	NEW-P	94-07-114
388-502-0250	NEW	94-10-065	388-507-0720	NEW-P	94-07-114	388-512-1225	NEW	94-10-065
388-503-0305	NEW-P	94-07-114	388-507-0720	NEW	94-10-065	388-512-1225	PREP	94-16-080
388-503-0305	NEW	94-10-065	388-507-0730	NEW-P	94-07-114	388-512-1225	AMD-P	94-23-020
388-503-0310	NEW-P	94-07-114	388-507-0730	NEW	94-10-065	388-512-1230	NEW-P	94-07-114
388-503-0310	NEW	94-10-065	388-507-0740	NEW-P	94-07-114	388-512-1230	NEW	94-10-065
388-503-0310	PREP	94-13-102	388-507-0740	NEW	94-10-065	388-512-1235	NEW-P	94-07-114
388-503-0310	AMD-E	94-14-053	388-508-0805	NEW-P	94-07-114	388-512-1235	NEW	94-10-065
388-503-0310	AMD-P	94-14-055	388-508-0805	NEW	94-10-065	388-512-1240	NEW-P	94-07-114
388-503-0310	AMD	94-17-036	388-508-0810	NEW-P	94-07-114	388-512-1240	NEW	94-10-065
388-503-0320	NEW-P	94-07-114	388-508-0810	NEW	94-10-065	388-512-1245	NEW-P	94-07-114
388-503-0320	NEW	94-10-065	388-508-0820	NEW-P	94-07-114	388-512-1245	NEW	94-10-065

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-512-1250	NEW-P	94-07-114	388-517-1750	NEW-P	94-07-114	388-527-2720	NEW	94-10-065
388-512-1250	NEW	94-10-065	388-517-1750	NEW	94-10-065	388-528-2810	NEW-P	94-07-114
388-512-1255	NEW-P	94-07-114	388-517-1760	NEW-P	94-07-114	388-528-2810	NEW	94-10-065
388-512-1255	NEW	94-10-065	388-517-1760	NEW	94-10-065	388-529-2910	NEW-P	94-07-114
388-512-1260	NEW-P	94-07-114	388-518-1805	NEW-P	94-07-114	388-529-2910	NEW	94-10-065
388-512-1260	NEW	94-10-065	388-518-1805	NEW	94-10-065	388-529-2920	NEW-P	94-07-114
388-512-1265	NEW-P	94-07-114	388-518-1805	PREP	94-20-007	388-529-2920	NEW	94-10-065
388-512-1265	NEW	94-10-065	388-518-1810	NEW-P	94-07-114	388-529-2930	NEW-P	94-07-114
388-512-1275	NEW-P	94-07-114	388-518-1810	NEW	94-10-065	388-529-2930	NEW	94-10-065
388-512-1275	NEW	94-10-065	388-518-1820	NEW-P	94-07-114	388-529-2940	NEW-P	94-07-114
388-512-1280	NEW-P	94-07-114	388-518-1820	NEW	94-10-065	388-529-2940	NEW	94-10-065
388-512-1280	NEW	94-10-065	388-518-1830	NEW-P	94-07-114	388-529-2950	NEW-P	94-07-114
388-513-1300	PREP	94-20-003	388-518-1830	NEW	94-10-065	388-529-2950	NEW	94-10-065
388-513-1305	NEW-P	94-07-114	388-518-1840	NEW-P	94-07-114	388-529-2960	NEW-P	94-07-114
388-513-1305	NEW	94-10-065	388-518-1840	NEW	94-10-065	388-529-2960	NEW	94-10-065
388-513-1310	NEW-P	94-07-114	388-518-1850	NEW-P	94-07-114	388-538-100	PREP	94-22-002
388-513-1310	NEW	94-10-065	388-518-1850	NEW	94-10-065	388-538-110	AMD	94-04-038
388-513-1315	NEW-P	94-07-114	388-519-1905	NEW-P	94-07-114	390-05-190	AMD-E	94-18-060
388-513-1315	NEW	94-10-065	388-519-1905	NEW	94-10-065	390-05-210	AMD-E	94-18-060
388-513-1320	NEW-P	94-07-114	388-519-1910	NEW-P	94-07-114	390-05-210	PREP	94-19-052
388-513-1320	NEW	94-10-065	388-519-1910	NEW	94-10-065	390-05-235	AMD-P	94-07-088
388-513-1320	PREP	94-20-003	388-519-1930	NEW-P	94-07-114	390-05-235	AMD	94-11-018
388-513-1330	NEW-P	94-07-114	388-519-1930	NEW	94-10-065	390-05-245	NEW-E	94-18-060
388-513-1330	NEW	94-10-065	388-519-1950	NEW-P	94-07-114	390-12-010	AMD	94-05-010
388-513-1330	AMD-P	94-22-065	388-519-1950	NEW	94-10-065	390-14-040	AMD	94-05-010
388-513-1330	AMD-E	94-22-066	388-521-2105	NEW-P	94-07-114	390-16-011	AMD	94-05-011
388-513-1340	NEW-P	94-07-114	388-521-2105	NEW	94-10-065	390-16-012	AMD	94-05-011
388-513-1340	NEW	94-10-065	388-521-2110	NEW-P	94-07-114	390-16-031	AMD	94-05-011
388-513-1340	PREP	94-21-030	388-521-2110	NEW	94-10-065	390-16-032	AMD	94-05-011
388-513-1340	AMD-P	94-22-065	388-521-2120	NEW-P	94-07-114	390-16-033	AMD	94-05-011
388-513-1340	AMD-E	94-22-066	388-521-2120	NEW	94-10-065	390-16-038	AMD-E	94-18-060
388-513-1345	NEW-P	94-07-114	388-521-2130	NEW-P	94-07-114	390-16-041	AMD	94-05-011
388-513-1345	NEW	94-10-065	388-521-2130	NEW	94-10-065	390-16-050	AMD	94-05-011
388-513-1345	PREP	94-21-030	388-521-2140	NEW-P	94-07-114	390-16-071	NEW-E	94-07-001
388-513-1345	AMD-P	94-22-065	388-521-2140	NEW	94-10-065	390-16-071	NEW-P	94-07-035
388-513-1345	AMD-E	94-22-066	388-521-2150	NEW-P	94-07-114	390-16-071	NEW	94-11-016
388-513-1350	NEW-P	94-07-114	388-521-2150	NEW	94-10-065	390-16-071	AMD-P	94-22-076
388-513-1350	NEW	94-10-065	388-521-2155	NEW-P	94-07-114	390-16-207	AMD-P	94-07-035
388-513-1350	PREP	94-15-029	388-521-2155	NEW	94-10-065	390-16-207	AMD	94-11-016
388-513-1350	AMD-P	94-21-033	388-521-2160	NEW-P	94-07-114	390-16-238	NEW-P	94-05-097
388-513-1350	AMD	94-23-129	388-521-2160	NEW	94-10-065	390-16-238	NEW	94-07-141
388-513-1360	NEW-P	94-07-114	388-521-2170	NEW-P	94-07-114	390-16-245	NEW-P	94-05-097
388-513-1360	NEW	94-10-065	388-521-2170	NEW	94-10-065	390-16-245	NEW	94-07-141
388-513-1365	NEW-P	94-07-114	388-522-2205	NEW-P	94-07-114	390-16-300	AMD-P	94-05-097
388-513-1365	NEW	94-10-065	388-522-2205	NEW	94-10-065	390-16-308	AMD-P	94-07-035
388-513-1365	PREP	94-15-030	388-522-2210	NEW-P	94-07-114	390-16-308	AMD-P	94-07-088
388-513-1365	AMD-P	94-23-109	388-522-2210	NEW	94-10-065	390-16-308	AMD-W	94-07-089
388-513-1380	NEW-P	94-07-114	388-522-2230	NEW-P	94-07-114	390-16-308	AMD	94-11-016
388-513-1380	NEW	94-10-065	388-522-2230	NEW	94-10-065	390-16-309	NEW-E	94-07-001
388-513-1380	PREP	94-17-128	388-523-2305	NEW-P	94-07-114	390-16-309	NEW-P	94-07-035
388-513-1395	NEW-P	94-07-114	388-523-2305	NEW	94-10-065	390-16-309	NEW-W	94-08-080
388-513-1395	NEW	94-10-065	388-523-2320	NEW-P	94-07-114	390-16-309	NEW	94-11-016
388-513-1396	NEW-P	94-07-114	388-523-2320	NEW	94-10-065	390-16-310	AMD-P	94-07-035
388-513-1396	NEW	94-10-065	388-524-2405	NEW-P	94-07-114	390-16-310	AMD-P	94-07-088
388-515-1505	NEW-P	94-07-114	388-524-2405	NEW	94-10-065	390-16-310	AMD-W	94-07-089
388-515-1505	NEW	94-10-065	388-524-2420	NEW-P	94-07-114	390-16-310	AMD	94-11-016
388-515-1510	NEW-P	94-07-114	388-524-2420	NEW	94-10-065	390-16-311	NEW-P	94-07-142
388-515-1510	NEW	94-10-065	388-525-2505	NEW-P	94-07-114	390-16-311	NEW	94-11-017
388-515-1530	NEW-P	94-07-114	388-525-2505	NEW	94-10-065	390-16-313	NEW-E	94-18-060
388-515-1530	NEW	94-10-065	388-525-2520	NEW-P	94-07-114	390-16-314	NEW-E	94-18-060
388-517-1710	NEW-P	94-07-114	388-525-2520	NEW	94-10-065	390-16-315	AMD-P	94-05-097
388-517-1710	NEW	94-10-065	388-525-2570	NEW-P	94-07-114	390-16-324	NEW-P	94-03-087
388-517-1710	PREP	94-16-082	388-525-2570	NEW	94-10-065	390-16-324	NEW-W	94-04-121
388-517-1715	NEW-P	94-07-114	388-526-2610	NEW-P	94-07-114	390-17-050	REP-E	94-18-060
388-517-1715	NEW	94-10-065	388-526-2610	NEW	94-10-065	390-17-052	REP-E	94-18-060
388-517-1715	PREP	94-16-082	388-527-2710	NEW-P	94-07-114	390-17-071	NEW	94-05-010
388-517-1720	NEW-P	94-07-114	388-527-2710	NEW	94-10-065	390-17-300	AMD-P	94-03-087
388-517-1720	NEW	94-10-065	388-527-2710	PREP	94-13-104	390-17-300	AMD-W	94-04-121
388-517-1730	NEW-P	94-07-114	388-527-2710	AMD-E	94-14-052	390-17-300	AMD	94-07-141
388-517-1730	NEW	94-10-065	388-527-2710	AMD-P	94-14-056	390-17-315	AMD-P	94-03-087
388-517-1730	PREP	94-16-082	388-527-2710	AMD	94-17-035	390-17-315	AMD-W	94-04-121
388-517-1740	NEW-P	94-07-114	388-527-2710	PREP	94-21-010	390-17-315	AMD	94-07-141
388-517-1740	NEW	94-10-065	388-527-2720	NEW-P	94-07-114	390-17-320	NEW-P	94-07-035

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390-17-405	NEW-P	94-07-142	392-140-192	REP-P	94-11-066	392-140-538	NEW	94-14-050
390-17-405	NEW	94-11-017	392-140-192	REP	94-14-050	392-140-540	NEW-P	94-13-210
390-18-030	AMD-P	94-22-076	392-140-193	REP-P	94-11-066	392-140-540	NEW	94-17-131
390-20-027	AMD-P	94-22-076	392-140-193	REP	94-14-050	392-140-542	NEW-P	94-13-210
390-20-107	REP-P	94-22-076	392-140-194	REP-P	94-11-066	392-140-542	NEW	94-17-131
390-20-110	AMD-P	94-22-076	392-140-194	REP	94-14-050	392-140-543	NEW-P	94-13-210
390-20-148	NEW-P	94-07-035	392-140-195	REP-P	94-11-066	392-140-543	NEW	94-17-131
390-20-148	NEW	94-11-016	392-140-195	REP	94-14-050	392-140-544	NEW-P	94-13-210
390-20-052	AMD-P	94-07-035	392-140-196	REP-P	94-11-066	392-140-544	NEW	94-17-131
390-20-052	AMD	94-11-016	392-140-196	REP	94-14-050	392-140-545	NEW-P	94-13-210
390-24-030	REP	94-05-010	392-140-197	REP-P	94-11-066	392-140-545	NEW	94-17-131
390-24-031	REP	94-05-010	392-140-197	REP	94-14-050	392-140-548	NEW-P	94-13-210
390-24-160	AMD	94-05-010	392-140-198	REP-P	94-11-066	392-140-548	NEW	94-17-131
390-37-070	AMD	94-05-010	392-140-198	REP	94-14-050	392-140-549	NEW-P	94-13-210
390-37-105	AMD	94-05-010	392-140-199	REP-P	94-11-066	392-140-549	NEW	94-17-131
390-37-142	AMD	94-05-010	392-140-199	REP	94-14-050	392-140-551	NEW-P	94-13-210
392-109	PREP	94-15-012	392-140-200	REP-P	94-11-066	392-140-551	NEW	94-17-131
392-121	PREP	94-17-097	392-140-200	REP	94-14-050	392-140-552	NEW-P	94-13-210
392-121-106	AMD-P	94-18-015	392-140-201	REP-P	94-11-066	392-140-552	NEW	94-17-131
392-121-10601	NEW-P	94-18-015	392-140-201	REP	94-14-050	392-140-553	NEW-P	94-13-210
392-121-10602	NEW-P	94-18-015	392-140-202	REP-P	94-11-066	392-140-553	NEW	94-17-131
392-121-10603	NEW-P	94-18-015	392-140-202	REP	94-14-050	392-140-555	NEW-P	94-13-210
392-121-10604	NEW-P	94-18-015	392-140-500	NEW-P	94-04-122	392-140-555	NEW	94-17-131
392-121-107	AMD-P	94-18-015	392-140-500	NEW	94-12-002	392-140-557	NEW-P	94-13-210
392-121-108	AMD-P	94-18-015	392-140-501	NEW-P	94-04-122	392-140-557	NEW	94-17-131
392-121-111	AMD-P	94-18-015	392-140-501	NEW	94-12-002	392-140-559	NEW-P	94-13-210
392-121-122	AMD-P	94-18-015	392-140-503	NEW-P	94-04-122	392-140-559	NEW	94-17-131
392-121-123	AMD-P	94-18-015	392-140-503	NEW	94-12-002	392-141	PREP	94-14-076
392-121-136	AMD-P	94-18-015	392-140-504	NEW-P	94-04-122	392-141-160	AMD-P	94-14-093
392-121-137	NEW-P	94-18-015	392-140-504	NEW	94-12-002	392-141-160	AMD	94-17-058
392-121-138	NEW-P	94-18-015	392-140-505	NEW-P	94-04-122	392-141-175	AMD-P	94-14-093
392-121-161	REP-P	94-18-015	392-140-505	NEW	94-12-002	392-141-175	AMD	94-17-058
392-121-181	REP-P	94-18-015	392-140-506	NEW-P	94-04-122	392-157-005	NEW	94-04-097
392-121-182	AMD-P	94-18-015	392-140-506	NEW	94-12-002	392-157-010	NEW	94-04-097
392-121-183	AMD-P	94-18-015	392-140-507	NEW-P	94-04-122	392-157-015	NEW	94-04-097
392-121-184	AMD-P	94-18-015	392-140-507	NEW	94-12-002	392-157-020	NEW	94-04-097
392-121-187	NEW-P	94-13-107	392-140-508	NEW-P	94-04-122	392-157-025	NEW	94-04-097
392-121-187	NEW	94-17-096	392-140-508	NEW	94-12-002	392-157-030	NEW	94-04-097
392-121-188	NEW-P	94-18-015	392-140-509	NEW-P	94-04-122	392-157-035	NEW	94-04-097
392-122	PREP	94-17-117	392-140-509	NEW	94-12-002	392-157-040	NEW	94-04-097
392-127-700	REP	94-04-096	392-140-510	NEW-P	94-04-122	392-157-045	NEW	94-04-097
392-127-703	REP	94-04-096	392-140-510	NEW	94-12-002	392-157-050	NEW	94-04-097
392-127-705	REP	94-04-096	392-140-511	NEW-P	94-04-122	392-157-055	NEW	94-04-097
392-127-710	REP	94-04-096	392-140-511	NEW	94-12-002	392-157-060	NEW	94-04-097
392-127-715	REP	94-04-096	392-140-512	NEW-P	94-04-122	392-157-065	NEW	94-04-097
392-127-720	REP	94-04-096	392-140-512	NEW	94-12-002	392-157-070	NEW	94-04-097
392-127-725	REP	94-04-096	392-140-516	NEW-P	94-04-122	392-157-075	NEW	94-04-097
392-127-730	REP	94-04-096	392-140-516	NEW	94-12-002	392-157-080	NEW	94-04-097
392-127-735	REP	94-04-096	392-140-517	NEW-P	94-04-122	392-157-085	NEW	94-04-097
392-127-740	REP	94-04-096	392-140-517	NEW	94-12-002	392-157-090	NEW	94-04-097
392-127-745	REP	94-04-096	392-140-518	NEW-P	94-04-122	392-157-095	NEW	94-04-097
392-127-750	REP	94-04-096	392-140-518	NEW	94-12-002	392-157-100	NEW	94-04-097
392-127-755	REP	94-04-096	392-140-519	NEW-P	94-04-122	392-157-105	NEW	94-04-097
392-127-760	REP	94-04-096	392-140-519	NEW	94-12-002	392-157-110	NEW	94-04-097
392-127-765	REP	94-04-096	392-140-525	NEW-P	94-11-066	392-157-115	NEW	94-04-097
392-127-770	REP	94-04-096	392-140-525	NEW	94-14-050	392-157-120	NEW	94-04-097
392-127-775	REP	94-04-096	392-140-527	NEW-P	94-11-066	392-157-125	NEW	94-04-097
392-127-780	REP	94-04-096	392-140-527	NEW	94-14-050	392-157-130	NEW	94-04-097
392-127-785	REP	94-04-096	392-140-529	NEW-P	94-11-066	392-157-135	NEW	94-04-097
392-127-790	REP	94-04-096	392-140-529	NEW	94-14-050	392-157-140	NEW	94-04-097
392-127-795	REP	94-04-096	392-140-530	NEW-P	94-11-066	392-157-145	NEW	94-04-097
392-127-800	REP	94-04-096	392-140-530	NEW	94-14-050	392-157-150	NEW	94-04-097
392-127-805	REP	94-04-096	392-140-531	NEW-P	94-11-066	392-157-155	NEW	94-04-097
392-127-815	REP	94-04-096	392-140-531	NEW	94-14-050	392-157-160	NEW	94-04-097
392-127-820	REP	94-04-096	392-140-533	NEW-P	94-11-066	392-157-165	NEW	94-04-097
392-127-825	REP	94-04-096	392-140-533	NEW	94-14-050	392-157-170	NEW	94-04-097
392-127-830	REP	94-04-096	392-140-535	NEW-P	94-11-066	392-157-175	NEW	94-04-097
392-139-685	AMD-P	94-18-041	392-140-535	NEW	94-14-050	392-157-180	NEW	94-04-097
392-139-685	AMD	94-21-072	392-140-536	NEW-P	94-11-066	392-160	PREP	94-19-007
392-140-190	REP-P	94-11-066	392-140-536	NEW	94-14-050	392-163-400	AMD-P	94-04-094
392-140-190	REP	94-14-050	392-140-537	NEW-P	94-11-066	392-163-400	AMD	94-07-103
392-140-191	REP-P	94-11-066	392-140-537	NEW	94-14-050	392-163-405	AMD-P	94-04-094

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392-163-440	AMD-P	94-04-094	392-196-085	REP-P	94-11-120	415-108-462	NEW-S	94-13-197
392-163-440	AMD	94-07-103	392-196-085	REP	94-16-019	415-108-462	NEW	94-16-086
392-163-445	AMD-P	94-04-094	392-196-086	NEW-P	94-11-120	415-108-510	AMD-P	94-07-144
392-163-445	AMD	94-07-103	392-196-086	NEW	94-16-019	415-108-510	AMD	94-11-009
392-163-530	AMD-P	94-04-094	392-196-089	NEW-P	94-11-120	415-108-530	NEW-P	94-07-144
392-163-530	AMD	94-07-103	392-196-089	NEW	94-16-019	415-108-530	NEW	94-11-009
392-163-580	AMD-P	94-04-094	392-196-095	REP-P	94-11-120	415-108-540	NEW-P	94-07-144
392-163-580	AMD	94-07-103	392-196-095	REP	94-16-019	415-108-540	NEW	94-11-009
392-169	PREP	94-21-035	392-196-100	AMD-P	94-11-120	415-108-550	NEW-P	94-08-087
392-169-005	NEW	94-04-095	392-196-100	AMD	94-16-019	415-108-550	NEW	94-12-014
392-169-010	NEW	94-04-095	392-196-105	REP-P	94-11-120	415-108-560	NEW-P	94-08-087
392-169-015	NEW	94-04-095	392-196-105	REP	94-16-019	415-108-560	NEW	94-12-014
392-169-020	NEW	94-04-095	392-202-110	AMD-P	94-16-022	415-108-570	NEW-P	94-08-087
392-169-022	NEW	94-04-095	392-202-110	AMD	94-20-008	415-108-570	NEW	94-12-014
392-169-023	NEW	94-04-095	392-202-120	AMD-P	94-16-022	415-108-580	NEW-P	94-05-013
392-169-025	NEW	94-04-095	392-202-120	AMD	94-20-008	415-108-580	NEW	94-09-040
392-169-030	NEW	94-04-095	392-320-005	NEW-P	94-04-025	415-112-015	AMD-P	94-07-144
392-169-035	NEW	94-04-095	392-320-005	NEW	94-07-102	415-112-015	AMD	94-11-009
392-169-040	NEW	94-04-095	392-320-010	NEW-P	94-04-025	415-112-409	NEW-P	94-13-048
392-169-045	NEW	94-04-095	392-320-010	NEW	94-07-102	415-112-415	AMD-P	94-07-144
392-169-050	NEW	94-04-095	392-320-015	NEW-P	94-04-025	415-112-415	AMD	94-11-009
392-169-055	NEW	94-04-095	392-320-015	NEW	94-07-102	415-112-415	PREP	94-16-018
392-169-057	NEW	94-04-095	392-320-020	NEW-P	94-04-025	415-112-415	AMD-P	94-18-101
392-169-060	NEW	94-04-095	392-320-020	NEW	94-07-102	415-112-415	AMD	94-23-049
392-169-065	NEW	94-04-095	392-320-025	NEW-P	94-04-025	415-112-840	NEW-P	94-05-013
392-169-070	NEW	94-04-095	392-320-025	NEW	94-07-102	415-112-840	NEW-P	94-07-144
392-169-075	NEW	94-04-095	392-320-030	NEW-P	94-04-025	415-112-840	NEW	94-09-040
392-169-080	NEW	94-04-095	392-320-030	NEW	94-07-102	415-112-850	NEW	94-11-009
392-169-085	NEW	94-04-095	392-320-035	NEW-P	94-04-025	415-113-010	REP-P	94-19-101
392-169-090	NEW	94-04-095	392-320-035	NEW	94-07-102	415-113-020	REP-P	94-19-101
392-169-095	NEW	94-04-095	392-320-040	NEW-P	94-04-025	415-113-030	AMD-P	94-19-101
392-169-100	NEW	94-04-095	392-320-040	NEW	94-07-102	415-113-035	NEW-P	94-19-101
392-169-105	NEW	94-04-095	392-320-045	NEW-P	94-04-025	415-113-040	REP-P	94-19-101
392-169-110	NEW	94-04-095	392-320-045	NEW	94-07-102	415-113-045	NEW-P	94-19-101
392-169-115	NEW	94-04-095	392-320-050	NEW-P	94-04-025	415-113-050	REP-P	94-19-101
392-169-120	NEW	94-04-095	392-320-050	NEW	94-07-102	415-113-055	NEW-P	94-19-101
392-169-125	NEW	94-04-095	392-320-055	NEW-P	94-04-025	415-113-060	REP-P	94-19-101
392-185	PREP	94-21-036	392-320-055	NEW	94-07-102	415-113-065	NEW-P	94-19-101
392-190-056	NEW-P	94-18-040	392-320-060	NEW-P	94-04-025	415-113-070	NEW-P	94-19-101
392-190-056	NEW	94-23-043	392-320-060	NEW	94-07-102	415-113-080	NEW-P	94-19-101
392-190-057	NEW-P	94-18-040	392-330-010	NEW-P	94-08-074	415-113-090	NEW-P	94-19-101
392-190-057	NEW	94-23-043	392-330-010	NEW	94-12-019	415-113-100	NEW-P	94-19-101
392-190-058	NEW-P	94-18-040	392-330-020	NEW-P	94-08-074	419-70	AMD-C	94-18-107
392-190-058	NEW	94-23-043	392-330-020	NEW	94-12-019	419-70-010	AMD-P	94-13-043
392-196-011	AMD-P	94-11-120	392-330-030	NEW-P	94-08-074	419-70-020	AMD-P	94-13-043
392-196-015	REP-P	94-11-120	392-330-030	NEW	94-12-019	419-70-040	AMD-P	94-13-043
392-196-015	REP	94-16-019	392-330-040	NEW-P	94-08-074	419-72	AMD-C	94-18-106
392-196-020	AMD-P	94-11-120	392-330-040	NEW	94-12-019	419-72-010	AMD-P	94-13-044
392-196-020	AMD	94-16-019	392-330-050	NEW-P	94-08-074	419-72-015	AMD-P	94-13-044
392-196-025	REP-P	94-11-120	392-330-050	NEW	94-12-019	419-72-020	AMD-P	94-13-044
392-196-025	REP	94-16-019	392-330-060	NEW-P	94-08-074	419-72-025	AMD-P	94-13-044
392-196-030	REP-P	94-11-120	392-330-060	NEW	94-12-019	419-72-030	AMD-P	94-13-044
392-196-030	REP	94-16-019	392-330-070	NEW-P	94-08-074	419-72-035	AMD-P	94-13-044
392-196-035	REP-P	94-11-120	392-330-070	NEW	94-12-019	419-72-040	AMD-P	94-13-044
392-196-035	REP	94-16-019	392-330-080	NEW-P	94-08-074	419-72-045	AMD-P	94-13-044
392-196-037	REP-P	94-11-120	392-330-080	NEW	94-12-019	419-72-050	AMD-P	94-13-044
392-196-037	REP	94-16-019	399-10-010	PREP	94-21-059	419-72-055	AMD-P	94-13-044
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392-196-040	REP	94-16-019	399-30-040	PREP	94-21-059	419-72-065	AMD-P	94-13-044
392-196-045	REP-P	94-11-120	415-02-030	AMD-P	94-05-012	419-72-068	NEW-P	94-13-044
392-196-045	REP	94-16-019	415-02-030	AMD	94-09-039	419-72-070	AMD-P	94-13-044
392-196-050	REP-P	94-11-120	415-02-110	NEW-P	94-05-012	419-72-075	AMD-P	94-13-044
392-196-050	REP	94-16-019	415-02-110	NEW	94-09-039	419-72-080	AMD-P	94-13-044
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392-196-066	REP	94-16-019	415-108-010	AMD	94-11-009	434-55-016	AMD-P	94-16-148
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434-55-066	AMD	94-19-003	434-615-030	AMD-C	94-19-033	456-09-705	PREP	94-20-067
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434-55-080	NEW-P	94-16-148	434-663-005	NEW-W	94-03-081	456-09-730	PREP	94-20-067
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434-110-060	AMD-P	94-16-149	434-663-430	NEW	94-04-102	456-10-525	PREP	94-20-066
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434-120-255	PREP	94-23-051	440-22-110	AMD-P	94-21-081	458-16-245	NEW	94-07-008
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434-120-310	PREP	94-23-051	440-22-120	AMD-P	94-21-081	458-16-280	AMD	94-07-008
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458-20-102	AMD-P	94-06-004	458-30-340	PREP	94-13-096	458-61-410	AMD	94-04-088
458-20-102	AMD-E	94-13-030	458-30-345	PREP	94-13-096	458-61-411	NEW	94-04-088
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458-30-245	PREP	94-13-096	458-61-230	AMD	94-04-088	461-08-156	NEW-E	94-07-060
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463-39-005	AMD	94-16-031	468-10-260	REP-P	94-12-070	468-66-175	REP-P	94-09-031
463-39-070	NEW-P	94-12-036	468-10-260	REP	94-14-101	468-66-175	REP	94-12-049
463-39-070	NEW	94-16-031	468-10-270	REP-P	94-12-070	468-66-100	AMD-E	94-23-041
463-39-090	NEW-P	94-12-036	468-10-270	REP	94-14-101	468-95-100	AMD-E	94-23-050
463-39-090	NEW	94-16-031	468-10-280	REP-P	94-12-070	468-100-010	AMD-P	94-12-071
463-39-115	AMD-P	94-12-036	468-10-280	REP	94-14-101	468-100-010	AMD	94-14-102
463-39-115	AMD	94-16-031	468-10-290	REP-P	94-12-070	468-300-010	AMD-P	94-04-077
463-39-230	NEW-P	94-12-036	468-10-290	REP	94-14-101	468-300-010	AMD	94-07-104
463-39-230	NEW	94-16-031	468-10-300	REP-P	94-12-070	468-300-010	AMD-P	94-14-026
463-54-020	AMD-P	94-12-036	468-10-300	REP	94-14-101	468-300-010	AMD	94-18-014
463-54-020	AMD	94-16-031	468-10-310	REP-P	94-12-070	468-300-020	AMD-P	94-04-077
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463-54-060	AMD-P	94-12-036	468-10-400	NEW	94-14-101	468-300-040	AMD	94-07-104
463-54-060	AMD	94-16-031	468-10-410	NEW-P	94-12-070	468-300-040	AMD-P	94-14-026
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468-10-020	REP-P	94-12-070	468-10-430	NEW	94-14-101	479-13	PREP	94-17-025
468-10-020	REP	94-14-101	468-10-440	NEW-P	94-12-070	479-16	PREP	94-17-026
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468-10-060	REP	94-14-101	468-10-480	NEW-P	94-12-070	479-412	PREP	94-17-032
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480-100	PREP	94-15-099	484-20-045	AMD-S	94-14-037	484-20-117	NEW	94-22-050
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480-100-051	PREP	94-15-099	484-20-050	REP-S	94-14-037	484-20-120	AMD	94-22-050
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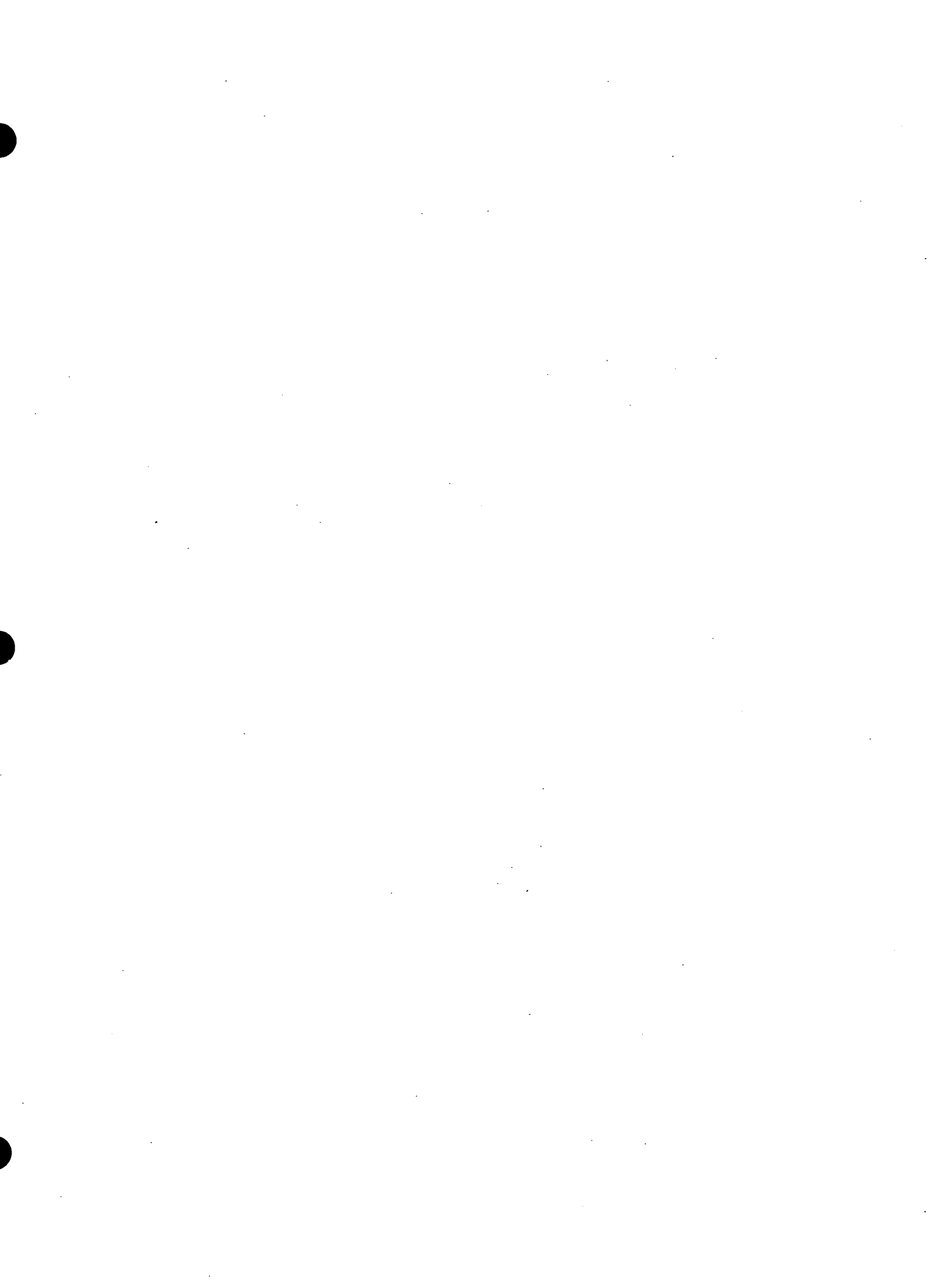
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